



**NI Water submission to the Committee for Infrastructure ahead of the meeting 15 October 2025 in relation to its scrutiny of the Water, Sustainable Drainage and Flood Management Bill**

V1 03/10/25

**Background**

Letter from Michael Potter Clerk, Committee for Infrastructure, to Sara Venning dated 22 September 2025

**Water, Sustainable Drainage and Flood Management Bill**

As you may be aware, the Water, Sustainable Drainage and Flood Management Bill successfully passed Second Stage on Tuesday 16 September 2025 and now stands referred to the Committee for Infrastructure for its detailed scrutiny.

Following oral evidence with departmental officials at its meeting on 17 September, the Committee noted that the provisions within the Bill seek to extend powers to Northern Ireland Water.

In the course of the evidence from the departmental officials, the Committee explored a number of aspects of the Bill and the potential impacts these could have on improving approaches in Northern Ireland, and in particular, the powers that would permit Northern Ireland Water to adopt pre-1973 private drainage infrastructure.

In this regard, the Committee agreed to invite you to provide oral evidence at its meeting on Wednesday, 15 October 2025 in Room 29, Parliament Buildings to discuss the provisions in the Bill and to highlight its interest relating to any historical data held or any assessment of the private drainage infrastructure (Clause 12) that may have been undertaken by Northern Ireland Water.

## **NI Water Attendees for Oral Evidence**

At the meeting NI Water will be represented by:

- Sara Venning – Chief Executive
- John Burke – Senior Lawyer
- Paddy Brow – Head of LWWP

## **NI Water Notes Provided Ahead of Oral Evidence**

The following notes are structured around the contents of the Water, Sustainable Drainage and Flood Management Bill, as introduced in June 2025

## ***Water use bans***

### **1. Water use: temporary bans**

Clause 1 amends Article 116 of the 2006 Order in relation to hosepipe bans.

NI Water welcomes this amendment, which will assist in the management of future drought events. The amendment brings the law in Northern Ireland into line with that of England & Wales and provides clarity to customers as to what they may or may not do during periods of water shortages that have necessitated a hosepipe ban.

## ***Sustainable drainage systems***

### **2. Sustainable drainage systems: regulations**

Clause 2 gives DfI the power to bring in regulations around SuDS.

NI Water supports that future guidance, policy and subordinate legislation will be required to facilitate the wider use of nature-based SuDS across Northern Ireland and welcomes the consultation that the Minister for Infrastructure launched in September 2025 ‘Sustainable Drainage Systems in New Housing Developments’.

NI Water supports the Ministers foreword to this consultation, which states:

*‘Sustainably managing our drainage and wastewater systems is integral to continuing to allow our economy to grow and allow much needed new homes to be built. While improving our existing sewerage systems will be a huge exercise, costing billions of pounds and taking decades, it is also important that we incorporate new drainage techniques into new developments, that can lessen the demands on these systems and at the same time lessen the impacts of climate change and potentially reduce pollution. To do this, we need to integrate nature-based drainage solutions into future developments. By doing so, we will help to protect the water quality of our rivers and loughs; improve the future performance of our sewerage systems; and reduce the risk of flooding.’*

NI Water also welcomes that the foreword states:

*‘I will also continue to work with Executive colleagues to increase wastewater investment’.*

Key areas that need to be developed by DfI for the wider use of nature-based SuDS across NI are:

- Guidance on the design and maintenance of SuDS solutions
- Responsibility for approving design and maintenance proposals, and how this will be administered
- Agreement of which organisations should be responsible for maintaining different types of SuDS and how this should be funded.

NI Water will actively work with DfI on these areas over the coming years.

NI Water welcomes that, in January 2025, the First Minister and Deputy First Minister approved a DfI Transformation Fund bid to Transform the Provision of Urban Drainage, and that DfI subsequently secured £15m from this fund. DfI has worked with NI Water to establish a pilot project that NI Water will deliver over the next 4 years implement a range of Sustainable Drainage Systems (SuDS) and Natural Flood Management (NFM) interventions, mostly in the drainage area catchment of Whitehouse WwTW, to retrofit SuDS to manage surface water more effectively and reduce pollution and flooding. In addition, an Integrated Constructed Wetland will be created to reduce polluting discharges from combined sewer systems. This pilot will develop much needed information on the approach to planning and design and the cost of construction.

### **3. Section 2: supplementary**

Clause 3 covers supplementary information around the regulations.

NI Water has no concerns about this.

### **4. Meaning of “sustainable drainage system”**

Clause 4 covers the definition of ‘sustainable drainage’.

NI Water welcomes the clarity that this provides.

### **5. Structural sustainable drainage systems (consequential amendment)**

Clause 5 replaces the words ‘sustainable drainage system’ in the 2006 Order with the words ‘structural sustainable drainage system’.

NI Water welcomes the clarity that this provides.

## ***Flood prevention and remediation***

### **6. Flood protection grants: domestic buildings**

Clause 6 covers Flood protection grants to domestic buildings.

NI Water has no concerns about this.

### **7. Flood risk: assessment and management**

Clause 7 gives DfI the power to bring in regulations around the assessment and management of flood risk.

NI Water has no concerns about this.

#### **8. Drainage works: environmental impact assessment**

Clause 8 gives DfI the power to bring in regulations about an environmental impact assessment for proposed drainage works.

NI Water has no concerns about this.

#### **9. Scope of regulations under sections 7 and 8**

Clause 9 relates to the scope of the above regulations

NI Water has no concerns about this.

### ***Miscellaneous***

#### **10. Registration of Article 161 agreements**

Clause 10 relates to the registration of Article 161 agreements by amending the Land Registration Act (NI) 1970.

NI Water welcomes this. Registration of these agreements going forward should provide clarity for property purchasers and their solicitors. A search of the Statutory Charges register may provide information regarding infrastructure on or near the property in question. The Statutory Charges Register is a public register maintained by the Land Registry and the information provided by it is an integral part of the conveyancing process in Northern Ireland.

#### **11. Unlawful sewer communication: remedies**

Clause 11 Article 166 (unlawful communications) of the 2006 Order in relation to misconnections.

NI Water welcomes this as it will enable the company to enter properties and rectify misconnections where the consumer has refused to do so and will enable the recovery of the costs of rectification from the consumer.

#### **12. Adoption by sewerage undertaker: removal of restrictions**

Clause 12 repeals Article 159(7) of the 2006 Order in relation to the adoption of pre-1973 infrastructure.

NI Water welcomes this clause, which will assist that key elements of private drainage infrastructure (PDI) built before 1973 be adopted by NI Water, when appropriate, to address defects that have emerged and / or for the purposes of carrying out future maintenance.

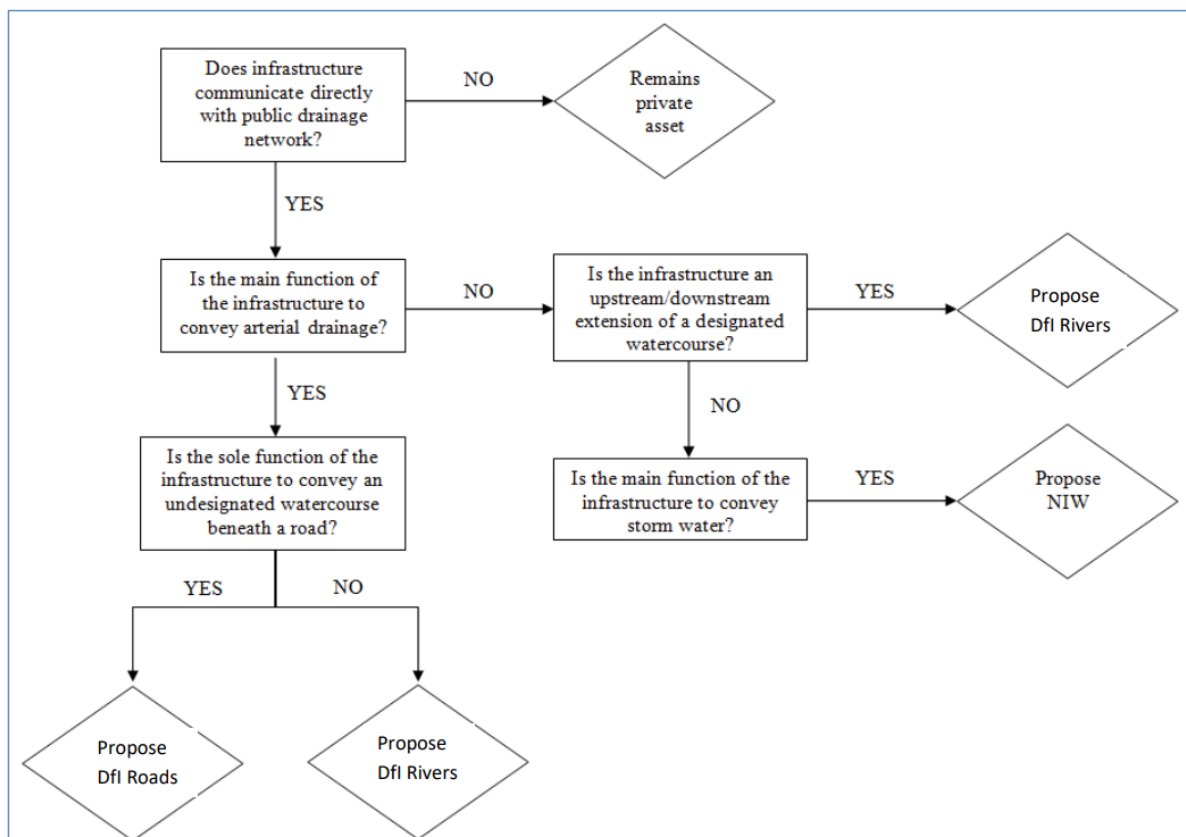
A number of reviews by DfI and NI Water of previous instances of flooding across NI over the past 18 years have found the failure of a section of PDI to be a contributing factor. Some PDI may be providing a key function as a surface water sewer, however, be in poor condition.

Through the Living With Water Programme, between 2015 and 2019, NI Water worked with DfI to:

- identify the scale and extent of PDI, including functionality; and
- complete an assessment of criticality, to inform the future direction for the management of critical elements of this infrastructure, in the future, should it be deemed appropriate that they are brought under public ownership/maintenance.

This work estimated that there is around 177km of ‘known’ PDI in Northern Ireland, which is currently the responsibility of the Riparian landowners through which it passes.

To assist the review and allocation of future responsibility, in 2018 NI Water and DfI agreed the following diagram:



**DfI Adoption / Designation Ownership Decision Flow Chart for PDI**

Based on this flow chart, the table below provides a summary of the amount of PDI which would ideally, over time, become the maintenance responsibility of each authority:

	PDI Belfast & Lagan (km)	PDI Rest of NI (km)	Total (km)
DfI Rivers	58	57	115
NI Water	21	26	47
DfI Roads	0.5	0.5	1

Private	2	<0.2	2
Total	87	90	177

*(Numbers above may not add due to rounding)*

The size ranges from 150mm to 2m diameter, with the average PDI having a diameter of 600mm.

NI Water has marked all 46km of this PDI on its global information system (GIS) records.

As NI Water has around 14,500km of adopted sewers, if all 46km was adopted it would represent an additional 0.3%.

There are 3 ways in which PDI will be assessed and adopted by NI Water:

- 1) When it is proposed for adoption by the current owner under an Article 159 Adoption Agreement, with a key example being some of the sewers that serve a small number of former MOD sites.
- 2) When PDI is found to be an issue through the ongoing rolling programme of NI Water Drainage Area Studies (DAS) on the foul, combined and surface water networks.
- 3) After investigation of flooding or a sewer collapse has occurred and an investigation has found that PDI acting as part of the public sewer network was a contributing factor, with a key example being a section of PDI in South Belfast.

NI Water is planning to incorporate an estimate of the annual sum necessary to maintain and adopt sections of pre-1973 PDI within its next Price Control Business Plan PC28, with the appropriate sum to be determined by the Utility Regulator in 2027.

## ***Final provisions***

**13. Supplementary, incidental, consequential, transitional provision etc.**

**14. Interpretation**

**15. Commencement**

**16. Short title**

Clauses 13-16 are administrative provisions.

NI Water has no concerns about these.