



**Northern Ireland
Assembly**

COMMITTEE FOR REGIONAL DEVELOPMENT

Please use this form to submit written submissions in relation to the Water and Sewerage Services Bill. Return to committee.regionaldevelopment@niassembly.gov.uk

Name: Kathy Graham , Director of Policy

Organisation: The Consumer Council

Date: September 2015

1. The Consumer Council is pleased to respond to the Committee's call for evidence on the Water and Sewerage Services Bill.
2. The Consumer Council has conducted several pieces of research to inform the Department for Regional Development's (the Department) development of the proposals for new water legislation transposed into the Water and Sewerage Bill, and the wider draft Long Term Water Strategy (LTWS) within which we see the Bill proposals being framed.
3. The Consumer Council responded formally to the Department's consultations on both the LTWS (October 2014) and proposals for new water legislation (August 2014). Our responses are available on our website <http://www.consumercouncil.org.uk/search/?search=water&x=0&y=0>
4. We supported the majority of the proposals put forward by the Department in its consultation on legislative proposals, viewing the overall package as being aligned with the majority of consumers' views and being a set of progressive measures designed to tackle or prevent issues causing detriment to consumers.

5. Below we provide comment on each clause of the Bill.

Clause 1: Extension of period for which grants to water and sewerage undertakers can be paid.

6. In our consultation response we supported the proposal to extend the subsidy to meet the Programme for Government (PfG) commitment and the proposal for an enabling power to make subordinate legislation.
7. Our support for subordinate legislation to extend the subsidy was provided on the basis that such subordinate legislation only be used to extend the current subsidy arrangements and that any changes or future proposals on the governance structure, funding arrangements and business model of NI Water will be subject to open discussion, full Regional Development Committee and NI Assembly scrutiny and full public consultation.
8. The provisions of Clause 1 support the PfG commitment and ensures NI Assembly scrutiny of any further extensions.
9. The Consumer Council supports Clause 1 as introduced.

Clause 2: Combining water resources management plans and drought plans

10. The Consumer Council supports Clause 2 as introduced once we have secured satisfactory clarification of the point at paragraph 12.
11. A single consolidated plan covering a six-year period would reduce the costs passed through to the consumer created by having two plans, and support the NI Executive's commitment to reduce the burden of regulation while protecting consumers.
12. Page 7, Schedule 1, line 20 allows the Department to extend the maximum period to eight years. The Consumer Council will be seeking clarification from the Department under what circumstances such an extension would be granted.
13. The Schedule 1 amendments enacted by Clause 2 do not remove the duty on NI Water to consult with the Consumer Council as it develops its plans for a combined water resource and drought plan (notwithstanding the removal of Article 73, paragraph 7 of the original Order under page 7, line 35 of Schedule 1 as introduced).

Clause 3: Power to remove or relax duty to install water meters when making domestic connections.

14. This provision did not form part of the Department's consultation.
15. The Consumer Council has previously challenged the installation of domestic water meters at new connections given the current financing of NI Water. We support the relaxation of the current requirement on NI Water provided by Clause 3 as introduced.

16. Our support for the relaxation to be introduced under Clause 3 is dependent on the duty placed on the Department to consult with us, and other water stakeholders, before making any regulations under this provision and that draft regulations are subject to affirmative resolution by the NI Assembly (page 2, line 23 to line 31).

Clause 4: Sustainable drainage systems

17. Consumers support the development of sustainable drainage systems (SuDS) – 60 per cent of consumers see the benefits of SuDS options such as ponds, agreed flood points and bogs or marshland¹. Consumers often comment on the importance of good planning, the effect of development and housing, and the reduction of green areas contributing to drainage issues and increasing the likelihood of flooding².
18. In our response to the Department’s consultation we supported the proposal to encourage sustainable drainage systems in new residential development, stating “Looking at how new housing developments are planned and managed and the development of SuDS is a justified area for further action given its cumulative impact on flooding and flood risk and is supported by consumers. Reviewing proposed building developments to avoid flooding is seen as being important by the majority of consumers (93 per cent) and businesses (78 per cent)³.”
19. We recognise that more work is required on the implementation of the provisions of Clause 4 such as options if SuDS are not viable, providing guidelines on planning, construction, maintenance, discharge licensing etc.
20. We welcome that regulations made by the Department must be subject to affirmative resolution by the NI Assembly (page 3 line 33 to line 35).
21. We support Clause 4 as introduced subject to clarification of the point at paragraph 23.

Clause 5: Refusal of surface water connection

22. The contribution that retaining rain water ‘on-site’ and reducing the volume entering the combined system can make to reducing flood risk is understood by consumers. In seeking ways to prevent flooding more sustainable, less expensive methods of managing rain water above ground are supported by three quarters of consumers⁴, and over two thirds (67 per cent) of consumers

¹ Consumer Council research August 2014.

² Ibid. Also Consumer Council research paper on flood protection and insurance – April 2013; Consumer Council research August 2014.

³ “Consumer views on a long term water strategy for Northern Ireland”. Research by the Consumer Council – May 2013. www.consumerCouncil.org.uk

⁴ Ibid.

and 57 per cent of businesses support specifically limiting new buildings from draining rain water to the sewerage system⁵.

23. The Department's consultation made the distinction between prohibiting new surface water connections for new non-residential development and restricting surface water connections to the combined sewer for new residential development. Clauses 4 and 5 as introduced do not make the distinction between residential and non-residential. We will be seeking clarification from the Department on this point.
24. Subject to satisfactory clarification of paragraph 23 we support Clause 5 as introduced.

Clause 6: Connection of drains and private sewers to public sewers: adoption agreements

25. The Consumer Council supports Clause 6.
26. The Committee's 2012 enquiry highlighted the scale of the problem of roads and sewers being unadopted.
27. The scale of the existing problem with unadopted, poorly constructed private sewers underlines the need for steps to be taken to prevent this problem getting worse. Our focus in this area is supporting measures that prevent consumers buying houses that have sub-standard sewer systems. Adoption agreements as a pre-requisite of connection to the public sewerage system for all new residential properties will give consumers confidence that homes have been built with sewers up to standard and that the developer is confident in the standard of sewerage infrastructure built to serve the development. It will also provide assurance that the future maintenance of the sewers will be provided by NI Water, and help maintain the integrity of the public sewer system.
28. We see sewer adoption agreements being of benefit to all new housing. In our consultation response we questioned the exclusion of developments under five houses. We will be seeking clarification from the Department on the status of this exclusion with the amendments brought in under Clause 6.
29. We had previously called for a responsibility to be placed on the property vendor to provide information on the status of the sewers to the buyer⁶. The proposed adoption agreements would remove this need as formal guarantees will be provided for new developments that the sewerage system will be or has been adopted. A need for disclosure remains for existing properties as per the Committee's recommendation to adapt the property certificate.

⁵ Consumer Council research – August 2014.

⁶ Consumer Council evidence to the Regional Development Committee 2 May 2012, paragraphs 186, 187 and 192.

30. We welcome that the Department must consult with us, and other water stakeholders, before making any regulations under this provision (page 5, lines 15 to 20).

Interpretation

31. No comment

Commencement

32. We will seek clarification from the Department for the rationale for the staggered commencement dates.

Short title

33. No comment

The Consumer Council can provide further detail on the points made in this submission and can provide oral evidence to the Committee. Please contact Kathy Graham, Director of Policy to discuss any of the above.

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