



Northern Ireland
Assembly

Committee for Regional Development

OFFICIAL REPORT (Hansard)

Water and Sewerage Services Bill:
Northern Ireland Water

14 October 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Trevor Clarke (Chairperson)

Mr Seán Lynch (Deputy Chairperson)

Mr John Dallat

Ms Claire Hanna

Mr Chris Lyttle

Mr David McNarry

Mr Stephen Moutray

Mr Cathal Ó hOisín

Witnesses:

Dr Gary Curran

Northern Ireland Water

Mr Sean McAleese

Northern Ireland Water

Mr Martin McIlwaine

Northern Ireland Water

Mr Frank Stewart

Northern Ireland Water

The Chairperson (Mr Clarke): We welcome the officials from NI Water: Sean McAleese, Martin McIlwaine, Frank Stewart and Gary Curran. Sean, do you want to introduce your team?

Mr Sean McAleese (Northern Ireland Water): Yes. Thank you very much for the opportunity to come here today and present the Northern Ireland Water view of the new Bill. With me today is Gary Curran, who is our head of metering and developer services. Martin McIlwaine is our interim director of asset management, and Frank Stewart is our developer services manager. He deals mainly with our developers. We have a very succinct —

The Chairperson (Mr Clarke): You will be popular, Frank.

Mr McAleese: We have a very succinct presentation that we hope to go through fairly quickly with you. I will talk a little bit about the extension of the subsidy. I will pass over to Martin, who will talk about the water resource management and drought plans. Gary will take the next three items on the agenda: the water meters, the sustainable drainage systems (SuDS) and the refusal of surface water connection. Frank will then talk about the connection of drains to the public sewers and adoption agreements. We will be happy to take questions after that.

The first item is the extension of the subsidy. As we heard this morning, the current authority to pay the subsidy expires on 31 March next year. It is currently about 76% of the total income of the year. Without extension beyond March 2016, we will not be in a position to continue as a going concern. The NI Water view is that we want it to be a fully funded organisation so that we can deliver what we have to deliver.

I will pass over to Martin, who will talk about the water resource management plans and drought plans.

Mr Martin McIlwaine (Northern Ireland Water): Thank you very much. The current legislation allows DRD to set guidance for us in developing a water resource management plan. It is a very stylised document that concentrates on what you would call our business-as-usual activity of planning what water treatment works and trunk mains we require. Separate to and outside that, we do management plans for managing drought incidence etc if it is not covered in the legislation. The proposed legislation looks to fill that gap; it provides a combined water resource plan and drought management plan. We will be able to produce a single document that covers all aspects of looking at how we supply water to the Province. It makes the process of preparing the plans more efficient, and it potentially reduces the cost of preparing the plans. NI Water is very much supportive of that element of the Bill, and it agrees that it is a good idea to have a combined approach to water resource and supply resilience planning.

Mr McAleese: I will ask Gary to take the next number of items.

Dr Gary Curran (Northern Ireland Water): Item 3 is the power to remove or relax the duty to install water meters. The proposal is to provide NI Water with the power to remove or relax its duty to install those meters on domestic properties that are connected to the network for the first time. That, currently, would have a budgetary impact of about £138,000 a year for us. A point to stress is that, currently, those meters are not read or used in any way for billing purposes. Hence, we seek to have the relaxation for their installation.

I move now to item 4, the sustainable drainage systems, which we have discussed at length this morning. The amendment extends NI Water's power to enter into an agreement about the adoption of the sewerage systems to include sustainable drainage systems. It confers a power for NI Water to require the construction of a sustainable drainage system — although that is not mandatory — as a condition of agreeing to adopt a drain or sewer. The current power is to adopt the SuDS for the hard engineering solutions. At this stage, it is not envisaged that NI Water will adopt soft engineering solutions. They will remain the responsibility of the private owner, the developer or, subsequently, any management company. Those systems will collectively reduce the quantity of storm water entering the sewerage network and control its flow to the downstream system to mitigate flooding. That is a key point to get across in the rationale for these sustainable drainage systems.

There are examples in our presentation of a hard engineering solution and a soft engineering solution. The hard engineering, as Linda outlined, is essentially a large-diameter sewer with a flow control element on the end, so that the peaks and troughs are levelled out and we control the flow going into the network. The soft engineering solution is something by which it is hoped to accommodate the rainfall in a much softer fashion and allow it to go to an adjacent watercourse or an aquifer.

Item 5 is the refusal of surface water connection. Under the amendments, Northern Ireland Water will have the power to require a developer to discharge the separated storm water from a site to a watercourse and not into a combined sewer. If a suitable watercourse is not available, the developer may apply for a connection to a suitable storm sewer. To achieve either of those options, the developer may have to requisition a storm sewer. A reasonable cost allowance calculation for the construction is applied to that. The developer can seek to connect to a public foul sewer only if none of those options are available, and obviously, conditions will apply. The rationale for that amendment is to provide a further ground for refusal of a surface water connection to the public sewer on the basis that a suitable alternative means of dealing with the surface water could reasonably be provided.

Frank will take you through the last slide.

Mr Frank Stewart (Northern Ireland Water): Clause 6 in the Bill links the connection of private drains and private sewers to the public sewer network and the sewer adoption process. One of the recommendations in the report that was issued on 7 November 2012 from the inquiry into unadopted roads in Northern Ireland was that the Water and Sewerage Services Order 2006 be reviewed to close the loophole through which a developer can choose whether to enter into an agreement for future adoption of the sewerage system. Under the proposal, the connection of the private sewer to a public sewer network will be through the approval process under article 163 of the 2006 Order.

There are three conditions attached with the article 163 approval. First, standards of construction would be applied to any approval that is given. Those standards of construction are based on the 'Sewers for Adoption Northern Ireland (1st edition)'. The second condition of approval is that private

sewers connecting to the public sewer network would be the subject of an agreement under article 161 for future adoption. Thirdly, the agreement would be supported by a security in the form of a bond, which gives protection to householders in the event that the developer fails to meet his obligations under the agreement. That brings three benefits: it will increase the standard of construction for private sewers connected to the public sewer network, provide a standard for private sewers connecting to the network, and provide assurance to the householder that there is a bond in place to cover that agreement.

The Chairperson (Mr Clarke): Thank you for that, Sean; and thank you for your time.

Before we open discussion to the Floor, I remind members that reference has been made to bonds. There will be a separate section on bonds, so let us avoid that discussion today. I am sure that we will meet Frank again on that occasion, and that will be an enlightening day, I imagine. I look forward to that one, Frank.

The first question that I have for you, Sean, is that you have been sitting in the Public Gallery and have got a general feeling of where the Committee wants to go on this. I am happy to contribute to the comments wherein we are suggesting that you will stifle development by not allowing soft SuDS. What is your opinion on that, Sean?

Mr McAleese: We have no objection to soft SuDS.

The Chairperson (Mr Clarke): Sorry, you do, in terms of connection, as in adoption.

Mr McAleese: That is what I was just going to say. Our concerns are around who is going to be responsible for operating and maintaining that solution. As we have seen, Gary has given us an example of the street work. There is the potential that, if NI Water is mandated to adopt all the soft SuDS solutions, we could end up with a wide and varied range of assets to operate and maintain. This is NI Water's main concern: the maintenance and operation of those and, indeed, any associated funding.

The Chairperson (Mr Clarke): So, you are ruling this out. It is a different area for you. Gary has brought us what is a very good picture. Can you tell me, from looking at that picture of pavers, what work you would have to do with them? Have you enquired about what it would entail? I am looking at a paved area of hexagon pavers with joints.

Dr Curran: That example is an engineering solution that allows the infiltration of water —

The Chairperson (Mr Clarke): I understand that, Gary, but I wonder what work you would have to do to maintain it.

Dr Curran: The maintenance involved in that would be in ensuring that the infiltration remains. So, there is the cleaning of it and, possibly, the maintenance of underground systems associated with it. So, it is general maintenance, and would involve a skills set that we currently do not have.

The Chairperson (Mr Clarke): What work have you done to explore soft SuDS? You keep referring to maintenance, and you said in your last answer about the drainage system underneath. What work have you done, as a body, to find out where these have failed in the past and what maintenance they actually require?

Dr Curran: There are a number of sites, and Frank can certainly be a bit more specific about them. We are currently working with developers on a number of them. We are assessing how the construction process went, the long-term solution and the maintenance requirements. We are working with the industry to see what the issues are. Certainly, Frank can give a bit more detail.

The Chairperson (Mr Clarke): Frank, can you tell us about the issues you are having?

Mr Stewart: Looking at the photograph that has been provided —

The Chairperson (Mr Clarke): By you, yes

Mr Stewart: — there are two types of SuDS in the photograph. One is called a "rain garden". It is on private property and is maintained by the private owner. Permeable paving can be located in one of two places: the driveway of the house, where it would be maintained by the private owner, or in the designated area, which would be adoptable by Transport Northern Ireland. Transport Northern Ireland's policy is that it will not adopt streets that have permeable paving.

The Chairperson (Mr Clarke): I am not really worried about other agencies at the moment. I live in a house with a long drive and I am thinking of doing something with it. You worry me, Gary, in that I might have to do something in the future, and that I might have to dig it up because something underneath does not work. Given that this solution has been around for a time, can you tell me what you guys fear about this permeable solution? Are you going to have to come in and maintain underneath this surface?

Mr Stewart: I think it is very much an unknown quantity in the business.

The Chairperson (Mr Clarke): Do you have any evidence of it having failed anywhere, Frank?

Mr Stewart: We have no evidence that it has failed anywhere.

The Chairperson (Mr Clarke): Have you looked for any evidence?

Mr Stewart: Yes, we have asked questions of those who install these things, but, because permeable paving is a fairly recent innovation, we do not know whether it will last 10, 15 or 20 years. We are very much in a monitoring process at the moment.

The Chairperson (Mr Clarke): Do you see that picture, Frank? I am interrupting you again. I had that same paving 25 years ago in front of a previous house. This is not a new paving phenomenon. It was permeable.

Mr Stewart: It was permeable?

The Chairperson (Mr Clarke): Yes.

Mr Stewart: So, 25 years —

The Chairperson (Mr Clarke): The house is still there; it was never flooded. The street has not flooded. In your evidence, you are saying that you have not found any evidence of any failures as yet.

Mr Stewart: Of any that we know about. Obviously, we did not know about yours.

The Chairperson (Mr Clarke): Well, it did not flood, so you are OK.

Mr Stewart: Yes. A few developers have come to us with a hybrid system. They did so on the basis that, currently, the discharge of surface water is controlled by the decision given by the Rivers Agency, which restricts the volume of surface water by a developer that can discharge into a water course, directly or indirectly.

In a couple of cases, developers have not been able to meet the SuDS discharge requirement through the SuDS that we would adopt, which is an hard-engineered solution — an over-engineered pipe with no control within the constraints of the site. We have an open-door policy when talking to developers. The developer in the region came to us and we talked about providing an additional system in the development. In a couple of cases, developers have installed permeable paving, but those have been in private areas within a development that are maintained by a management company. We are monitoring them as a solution, a hybrid solution, to satisfy the restrictions placed by Rivers Agency.

The Chairperson (Mr Clarke): You will appreciate that where someone uses a permeable solution it is done on the basis of a planning application and the flow. I am a wee bit confused. If this is fully functioning, and with a drainage system underneath it, then the calculations will have already been done by engineers to say what the flow rate will be when it reaches the water course. I am still confused, given that you cannot tell us where there have been any failures of these, as to why you will

not allow this to be connected or why you will not adopt it. Maybe other members are picking it up, but I am not getting an answer here.

Mr Stewart: We have said that we can take responsibility for the appraisal and approval of the hard-engineered SuDS because that meets the requirements of 'Sewers for Adoption' as regards the flow control. We have referred the "remove at source" SuDS, which are in a private area, to our colleagues in building control because drainage from a private house falls under Part M of the building regulations, which is within their domain. We have worked with building control on the sites where we have approved the connection under the hybrid solution.

The Chairperson (Mr Clarke): The Bill would make that mandatory if it were a hard SuDS solution. You could not refuse it as such; is that not right?

Mr Stewart: We can refuse a connection if there are alternative solutions. A developer might apply for 100% run-off, and we would not approve that. Rivers Agency may stipulate a green-field run-off, which restricts the flow considerably. That is the discussion that we would be having with building control. If it agrees that this is a suitable solution in the private area, we would be happy to approve the connection.

Mr McAleese: I just wanted to go back to your point about maintenance. I had this kind of paving in the house and it gets discoloured. The question is this: who is responsible for its upkeep and cleaning?

The Chairperson (Mr Clarke): That does not affect the drainage, Sean.

Mr McAleese: No, but it gets grubby and you lose some of the particles in the blocks. We are concerned about the longer term and some of the issues that we may or may not know about at the start.

The Chairperson (Mr Clarke): My issue is that there is no evidence to suggest that they have failed. It seems that your approach is that you just do not want it. You have no evidence to say that this system will not work.

Mr McAleese: No, no, no. That is not where we are coming from. Where we are coming from, in terms of NI Water's liability, is that we do not have enough knowledge about the systems. There is an environmental aspect to it, which can be seen from that. So, the issues of public property, private property and, indeed, how we would have the funding to maintain this type of thing going forward are our main concerns.

The Chairperson (Mr Clarke): I am still not hearing what the maintenance is. Sorry — go ahead, Martin.

Mr McIlwaine: While we are focusing on those two pictures at the moment, some SuDS will be ponds and detention tanks that are open on the surface and provide some sort of amenity value. The operational work in keeping them maintained will be around litter-picking, grass cutting etc. At the moment, that is not in our core business, as it were. That is one of the things: are we the right people to maintain these softer biodiversity areas etc? I think that that is our concern, rather than the hard engineered bits.

The Chairperson (Mr Clarke): I cannot believe that we are going down the litter-picking route, but anyway. Seán, I think that you were first.

Mr Lynch: Thanks, Chair. Thanks for the presentation. I will put the same question to you that I put to the DRD: the CEF has opposed clause 5, so how would you convince it otherwise?

Dr Curran: In terms of clause 5 in respect of what, sorry?

Mr Lynch: The CEF is opposed to clause 5. How would you convince it otherwise?

Dr Curran: Clause 5 provides the power for refusal of connection, and what we are saying is that, if they enter into an article 161 agreement with us and the infrastructure that they put in place is built to

a suitable standard, we will adopt that. What we are looking at is whether there are alternative sources that they can discharge into and whether it is reasonable for them to do that. So, if there is a watercourse that storm drainage can be discharged to, that is what we would encourage them to do. So, it is not a carte blanche facility for us to just refuse connection.

Mr Lynch: Would there be conditions on it?

Dr Curran: Yes, such as the constructability standards and so on.

Mr Lynch: OK.

Mr Ó hOisín: Further to that, the options for a developer would be to discharge separated storm water to a watercourse or to reapply for connection to a suitable storm sewer. You say that a developer may have to requisition a storm sewer. What are the practicalities of that?

Dr Curran: What we are saying there is that, if storm water needs to be transported to a watercourse or storm sewer, a developer can requisition the construction of a storm sewer. There is a reasonable cost allowance that we would apply to that, so NIW would contribute to the cost, along with the developer. So, it would be a mechanism for transporting storm water to a watercourse.

Mr Ó hOisín: In effect, that would mean that, rather than the combined system that we currently have, we might have a separate storm system to a watercourse in some circumstances.

Dr Curran: Yes. In more recent years, we have encouraged developers to construct separated systems, and we have some separated systems.

Mr Ó hOisín: OK. Gary, what would be a reasonable cost allowance? What would that work out at?

Dr Curran: The reasonable cost allowance is that we allow a certain value per property for development. That is what we would allow the contractor or developer in terms of the construction cost, and then he will pay over and above that.

Mr Ó hOisín: OK. In effect, that would mean that some of the developments proposed previously could go ahead if developers were prepared to do a separate storm system to a watercourse.

Dr Curran: I am not sure of the reason or rationale behind why they were not approved, but, certainly, if they came to us with a proposal to separate it and take it to a watercourse or a storm sewer, we would not stand in the way of that.

The Chairperson (Mr Clarke): Can I come in there, Gary? You said that you have a certain allowance? What is that allowance?

Dr Curran: It is a reasonable allowance. The actual figure —

Mr Stewart: The current allowance is £1,700 for a new property, and £4,000 for an existing property constructed before January 2000.

The Chairperson (Mr Clarke): That is useful.

Dr Curran: You would multiply that up, obviously.

The Chairperson (Mr Clarke): Sorry, Cathal.

Mr Ó hOisín: No, Chair. That is just the first time I have heard that. That is fine.

The Chairperson (Mr Clarke): Whilst we hear developers being critical, it is the first time that we have heard that. That is useful for us going forward.

Dr Curran: The point we are trying to emphasise is that we are not opposed to this.

The Chairperson (Mr Clarke): So you are on for it now, Gary.

Dr Curran: No, we welcome SuDS of all styles. The issue is maintenance, as Sean says. Your driveway may have been down for a while; and we have all seen pavements that have cracked, broken, sunk, and so on. That type of small issue is multiplied, and that is the maintenance side of it. It is not within our skills set.

Mr Ó hOisín: You mentioned this last week, and it is something that I would be keen on. The downside is where we have discharges, particularly into rivers, and then the pollution incidents that result accordingly. How would that be policed? There are problems there as well.

Mr McAleese: This would protect because it is separating any foul water from the storm water and you are discharging only surface water to a watercourse.

The Chairperson (Mr Clarke): There is a medium risk that you would have fuel or oil as well, which is the same as we have with the storm currently.

Mr McAleese: But the risk would be less. The main pollution normally comes from foul sewage.

Mr McNarry: That is very interesting. A couple of questions spring to mind. Does the homeowner need planning permission to do their driveway after they have purchased the house and have taken it over? Do they need planning permission to tarmac it, put down pavements and decking areas and all the troublesome things that you are now identifying?

Mr McAleese: To the best of my knowledge, no, but you have highlighted a very important issue. If this is to be part of the sustainable soft solution, then it would probably need to be considered at that very early stage in planning so that it is incorporated into the final solution.

Mr McNarry: I have recently had it done and have just learnt about kiln-dried sand, which will fill the gaps in your pavements — if you want to buy a bag, it is £3 in Carryduff Building Supplies. I am thinking of the decisions that are taken after somebody decides that they want to do a bit of decking, a paved area on their driveway or even tarmac it. Does planning permission have to kick in as a secondary issue at any time? Would you want to have some knowledge of what people are doing?

Mr McIlwaine: My understanding is that that is permitted development and that you can do it without recourse to planning. What we see is what is referred to as urban creep. You have rows of houses with little front gardens and, all of a sudden, they become car parks. There is not really a control on that urban creep. My understanding of planning at the minute is that you do not need planning permission to tarmac your driveway or pave the back garden.

Mr McNarry: You are not condemning people who do that. You are not saying that they should not do that because of any detrimental effect it has on the watercourses or drainage.

Mr McAleese: Potentially, it increases the run-off into a storm sewer system, but the point we are making is that, if you adopt soft SuDS, then it is important to have cognisance of that potential at the very early stages.

Mr McNarry: I got that. I have one final question. A bugbear of mine — and I am sure that all other members share it — is homeowners who are being left in despair over flooding and the developer not being in sight. The developer has gone into liquidation and has left the development unfinished. Do you have a role in assisting homeowners who are terribly affected by flooding in some way, apart from their insurance, the NHBC certificate they potentially have, or the builder having a bond, etc? In many cases, they are left on their own. Do you have any Mr Fixits who can help those homeowners? If not, do you not think that it is about time that you did?

Mr Stewart: We do not have that for specific individual homeowners, but we have emergency provisions at the moment. We have responded to some developments where sewers have been flooding because of inadequacy in the sewer construction or where the pumping station has failed because the standard is not what it should be. We have gone into those sites, got the sewers or the pumping station operational and given that benefit to the householders collectively.

Mr McNarry: The construction industry is a lucrative but very risky business. We have had many instances where builders have not been able to sustain themselves. They have gone into liquidation, the development has been left incomplete, the connections are not all there, but the people who have already paid their money into a house suffer. Beyond what insurance and things like that can do, which take a long time, could someone, through your company, be called upon to go in and help those people who are suffering at that time? It is through no fault of their own, but circumstances are such that the connections are not there, the site is empty, and they are waiting for someone else to complete the site.

Mr Stewart: I know that the Chairperson has mentioned bonds, and that may be for another day, but they provide part of the answer to your question —

Mr McNarry: I know the bonds, but —

Mr Stewart: Where that bond is sufficient, we will take steps under enforcement to go in and provide the missing connections or the missing sewers, but it is only in the context of the available bond. If the bond is insufficient, then we are not able to do anything.

Mr McNarry: You cannot do anything.

Mr Stewart: No, other than to go in, through the emergency provisions, if there is a public health issue or environmental damage.

Mr McNarry: It is just that, representing people, as we all do, we feel that they are left devastated —

The Chairperson (Mr Clarke): David, we are coming to that. You may have been out of the room, but we are covering bonds —

Mr McNarry: I know the bit about the bonds; I am just trying to tempt them to take up a new role in having an emergency team to go in and help with the connections because, if those are not done, we are stuffed.

The Chairperson (Mr Clarke): We will probably cover that in more depth when we talk about the bond stuff, so, if we could leave it until then —

Mr McNarry: Frank may be going to tell me something, if you would let him.

Mr Stewart: Sorry, Chair, it was just to go back to an earlier question about what we were doing about increased rainfall and urban creep. I think that it was around six years ago that we reviewed our calculations as to how to appraise a hydraulic assessment for sewers in a new development. We increased our calculations by an additional 10% for climate change and rainfall, and we increased the assessment area by a further 10% to cater for what is called urban creep —

The Chairperson (Mr Clarke): That is a notional factor more than anything. It is not necessarily —

Mr Stewart: Yes, but it provides some safety margin for those who build a garage or patio, or who put down a new driveway, which is not counted in the current assessment.

Mr McNarry: That is helpful. Thank you, Frank.

The Chairperson (Mr Clarke): Have you finished David?

Mr McNarry: Yes.

Mr Dallat: Chairperson, I suppose that I have had the greatest opportunity while sitting listening to all of this, but I wonder what question I should ask.

You do not have the knowledge or the funding, but you are not opposed: this is not a great position for an organisation that is responsible for water and sewerage, is it?

Mr McAleese: Obviously, we would like certainty of funding and to be funded to whatever the final determination was for the PC15 period. That would be our desired position.

Mr Dallat: I can respect and understand where you are coming from, but it really does not do much for the needs of the people who have their homes flooded or those who need to build affordable homes for the future, does it?

Mr McAleese: I have to agree that we wish to be a fully functional organisation; fully funded and fit to meet the needs of all of our customers.

Mr Dallat: Anybody who is looking in on this discussion is bound to be really depressed that they are not being represented; that their views are not even being articulated, other than by the Committee. I have come across drains that were put in hundreds of years ago — stone drains — that seem to work perfectly. God knows, the craturs who dug them out with picks and spades must have had a tough time. What is wrong with the current society that all we find is excuses about knowledge and funding and stuff like that to actually move things on and make this Bill a success?

Silence all round: that is the answer.

Mr McAleese: I am not sure what the question is. I apologise.

Mr Dallat: I am trying to be up on the balcony, looking down on the poor people of east Belfast and elsewhere who have been increasingly flooded out. I am also sharing the frustration of other people who want to build homes and who are having problems. You have brought no joy to them this morning, have you?

Mr McAleese: I would point out a couple of things. Before we did our PC15 submission, we did a survey of our customers and their priorities for Northern Ireland Water during the PC15 period. There was a balance of priorities. Yes, out-of-sewer flooding was certainly one of them; water quality and continuity of supply were others, plus being kept informed. Those are four priorities that our customers certainly highlighted. We have, as far as the funding allowed, built them into our priorities for our capital works programme for the PC15 period. So I say that, yes, we have listened to customers, and we have taken on board their views as far as we practically can in terms of our funding.

Mr Dallat: To be fair to your workmen on the ground, when there is some kind of severe flooding, as happened in Newry some time ago or east Belfast or wherever, we do see pictures of heroic efforts by NIW, the Fire Service, the Roads Service and others to alleviate the problem, and we also find politicians popping up and having very strong views. Where are you on this Bill? Are you for it or not?

Mr McAleese: There are different elements to the Bill. As we have gone through the presentation, we have tried to give you our view on each individual clause. I am more than happy if you want some clarification on a particular clause —

Mr Dallat: To be honest, we were told last week, for example, that you have approached the chief executive of the Causeway Coast and Glens Borough Council, Mr David Jackson, to be a coordinator of local councils. Have you been sitting on your hands or sleeping, or what have you been doing for the past 20 years when all these terrible things about flooding have been happening? Why are we at this crisis stage, where we want the Bill to be a success and you do not have the knowledge or the funding? You are not opposed to it, and you are only now telling local councils, "Well, we will have a wee chit-chat about it."

Mr McAleese: There are a couple of issues there. Paddy in the previous session, much more eloquently than I could, gave a bit of a history lesson on where we have come from on drainage issues. The reference to the chief executive of Causeway Coast and Glens Borough Council refers, I think, to the membership of the storm water group, which is a group led by the Department, and which we are members of.

Mr Dallat: Will we continue to be doing the rounds, then, in future? You ring NIW. "No, it is not us." You ring the Roads Service. "No, it is not us." You ring the Rivers Agency. "No, it is not us". You ring the Fire Service. "No, no." Well, maybe they are the only ones who will turn up.

Mr McAleese: That is exactly what we are trying to prevent by having clarity in terms of who is responsible.

Mr Dallat: I have heard nothing from you this morning to suggest that I could go out that door confident that we have actually had a good morning's work.

Mr McAleese: What we have said very clearly in terms of the hard SuDS solutions is that, yes, Northern Ireland Water will adopt the hard SuDS solutions. What we are saying is that there are still ambiguities in terms of the operation and maintenance of the soft SuDS solutions, and I think that the previous set of witnesses did say that more work needs to be done on that.

Mr Dallat: No more questions.

The Chairperson (Mr Clarke): Just to clarify something, I thought that it would be mandatory as long as they were meeting the standard of the hard SuDS. It would not be an option to adopt them or not; it would be mandatory in terms of this Bill.

Mr McAleese: Yes.

The Chairperson (Mr Clarke): If they met the standard.

Mr McAleese: Yes.

The Chairperson (Mr Clarke): You could not actually refuse.

Mr McAleese: That is my understanding.

The Chairperson (Mr Clarke): It is not that you are coming in as a volunteer to say, "We would really welcome this. We could have done this previously". Actually, it has been made mandatory. I assume that is probably because of your reluctance in the past.

Dr Curran: I think that the difference is that it was mandatory in the past to adopt the sewerage systems, if they were constructed to a suitable standard, and this is an extension of that. It is really the nuance of a hard SuDS solution.

The Chairperson (Mr Clarke): But if you were coming as willing volunteers, Gary, maybe they would not have had to legislate for it. I think that Linda said in her closing remarks that — I am scared of paraphrasing her wrongly — sometimes it is difficult to legislate for these things, or we have to be careful how we legislate. Maybe legislation would not have been required if you had come as willing volunteers. Just the same could be said for soft SuDS, if you could provide us with evidence of your working with developers and saying that, in certain circumstances, soft SuDS would be an option. You were very prescriptive when you took this particular example today.

Mr McAleese: No, and I would not want to be in any way accused of trying to mislead the Committee —

The Chairperson (Mr Clarke): It is prescriptive because that is what you supplied us with, Sean. That is the only one that you supplied us with.

Mr McAleese: There are multiple examples. In trying to provide some helpful and meaningful information to the Committee within the time constraints, those are the two examples that we used. We welcome and support the requirement for the developers to enter into an agreement with us, because it will remove a lot of the issues that customers have. We certainly welcome that.

The Chairperson (Mr Clarke): They do not seem to think that that interaction is two-way. That is certainly not what we are picking up from their representations to us, but we will keep that for the day of the bonds.

Mr McNarry: Sean, you said that you welcome developers coming to enter into agreements with you. Is it one-way traffic? Is it your standards that they have to enter into an agreement with?

Mr McAleese: Yes, we set the —

Mr McNarry: So you set the criteria.

Dr Curran: There is a best practice —

Mr McNarry: So they are your policies.

Mr McAleese: No, there is a nationally recognised sewer-for-adoption standard.

Mr McNarry: I am talking about what will be in the Bill and how we are hopefully moving things on with better relationships.

Mr McAleese: We will still expect them to meet that technical standard.

Mr McNarry: Is there fluidity in reaching agreement on each development, is that right?

Mr McAleese: I am not sure what you —

Mr McNarry: Are you rigid?

Mr McAleese: Well, the standards are the standards, and we do inspections. At the end of the day, what we are trying to do is prevent problems for the householders and our customers by making sure that the sewers are constructed to an acceptable standard, which is a technical standard that the developers are well aware of.

Mr McNarry: And which is unlikely to be less prohibitive than in the past in terms of connection.

Dr Curran: It is the same. The historic standard is being brought forward. Going back to your point, David, the requirement to construct to that standard is what we need developers to do to avoid the issues in development sites that you were talking about. We know of a lot of sites that have not been constructed to that standard.

Mr McNarry: Is it the developers' fault, then?

Dr Curran: In some cases, the construction has not been to that standard.

The Chairperson (Mr Clarke): Why are we legislating for it, then? If the standards have not changed and developers could have done it, why are we legislating for it?

Mr McAleese: My understanding is that this now mandates the developers to enter into an agreement with us, whereas previously it was not mandatory.

The Chairperson (Mr Clarke): OK. What would they have done previously, then?

Mr Stewart: They had a choice. The legislation said that they "may" enter into an agreement with Northern Ireland Water for the future adoption of sewers, whereas this makes it mandatory if they wish to connect to the public sewer network.

The Chairperson (Mr Clarke): We will want to come back to that with the Department.

Mr Lyttle: I want to ask about the proposal to remove or relax the duty to install water meters. Have there been any calculations of the likely additional cost of retrofitting water meters, rather than installing water meters when connecting to the water network for the first time?

Mr McAleese: Yes. The boundary box is a standard box. Within that, there are bungs which you can remove and install a water meter. You can install a standpipe or whatever to take a pressure reading. So, no, there is no additional cost. The standard fitting is the boundary box, which will have that facility going forward. All that you will have is the cost of the meter and the labour associated with installing the meter.

Mr Lyttle: OK, so the housing for the meter can still be put in place so that, at a future date, there is no additional cost to going ahead with that when necessary.

Mr McAleese: Yes, that is right.

Dr Curran: The cost of installing the water meter is exactly the same, whether at the time of first connection or at a later date.

The Chairperson (Mr Clarke): OK. We will leave it there. Sean, thanks very much to you and your team.