



Northern Ireland
Assembly

Committee for Regional Development

OFFICIAL REPORT (Hansard)

Water and Sewerage Services Bill:
DRD Briefing

3 June 2015

NORTHERN IRELAND ASSEMBLY

Committee for Regional Development

Water and Sewerage Services Bill: DRD Briefing

3 June 2015

Members present for all or part of the proceedings:

Mr Trevor Clarke (Chairperson)

Mr Seán Lynch (Deputy Chairperson)

Mr John Dallat

Mr Chris Lyttle

Mr Stephen Moutray

Mr Cathal Ó hOisín

Witnesses:

Ms Julie-Ann Dutton

Department for Regional Development

Ms Louise Green

Department for Regional Development

The Chairperson (Mr Clarke): Louise and Julie-Ann, you are very welcome. You will appreciate that we are running quite tight, and a couple of members will be leaving very shortly, so we will have to get through this as quickly as we can. The floor is yours.

Ms Julie-Ann Dutton (Department for Regional Development): Thank you very much for the opportunity to update you on the Bill today. I will run very quickly through where we are with the Bill and the clauses in it. I will answer any questions at the end.

The public consultation took place last year from June to August, and we had 61 responses. Louise briefed the Committee on the outcome of the consultation exercise last November, and the Executive agreed the policy and the provision of instructions to the Office of the Legislative Counsel (OLC) in January. We hope to achieve Executive agreement to introduce the Bill in the Assembly by 11 June, at the very latest, to meet our very tight timescale to get the subsidy in place.

The Bill includes the main clauses, which are the power to pay a subsidy to Northern Ireland Water and the enabling power to extend this if need be; to consolidate the water resource management and drought management requirements into a single plan; the power to cease Northern Ireland Water's obligation to install water meters on new domestic connections; and that the right to connect to public sewers would be dependent on an article 161 agreement. Surface water connection restrictions are also now imposed to allow Northern Ireland Water to refuse connection if it prejudices the public infrastructure, if construction standards are not met or if there are suitable alternatives available. We have also included provisions for sustainable drainage systems (SuDS). These will mainly be hard SuDS that will be adopted by Northern Ireland Water. The original proposals included private supply pipes proposals and broader SuDS enabling powers, which would cover soft SuDS. Unfortunately, due to the time constraints and a necessity to get the subsidy through, we have had to leave those two proposals out of the Bill on this occasion.

I will go through the clauses very quickly, one by one. The subsidy is the most important part of the Bill. We need to extend the power to 31 March 2017 to ensure that DRD can pay Northern Ireland Water on behalf of domestic customers. We also propose to take an enabling power to extend that further by subordinate legislation, if required.

Clause 2 amalgamates the water resource management plans and drought management plans into one overarching plan. Instead of a water resource management plan every five years and a drought plan every three years, the single overarching plan will be called the water resource and supply resilience plan, and will only be required to be produced every six years. That will coincide with the price-control period and can be extended for another two years if need be. Those measures are really to reduce red tape and administrative costs.

Clause 3 relates to water meters. It allows Northern Ireland Water to cease the installation of water meters. It can be reinstated if required. This is a regulation-making power and, before the regulations are made, consultation has to take place with the DOE, the regulator, the Consumer Council, Northern Ireland Water and many other stakeholders.

Clause 4 introduces a definition of sustainable drainage system, or SuDS, which is a structure designed to receive surface water from premises, and to discharge it either at a reduced rate, or to reduce the volume that enters the public sewer system or watercourses. It will apply to existing SuD systems or new SuD systems. The SuD systems that are included in the Bill are hard SuDS that will be adopted by Northern Ireland Water. Article 161 is amended explicitly to state that Northern Ireland Water can require developers to provide SuDS. SuDS will then be constructed to the adoptable standard, protected by a bond and adopted by Northern Ireland Water.

Clause 5 is on surface water connections. The Bill will add sustainable drainage to the reasons why Northern Ireland Water can refuse connection of surface water to its public sewer network. If a drain, sewer or now a SuDS system does not meet the required standards or would prejudice the system, it can be refused. It can also be refused if suitable alternatives are available.

Clause 6 is on sewer adoption. As a result of the Committee's inquiry into unadopted roads in 2012, this has been included in the Bill to make the right to connect dependent on the developer having entered into an article 161 agreement. There will be no certainty of connecting to the public network unless the article 161 agreement is in place; the construction standards have been met, and that refers to drains, sewers or SuDS; that a bond is in place; and that provision is made for the adoption of the infrastructure by Northern Ireland Water. It allows the Department to issue guidance about any agreements after consulting, and there is also an extended right of appeal to the regulator.

In summary, the Bill will include the crucial subsidy paying power; it will allow Northern Ireland Water to prepare a single water resource and supply resilience plan; it will enable the requirement to install meters to be relaxed or stopped; it will enable Northern Ireland Water to require developers to construct a hard SuDS; and it will enable Northern Ireland Water to limit surface water connections. It will also ensure that there is no right to connect unless an article 161 agreement is in place, the infrastructure is constructed to the required standards and a bond is in place.

As to the next steps and the timing, we hope for Executive agreement to introduce the Bill to the Assembly no later than 11 June to enable us to get everything through on time. We hope that the Minister will introduce the Bill on 22 June and that its Second Stage will be on 30 June. That will enable the Committee Stage to commence at the beginning of July. We hope that that timescale will be sufficient to allow us to get Royal Assent in or around February 2016. That must be obtained before the Assembly dissolves in March 2016.

Thank you very much. We are happy to take questions.

The Chairperson (Mr Clarke): Thank you, Julie-Ann and Louise. I want to record thanks from the Deputy Chair and me. We had an opportunity the other day, on the back of another meeting, to have a more in-depth discussion about SuDS and different aspects of it. I had some concerns, but I came away from that slightly more encouraged than I previously felt about the work, which is going to have to happen with contractors, because they seem to have been reluctant about some of this stuff in the past. I was encouraged by the presentation that we had on Tuesday. I know that that information will be made available to the rest of the Committee, and I think that that would be worthwhile. It was interesting if you are into that sort of thing. I enjoyed it.

I come from an area, a bit like Chris in East Belfast, which is prone to flooding, and developers in the area work on different large-scale developments, so I am very keen to see stuff like this being introduced. There will be more consideration of systems that are there, so we are not going to prevent development. I was very encouraged by some of the stuff that we saw the other day.

There is a very tight time frame, and I hope that this Committee is up for working within it, because I think that we all recognise that it is important to have something like this passed. I think that we are up for that challenge.

I will open the floor.

Mr Lynch: Thanks for the briefing the other evening, because it crystallised some things for me. I think that some of this has to be welcomed, particularly the sewer adoption aspect that arose from our inquiry.

I just want to ask one question of you, Julie-Ann, about the powers to remove or relax a duty to install meters. Does "relax" mean that there will be a gap there still to install?

Ms Louise Green (Department for Regional Development): It is really quite a broad power, and it has been drafted in such a way that either the duty to install meters could be entirely done away with, or, if there was to be a case where it was felt that it should be relaxed, applied in some cases and not applied in others, it creates a bit of flexibility and discretion really. So it is not all or nothing; there is scope for movement there.

The Chairperson (Mr Clarke): That is what we mean about future-proofing. We have always had the debate about water charges, and, whilst they are not there and there is no anticipation of them, rather than have to legislate for it again, it is good to have it there if and when a case arises in the future.

Ms Green: That is true, and there is also the power to reinstate the duty if necessary.

The Chairperson (Mr Clarke): Yes, rather than removing it.

Mr Dallat: You will probably recognise immediately that I am not au fait with this at all. As regards the sewerage adoption that connects, is that houses connecting to a public sewer?

Ms Green: Yes, housing developments.

Mr Dallat: In what way does the Bill make life better for people?

Ms Green: It is really intended to protect the homeowner. During the Committee's inquiry in 2012, there was a lot of discussion, and recommendations came out, about the need to protect homeowners from sewerage that was not adopted, not up to standard and not complete. It is really so that people can buy a house in the knowledge that the sewerage is up to an adoptable standard.

Mr Dallat: I was coming at it from the other end. I am conscious that there are probably up to 80 villages and hamlets across Northern Ireland where the public sewer is at capacity and people are not allowed to connect to it. Could the Bill in any way put pressure on Northern Ireland Water to make sure that there is capacity? In fairly large towns such as Kilrea, people are now being told to install septic tanks.

Ms Green: Capacity can be a problem. You will see that, in the Bill, there are some powers whereby Northern Ireland Water can refuse surface-water connections. You will be aware that a lot of surface water enters the public sewerage system, which is quite often a combined system. That surface water does not have to be there. As the Chair said, that is where SuDS can often come in and provide a benefit. We are interested in trying to take surface water that does not have to be there out of the combined sewer.

Mr Dallat: Because Kilrea is on a hill, surface water has, in the past, caused flooding. That measure is good. Will that cause problems in other areas? Perhaps people might be forced into extraordinary expense to provide separate ways of disposing of surface water and sewage.

Ms Green: There is already a requirement for new developments to install separated systems. The problem sometimes comes when you come to the site boundary, because you are dealing quite often with historic sewerage, which is a combined system. So, it is separated within the site, but, as soon as you come out into the public infrastructure, it is quite often combined. We are trying to address the problem.

Mr Lyttle: Thanks for your presentation. I found this and the previous presentation that you gave to be some of the most helpful presentations that we have received in the Committee, so thanks very much indeed. It was concise and to the point but informative. Would it be possible for the Clerk to email us the precise date of the previous presentation and the Hansard report? I think that we had fairly detailed discussions on some of the issues at a previous session. I will not go into all of them. Given that I do not have access to that today, could you refresh me on the extension of the power of the Executive to pay the subsidy to NI Water in lieu of domestic water pricing? What is the time frame on that extension? Is it for 2015-16 or is it ongoing?

Ms Dutton: The extension is to enable payment for 2016-17. There is also an enabling power in the legislation to allow that to be extended by subordinate legislation if it is required at a later date.

Mr Lyttle: The last agreement ran until 2016 as part of the Programme for Government. This is a new agreement. Does this have to get Executive clearance, or has it passed through that and is ready to come before the House?

Ms Dutton: The Bill still has to get Executive clearance. We hope for that on or before 11 June.

Mr Lyttle: Given some of the evidence that we have received today about a £20 million shortfall on other basic, essential services such as street lighting and roads maintenance, it puts into perspective the amount of resources that are being allocated to the subsidy. There are some issues to be discussed there, but there are many other important ones, as the Chair said, around the sewerage and SuDS arrangements as well. I am absolutely committed to working to support your efforts to get the Bill through in a timely manner.

Mr Ó hOisín: I know that there are many historical reasons for the combined systems to be installed in many of the towns and villages. They are obviously being addressed by the SuDS being installed in new developments and what have you. Where you have a combined system, you have all the issues of it going under main roads and footpaths — blockages, contamination and all the rest of it — and I am sure that that is a huge cost. What is the percentage of SuDS systems and combined systems? Have you a breakdown on that?

Ms Green: I do not, off the top of my head. The SuDS concept has been on the go for a while, but only in fairly recent years have schemes been put in place. I think that Northern Ireland Water has made a very rough estimate on the percentage of combined sewerage networks at the moment. From memory, I think that it was in the order of 70%. I can confirm that, but I think that that was their guesstimate.

Mr Ó hOisín: OK. We are not too keen on guesstimates in the Committee after our recent experiences, but that is work that might be of benefit. I know that many of the problems that I have had to deal with on contamination down through the years are on combined systems where they are blocked up or there are collapsed pipes. I appreciate that most of that stuff is then going through the waste-water treatment plants and some of the new ones as well, and that doubles the workload there. It would be a lot easier if it were going into the *[Inaudible.]*

The Chairperson (Mr Clarke): That was quite painless today. Thank you for your time. I apologise that we are low on members at this time of the day. I look forward to working with you. Hopefully, we can get this through — if we are still here, that is. Thank you.