



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Coastal and River Flooding: Rivers Agency

4 March 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Miss Michelle McIlveen
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

Mr Philip Mehaffey	Department of Agriculture and Rural Development
Mr David Porter	Department of Agriculture and Rural Development

The Chairperson: I advise Committee members that Rivers Agency did not provide any briefing papers for the session. I welcome Mr Philip Mehaffey, Rivers Agency's director of operations, and Mr David Porter, the agency's director of development.

Members asked for a briefing following the recent series of winter storms that led to the flooding incidents in Northern Ireland and along the coast. However, there is a more general concern about flooding in population centres. Most MLAs are well versed in problems in their own area. I know that it is a big issue, but I ask you to take up to 10 minutes to brief the Committee, after which we will move straight to questions.

Mr Philip Mehaffey (Department of Agriculture and Rural Development): I will keep my remarks brief. We are happy to take questions and deal with them as best we can.

As you are all well aware, we have had a very wet spell, which thankfully appears to be easing now. We have had to deal with fronts rolling in from the Atlantic, and, although we have had one or two days' respite in which rivers have had a chance to ease, we have been continually on high alert, with staff on call. Over January and February, we had some relatively isolated flooding, but it was not as bad as it was in England, of course.

The big news in the period was the tidal event at the beginning of the year. As you know, risk from tidal flooding comes about when three things come together. We had a natural high tide — a high astronomical tide — low pressure and strong winds. Those came together to form a surge. For your information, we get alerts on tidal surges from UK Coastal Monitoring and Forecasting (UKCMF). Indeed, we have done some work in recent years to calibrate those alerts and to produce flooded-area maps to inform the emergency response and identify at-risk areas. We ran a very timely exercise in November, some six weeks before the event at the start of the new year. It was a major coastal flooding exercise, in which there were over 200 participants. That was of enormous help when we got

to the start of the year. There is an agreed protocol, whereby the PSNI assumes a lead role in the response because of the risk to life from something as severe as tidal flooding. Our mapping was most useful in identifying the vulnerable areas, particularly at Sydenham, where there was a lot of media attention; at the docks, which ultimately could have led to flooding in Belfast city centre; and in other coastal towns, such as Newry and Newtownards.

The critical periods were at high tide at noon on Friday 3 January and the following Monday. However, the predicted level reduced marginally as we approached the Friday event. Although it ended up perhaps only 200 millimetres below what was predicted at one time, that was the difference between substantial flooding, even into Belfast city centre, and what happened, which was that there was not extensive flooding anywhere. The damage done around the coast was caused by storminess. The storms around the coast ended up causing a lot of damage and resulted in some flooded properties. In particular, there was damage to infrastructure, such as promenades and sea walls that protect roads. That was also well covered by the media. There was isolated flooding of properties, particularly on the Ards peninsula, which perhaps suffered the worst of the storms.

That is an outline of what we have come through in the past couple of months. David and I are now happy to answer any questions.

The Chairperson: Thank you very much for your presentation and for keeping it succinct and clear. I will move straight to questions, but I want to make one point. Like most officials, you will have had time to work on papers that are to come to the Committee. I deem it bad form that there were no papers for us to have included in our packs and assess before you came before us. I am just putting a marker down. Can I ask for the rationale as to why no papers were provided?

Mr David Porter (Department of Agriculture and Rural Development): I am happy to address that. We did not wish for it to appear to be bad form; that certainly was not our intention. We were asked to come here to talk about river and coastal flooding, which is an immense subject. In fact, it is everything that the agency does, so we felt it better just to make ourselves available and address any points raised during the meeting. We are quite happy to answer any questions that are presented to us. If it is useful for the Committee to be provided with further written material following today's meeting, we are happy to do that, but not providing papers was not meant as a snub or anything like that.

The Chairperson: I take your point, David, but even a note to explain that would, I am sure, have sufficed for members. That is just for future reference.

Mr Porter: OK.

Miss M McIlveen: Thank you very much for coming this afternoon. As the Chair said, it is disappointing that we did not have anything to read in advance.

Rivers Agency has responsibility for 26 kilometres of coastline. The coastline of Northern Ireland is much more substantial, at perhaps 200 kilometres. Is it possible for us to get a map of the areas around the coastline for which you have responsibility?

As you are aware, I represent the Strangford constituency, which contains the Ards peninsula. There are areas there that you have responsibility for and others for which you do not, and that makes things incredibly difficult, particularly when talking to constituents who were impacted on directly as a result of the tidal surge. I am grateful that you recognise that we suffered some of the worst effects of the storm, so I would appreciate that information.

I tabled a couple of questions for the Minister just after that storm on whether additional resources will be made available and on the timescale for the completion and reporting of your post-event inspection programme. Can you give me some updated information, now that we are into March?

Mr Mehaffey: We can certainly provide a map showing where our designated sea defences are. As you rightly say, we have 26 kilometres around the coast. In fact, there are 19 kilometres of defences up at Lough Foyle protecting mainly agricultural ground. There are other significant defences around Newtownards that protect the airfield and the town itself. We have others at Kinnegar and a couple of relatively small lengths at other locations. The vast majority of designated defences are on Lough Foyle.

You ask about post-event surveys. After the event, we very quickly went out to do checks on all our designated sea defences and walk-over surveys. There are full-blown inspections taking place as we speak. Those are almost completed, and there is no evidence of any significant damage that would cause concern to us at all. As I say, those inspections are almost completed.

Miss M McIlveen: OK.

The Minister said that there were no proposals to make the outcomes of the report known externally. Is it possible to share the outcomes with the Committee?

Mr Mehaffey: Are you talking about the inspection report?

Miss M McIlveen: The inspection report.

Mr Mehaffey: I do not see any reason why not.

Miss M McIlveen: OK. Thank you.

Rural dwellers regard your priority as being very much about looking after urban areas, where places are much more densely populated. The majority of people would view that as being a perfectly logical rationale, but, if you are a rural dweller, you can feel very isolated, particularly if you live in or around a coastal area. Are your policies on coastal defences, and so on, rural-proofed?

Mr Mehaffey: Regarding the preparedness for the event and the response to it, the focus was on the many hundreds, if not thousands, of properties, particularly in Belfast but in other towns on the coast. The focus was on flooding that could have been catastrophic. I am not saying that the flooding that individual properties on the coast suffered was not catastrophic for their occupants, because it most certainly was. However, the focus of resources was on areas such as Sydenham, where perhaps 1,000 properties were at risk, rather than isolated properties.

Miss M McIlveen: OK. We were very fortunate that that did not happen and that properties there did not see any flooding whatsoever, yet properties on the Ards peninsula suffered extreme damage as a result of the tidal surge. Did you have, or do you intend to have, discussions with property owners there to give them assistance or advice?

Mr Mehaffey: We are already speaking to some of them and have perhaps spoken to them in the past, because they are vulnerable, and they know that.

For the designated defences that we look after, everything that we do is on a cost-beneficial basis. It is often not viable to provide protection at the public's expense to individual isolated properties on the coast. That is an unfortunate fact.

Miss M McIlveen: Property owners who spoke to me said that they were given assurances in the past 10 years that additional defences would be put in place so that their properties would not be damaged in any future storm, yet no assistance whatsoever was given to them.

Mr Mehaffey: I am very happy to discuss individual cases with you. I do not have knowledge of the individual cases that you mention.

Miss M McIlveen: Thank you. I will come back to that if there is time.

Mr Swann: Gentlemen, on a point of clarity, how does your relationship with the Drainage Council work?

Mr Porter: The Drainage Council is a statutory body constituted under the Drainage (Northern Ireland) Order 1973. Its function is to agree to designations. It is a separate legal entity from Rivers Agency. Rivers Agency's role is to provide the Drainage Council with a secretariat. Our chief executive is a member of the Drainage Council, but it is not part of Rivers Agency. The way in which the process works is that drainage proposals made by the agency are presented to the Drainage Council, and it decides on them.

Mr Swann: Are there any instances in which Rivers Agency made recommendations for drainage and took those to the Drainage Council but the council did not approve them?

Mr Porter: For drainage to take place? No. If it is a scheme, we have to take it to the Drainage Council and seek approval from it. Such schemes carry a recommendation from the agency for consideration by the Drainage Council, but the Drainage Council ultimately has responsibility for deciding on designations.

Mr Swann: I understand that, David. On any occasion recently, has the council not approved one of your schemes or recommendations?

Mr Mehaffey: No. I have no knowledge of that having happened.

Mr Buchanan: I appreciate that we are looking more at coastal flooding today, but does Rivers Agency still take a systematic approach to dredging rivers? I was recently approached by some constituents who asked me that question. It is quite some time since we have seen that type of work going on in West Tyrone. Dredging is something that, I feel, reduces flooding and keeps the water flowing fairly freely.

Mr Mehaffey: The term "dredging" was much used across the water during the extreme flooding that was experienced there. It is not a word that we commonly use here. In essence, when we are maintaining rivers, we are desilting, which is another description.

Mr Buchanan: You need to come to West Tyrone. *[Laughter.]*

Mr Mehaffey: We have a cyclical programme of maintenance, the default being every six years. There are rural watercourses that are maintained more often than that, depending on their specific requirements. However, we have a fallback position for rural watercourses of inspecting and maintaining them, as necessary, every six years.

Mr McMullan: Thank you for the presentation. I take the opportunity to thank Rivers Agency for its work during the storms that occurred in the mid-glens, at Cushendall, Glenariff and Carnlough. The work that the agency did there was exemplary. It was there, hands-on, the whole time.

Mr Mehaffey: Thank you.

Mr McMullan: You mentioned that the PSNI is the lead organisation when there is flooding, but only if there is a danger to life or there is danger of harm. Is it not time that we set up one agency to look at everything holistically? However well we are doing at the minute, we seem to be getting away with it. We are all over the place at the minute, to put it mildly. For example, in Carnlough, the hole in the wall, breached by the sea, is still there. The whole village was closed off because it was ready to flood, only that we got in the emergency services. We may not be as lucky again. Cushendall is the same. The sea wall was breached there, too.

Robin Swann mentioned the designations made by the Drainage Council. In Carnlough, the drainage board turned down designation of the Cranny river, which flows into the sea. It was backed up again, and had we not had the risk averted, we would have had more flooding. I cannot understand why the Drainage Council has turned it down for designation. It is the only river on the coast that flows into the sea, yet it is not designated. It really is a danger. Flooding will happen there again, make no mistake.

I would like to see one group being formed. The PSNI has done an excellent job, but I think that we need one group to look at the whole thing. The Minister needs to provide a budget to look at doing that. Look at the money provided in England to deal with flooding. I also think that there should be a pilot project to try out some of the modern flood defences that you can put on buildings. There are domestic properties in the line of flooding in town centres. You can fit those defences in doorways, etc. It would be good to have such a pilot project.

Finally, you have bins, for want of a better word, for sandbags. They are 4 feet or 5 feet high and open in a certain way. Can we get one of those in each village on the coast? A lot of vital time is spent waiting for sandbags to come in. However, if we had them in place, we could use them. I think that the bins hold up to 200 sandbags. You lift the lid and reach in and take them out. They are a vital thing to have, so I would like to see one in each village on the coast.

The Chairperson: I want to add to that, because it is a very good point. Schemes and projects have been rolled out. The community centre in Broughshane has a store for sandbags, and the community association distributes them once there is flooding.

Mr McMullan: Five minutes makes a big difference.

The Chairperson: Absolutely. I agree with you. We need a quick reaction from all agencies.

Mr McMullan: You are doing a good job, but that would help in the fight against flooding.

Mr Mehaffey: I will pick up on some of the points, and David can perhaps answer ones that are more specific to his remit.

I will deal with the final issue first. I totally agree that getting sandbags close to areas that are at risk is critical. We have recognised that we cannot get people to everywhere. We are not a blue-light responder, and often time is critical. We have embarked on a policy of getting sandbag stores close to at-risk areas. We have some 60 sandbag stores around the Province at those areas. There is no reason that there cannot be more. We are siting them particularly to prevent flooding from rivers, which is our remit. We have also been speaking to the Department for Regional Development, Roads Service and Northern Ireland Water. They have come on board and now declared that they will do something similar. We will look for improvements in that area, because I totally agree with the comments made.

You mentioned the Cranny river, and I remember the request for designation some time ago. In essence, we looked at the river in the way in which we look at every designation and concluded that maintenance was not really an issue as such. There was some debris at the waterfall, and that had environmental aspects to it. It was useful to be there. We also looked at such things as the bridge in the town, which is a single-arch bridge with little chance of debris gathering in it and causing a blockage. All those things come together to determine that perhaps there is a lesser chance of problems there than in some other areas. There was an event early in the new year, so we can look at the Cranny river again if you so desire.

Mr McMullan: If you would, because I remind you of the floods in Cushendall, which has a two-arch bridge. The arches in the bridge got blocked, and that caused the flooding in the village. If you get a high tide and a blockage at the single-arch bridge, you are in massive trouble.

Mr Mehaffey: Yes, but in Carnlough the Cranny river comes through.

Mr McMullan: It is not really the designation up the river that is the problem but the designation down in the village.

Mr Mehaffey: Yes. We are very happy to look at that again and discover what happened during the most recent event.

Before handing over to David, I will also comment on and praise the PSNI leadership during the response. It brings an authority to getting people together and getting them to do certain things, and the leadership that it provided in getting messages out in the media was exemplary. I use the word deliberately when I say that it carries an "authority" that is extremely useful in those circumstances.

Mr Porter: Two issues remain: one is about single agency, and the other is about flood guards. The structures in central government have been looked at, most recently in the performance efficiency and delivery unit (PEDU) report on the June 2012 flooding, which recognised that there may well be some benefit in at least bringing the various agencies into a single Department. There are problems with bringing it into a single body because Northern Ireland Water is a government company. It has to remain so because, in the case of a pollution incident, it does not have Crown immunity to get round a prosecution. Therefore it has to be one step removed from government; that is why it is held to be a government company. I do not envisage a situation where everybody would be in one big organisation, but the PEDU report recommendation was that we go into a single Department, which would at least streamline us. That recommendation remains and has been put into the context of the review of Departments.

I think that there will be further discussions on that. We certainly see some benefits in being in a single Department. However, as with all the recommendations, there will be pros and cons.

We use the term "individual property protection" about flood guards. That will become more important, particularly in the types of cases that we discussed earlier, where there may not necessarily be a viable engineering scheme. You may not be able afford to build a substantial wall because the cost associated with it may be such that the benefit does not justify doing it. We must always remember that we have to justify our expenditure and that costs do not outweigh benefits. However, individual property protection involves much cheaper options and may offer hope to people where there is no viable scheme.

We are working up a business case to bring forward exactly what you suggest: grant-aid assistance to enable people, where they have no viable scheme, to make their property more flood-resilient. We are at an advanced stage in developing the business case. The first draft has been to the Department's economist. We have had some comments back. In the next couple of weeks, we will have a business case that will be signed off in the Department; that will allow us to take it to DFP and, with its recommendation, to the Executive. The early signs are that the business case is positive because of the situation that I have described: lots of small clusters of properties for which it is not possible to find a viable engineering scheme. This is a good alternative that helps people.

Mr McMullan: I am glad to hear that. I believe that it is right to give people £1,000 every time their premises are flooded. However, if you keep throwing £1,000 at the problem, the problem does not go away. The money would be better donated to helping to alleviate that.

Mr Porter: I am delighted to hear your support because part of the argument in our business case is that we would much rather give people money before their premises flood than after it.

Mr McMullan: I totally agree.

Mr Porter: In most cases, £1,000 does not come near the impact. We now have examples of people having that payment twice and thrice. They do not thank you for it. The first time, it was a little bit of assistance; it wears a wee bit thin the second time; and the third time they are asking, "Why did you give it to me? It doesn't cover the cost; can you not help me in some other way?". That is part of the argument that we put into the business case. Government should try to help people before such situations occur and not make a token gesture afterwards.

Mr McMullan: The PSNI does a great job, but MLAs should be involved or notified. I am going back to when help was brought together for the snow and the flooding on the coast this time last year, when we were finding out information for ourselves. People were coming to me and other MLAs to find out what was happening. We were not in the loop, yet people were coming to us for information, especially around our own way. We were out bringing sandbags in ourselves. Could we be involved in the loop for information when it goes out from whoever, because it is all for the one thing?

Mr Porter: That is certainly something that we could consider as we continue to improve the service or make changes to it. It is something that we could take on board.

The Chairperson: May I bring you a letter that I received today from the Minister about the de-agentisation — I did not even know there was such a word — of Rivers Agency? How does that fit into the overall plan? How will that help?

Mr Porter: In essence, we are an agency because agencies were flavour of the month 15 years ago, and there was an attempt to separate policy people from those who actually delivered. At present, we are an agency in name only, in that there is not a separation between the operational and the policy side of Rivers Agency, and there are no central flood risk management policymakers in the Department. It is all in the agency.

The question was asked about what the advantage is; it is not easy to articulate that. It is easy to list the disadvantages, because we have our own governance structure and our own board; we have to produce our own accounts, which have to be laid here, and there is a cost associated with that governance. It does not make us any better an organisation. It is really just a little bit of corporate tidying up that we are doing. We do not see it having any impact on our day-to-day business. At board level, we will see slight changes in the corporate governance, and there will be a modest saving

— a very modest saving — in not having to produce accounts and in printing costs. There are minor cost savings associated with it. In essence we see it as just a bit of corporate tidying up.

The Chairperson: So it will not affect the on-the-ground operation.

Mr Porter: Not at all. In fact, we told staff at staff information days that we suspect that the vast majority of them will see no difference, that it is internal to the agency, apart, possibly, from having to come up with a new name, because we cannot be Rivers Agency if we are not an agency. We suspect that that will be the only difference that staff will see. If that is true inside the organisation, there will be even less visible change outside it. It is not changing our business in one single way.

The Chairperson: I look upon the Rivers Agency as two different wings, so to speak, although it is not. I view it as very good, and as having got incredibly better at response, working alongside the Roads Service, NI Water and the PSNI when required, as well as the local community associations. I think that it has increased and become much better, and I applaud that. However, where I get frustrated with the Rivers Agency is on the day-to-day running and maintenance issues of rivers, which, the community believes, affect the scale of the flooding, whether it is removing shale from river beds, encouraging the Planning Service to enforce planning regulations on farmers raising land banks to prevent flood plains from flooding, or just putting in place riverbank measures to protect communities.

I know that we are discussing the Reservoirs Bill and there are 66,000 people who would be affected if 151 reservoirs were to break at the one time, but surely a far greater number are at risk when it rains. The figures tell me — this proves my point, to a certain degree — that the Rivers Agency has maintained only 69.85% of fluvial defences in a fair or better condition, 88% of culverts and 98% of sea defences. The fluvial defences are at 69%, and they are only in fair condition or better. That sets alarm bells ringing. There are people who are concerned every time it rains that there does not seem to be enough being done, including monitoring and maintenance, on rivers to prevent flooding. As you rightly say, when somebody gets flooded, you are standing there with them knee-deep in water, and help is sought. That impacts for an eternity. Prevention will always be better than doing something after the event. How would you counter that?

Mr Porter: First, I can give you some figures on what is at risk, and then I will put the reservoir and the reservoir team in perspective in the agency. Hopefully, that will give you some comfort about where our day-to-day focus is.

Across Northern Ireland, there are 46,000 properties at risk from rivers and the sea. The figure that was quoted from the reservoir was about people: this is 46,000 properties. The reason why there is a difference is that the floods directive requires us to think about people. We will change the 46,000 properties to people at some point in future, but that is the published figure. There are 46,000 properties across Northern Ireland at risk from rivers and the sea. About one third, or 15,500, benefit from some sort of defences: the culvert network and sea and river defences. You are correct that there are a lot more people. In a typical household, there are 2.5 people, so there are an awful lot more people at risk from rivers and the sea.

Our allocation for reservoirs is £200,000. We run the agency at about £22 million. Although it is an important bit of my work and of the work that I am bringing to the Committee, because we are taking through primary legislation, it is a miniscule piece of work in the day-to-day operation of the agency.

The Chairperson: If all your thought processes and energy are spent on defences, running the water and safety, why is only 69% of the fluvial defences in a fair condition?

Mr Mehaffey: In essence, it is something to do with our asset management. We have been very proactive, particularly this year, in inspecting defences. The more you inspect, the more you find wrong. That will be addressed. We have been very vigilant in inspection this year, and the works that flow out of those inspections to rectify any defects will not take place until next year or the year after.

I will comment on the general maintenance issue that you raised. When there is flooding and particularly bad weather, maintenance comes under the microscope more than ever. There is an affordability issue about maintenance and a proper cycle of maintenance. I talked before about the six-year cycle for many rural watercourses. After four or five years, there is some weed growth and siltation, but it is a question of affordability and efficiency and how often you go in.

The Chairperson: Surely, it is incumbent on you to bid for more resource if people's properties are in danger. It seems to be getting worse. Flooding seems to be happening more regularly. It should be incumbent on you to say, "We have checked this amount. We have only a percentage in fair condition. We need investment and money to fix these, sooner rather than later, to protect houses." Surely, it is incumbent on the agency to do that. You are the only people who know.

Mr Porter: Absolutely. There are two elements. The first is that because of the inspections that Philip mentioned, we now know that there is a body of work required on fluvial defences, and we will prioritise that in our own allocation. If we do not think that it is sufficient, we can and will bid for additional money. However, although we see more flooding, I do not see clear evidence that that is due to lack of maintenance. We have scrutinised our maintenance, and six years for rural open watercourses is absolutely the right thing to do. We have various other cycles. All our watercourses through towns are inspected and maintained every year, and our culvert network is done on a three-year cycle. That is a very good programme, and we have set it because we genuinely believe that it is proportional to the risk, the benefit from the free flow of water and also the number of properties at risk. It may be hard to convince people that that is sufficient, but we have looked at it, and, although it is always useful to get more money and to be able to do more maintenance, we are content that we are focusing resources on the right areas and that that is effective.

The Chairperson: Briefly, on the relationship with planning, there is a big issue with farmers putting up land banks to prevent fields that are on flood plains from flooding. Inappropriate building on flood plains is an issue. How is your relationship with planning?

Mr Porter: We feel that our relationship with planning is good. We have PPS 15, which has been in place for some years. It has just been reviewed. The evidence that our relationship with planning is good is that that document sets out a clear presumption against development; that is not the same in England, Scotland and Wales, or it is certainly not as strong there. Our relationship with planning in that policy direction is very good. There are few, if any, examples that come to mind where our advice has not been accepted, and that is not only with Planning Service but at the Planning Appeals Commission. They recognise the quality of the information that they get from Rivers Agency, and that is accepted. That does not mean that we get it right in every case. We have to accept that flooding is a natural occurrence and that, although we can be clever and build and validate flood models, we are still dealing with natural systems that change over time. The information and the advice that we give is based on good-quality data and is the best at the time. There are examples of river systems changing, and, if we were making a decision on various sites today, the advice may be different. However, when we examine the advice and the information that was used to inform a decision, it was as good as could be got at the time. We need to be cautious about that, but the new PPS 15 has closed down a number of known loopholes that have been identified over the period during which it has been used. It also now includes the FLD 5 policy. My impression is that our relationship is very good.

Mr Mehaffey: We recognise that prevention is better than cure, and we focus on that. We give great importance to our relationship with the Planning Service. We can now look at single dwellings, which we could not do for some time. We recognise that it is important to ensure that not building single dwellings on flood plains does not worsen the situation somewhere else.

Miss M McIlveen: I want to follow up on your answer to Mr McMullan. I welcome the proposals that you are drafting with regard to grant assistance and for individual homeowners. Can you forward what information you have to the Committee? Perhaps you may need to wait until the business case is approved. Can you do that at your earliest opportunity? It would make us aware then of where that lies.

Mr Porter: At the appropriate time, I have no problem with doing that. If you want, I can come back and explain to you how we see the scheme working at that stage. It is very close to being approved in the Department, and I suspect that when it is it will be OK. It will be in the not too distant future. Whenever we can, we will.

Miss M McIlveen: That would be useful. Do you only assess and maintain the 26 kilometres of coastline under your control?

Mr Porter: Yes.

Miss M McIlveen: If the breach is on private land, do you have powers of enforcement if you believe that a landowner is creating a problem for a greater number of people, be that through a risk to road users or to other properties.

Mr Mehaffey: The Roads Service has ownership or responsibility for many sea walls along roadways and is stepping up to the mark. It has been covered in the media that Roads Service is repairing roads in Rostrevor and various other places.

Miss M McIlveen: Roads that have collapsed.

Mr Mehaffey: There are other agencies and Departments with responsibility for coastal defences.

Miss M McIlveen: Where a private landowner rather than a government agency is responsible, and there is a consequence to others, is there any power of enforcement?

Mr Porter: There are no powers in the Drainage Order in relation to the enforcement of sea defences. Schedule 5 deals with our enforcement powers over open water courses, where we can go in. There is no enforcement power for sea defences in the Drainage Order.

Miss M McIlveen: The Drainage Order is from 1973. Would it be useful to look at that legislation again and amend it where necessary?

Mr Porter: Absolutely. You might have heard, because it was mentioned in the debate in the Assembly a week ago, talk about a floods Bill. We have been saying for some time that we need a floods Bill for Northern Ireland to fill gaps in the Drainage Order and to help us with emergency response planning, third-party defences and other day-to-day issues that we deal with that are not covered in the Drainage Order.

We have a commitment to do scoping work on that this year. We have that largely completed, and it will inform a bid to the Department to establish a Bill team to take it forward. That will not be in the current mandate, because it is quite a large Bill, but we will be bringing it forward in the next mandate to address some of the issues that you raise.

Miss M McIlveen: In the short term, would it not be possible to amend the current legislation, or do you feel that you need to go forward with the full Bill?

Mr Porter: It is the full Bill that we require because there are lots of known gaps. The issue is prioritising them: you could suggest one, but somebody else may feel that another gap is of equal importance, and it may be hard to determine which should take priority in the current mandate. Therefore we would prefer to bring forward a full floods Bill, go through the public consultation and policy development and then bring it through the House.

Mr Swann: Are you talking about a floods Bill that is in addition to the Reservoirs Bill?

Mr Porter: That is correct.

Mr Swann: The purpose of the Reservoirs Bill was to prevent flooding should a dam breach. If we are to look at a further Bill for flooding, surely the reservoirs legislation will be subsumed in that.

Mr Porter: No, it will not. Take England; it has the Flood and Water Management Act 2010 and a standalone Reservoirs Act 1975. Therefore although the Reservoirs Bill is, as I have said so often, about the uncontrolled release of water and the consequence of that, it addressed a niche market in flood-risk management. When we bring that legislation in, it will deal with that portion of the market, but there will still be the much greater issues with our water course maintenance, our sea defences, our emergency response planning and a long list of other things that we will address through a floods Bill. The two will be kept separate.

Mr Swann: If you bring forward a floods Bill, I do not see the need for two separate pieces of legislation.

The Chairperson: Thank you, David and Philip, for your attendance to talk about a very important issue. I wish you all the best in the future.

Mr Porter: As I said at the start, if there is anything else that you would like followed up on through a written response, I am happy to provide it. The offer is genuine, so you can either write to us or let us know what you want.

The Chairperson: Members can let the Committee Clerk know. Not to pre-empt any move by the Committee — we have things to do in the forward work programme — but I feel the urge of a review by the Committee. Just to warn you, I may propose that in the Committee at some point, especially if you introduce a flooding Bill. We may want to look at such legislation beforehand, because it deals with what is a very serious issue for many people. Again, thank you very much.