



Northern Ireland
Assembly

Committee for Communities

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RESPONSE TO THE COMMITTEE FOR INFRASTRUCTURE ON THE COMMITTEE STAGE OF THE WATER, SUSTAINABLE DRAINAGE AND FLOOD MANAGEMENT BILL

1. Introduction

- 1.1. This paper sets out the response from the Committee for Communities to the Committee for Infrastructure regarding its call for evidence on the Water, Sustainable Drainage and Flood Management Bill (“the Bill”). This submission has been prepared following a request for views from the Committee for Infrastructure on 21 October 2025.
- 1.2. The Committee for Communities welcomes the opportunity to contribute to the scrutiny of this legislation. While the Bill falls within the remit of the Committee for Infrastructure, its provisions have a direct and significant bearing on the statutory responsibilities of the Department for Communities (DfC).
- 1.3. Our Committee’s interest is focused on the critical relationship between water and wastewater infrastructure and the delivery of new housing, particularly social housing. The DfC Housing Supply Strategy, a key ministerial priority, is fundamentally dependent on the capacity of infrastructure managed by NI Water

and the Department for Infrastructure (DfI). Therefore, any legislation that impacts this infrastructure is of significant interest to our Committee.

2. Background: The Strategic Challenge of Housing and Wastewater Infrastructure

- 2.1. The Committee for Communities has been engaged in extensive scrutiny of the barriers to housing supply since the restoration of the institutions in 2024. It has become clear from this work that a very significant obstacle to delivering new homes, including urgently needed social housing, is the lack of capacity in the wastewater infrastructure network.
- 2.2. Over the past 18 months, the Committee has proactively sought to scrutinise this cross-departmental issue. This has included:
 - Receiving a detailed briefing from senior officials at NI Water;
 - Engaging in extensive ongoing correspondence with DfI, DfC, the NI Housing Executive, and all 11 local councils to map the scale and location of planning applications stalled due to wastewater constraints;
 - Noting analysis from the NI Fiscal Council, the Construction Employers Federation (CEF), and the NI Federation of Housing Associations (NIFHA), all of which have independently concluded that the historic underinvestment in NI Water is a critical blockage to economic and social development.
- 2.3. The evidence gathered by the Committee confirms that wastewater constraints are not a minor or sporadic issue, but a systemic one that has put a moratorium on development in large parts of NI. This directly impedes the ability to meet the targets set out in the Housing Supply Strategy.

3. The Challenge of Cross-Cutting Scrutiny

- 3.1. This Bill touches on the challenges of scrutinising cross-cutting Executive policy. The delivery of housing (a DfC responsibility) is contingent on wastewater infrastructure (a DfI responsibility). The Committee for Communities has found it exceptionally difficult to achieve effective scrutiny and accountability for this joined-up issue.
- 3.3. It is in this context of systemic underinvestment and fragmented accountability that the Committee for Communities has examined the Water, Sustainable Drainage and Flood Management Bill.

4. The Committee for Communities Position on the Bill

- 4.1. The Committee for Communities welcomes the Bill and supports its progression. The provisions within it are sensible, modernising, and represent a positive step forward in managing our water resources. The Committee wishes to comment on the clauses that most directly impact its remit.

Clauses 2-5: Sustainable Drainage Systems (SuDS)

- 4.2. The Committee welcomes the enabling powers in Clauses 2-5 to make Sustainable Drainage Systems (SuDS) a preferred and regulated solution for new developments. This is a modern, environmentally positive approach to managing surface water from new builds.
- 4.3. However, the Committee must stress a major caveat based on the evidence it has received. SuDS are not a solution to the current housing crisis. NI Water officials, in their evidence to the Committee for Infrastructure (15 October 2025), were clear that SuDS are only one part of a "three-pronged approach" and do not replace the need for major capital investment.

- 4.4. The evidence presented to the Committee for Infrastructure (17 September 2025 and 15 October 2025) is clear that the primary barrier to new housing connections is the lack of capacity in the foul sewer network and at Wastewater Treatment Works. SuDS are designed to manage surface water and will not, in isolation, solve this core capacity deficit in the sewerage network.
- 4.5. Therefore, while the Committee supports the SuDS provisions as a positive environmental measure for new developments, it is on the understanding that this Bill is not a solution to the wastewater capacity crisis that is currently blocking new social housing. The fundamental solution remains large-scale, strategic capital investment in NI Water's core infrastructure, which NI Water's CEO confirmed to the Committee for Infrastructure (15 October 2025) is "for the most part, paused".
- 4.6. The Committee for Communities also notes that the Bill provides only enabling powers. The critical details, such as the design standards, the long-term maintenance and adoption responsibilities, and the nature of the SuDS Approval Body (SAB), are yet to be determined via future consultations and regulations. This ongoing uncertainty may create planning ambiguity for DfC's delivery partners, such as Housing Associations, who need to factor these unknown requirements and costs into future schemes.
- 4.7. The Committee is also aware of DfI's parallel consultation on Developer Contributions. This policy will also have a direct and material impact on the viability and cost of social housing development, and this Committee will continue to scrutinise this aspect of policy with the DfC.

Clause 6: Flood protection grants: domestic buildings

- 4.8. The Committee for Communities notes that Clause 6 provides a welcome statutory basis for the Homeowner Flood Protection Grant Scheme. This is a positive development, as the scheme offers vital support to those in properties at high risk of flooding.
- 4.9. However, the Committee for Communities wishes to register its concern regarding the equity of this provision, given the Department for Communities' remit for social housing. The Bill, its Explanatory Memorandum, and the existing pilot scheme all explicitly define eligibility in terms of "homeowners" or "private residential homeowners". This definition appears to exclude all social housing tenants from accessing this protection.
- 4.10. The Committee for Communities is of the view that residents in social housing should have the same opportunity to have their homes protected from flooding as homeowners.
- 4.11. **Recommendation:** The Committee for Communities recommends that the Committee for Infrastructure seek clarification from the Minister for Infrastructure on whether the enabling power in Clause 6 is broad enough to allow social housing landlords (such as the NI Housing Executive and Registered Housing Associations) to apply for this assistance on behalf of their tenants. If it is not, the Committee asks that consideration be given to seeking alternative assurances that social housing tenants will not be disadvantaged and can access equivalent protections.

Clause 12: Adoption by sewerage undertaker: removal of restrictions

- 4.12. The Committee for Communities supports this clause, which will remove the pre-1973 legislative barrier that prevents NI Water from adopting and maintaining critical sections of private drainage infrastructure.

- 4.13. The Committee notes NI Water's evidence (15 October 2025) that this change will allow it to adopt approximately 46km of infrastructure deemed "critical". This will enable NI Water to resolve existing flooding and pollution incidents in established communities (many of which are Neighbourhood Renewal areas) more efficiently and effectively. This is a clear and tangible benefit for many of the citizens the Department for Communities serves.

Clause 11: Unlawful sewer communication: remedies

- 4.14. The Committee for Communities also supports the new powers in Clause 11. NI Water provided compelling evidence to the Committee for Infrastructure (15 October 2025) of the scale of pollution caused by misconnections (e.g., in Ballyholme, Lurgan, and Belfast). The new power to allow NI Water to proactively fix the misconnection and recover the cost from the landowner has the potential to be an effective and efficient tool to protect the environment and health of our communities.

5. Conclusion

- 5.1. The Committee for Communities supports the Water, Sustainable Drainage and Flood Management Bill and recommends its progression to Consideration Stage. The provisions for SuDS, adoption of private drainage, and remediation of misconnections are all positive reforms.
- 5.2. The Committee also wishes to flag its specific recommendation regarding Clause 6 (Flood protection grants). It urges the Committee for Infrastructure to seek assurances from the Minister that a mechanism will be available for social housing landlords or tenants to apply for this assistance, ensuring that social housing tenants are not excluded from flood protections that are available to homeowners.

- 5.3. The Committee for Communities must reiterate that this Bill, while welcome, does not address the fundamental, strategic barrier that is preventing the Department for Communities from delivering the Housing Supply Strategy. That barrier remains the systemic and historic underinvestment in Northern Ireland's core wastewater infrastructure.
- 5.4. The Committee for Communities will continue to pursue this critical cross-cutting issue to seek a genuine, whole-systems solution.