



Committee for Infrastructure

Report on the Water, Sustainable Drainage and Flood Management Bill

Ordered by the Committee for Infrastructure to be published 3 July 2026.

Report: NIA 186/22-27 Committee for Infrastructure.

Contents

Powers and Membership 3

List of Abbreviations and Acronyms used in this Report..... 5

Executive Summary 6

Introduction 10

Recommendations 16

Consideration of the Bill 19

Clause-by-Clause Scrutiny of the Bill..... 35

Links to Appendices..... 38

 Appendix 1: Memoranda and Papers from the Department for Infrastructure
 38

 Appendix 2: Memoranda and Papers from Others 38

 Appendix 3: Minutes of Proceedings 38

 Appendix 4: Minutes of Evidence 38

 Appendix 5: Written submissions..... 38

 Appendix 6: Research Papers 38

 Appendix 7: Other Documents relating to the report..... 38

 Appendix 8: List of Witnesses that gave evidence to the Committee 38

Powers and Membership

Powers

The Committee for Infrastructure is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48.

The Committee has a scrutiny, policy development and consultation role with respect to the Department for Infrastructure and has a role in the initiation of legislation.

The Committee has power to:

- Consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
 - Approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
 - Call for persons and papers;
 - Initiate enquiries and make reports; and
 - Consider and advise on matters brought to the Committee by the Minister for Infrastructure.
-

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson and a quorum of five members.

The membership of the Committee is as follows:

- Mr Peter Martin MLA (Chairperson)¹
- Mr John Stewart MLA (Deputy Chairperson)
- Mr Stephen Dunne MLA
- Ms Sinéad Ennis MLA²
- Mr Harry Harvey MLA³
- Mr Maolíosa McHugh MLA⁴
- Mr Andrew McMurray MLA
- Mr Justin McNulty MLA
- Mr Peter McReynolds MLA

¹ With effect from 16 September 2025, Mr Martin replaced Ms Deborah Erskine MLA.

² With effect from 19 May 2026, Ms Ennis replaced Mr Cathal Boylan MLA.

³ With effect from 23 September 2025, Mr Harvey replaced Mr Keith Buchanan MLA.

⁴ With effect from 24 November 2025, Mr McHugh replaced Ms Nicola Brogan MLA.

List of Abbreviations and Acronyms used in this Report

CIRIA: Construction Industry Research and Information Association

CEF: Construction Employers Federation

DAERA: Department for Agriculture, Environment and Rural Affairs

DfI: Department for Infrastructure

EFM: Explanatory and Financial Memorandum

ESR: Examiner of Statutory Rules

ICE: Institution of Civil Engineers

NIEL: Northern Ireland Environment Link

NIMTF: Northern Ireland Marine Taskforce

OLC: Office of the Legislative Counsel

RaISe: Research and Information Services

RSPB: Royal Society for the Protection of Birds

RSUA: Royal Society of Ulster Architects

SuDS: Sustainable Drainage Systems

WTNI: Woodland Trust Northern Ireland

Executive Summary

1. This report sets out the Committee for Infrastructure's consideration of the Water, Sustainable Drainage and Flood Management Bill.
 2. The Water, Sustainable Drainage and Flood Management Bill was introduced by the Minister for Infrastructure on 23 June 2025. It completed Second Stage on 16 September 2025 and was subsequently referred to the Committee for Infrastructure for Committee Stage scrutiny. Committee Stage concluded on 3 July 2026.
 3. The Bill consists of 16 clauses and one schedule.
 4. The long title describes it as '*a Bill to make provision for the regulation of water use; to provide for the regulation of sustainable drainage systems; to make provision in relation to flood prevention and remediation and to make provision in relation to communication with sewers*'.
 5. The purpose of the Bill is to update existing legislation relating to water, flooding and drainage in order to reduce pollution in watercourses, strengthen resilience to extreme weather events, including drought and flooding, and support more sustainable approaches to the management of water resources.
 6. In the course of its scrutiny, the Committee issued a public Call for Evidence, which ran from 1 October 2025 to 3 December 2025. Fourteen written submissions were received during the consultation period, with additional submissions received subsequently.
 7. The Committee also took oral evidence from key stakeholders, undertook a site visit to a sustainable drainage system (SuDS) in Antrim, and conducted an external meeting in Downpatrick to receive oral evidence from local representatives that have been affected by flooding.
 8. Additionally, the Committee considered research provided by the Assembly Research and Information Service (RaISe); received legal advice from the Examiner of Statutory Rules (ESR) on the delegated powers contained within
-

the Bill, together with procedural and legal advice from the Assembly Legal Services Office, the Bill Office, and Committee staff; and engaged regularly with Department for Infrastructure (DfI) officials.

9. Evidence received by the Committee demonstrated broad support for the policy objectives of the Bill, with most stakeholders supportive of the need for a legislative framework to address water management, sustainable drainage, and flood resilience. Stakeholders highlighted the importance of ensuring that the regulations and guidance developed under the Bill are clear, detailed and proportionate, while retaining sufficient flexibility to respond to future needs, and that these are brought forward in a timely manner to enable the effective delivery of the Bill's objectives.
 10. Throughout the Committee's scrutiny of the Bill, it closely focussed on the provisions contained at Clauses 2 and 3 in relation to SuDS, Clause 6 in relation to flood protection grants and Clause 15 in relation to commencement provisions.
 11. In relation to sustainable drainage, the Committee was supportive of SuDS as a concept and recognised the important role they can play in managing surface water and reducing flood risk. However, Members raised concerns regarding the lack of policy development required to underpin many of the provisions within the Bill, and in particular, Clauses 2 and 3. The Committee considered that the potential creation and designation of a SuDS approval body raised significant issues that required further consideration and was not a matter that should be determined solely through delegated powers. Members also expressed concerns regarding the absence of a maximum penalty level for offences created under Clause 3. The Committee sought extensive legal advice on these matters during its scrutiny of the Bill.
 12. The Committee welcomed the intention to place the Homeowner Flood Protection Grant Scheme on a statutory footing and emphasised the importance of ensuring that the future operation of the scheme is supported by clear regulations, eligibility criteria and guidance.
-

13. The Committee considered commencement arrangements to be a key issue, particularly given its support for the Bill's objectives and its desire to see the legislation implemented effectively. The Committee gave significant consideration to the evidence received on whether certain discretionary powers provided for in the Bill should instead be framed as mandatory duties, in order to provide greater certainty and ensure the intended outcomes of the legislation are delivered in an acceptable timeframe.
 14. During its scrutiny, the Committee identified a number of amendments and technical improvements that it considered would strengthen the Bill, including amendments relating to the requirements to notify the public when there is a need for temporary water use restrictions, delegated legislation procedures, commencement arrangements, reporting requirements and mandatory duties.
 15. The Committee also agreed a number of recommendations for the Department regarding the development of future regulations, guidance, and implementation arrangements.
 16. At its meeting on 27 May 2026, the Committee agreed to write to the Department seeking draft wording for potential amendments to Clauses 116B(2) and (5), 2, 3, and 6(6). The Committee also sought further information on the commencement timeframes set out in Clause 15.
 17. At its meeting on 3 June 2026, the Committee agreed to instruct the Bill Clerk to draft amendments in a number of additional areas. Eight proposed amendments relating to Clauses 2, 3, and 15 were presented to the Committee on 10 June 2026 and were subsequently revised and presented again on 17 June 2026.
 18. The Committee further agreed to write to the Department seeking its views on these proposals and asking whether it would be minded to bring forward amendments in the areas identified.
 19. The Minister responded to the Committee's correspondence on 19 June 2026, following consultation with the Office of the Legislative Counsel (OLC), departmental solicitors, and the Department of Justice. While the Department
-

provided commitments in relation to the proposed amendments, draft amendment text was not shared.

20. At its meeting on 23 June 2026, the Committee undertook informal clause-by-clause consideration of the Bill, providing Members with an opportunity to raise any remaining issues with officials in advance of formal clause-by-clause scrutiny. Formal clause-by-clause scrutiny was completed on 24 June 2026.
 21. While the Department indicated its intention to bring forward amendments in a number of areas and provided assurances on issues raised by Members, draft Departmental amendments were not available to the Committee before the conclusion of Committee Stage. Consequently, at the formal clause-by-clause scrutiny session, the Committee agreed Clauses 1 and 6 as amended, and agreed to reserve its position on Clauses 2, 3 and 15 pending receipt of the draft amendment text. The remaining clauses were agreed. The Committee also agreed not to table its own amendments at this stage.
 22. Having considered the evidence received, deliberated on the issues raised, taken legal and procedural advice, and sought clarification from Departmental officials, the Committee broadly supports the Bill and its objectives. However, the Committee considers that a number of amendments are necessary to strengthen the legislation and provide greater clarity in key areas. The Committee therefore intends to scrutinise any Departmental amendments brought forward prior to Consideration Stage, alongside the Committee's own proposed amendments and recommendations.
-

Introduction

Context and background of the Bill

23. The Water, Sustainable Drainage and Flood Management Bill (NIA Bill 17/22-27) was referred to the Committee in accordance with Standing Order 33 following completion of Second Stage on 16 September 2025.
 24. The Minister for Infrastructure made the following statement under Section 9 of the Northern Ireland Act 1998: *“In my view the Water, Sustainable Drainage and Flood Management Bill would be within the legislative competence of the Northern Ireland Assembly.”*
 25. During Committee Stage, the Committee considered the Bill and related issues at 29 meetings. The relevant Minutes of Proceedings are included at Appendix 3. This Appendix also includes the Minutes of Proceedings relating to the Committee’s pre-legislative scrutiny of the Bill.
 26. Following the introduction of the Bill on 23 June 2025, the Committee launched a Call for Evidence on 1 October 2025, seeking stakeholder views on the Bill’s provisions. The consultation closed on 3 December 2025. In line with normal practice, the Committee also wrote to the Statutory Committees of the Northern Ireland Assembly and the Northern Ireland Human Rights Commission.
 27. Fourteen organisations responded to the Call for Evidence within the consultation period, with a further four responses received after the closing date. Copies of the submissions received are included at Appendix 5.
 28. Correspondence received from the Department for Infrastructure (DfI) is included at Appendix 1, with other relevant correspondence included at Appendix 2.
 29. Written submissions in response to the Bill were received from:
 - Committee for Agriculture, Environment, and Rural Affairs
 - Committee for Communities
-

- Committee for the Economy
- Committee for the Executive Office
- Committee for Finance
- Committee for Health
- Committee for Justice
- Construction Employers Federation (CEF)
- Derry and Strabane District Council
- Northern Ireland Water (NI Water)
- Red Cross
- Royal Society for the Protection of Birds (RSPB)
- Royal Society of Ulster Architects (RSUA)
- The Woodland Trust (WTNI)

30. Additional submissions were subsequently received from:

- NI Water
- Education Authority
- Institution of Civil Engineers (ICE)
- NI Environment Link (NIEL), RSPB, WTNI and the Northern Ireland Marine Taskforce (NIMTF)

31. In addition to the written evidence received, the Committee considered a range of briefing papers, correspondence, procedural advice, and oral evidence during its scrutiny of the Bill.

32. Prior to the introduction of the Bill, the Committee received a pre-legislative briefing from DfI officials on 24 April 2024 on the outcome of the Department's consultation on the Bill proposals. Officials advised that the public consultation ran for 12 weeks, from March to June 2022, and covered nine policy areas. Thirty consultation responses were received. Officials reported that there was

broad support for the majority of the proposals and that seven policy areas were being taken forward for inclusion in the Bill.

33. DfI officials advised that two proposals would not be included in the Bill at this stage. These related to: (i) providing NI Water with a new power of entry to undertake works beyond the laying of pipes, including the potential construction of SuDS; and (ii) compensation arrangements for landowners to facilitate long-term flood water storage. Officials stated that concerns raised during consultation would be considered further and that both policy areas would be revisited at a later date.
 34. The Committee also held a pre-legislative evidence session with NI Water on 24 April 2024. NI Water indicated that it was broadly supportive of the proposed policy measures, subject to consideration of the detailed legislative provisions. It emphasised the need to assess any unintended consequences and to ensure that any new powers or obligations placed upon the organisation would be practical and deliverable.
 35. DfI officials provided a further briefing to the Committee on 17 September 2025, marking the first formal briefing during Committee Stage since the Bill's introduction.
 36. **Clause 1:** extends the list of activities that NI Water may prohibit or restrict under a temporary water use ban. The restrictions will not apply to commercial activities.
 37. **Clause 2:** provides the Department with powers to make regulations relating to the design, approval, and maintenance of SuDS, with the aim of making SuDS the preferred means of managing surface water.
 38. **Clauses 3 to 5:** contain supplementary provisions, definitions, and a consequential amendment to the Water and Sewerage Services Order to distinguish between different types of SuDS.
 39. **Clause 6:** provides the Department with powers to establish a grant scheme to assist homeowners in areas at high risk of flooding to protect their properties.
-

Officials advised that the Bill provides enabling powers only, with further regulations required to establish a permanent scheme. Those regulations will be subject to further engagement with the Committee and Assembly. Officials also indicated that a business case and post-project evaluation of the pilot scheme would be completed, and that draft regulations and eligibility criteria would be subject to public consultation.

40. **Clauses 7 and 8:** provide powers to make regulations to ensure that two sets of regulations originally made under EU legislation can continue to be updated following EU exit. These are the Drainage (Environmental Impact Assessment) Regulations 2017 and the Water Environment (Floods Directive) Regulations 2009. Officials advised that any regulations made under these powers would be subject to the draft affirmative resolution procedure. Clause 9 places limits on the scope of such regulations.
 41. **Clause 10:** provides NI Water with the power to register Article 161 adoption agreements and associated bonds in the Statutory Charges Register. The clause also provides for the removal of those agreements from the register once the relevant sewers have been adopted.
 42. **Clause 11:** provides NI Water with powers to enter premises to rectify drainage misconnections and recover associated costs from landowners. Officials explained that misconnections occur where a foul sewer is incorrectly connected to a surface water sewer, or vice versa, and can result in pollution of watercourses.
 43. **Clause 12:** enables NI Water to adopt and maintain privately owned drainage infrastructure constructed before 1 October 1973 where doing so would benefit the operation of its network. Officials advised that the provision is intended to reduce flooding risks and prevent environmental damage arising from failing infrastructure.
 44. **Clause 13:** enables the Department to make provision by order for the purposes of the Act, while Clause 14 contains definitions used within the Bill.
 45. **Clause 15:** sets out commencement provisions.
-

Committee approach to scrutiny

46. At the outset of Committee Stage, the Committee received a Bill Paper from the RalSe, which was presented on 17 September 2025. The paper was produced for all Assembly Members to provide research on the content and implications of the Bill. It is included at Appendix 6. The paper examined the provisions of the Bill as introduced and identified issues for further Committee consideration.
 47. On 24 September 2025, officials from the Assembly's Bill Office briefed the Committee on the legislative process and the stages of Bill scrutiny. Members also had an opportunity to consider a draft list of key stakeholders.
 48. RalSe provided an additional literature review on the operation and performance of SuDS on 15 October 2025. This paper is also included at Appendix 6.
 49. On 5 November 2025, the Committee received legal advice from the ESR on the delegated powers contained in the Bill as introduced.
 50. In addition to undertaking a site visit to a sustainable drainage system in Antrim on 3 December 2025, the Committee agreed to take oral evidence on the Bill from relevant stakeholders and Departmental officials.
 51. The Committee took oral evidence from the following organisations on the dates listed below:
 - 15 October 2025 - NI Water
 - 21 January 2026 - CEF
 - 28 January 2026 - ICE
 - 28 January 2026 - Construction Industry Research and Information Association (CIRIA)
 - 11 February 2026 - NIEL
 - 11 February 2026 - NIMTF
 - 11 February 2026 - WTNI
-

- 11 February 2026 - RSPB
 - 18 March 2026 - Newcastle Regional Community Resilience Group
 - 18 March 2026 - Down Business Centre
52. In March 2026, The Committee received a memorandum from the Assembly's Legal Services Office considering the potential engagement of Convention rights by the Bill. While the memorandum did not constitute legal advice, it concluded that no provisions raised particular human rights concerns or required further scrutiny in relation to Convention compatibility. It also noted that Article 2(1) of the Convention was not engaged by the Bill.
53. On 22 April 2026, the Committee received further legal advice from the ESR in relation to the delegated powers contained in Clauses 2 and 3 of the Bill. This included advice in relation to the approval of sustainable drainage systems and the creation of offences.
54. On 13 May 2026, the Committee received procedural and legal advice from the Assembly's Bill Office, the Assembly Legal Services Office and the Clerk Assistant.
55. On 27 May 2026, the Committee received additional legal advice from the ESR on Clauses 2 and 3 of the Bill.
56. The Committee's consideration of the evidence received and its deliberations on the clauses of the Bill took place at meetings held on 29 April 2026, 13 May 2026, 20 May 2026, 27 May 2026, 3 June 2026, 10 June 2026, 17 June 2026 and 23 June 2026.
57. Formal clause-by-clause scrutiny of the Bill was completed at the Committee meeting on 24 June 2026. The relevant Minutes of Evidence are included at Appendix 4.
58. Throughout Committee Stage, the Committee engaged with Department for Infrastructure officials, the Minister for Infrastructure, the Assembly's Bill Office and other Assembly officials in its scrutiny of the Bill.
-

Recommendations

Sustainable Drainage Systems

59. The Committee recommends that the Department bring forward clear proposals on the long-term adoption, ownership, maintenance and funding of SuDS before implementation of the new regime. Particular attention should be given to avoiding arrangements that could result in poorly maintained or "orphaned" infrastructure in future years.
 60. The Committee recommends that the Department develop a workforce and training strategy for all organisations expected to play a role in the approval, inspection, adoption and maintenance of SuDS, recognising evidence from other jurisdictions that capacity constraints can significantly delay implementation.
 61. The Committee recommends that future regulations and guidance provide clear and consistent standards for SuDS design, construction, planting, maintenance and operation across all council areas to support consistency of decision-making and long-term performance.
 62. The Committee recommends that the Department ensures future guidance appropriately balances the environmental and flood-management benefits of SuDS with proportionate health and safety considerations, particularly in relation to features incorporated into residential developments, public open spaces and areas accessible to children.
 63. The Committee recommends that the Department consider the extent to which SuDS can contribute towards meeting open space requirements in new developments. The Committee recognises the evidence that, where SuDS features are not capable of being incorporated within such requirements, this may place additional pressure on developers to maximise the development potential of sites. However, the Department should also remain mindful of the potential impacts on the environment and on the quality and accessibility of open space for communities.
-

64. The Committee recommends that regulations and guidance under Clause 2 prioritise nature-based SuDS wherever practicable and require clear justification where alternative approaches are proposed.
65. The Committee recommends that the Department ensure future SuDS regulations and guidance reflect the wider benefits of sustainable drainage systems, including biodiversity enhancement, water quality improvement, climate resilience and public amenity, in addition to flood management functions.
66. The Committee recommends that the Department continue to develop its wider policy work on natural flood management and catchment-scale approaches to flood resilience, including consideration of the role of peatlands, wetlands, woodlands and other natural features in reducing flood risk.
67. The Committee recommends that the Department continue to explore opportunities for the retrofitting of SuDS within existing developments and use the findings from the Urban Drainage Transformation Pilot Project to inform future policy and investment decisions.

Flood prevention and remediation

68. The Committee recommends that, when developing regulations under Clause 6, the Department review the operation of the existing Homeowner Flood Protection Grant Scheme, including the maximum grant available and the level of financial contribution required from applicants. In doing so, the Department should consider whether current arrangements present barriers to uptake for households at risk of flooding. Evidence highlighted concerns regarding the requirement for homeowners to contribute 10% of costs and any costs above the current funding cap of £13,700.
 69. The Committee recommends that DfI continues to engage with relevant Departments, including the Department for the Economy and the Department for Communities, to ensure that appropriate consideration is given to the interaction between the Homeowner Flood Protection Grant Scheme and existing or future support schemes. The Committee further recommends that
-

the Department considers how flood protection support can be made accessible to a broad range of affected households, including social tenants, and that the scheme is placed on a statutory footing to provide clarity, consistency, and long-term certainty for those eligible for support.

70. The Committee recommends that the Department keep under review the potential extension of flood-protection assistance to other categories of property, including community facilities, voluntary organisations and businesses located in areas of significant flood risk.

Miscellaneous

71. The Committee recommends that the Department and NI Water keep the operation of the new powers relating to drainage misconnections under review and monitor their effectiveness, resource implications, and cost recovery arrangements following commencement. Evidence received raised questions regarding the scale of the problem and the practical operation of the powers.

General

72. Regarding the Bill overall, the Committee recommends that DfI carefully consider the timing and scope of any future enabling legislation where the underlying policy framework remains at an early stage of development.
 73. The Committee also recommends that DfI has regard to established legislative conventions regarding the appropriate use of delegated legislation, including ensuring that primary legislation provides an appropriate level of detail and does not leave matters of significant constitutional or public importance — such as the establishment of public bodies or offence-making powers — to be determined solely through subordinate legislation.
-

Consideration of the Bill

- 74. The Committee received eighteen written submissions in response to its Call for Evidence and heard oral evidence from ten organisations, in addition to Assembly Officials.
- 75. The Committee also maintained ongoing engagement with Departmental officials throughout its consideration of the Bill, exploring issues raised during the evidence-gathering process.

Clause 1 - Water Use: Temporary Bans

- 76. Clause 1 expands and updates the existing temporary hosepipe ban provisions by allowing water undertakers to prohibit specified uses of water during serious water shortages. It sets out the activities that may be restricted, provides powers to make regulations and exceptions, introduces notification requirements and provides for offences and related enforcement arrangements.
 - 77. During the evidence-gathering process, minor concerns were raised regarding the extension of temporary water-use restrictions, including questions around proportionality, effectiveness, and enforcement given that enforcement has historically relied on voluntary compliance, with no prosecutions to date.
 - 78. Members considered that public notification of temporary water-use restrictions should include communication through social media channels. This was raised with the Department as a potential amendment; however, no draft amendment was provided by the Department before the conclusion of Committee Stage.
 - 79. On the 19 June 2026, the Committee received a letter from the Minister which stated that departmental officials had liaised with OLC on the most appropriate wording for this provision and that an amendment will be drafted to give effect to it.
 - 80. Exact wording for this amendment had not been provided by the Department by the end of the Committee Stage however the Committee was content with the clause, subject to amendments to Clause 116B(2) and (5) to include provision
-

for notification through social media channels as recorded in its formal clause-by-clause scrutiny.

Clause 2 – Sustainable drainage systems: regulations

81. Clause 2 provides the Department with powers to make regulations relating to SuDS. It enables regulations to be made on matters including the construction, design, operation, and approval of SuDS, the appointment of an approving body, maintenance responsibilities, adoption by public authorities and connections between SuDS and wider drainage systems.
 82. Evidence placed significant emphasis on the proposed creation of a SuDS approval body, highlighting considerable uncertainty regarding its structure, governance, functions, and accountability. Concerns were raised about whether the Bill would effectively establish a new public body, the absence of clarity on which organisation would assume this role and the potential for inconsistent decision-making if responsibilities are not clearly defined.
 83. Questions were also raised about associated costs, resource implications and whether sufficient technical expertise and capacity would be available to support the body's functions.
 84. In addition, evidence indicated uncertainty around how approval processes would operate in practice, including the relationship between local authorities, NI Water and any centralised body.
 85. The lack of clarity regarding long-term maintenance responsibilities, funding arrangements and adoption of SuDS infrastructure was identified as a key risk to effective implementation.
 86. The non-mandatory nature of SuDS provisions and the absence of detailed policy, regulatory and operational frameworks, were also raised during scrutiny.
 87. Some additional concerns were raised in relation to SuDS that fell outside the scope of the Bill or related more closely to potential recommendations and future regulatory developments. In particular, evidence highlighted the need to consider the retrofitting of SuDS and the adoption of a catchment-based
-

approach to water management. Further comments in relation to future regulations included the potential for SuDS to contribute towards open space requirements and the need for greater clarity regarding the future maintenance and management of SuDS features.

88. Considerable time was dedicated to the consideration of this clause during deliberations, with further detail set out in the next section.

Clause 3 – Section 2: supplementary

89. Clause 3 sets out supplementary provisions for the SuDS regulations, including arrangements for approvals, appeals, enforcement, offences, penalties and guidance. It also provides for Assembly scrutiny of regulations made under Clause 2.
90. The clause was considered to confer broad regulation-making powers without sufficient detail on offences or penalties. Concerns were raised regarding the absence of clarity on how powers would be exercised in practice. The lack of defined maximum penalties in particular was noted as a key concern.
91. Considerable time was dedicated to the consideration of this clause during deliberations, with further detail set out in the next section.

Clause 4 – Meaning of “sustainable drainage system”

92. Clause 4 defines SuDS for the purposes of Clauses 2 and 3.
93. The definition of SuDS was viewed by some stakeholders as narrowly focused on water quantity, with insufficient recognition of wider benefits such as water quality, biodiversity and amenity.

Clause 5 - Structural sustainable drainage systems (consequential amendment)

94. Clause 5 amends terminology in the Water and Sewerage Services Order.
95. No concerns were raised in the evidence specific to this clause.
-

Clause 6 – Flood protection grants: domestic buildings

96. Clause 6 provides the Department with powers to establish a grant scheme to support measures that protect domestic buildings from flooding. It enables regulations to set out eligibility criteria, application processes, grant conditions and administration arrangements.
97. Evidence highlighted concerns regarding the limited scope of eligibility, particularly the exclusion of businesses, social housing and other nonowner-occupied properties.
98. Issues were also raised about cost burdens on homeowners, potential gaps in protection where wider schemes are planned, and lack of clarity on overall cost implications.
99. The Committee received evidence that a pilot scheme supporting flood protection measures for non-domestic properties is currently being operated by the Department for the Economy. The response from the Department is provided in Annex 2.
100. The Committee also sought information from the Department for Communities regarding potential support for social tenants. The response from the Department is provided in Annex 2.

Clause 7 - Flood risk: assessment and management

101. Clause 7 provides the Department with powers to make regulations relating to the assessment and management of flood risk, including defining flood risk and the circumstances to which the provisions apply.
 102. The Department advised that Clauses 7 and 8 provide regulation-making powers to ensure that two sets of regulations originally made under EU legislation can continue to be updated following EU exit.
 103. The broad regulation-making powers prompted some discussion regarding oversight and clarity. However, the Committee noted that any regulations made
-

under these provisions would be subject to Assembly approval through the draft affirmative resolution procedure.

Clause 8 – Drainage works: environmental impact assessment

104. Clause 8 provides the Department with powers to make regulations on the assessment of the environmental impacts of proposed drainage works, including flood prevention and mitigation works.

105. As stated above, the Department advised that Clauses 7 and 8 provide regulation-making powers to ensure that two sets of regulations originally made under EU legislation can continue to be updated following EU exit.

106. Again, the broad regulation-making powers prompted some discussion regarding oversight and clarity. However, the Committee noted that any regulations made under these provisions would be subject to Assembly approval through the draft affirmative resolution procedure.

Clause 9 – Scope of regulations under sections 7 and 8

107. Clause 9 limits the regulations that may be made under Clauses 7 and 8, preventing them from imposing taxation, applying retrospectively, or creating certain serious criminal offences.

108. The Committee noted that, while Clause 9 places limits on the regulation-making powers provided for in Clauses 7 and 8, those powers remain broad.

109. However, the Committee were content with the Department's explanation that Clauses 7 and 8 are intended to ensure that two sets of regulations originally made under EU legislation can continue to be updated following EU exit.

Clause 10 – Registration of Article 161 agreements

110. Clause 10 amends land registration legislation to require Article 161 sewer adoption agreements to be registered, while providing that expired agreements do not need to be registered.

111. No concerns were raised in the evidence.

Clause 11 – Unlawful sewer communication: remedies

112. Clause 11 strengthens enforcement powers relating to unlawful sewer connections by allowing sewerage undertakers to close or correct misconnections and recover associated costs from the responsible person.
113. Some minor concerns were raised early in the evidence-gathering process regarding uncertainties around the scale of the issue and the practical implementation of the provisions, including cost recovery and resource implications for NI Water.

Clause 12 – Adoption by sewerage undertaker: removal of restrictions

114. Clause 12 repeals Article 159(7) of the Water and Sewerage Services Order.
115. No concerns were raised in the evidence.

Clause 13 – Supplementary, incidental, consequential, transitional provision etc

116. Clause 13 provides the Department with powers to make supplementary, consequential, or transitional provisions needed to give effect to the Act, subject to Assembly approval.
117. No concerns were raised in the evidence.

Clause 14 – Interpretation

118. Clause 14 provides definitions for terms used in the Bill.
119. No concerns were raised in the evidence.

Clause 15 – Commencement

120. Clause 15 sets out the commencement arrangements for the Act, providing for certain provisions to come into operation immediately after Royal Assent and the remaining provisions to commence by Departmental order.
-

121. The Committee gave considerable consideration to the commencement arrangements for the Bill, particularly in relation to the implementation of the SuDS provisions. Members noted concerns that, without clear timescales and supporting arrangements, there could be delays in bringing key provisions into operation. These concerns were informed by the Committee's wider experience of considering delegated legislation required to commence provisions of Acts passed many years previously.
122. Evidence received by the Committee indicated that stakeholders were keen to see the necessary regulations and guidance for SuDS brought forward in a timely manner to support implementation. The Committee also recognised that flooding can occur at any time and considered that there was a clear need for the provisions relating to the flood protection grants in Clause 6 to be implemented as soon as practicable.

Clause 16 – Short title

123. Clause 16 provides the short title of the Act.
124. No concerns were raised in the evidence.

Committee Deliberations on the Bill

125. Committee commenced its consideration of the clauses of the Bill at its meeting on 29 April 2026 and completed its deliberations over the course of eight meetings, the final meeting taking place on 23 June 2026.
126. These deliberations provided an opportunity for the Committee to undertake detailed consideration of each clause, explore issues raised by stakeholders and Members, seek clarification from the Department and consider any further action required in response to the evidence received.
127. During the deliberation period, the Committee received legal and procedural advice, including advice on delegated powers and potential amendments.
128. The Committee engaged extensively with the Department throughout the deliberation stage, seeking clarification on the provisions of the Bill, requesting
-

further information, and exploring potential amendments. This included written correspondence and engagement with Departmental officials at a Committee meeting on 27 May 2026.

129. The Department did not respond to the issues raised by the Committee, nor did it confirm whether it intended to bring forward amendments in advance of Consideration Stage, until correspondence received on 19 June 2026. In that correspondence, the Department provided commitments to bring forward amendments in relation to Clauses 1, 2, 3, 6, and 15; however, no draft amendment text was provided.
130. The Committee remains hopeful that the proposed Departmental amendments will be provided in advance of Consideration Stage to allow Members sufficient time to consider and scrutinise them. The Committee has requested that the Department provide the draft amendment text by 2 September 2026.
131. In light of the uncertainty during the Committee's deliberations, the Committee agreed to instruct the Bill Clerk to prepare potential Committee amendments on a number of issues for consideration, should these be required.
132. Having received assurances from the Minister on 19 June 2026, the Committee agreed not to table these Committee amendments at this stage, pending receipt and scrutiny of the Department's draft amendments.
133. The following section provides a summary of the main issues considered by the Committee during its deliberations and the actions agreed.

Clause 1 - Water Use: Temporary Bans

134. Early in deliberations, the Committee expressed concerns regarding the adequacy of the proposed public notification arrangements for temporary water-use bans. Members considered that the inclusion of social media notifications could strengthen public awareness and improve communication with affected consumers.
-

135. At its meeting on 27 May 2026, the Committee agreed to write to the Department seeking its views on whether Article 116B(2) and (5) could be amended to provide for notification through social media channels.
136. In correspondence received from the Minister on 19 June 2026, the Committee was advised that departmental officials had liaised with OLC on the most appropriate wording for such a provision and that an amendment would be drafted to give effect to this.
137. Draft wording for the amendment had not been provided by the Department by the conclusion of Committee Stage. However, the Committee was content with the clause, subject to amendments to Article 116B(2) and (5) to provide for notification through social media channels, as recorded during its formal clause-by-clause scrutiny.

Clause 2 – Sustainable drainage systems: regulations

138. Throughout the evidence-gathering and deliberation process, Members expressed concerns regarding the breadth of the powers contained in Clause 2, particularly in relation to the proposed SuDS approval body. Members considered that the Bill did not provide sufficient detail about the nature of the body to be established or appointed under the regulations, nor did it place adequate limits on the scope of those powers. The Committee also received legal advice on a number of occasions in relation to these delegated powers.
139. Consequently, on 27 April 2026, the Committee wrote to the Department seeking its views on whether amendments could be brought forward to address Members' concerns.
140. In a response dated 15 May 2026, the Minister advised that the Bill had been deliberately drafted to retain flexibility while policy development on SuDS continued. However, having considered the outcome of the public consultation on Sustainable Drainage Systems in New Housing Developments, the Minister indicated that the most realistic and deliverable approach appeared to be for the approval function to be assigned to an existing organisation. The Minister further advised that initial legal and drafting advice suggested that Clause
-

2(5)(a) could be amended to provide greater clarity by replacing the reference to “a person” with a more defined category, such as the Department, a local authority or a water undertaker.

141. At its meeting on 27 May 2026, the Committee agreed to write to the Department seeking draft amendment wording to give effect to the approach outlined in the Minister’s correspondence.
 142. In correspondence received from the Minister on 19 June 2026, the Committee was advised that the Minister was content to amend Clause 2 of the Bill to provide greater clarity regarding responsibility for the approval of SuDS. The proposed amendments would provide for the appointment of a “body”, rather than a “person”, to undertake the approval function. This body could be either the Department or the water and sewerage undertaker and could seek advice from other organisations in the exercise of its functions.
 143. The Minister’s correspondence further noted that a number of consequential amendments may be required. For example, the reference to a “specified person” in Clause 2(4) would be replaced with a reference to a “body”. The approval body would also act as a centre of expertise and advice on SuDS for developers, industry, local authorities, and other stakeholders. In addition, Clause 2(5)(b) would be amended to ensure that the provision of advice and guidance is not limited to the Department or other public authorities.
 144. Members also expressed concerns that Clause 2 relied heavily on discretionary powers rather than placing clear duties on the Department. The Committee noted evidence from stakeholders highlighting the need for timely implementation of a SuDS framework and was concerned that, as drafted, the Bill did not provide sufficient certainty regarding when the necessary regulations would be brought forward.
 145. On 4 June 2026, the Committee wrote to the Department advising that it was considering amendments which would place a duty on the Department to make key SuDS regulations as soon as reasonably practicable following Royal Assent, rather than leaving the timing of implementation entirely to departmental discretion. The Committee also indicated that it was considering
-

related amendments to commencement provisions and potential reporting requirements in the event of delay.

146. The Committee sought the Department's views on these proposals and asked whether it intended to bring forward amendments to address Members' concerns.
147. In its correspondence of 19 June 2026, the Minister addressed the Committee's proposal to convert certain discretionary powers into mandatory duties. The Department's position was that, as regulations under Clause 2 may only be made following approval by the Assembly through the draft affirmative procedure, the making of such regulations is not entirely within the Department's control. The Minister was therefore content for the relevant provisions to remain as drafted and for the term "may" to be retained.
148. In light of the absence of draft Departmental amendments during most of the deliberation period, the Committee instructed the Bill Clerk to prepare a number of potential amendments for consideration. These included amendments that would:
- place a duty on the Department to make regulations relating to the approval and regulation of SuDS as soon as reasonably practicable following Royal Assent;
 - retain flexibility for the Department to make provision on other SuDS matters while distinguishing these from the core approval framework;
 - require, rather than merely permit, regulations to provide for the approval of SuDS; and
 - restructure Clause 2 to separate mandatory approval provisions from other discretionary regulation-making powers.
149. The Committee considered that these amendments would provide greater certainty regarding the implementation of the SuDS framework while preserving flexibility for the Department to develop the detailed policy and regulatory regime through delegated legislation.
-

150. Having considered the Minister's correspondence of 19 June 2026 and the commitments provided, the Committee agreed to reserve its position on Clause 2 and not to table Committee amendments at this stage, pending receipt and consideration of the Department's draft amendments.

Clause 3 – Section 2: supplementary

151. In addition to Clause 2, Members expressed concerns regarding the breadth of the powers contained in Clause 3, particularly the ability to create offences and penalties through regulations without any maximum penalties being specified in the primary legislation.

152. The Committee sought and received legal advice on a number of occasions regarding these delegated powers.

153. Consequently, on 27 April 2026, the Committee wrote to the Department seeking its views on whether amendments could be brought forward to provide greater certainty regarding the offences and penalties that may be created under Clause 3.

154. In a response dated 15 May 2026, the Minister advised that specifying maximum penalties in the Bill at this stage would be premature, as the nature and seriousness of any future offences arising under the regulatory regime could not yet be fully anticipated. The Minister expressed concern that a fixed statutory ceiling could unnecessarily constrain future enforcement.

155. However, the Minister indicated that the Department was considering amendments to provide greater clarity regarding the types of offences that could be created under the regulations. These could include circumstances where construction is commenced without approval, approval conditions are breached, works do not conform with approved proposals, or sustainable drainage features are altered or removed without approval. The Minister advised that initial legal advice suggested such an amendment would be appropriate and would align with the provisions of Clause 2(4)(e).

156. At its meeting on 27 May 2026, the Committee agreed to write to the Department welcoming the additional clarification provided, while indicating that Members remained concerned about the absence of clear limits on the offence-making powers. The Committee advised that any amendment should provide greater certainty regarding the categories of offences that could be created and should consider whether maximum penalties should be specified for each category. Members also discussed the approach adopted in other legislation, including the Planning Act (Northern Ireland) 2011, as a possible model.
157. The Committee therefore requested draft amendment wording from the Department reflecting this approach.
158. In correspondence received from the Minister on 19 June 2026, the Committee was advised that the Minister was content to amend Clause 3 to provide greater clarity regarding the enforcement regime. The proposed amendments would further define the types of notices that may be issued under Clause 3(3)(b), namely a temporary stop notice, an enforcement notice, a breach of conditions notice and a stop notice.
159. The Minister's correspondence also indicated that amendments would provide examples of the types of offences envisaged, including where:
- (i) construction is commenced without approval;
 - (ii) conditions attached to an approval are breached;
 - (iii) construction does not conform to the approved proposals;
 - (iv) drainage features are removed or otherwise altered without approval; and
 - (v) a person wilfully obstructs an authorised person exercising powers of entry.
160. In relation to penalties, the Department advised that officials had consulted departmental solicitors and the Department of Justice. The Minister was content to amend the Bill to provide that the offence of wilfully obstructing an authorised person exercising powers of entry would be punishable on summary conviction by a fine not exceeding level 3 on the standard scale. The Minister was also content to provide for a maximum fine of £100,000 on summary conviction for the offence of failing to comply with an enforcement notice.
-

161. In relation to reporting duties that the Committee had been considering in relation to Clauses 2 and 3, the Minister's correspondence stated that she was content to agree an amendment requiring the Department to undertake stakeholder consultation and prepare an explanatory document setting out the consultation undertaken and proposed changes before regulations are laid before the Assembly.
162. In the absence of draft departmental amendments during most of the deliberation stage, the Committee instructed the Bill Clerk to prepare potential amendments to strengthen scrutiny and accountability arrangements surrounding the future exercise of these powers.
163. The Bill Clerk subsequently drafted a potential amendment which would require the Department, before laying the first regulations under Clause 2 creating offences or providing for penalties, to consult with the Committee for Infrastructure, NI Water, and organisations representing affected interests. The amendment would also require the Department to publish and lay before the Assembly a report setting out the outcome of that consultation.
164. Members also remained concerned about the potential for delay in bringing forward the first SuDS regulations. In light of these concerns, the Committee considered a further amendment requiring the Department to provide public accountability where implementation was significantly delayed.
165. The proposed amendment would require the Minister, if the first regulations under Clause 2 had not been laid within one year following Royal Assent, to make an oral statement to the Assembly explaining the reasons for the delay.
166. The Committee considered that these proposed amendments would provide additional transparency, scrutiny, and accountability in relation to the exercise of the broad delegated powers contained in Clauses 2 and 3, while preserving the Department's ability to develop the detailed SuDS framework through regulations.
167. Having considered the Minister's correspondence of 19 June 2026 and the commitments provided, the Committee agreed to reserve its position on the
-

clause and not to table Committee amendments at this stage, pending receipt and consideration of the Department's draft amendments.

Clause 6 – Flood protection grants: domestic buildings

168. During deliberations, the Committee considered that the regulations to be made under Clause 6 would establish the detail of flood protection grants and therefore should be subject to the draft affirmative procedure rather than the negative resolution procedure provided for in the Bill.
169. Members noted that a number of important issues would be determined through those regulations, including eligibility criteria and the operation of the scheme. The Committee also noted that questions remained regarding the future availability of support for non-domestic properties and social tenants, and considered that enhanced Assembly scrutiny of the regulations would therefore be appropriate.
170. At its meeting on 27 May 2026, the Committee agreed to write to the Department seeking its views on whether Clause 6(6) could be amended to provide for the draft affirmative Assembly procedure, ensuring that the Assembly would have an opportunity to debate and approve the regulations before they came into operation.
171. In correspondence received from the Minister on 19 June 2026, the Committee was advised that the Minister was content to amend the Bill so that regulations made under Clause 6(6), relating to flood protection grants, would be subject to the draft affirmative Assembly procedure.
172. Draft wording for this amendment had not been provided by the Department by the conclusion of Committee Stage. However, the Committee was content with the clause, subject to an amendment to Clause 6(6) to provide that regulations relating to flood protection grants would be subject to the draft affirmative Assembly procedure, as recorded during its formal clause-by-clause scrutiny.
-

Clause 15 – Commencement

173. Members noted the information provided by the Department in correspondence dated 15 May 2026, which indicated that Clauses 1, 7, 8, 9, 10, and 12 were expected to be commenced as soon as reasonably practicable following Royal Assent. The Committee also noted the Department's view that Clauses 2 to 6 may require a longer lead-in period to allow for further policy development, consultation, and the preparation of regulations relating to sustainable drainage systems and flood protection grants. In relation to Clause 11, Members noted that commencement would be dependent on NI Water developing and agreeing new operational procedures.
174. While recognising that a degree of flexibility around commencement may be necessary, Members were concerned that the proposed arrangements could result in significant delays to the implementation of key provisions of the Bill. The Committee noted evidence from stakeholders emphasising the need for timely implementation of the SuDS framework and was mindful of its wider experience of provisions within primary legislation remaining uncommenced for extended periods. Members therefore considered that greater certainty regarding commencement was desirable.
175. In the absence of a departmental proposal during the deliberation period, the Committee instructed the Bill Clerk to prepare a potential amendment to Clause 15 which would provide for Clauses 2 to 5, relating to SuDS, to come into operation on the day after Royal Assent rather than by commencement order. The Committee considered that this approach, in line with amendments made to Clause 2, would provide a clearer statutory basis for progressing the SuDS framework while still allowing the detailed regulatory regime to be developed through delegated legislation.
176. On the 19 June 2026, the Committee received a letter from the Minister which stated that the Minister was content to amend Clause 15 to require the commencement of Clauses 1–10 and 12 within 12 months of Royal Assent.
177. Having considered the Minister's correspondence of 19 June 2026 and the commitments provided, the Committee agreed to reserve its position on the
-

clause and not to table Committee amendments at this stage, pending receipt and consideration of the Department's draft amendments.

Clause-by-Clause Scrutiny of the Bill

178. Having considered the written and oral evidence received on the Bill, the Committee undertook its formal clause-by-clause consideration at its meeting on 24 June 2026 – see Minutes of Proceedings in Appendix 3 and Minutes of Evidence in Appendix 4.

Long Title

179. The Committee was content with the long title of the Bill.

Clause 1 - Water Use: Temporary Bans

180. The Committee agreed that it was content with the clause, subject to the proposed Departmental amendment to include “social media” in the means of advertising a Temporary Use Ban in Clauses 116(b)(2) and (5).

Clause 2 – Sustainable drainage systems: regulations

181. The Committee agreed not to take a position on Clauses 2 until the Department has submitted draft amendments for Committee consideration.

Clause 3 – Section 2: supplementary

182. The Committee agreed not to take a position on Clauses 3 until the Department has submitted draft amendments for Committee consideration.

Clause 4 – Meaning of “sustainable drainage system”

183. The Committee was content with this clause as drafted by the Department.

Clause 5 - Structural sustainable drainage systems (consequential amendment)

184. The Committee was content with this clause as drafted by the Department.

Clause 6 – Flood protection grants: domestic buildings

185. The Committee agreed that it was content with Clause 6, subject to the proposed Departmental amendment that regulations made under Clause 6(6) be made by draft affirmative Assembly procedure.

Clause 7 - Flood risk: assessment and management

186. The Committee was content with this clause as drafted by the Department.

Clause 8 – Drainage works: environmental impact assessment

187. The Committee was content with this clause as drafted by the Department.

Clause 9 – Scope of regulations under sections 7 and 8

188. The Committee was content with this clause as drafted by the Department.

Clause 10 – Registration of Article 161 agreements

189. The Committee was content with this clause as drafted by the Department.

Clause 11 – Unlawful sewer communication: remedies

190. The Committee was content with this clause as drafted by the Department.

Clause 12 – Adoption by sewerage undertaker: removal of restrictions

191. The Committee was content with this clause as drafted by the Department.

Clause 13 – Supplementary, incidental, consequential, transitional provision etc

192. The Committee was content with this clause as drafted by the Department.

Clause 14 – Interpretation

193. The Committee was content with this clause as drafted by the Department.

Clause 15 – Commencement

194. The Committee agreed not to take a position on Clauses 15 until the Department has submitted draft amendments for Committee consideration.

Clause 16 – Short title

195. The Committee was content with this clause as drafted by the Department.

Links to Appendices

Appendix 1: Memoranda and Papers from the Department for Infrastructure

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 2: Memoranda and Papers from Others

[View Memoranda and Papers supplied to the Committee by other individuals or organisations](#)

Appendix 3: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 4: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 5: Written submissions

[View written submissions received in relation to the report](#)

Appendix 6: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

Appendix 7: Other Documents relating to the report

[View other documents in relation to the report](#)

Appendix 8: List of Witnesses that gave evidence to the Committee

- Assembly Research and Information Services
 - Construction Employers Federation
 - Construction Industry Research and Information Association
 - Department for Infrastructure
 - Down Business Centre
-

- Institution of Civil Engineers
- Newcastle Regional Community Resilience Group
- Northern Ireland Environment Link
- Northern Ireland Marine Taskforce
- Northern Ireland Water
- Royal Society for the Protection of Birds
- Woodland Trust Northern Ireland

You may re-use this publication (not including images or logos) free of charge in any format or medium, under the terms of the Open Northern Ireland Assembly Licence.

[Find out more about the Open Northern Ireland Assembly Licence.](#)

This Report can be made available in a range of formats including large print, Braille etc. For more information please contact:

Committee for Infrastructure
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90521830

Email: Committee.Infrastructure@niassembly.gov.uk
