



Subject:	Response to Department for Infrastructure Consultation on Water, Flooding and Sustainable Drainage
Date:	20th May, 2022
Reporting Officer:	John Tully, Director of City and Organisational Strategy
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to make the Committee aware of the Department for Infrastructure's consultation on policies relating to water, flooding and sustainable drainage and to seek its approval of the Council's draft response.
2.0	Recommendation
2.1	The Committee is asked to consider the draft response and approve its submission to the Department for Infrastructure, subject to any comments or amendment provided.
3.0	Main Report
3.1	<u>Key Issues</u> Members are advised that, on 11th March, the Department of Infrastructure published policies relating to water, flooding and sustainable drainage which are being considered for future amendments to primary legislation. A copy of the consultation document can be

	<p>accessed at: https://www.infrastructure-ni.gov.uk/consultations/water-flooding-and-sustainable-drainage-consultation The closing date for responses is 3rd June, 2022.</p>
3.2	<p>There are nine topics included within this consultation, covering a range of proposed new or amended powers for the Department and NI Water. The topics being consulted upon are:</p> <ul style="list-style-type: none"> i. Powers for NI Water to implement wider water shortage measures; ii. Powers for NI Water to enter onto private land to carry out works, for flood risk management purposes including construction of sustainable drainage systems (SuDS); iii. Provision of an enabling power for the Department to introduce arrangements to encourage developers to use sustainable drainage systems (SuDs) as the preferred drainage solution in new developments; iv. Powers for NI Water to adopt certain drainage infrastructure, which is in private ownership and was constructed prior to 1st October 1973; v. Enhanced powers for NI Water to deal with drain and sewer misconnections; vi. Power for NI Water to register Article 161 Agreements in the Statutory Charges Register; vii. Powers for the Department to grant fund Homeowner Flood Protection measures; viii. Powers to provide for easements and additional compensation arrangements for affected landowners to facilitate flood storage; and ix. Technical amendments to enable future amendment of subordinate legislation - Powers for the Department to amend, update or revoke the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.
3.3	<p>Officers have collated a draft response to the consultation and this is attached to this report. In summary, the response states that the Council would, in principle, support the suggested changes and, where appropriate, outlines where we believe further clarification is required.</p> <p><u>Financial and Resource Implications</u></p>
3.4	<p>There are no implications associated with this report.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.5	<p>There are no implications associated with this report.</p>
4.0	<p>Document Attached</p>
	<p>Draft consultation response</p>