

Mr Paul Carlisle
Clerk, Regional Development Committee
Room 254,
Parliament Buildings
Ballymiscaw,
Stormont
Belfast,
BT4 3XX

4th September 2015

Dear Mr Carlisle,

Water and Sewerage Services Bill

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 11 new local authorities and is supported by all the main political parties in Northern Ireland.

NILGA would like to thank the Regional Development Committee for the opportunity to give views in relation to the Water and Sewerage Services Bill. NILGA is supportive of the Executive's drive towards better regulation in Northern Ireland and is therefore supportive of moves to ensure that the financial and governance arrangements for NI Water are improved, where practicable.

The following comments are based on existing NILGA policy, developed over a number of years, and specifically in response to Departmental consultations on a Long Term Water Strategy, proposals for new water legislation and as a result of the Association's work on the Committee's Inquiry into Unadopted Roads.

Following our work on the Inquiry, we particularly welcome the introduction of powers to require new sewerage which will be connected to the public sewerage network to be constructed to an adoptable standard.

NILGA also welcomes the introduction of measures to streamline DRD plans, and to promote more sustainable means of managing surface water. It is regrettable that the intended introduction of broad enabling powers in respect of sustainable drainage has not been possible, and we would encourage the Department to quickly progress separate legislation on this issue.

NILGA expects that the Committee will apply our comments when considering the draft Bill, and thanks it in anticipation.

Commentary on Clauses

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

NILGA has previously expressed support for the Executive's stance on household charging. Given that the current Assembly mandate has been extended by one year, it is appropriate to extend the

power of the Department within a new Water Bill to subsidise NI Water until a new Assembly can consider the matter.

Including an enabling power within this Clause will provide a more efficient mechanism to extend the subsidy, by providing the Department with the ability to extend the subsidy by Order if necessary. NILGA views it as important that the Department is provided with the flexibility to implement political decisions on this issue expeditiously, and reliance on the Primary Bill timetable would seriously limit responsiveness.

NILGA is also keen to ensure that the Department remains in compliance with the requirements of the Water Framework Directive, in relation to the formulation of arrangements for water pricing policies to incentivise the efficient use of water resources.

Clause 2: Combining water resources management plans and drought plans

NILGA is supportive of NI Water amalgamating its Water Resource Plan with its Drought Plan rather than maintain two separate plans, provided that all necessary aspects of water management, drought and resilience are covered by the plan and it doesn't become so complex or unwieldy as to be inaccessible to users.

There will also need to be 'read-across' between this plan and the local council-led community and area development plans, as well as local civil contingency planning arrangements. NILGA would be keen to ensure that NI Water and the Department continue to build effective collaborative working relationships with the 11 councils to assist in co-ordination of planning cycles and integration of working arrangements.

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

NILGA is keen to see the Department provided with flexibility to implement political decisions on this issue expeditiously and therefore accepts this clause.

It is noted that should retrofitting of meters become necessary at a later date, this may cost the ratepayer more than fitting them at time of construction. It is accepted however, that there is no clear plan in place at present in relation to metering and charging, and that the current austerity budgeting regime is proving to be an extreme challenge across government.

We would highlight that the list of organisations outlined at paragraph (7) of Clause 3 should also specify district councils, given the recent transfer of development planning and management, and conferral of community planning responsibilities in addition to existing building control functions.

Clause 4: Sustainable Drainage Systems

NILGA is supportive of the policy to reduce the amount of surface water entering the drainage system and the use of Sustainable Drainage Systems (SuDS), and we welcome Clause 4 as the commencement of a wider legislative exercise. We would again encourage the Department to quickly progress separate legislation on this issue, with the following caveats:

- Close liaison will be needed with councils and economic and planning policy areas of government, as new requirements will need to be factored into design guides and development plans should this policy be introduced.
- It will be important that requirements do not become so stringent that they deter business investment.
- Ideally, developers should be required to use SuDS systems and not attach surface water connections to the combined sewer network; however there may be situations which would require exemptions. For example, a brownfield site in a built up urban area will pose greater difficulty when considering SuDS options than a greenfield site at the edge of a town.
- There may also be difficulty in ensuring that soft landscaping in private ownership remains as soft landscaping. It may be helpful to consider putting conditions on the land to ensure e.g. no patios are built.

It is recommended that DRD engages at an early stage, with planning policy staff from DOE, planning and building control officers from the district councils and bodies such as Construction Employers Federation to develop creative solutions and overcome any barriers to implementing this policy, providing clear communication and development of shared desired outcomes.

We would also encourage the Department and NI Water to explore the potential for greater use of grey water in new developments.

Clause 5: Refusal of Surface Water Connection

NILGA welcomes the content of Clause 5. We particularly welcome the introduction of powers to refuse connection for new surface water systems to the public sewerage network, if not constructed to an adoptable standard. NILGA is also supportive of the policy to reduce the amount of surface water entering the drainage system, as highlighted in our comments on Clause 4.

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

NILGA is supportive of Clause 6, including the limitation to the right to connect to a sewer. The Association particularly supports the introduction of a requirement to enter into a sewer adoption agreement as a condition of that right.

NILGA is keen to ensure that NI Water has the ability to set the standards to which private sewerage must be constructed and is particularly keen to ensure that appropriate security (i.e. a bond) is required.

It is vital that the current legal loophole (whereby a private street cannot be adopted if the sewer underneath is unadopted), is closed. NILGA is of the view that Clause 6 will assist in addressing this loophole. We also welcome the provision of a mechanism for appeals to the Regulator, in relation to the sewer adoption agreement.

Clauses 7 and 8

NILGA has no comment to make in relation to these clauses.

Conclusion

NILGA is keen to see the development of local government as a partner in government and is working to establish a Programme for Local Government to complement the forthcoming 2016 – 2020 Programme for Government. As noted above, councils are willing partners in collaborative efforts to improve public services, within resource constraints, provided liabilities are not conferred.

Should you require any further information in relation to the above comments, please do not hesitate to contact me at the NILGA Offices, which have now moved to Bradford Court, Upper Galwally, Castlereagh, BT8 6RB. My email and phone number remain k.smyth@nilga.org and (028)90798972.

Yours sincerely

A handwritten signature in blue ink that reads "K Smyth".

Karen Smyth
Head of Policy

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