



## 2016 CHAPTER 7

### **Sustainable drainage systems**

4.—(1) The 2006 Order is amended as follows.

(2) After Article 2(3) (interpretation of references to pipes and waste water treatment works), insert—

“(3A) In this Order “sustainable drainage system” means any structure or part of a structure that is designed to receive surface water from premises and—

- (a) to discharge that water at a rate which is (whether in all circumstances or only in some circumstances) less than the rate at which the water enters the structure, or
- (b) to reduce the volume of surface water entering public sewers or watercourses.

(3B) For this purpose—

- (a) “structure” does not include—
  - (i) a sewer or drain that is capable of being the subject of a declaration under Article 159 (adoption of sewers etc.), or
  - (ii) a watercourse; and
- (b) the definition of “watercourse” in paragraph (2) (same meaning as in the Drainage Order) does not apply.”.

(3) In Article 159(1) (power to make declaration adopting sewers etc.), after sub-paragraph (b) insert—

- “(ba) any sustainable drainage system which is so situated or which serves the whole or any part of that area; or”.

- (4) In Article 161(1) (persons with whom agreement to adopt may be made)
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- (a) omit the “or” at the end of sub-paragraph (a)(ii) and after sub-paragraph (a)(ii) insert—
    - “(ia) any sustainable drainage system; or”;
  - (b) after “sewer, drain” insert “, sustainable drainage system”;
  - (c) after “the lateral drain” insert “or the system”.
- (5) In Article 161(6) (terms which may be included in agreement to adopt) omit the “and” at the end of sub-paragraph (a) and after sub-paragraph (b) insert “; and
- (c) an agreement relating to a sewer or drain may include terms requiring the other party to construct one or more sustainable drainage systems designed to receive surface water from any premises served by that sewer or drain.
    - (6A) In paragraph (6)(c) “the other party” means the person with whom the sewerage undertaker is to make the agreement.”.
- (6) Schedule 2 (which makes further amendments to the 2006 Order relating to sustainable drainage systems) has effect.
- (7) The Department may by regulations make such supplementary or consequential provision as the Department considers necessary or expedient in connection with the provision made by this section.
- (8) Provision made under subsection (7) may include modification of Northern Ireland legislation.
- (9) Regulations making provision under subsection (8) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.