

2021 No. 208

ROADS

The River Erne (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2021

Made - - - -

8th July 2021

Coming into operation -

12th August 2021

The Department for Infrastructure **(a)** proposes to provide for—

- (a) the diversion of part of the navigable watercourse specified in the Schedule; and
- (b) the extinguishment of any public rights of navigation over the navigable waters specified in Article 3.

The Department considers it necessary or desirable in connection with the construction of a bridge over the navigable waters specified in the Schedule—

- (a) to divert part of the navigable watercourse specified in the Schedule; and
- (b) to extinguish any public rights of navigation over the navigable waters specified in Article 3.

The Department has published and served a notice in compliance with paragraphs 1 and 2 of Schedule 8 to the Roads (Northern Ireland) Order 1993**(b)**.

In the absence of any objections being set before the Department during the statutory consultation period, the Department decided to proceed without subjecting the scheme to an examination through a public inquiry.

The Department makes the following order in exercise of the powers conferred by Article 5 (1) and 6 of the Roads (Northern Ireland) Order 1993 and now exercisable by it**(c)**.

Citation, commencement and interpretation

1. This Order may be cited as the River Erne (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2021 and comes into operation on 12 August 2021.

2. In this Order—

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- (a) The Department for Regional Development was renamed the Department for Infrastructure by section 1(6) of the Departments Act (Northern Ireland) 2016.
 - (b) S.I. 1993/3160 (N.I. 15)
 - (c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

'Drawing 2' means the drawing numbered ESB-ATK-SBR-D0000-DR-S-00002 respectively copy of which have been deposited at the Department's offices, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB and DfI Western Division, County Hall, Drumragh Avenue, Omagh, Co. Tyrone, BT79 7AF.

Diversion of navigable watercourse

3. That part of the navigable watercourse specified in the Schedule is diverted.

Extinguishment of public rights of navigation

4. All public rights of navigation over the navigable waters shown coloured red on Drawing 2 are extinguished.

Sealed with the Official Seal of the Department for Infrastructure on 8th July 2021.

(L.S.)

J Irvine

A senior officer of the Department for Infrastructure

SCHEDULE

Articles 2

LENGTH OF NAVIGABLE WATERCOURSE TO BE DIVERTED

Navigation on part of the River Erne, is diverted by the bridge piers shown coloured red on Drawing 2, into the Navigation Watercourse as follows:

Navigation Watercourse

Single waterway, minimum 30 metres wide between bridge pier bases marked C and D on the main span as shown on Drawing 2.

Navigation is also provided under the adjacent areas of the main and back spans as shown on Drawing 2 as approved by Waterways Ireland and marked E and F, G and H.

Headway

Headway clearances are indicated on Drawing 2 measured as above ordnance datum (AOD), 1 in 100 year flood level. A headway minimum of 4.26 metres is provided over a width of 30m marked C and D on Drawing 2.

EXPLANATORY NOTE

(This note is not part of the Order)

This order provides for diversion of part of the navigable watercourse and the extinguishment of public rights of navigation over part of the navigable waters of the River Erne in association with the A4 Enniskillen Southern Bypass scheme.

In this order "Drawing 2" corresponds to the drawing numbered ESB-ATK-SBR-D0000-DR-S-0002, a copy of which has been deposited at the Department's offices, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB and DfI Western Division, County Hall, Drumragh Avenue, Omagh, BT79 0JF.