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Sustainable Urban Drainage- Policy and Legislation in NI

INTRODUCTION

While the remit for Sustainable Urban Drainage Systems (SuDS) falls under the NIEA, the Rivers Agency has interest in their development in relation to drainage and flood defence. Powers were delegated to the Rivers Agency by the Department of Agricultural and Rural Development as the statutory Drainage and Flood Defence authority for Northern Ireland, which derived from the Drainage (NI) Order 1973 as amended. After contacting the Rivers Agency, they informed that while there is no legislation as yet in place for SuDS, the NIEA has produced a **(Draft) Strategy to promote the uptake of SuDS in NI. 'Managing Stormwater'**¹. This is to be delivered in 2010, subject to Ministerial approval. However, the following table lists current legislation, policies, strategies and guidance documents that make reference to SuDS.

¹ NIEA (2009), Managing Stormwater- A Strategy for Promoting the Use of SuDS within Northern Ireland <http://www.ni-environment.gov.uk/niea - wmu - wurg - fin 245.pdf>

Legislation/Policy	Description
WFD and Water Environment (WFD) Regulations (NI) 2003.	Most significant is the EU Water Framework Directive (WFD) as transposed into Northern Ireland legislation as the Water Environment (WFD) Regulations (NI) 2003. This legislation provides a legal imperative to consider the introduction of measures such as sustainable drainage systems (SuDS) and water level control to mitigate against floods and droughts and channel engineering works.
The Drainage (Northern Ireland) Order 1973²	The legislative basis for carrying out watercourse maintenance work and flood defence schemes. The Rivers Agency will administer discharge consents for SuDS under Schedule 6 of the Drainage Order.
The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006,³	Applies to all drainage and flood defence proposals and ensures an assessment of the environmental impact and public consultation on all drainage works and schemes.
Planning Policy Statement PPS7- Quality Residential Environments⁴	<p>Under the Developments Plans: Infrastructure Requirements section, PPS7 requires that greater consideration is given to the use of SUDS in new developments⁵</p> <p>The draft Addendum to PPS7 mentions SuDS in relation to permeable paving:</p> <p><i>'Permeable pavement is one straightforward example of a Sustainable Drainage Systems (SuDS) which can usefully contribute to a reduction in the amount and speed of surface water run-off from new development. Policy LC 3 therefore encourages greater use of permeable paving within new residential developments⁶</i></p>

² OPSI, The Drainage (Northern Ireland) Order 1973

http://www.opsi.gov.uk/RevisedStatutes/Acts/nisi/1973/cnisi_19730069_en_1

³ The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006

<http://www.opsi.gov.uk/Sr/sr2006/20060034.htm>

⁴ Planning Service NI, PPS7

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/pps07/pps07_contents.htm

⁵ Ibid.

⁶ DOE (2009) Draft Addendum to PPS7

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/final_pps7_draft_addendum_4.pdf

PPS 15: Planning and Flood Risk⁷
Annex C: What are Sustainable Drainage Systems?⁸

SUDS are mentioned in PPS15 which is currently being revised. As flood risk is exacerbated by the hard surfaces of new developments, PPS 15 states that:

‘appropriately scaled and supported SuDS can, in the right circumstances, offer developers the opportunity to proceed with developments which would otherwise be refused because of the increased flood risk they would pose. However, where the use of SuDS would facilitate development that might otherwise be refused, consent will not be granted without appropriate guarantees on the management and maintenance necessary to ensure that they will function effectively for the life of the development proposed’.

CIRIA⁹ C697: The SUDS Manual (2007)¹⁰

This document provides guidance on the planning, design, construction and operation and maintenance of SuDS in England, Wales, Scotland and Northern Ireland. It is a compendium of current best practice guidance and provides an overview of key principles and technical detail required for the successful implementation of SuDS. It is intended for developers, site owners, landscape architects, consulting engineers, local authorities, architects, highway and road authorities, environmental regulators, planners, sewerage undertakers, contractors, and other organizations involved in the implementation and operation of surface water drainage for both new and existing developments.

⁷ Planning Service NI, PPS15: Planning and Flood Risk

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/pps15/pps15_contents.htm

⁸ Planning Service NI, PPS15: Planning and Flood Risk Annex C

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/pps15/pps15_annexes/pps15_annexc.htm

⁹ CIRIA is the construction industry research and information association

http://www.ciria.org/service/Home/AM/ContentManagerNet/HomePages/CIRIA_1502_20080929T115140HomePage.aspx?Section=Home

¹⁰ CIRIA (2007) Suds Manual www.cardiff.gov.uk/objview.asp?object_id=15780