

26 April 2022

Water, Flooding and Sustainable Drainage Consultation
Water and Drainage Policy Division
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Ref: Water, flooding and Sustainable Drainage Consultation

To whom it may concern:

Mid Ulster District Council would like to take this opportunity to put forward its views and opinion in relation to the Water, Flooding and Sustainable Drainage Consultation.

Comments on the nine key policy areas explored in the consultation document are set out below:

1. Powers for NI Water to implement wider water shortage measures

Mid Ulster District Council sees no issue with extending the hosepipe ban to additional non-essential activities if this in order to conserve water during short period of water shortage. The Council welcomes the additional water conservation mechanism detailed in this document and would hope that if additional water storage solutions and drainage solutions are found then perhaps hosepipe bans would become more infrequent. This mechanism may also enable more advanced and effective forward planning by DFI that will allow for more effective planning for short periods of water shortages.

2. 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)

In relation to this proposal, Mid Ulster District Council would recommend that consultation is carried out with landowners, particularly in instances where a landowner has denied permission to access their land in order for NI Water to carry out sustainable drainage works that. The Council would also like clarity in relation to whether this mechanism will be used in last resort or extreme situation where landowner consent cannot be provided and not primarily in dispute scenarios. The Council would also like to enquire if landowners (as willing participants in the process or not) would be eligible for financial compensation for damage caused to the land as a result of the works being carried out.

Mid Ulster District Council is also aware of other scenarios similar to drainage works where DFI have the power for enforce such as hedge cutting. However, Members are aware of instances where, while landowners have been consistently asked to carry out maintenance works on their land but have not followed the requirements of the Department's requests. In some instances, this has caused accessibility issues because of subsequent overgrown hedges and muck and soil blocking gullies, leading to a build-up of debris with the potential to cause hazardous road conditions. Therefore the Council would encourage DFI to ensure that when the onus is placed on landowners in relation to public safety issues and that this is followed up stringently up on. This could alleviate to some public safety risks such as fallen trees during stormy weather as well as instances of flooding.

Mid Ulster District Council would also like to raise the issues caused by DFI when maintenance and improvement works are being carried out. While repair and maintenance works carried out within the District is welcomed in the majority of instances, there have been numerous instances of the maintenance and improvement works carried out by DFI have created or compound issues. This has been noted in relation to gullies being blocked or not maintained/reinstated after resurfacing works have been carried out. Some issues also don't not come to the fore until a period of time after the works have been carried out. For example, if an area has DFI works carried out in Spring and the first instance of heavy rainfall doesn't occur until late Summer then the consequences of changes to water run-off areas etc such as localised flooding and freezing road conditions only arise at a later date when it can be difficult for have the issue resolved by DFI because of time and budgetary constraints. The works to address these issues can lead to adverse local issues and when the work is being carried out to resolve the secondary issues, closing roads and create miles long diversions which are very difficult for rural residents to manage.

3. 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

With regard to the proposals to provide the Department with a power to introduce arrangements to make sustainable drainage systems (SuDS) the preferred drainage solution in new developments, by regulation or by non-statutory means, the Council welcomes any improvements to the current drainage systems. If this proposal will reduce the levels of pressure on the current drainage infrastructure by providing an alternative drainage solution for storm water, that would be of significant benefit to the District and would be encouraged.

It is recognised that in recent years the lack of sewer and drainage infrastructure has stifled new housing developments in the District. It is hoped that finding practical ways to address this issue will lead to an increase in much needed additional housing stock in the District.

However, Mid Ulster District Council would also like to take this opportunity to highlight the drainage issues that can be caused by preventable issues, such as reduced gully emptying or gully openings being blocked. These issues can be ongoing and severely impede the drainage systems in local areas.

4. Powers for NI Water to adopt certain drainage infrastructure, which is in private ownership and was constructed prior to 1st October 1973

Mid Ulster District Council supports this proposal in instances where it is deemed necessary.

5. Enhanced powers for NI Water to deal with drain and sewer misconnections

Mid Ulster District Council would recommend that a joined up thinking approach is taken to address the context in which misconnections arise.

6. Powers for NI Water to register Article 161 agreements in the Statutory Charges Register

Mid Ulster District Council supports this proposal as a mechanism to reduce 'red tape' and the unnecessary time and expense.

7. Powers for the Department to grant fund Homeowner Flood Protection measures

With regard to the proposals to provide DFI with powers to provide a sustainable Homeowner Flood Protection measure, the Council welcomes the introduction of a grants scheme for residents whose properties are susceptible to flooding.

However the Council would seek clarity in relation to the type of defined criteria that would create eligibility, particularly in relation to home owners who have chosen to build homes on land that is susceptible to flooding.

8. Powers to provide easements and additional compensation arrangements for affected landowners to facilitate flood storage

In relation to the proposal for powers to be provided to DFI to provide easements and additional compensation arrangements for affected landowners the Council has no additional comment to make.

9. 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:

Mid Ulster District Council is of the opinion that it is difficult to form a fully rounded opinion in relation to this proposal given the lack of information available regarding what specifically the change in legislation will be used for and how wide and varied the use of the additional powers are likely to be.

In conclusion, Mid Ulster District Council welcomes this consultation and looks forward to workable solutions being found to any outstanding issues raised in relation to water, flooding and sustainable drainage.

Yours sincerely

Chair of Mid Ulster District Council