REFERENCE

2627271

RELEASE DATE

7 September 2026

SUBJECT

Requested information about Article 161 Agreements, adoption costs, enforcement action and the use of bonds to complete sewer works.

RESPONSE

Question 1

How many homeowners have NI Water asked to contribute towards the cost of adoption where an Article 161 Agreement is in place that is insufficient to cover the cost of adoption works?

NI Water does not require or request homeowners to contribute towards the cost of adoption. Where the available bond is insufficient to fund the remedial works required for adoption, NI Water may inform affected residents of the funding shortfall and explain that the infrastructure cannot be adopted until the necessary works have been completed and an appropriate source of funding has been secured.

Responsibility for the infrastructure remains with the parties upon whom the relevant Article 161 Agreement places that responsibility. Residents may independently consider whether another lawful source of funding is available. Any decision by residents to contribute would be voluntary and would not arise from a requirement imposed by NI Water.

Question 2

What is the average cost per homeowner in relation to this?

NI Water does not hold a general average cost per homeowner. The recorded information identified one Article 161 site where residents offered voluntarily to meet a funding shortfall. The recorded amount for that site was approximately £2,000 per participating resident. This single case does not provide a representative average across Article 161 sites.

Question 3

How many agreements made under Article 17 of the Water and Sewerage Services (Northern Ireland) Order 1973 remain outstanding and how many properties are affected?

As at 10 August 2026, NI Water's records identified 241 outstanding agreements made under Article 17 of the Water and Sewerage Services (Northern Ireland) Order 1973. NI Water does not hold a recorded total showing the number of properties affected by those agreements.

Regulation 12(4)(a) of the EIR provides that a public authority may refuse to disclose information to the extent that it does not hold that information when the request is received. NI Water consulted the relevant business area and searched the records reasonably expected to contain this information. Those searches did not identify a recorded total for the number of properties affected by the 241 outstanding Article 17 agreements. Regulation 12(4)(a) therefore applies to this part of your request.

For the reasons set out in the public interest section below, NI Water has concluded that the public interest in maintaining the exception under Regulation 12(4)(a) outweighs the public interest in disclosure of information that is not held.

Question 4

How many agreements made under 161 of the Water and Sewerage Services (Northern Ireland) Order 2006 remain outstanding broken down by year from 2007 to 2026?

As at 10 August 2026, NI Water's records identified 1,345 outstanding Article 161 Agreements entered by year from 2007 to 2026. The annual breakdown is set out below. NI Water's records also identified 463 agreements that had remained outstanding for more than five years as at 10 August 2026.

Year	Number of Agreements
2007	5
2008	12
2009	8
2010	6
2011	3

2012	3
2013	9
2014	21
2015	21
2016	32
2017	70
2018	56
2019	73
2020	75
2021	116
2022	127
2023	135
2024	169
2025	247
2026	157
Total	1,345

Question 5

How many enforcement actions have been taken in relation to defaulting Article 161 Agreements from 2007 to the present?

As at 10 August 2026, NI Water's records identified 48 enforcement actions commenced from 2018 onwards in relation to Article 161 Agreements. NI Water did not hold a recorded total for enforcement actions commenced between 2007 and 2017.

Regulation 12(4)(a) of the EIR therefore applies to the requested figure for that period.

Question 6

Of those what is the typical time period between execution of the Article 161 and the date where enforcement has commenced?

Based on the recorded dates available for the enforcement cases identified, the arithmetic mean period between execution of the relevant Article 161 Agreement and commencement of enforcement was approximately ten years.

Question 7

How many Article 161 bonds have been used directly by NIW from 2007 to the present to complete sewer works?

As at 10 August 2026, NI Water's records identified 48 instances from 2018 onwards in which an Article 161 bond was used directly by NI Water to fund completion of sewer works. NI Water did not hold a recorded total for the period from 2007 to 2017 when your request was received.

Regulation 12(4)(a) of the EIR therefore applies to the requested figure for the period from 2007 to 2017.

Question 8

Of the total Article 161 Agreements outstanding, how many of those are anticipated to default or have insufficient funds to complete the required sewer works?

NI Water does not currently hold a completed assessment showing how many outstanding Article 161 Agreements are anticipated to default or have insufficient funds to complete the required sewer works. NI Water is undertaking a project to review Article 161 sites from 2013 to 2018 and to progress adoption where possible. The outcome of this work may enable NI Water to determine an anticipated figure. However, that assessment had not been completed by 10 August 2026 and NI Water did not hold the requested anticipated figure on that date.

Regulation 12(4)(a) of the EIR therefore applies to this part of your request. NI Water did not hold a completed estimate or assessment containing the requested anticipated figure when the request was received.

Question 9

What is the average time period between completion of a developer's works under an Article 161 Agreement and completion of adoption by NIW?

NI Water does not hold a recorded average for the period between completion of a developer's works under an Article 161 Agreement and completion of adoption by NI Water.

Regulation 12(4)(a) of the EIR therefore applies to this part of your request. The searches undertaken did not identify a recorded average or an existing dataset from which the requested average could be produced through an objective and reasonably practicable calculation.