

**2022 No. 61**

**ROADS**

**The Newry River (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2022**

*Made* - - - - *24th February 2022*

*Coming into operation* - *26th March 2022*

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

- (a) the diversion of part of the navigable watercourse specified in Schedule 1; 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 Schedule 1—

- (a) to divert part of the navigable watercourse specified in that 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 response to a consultation in 2013, 17 objections were received by the Department prior to the closing date of the statutory consultation period. The Department having considered the objections that were made and not withdrawn; having given careful consideration of the importance of Narrow Water Bridge project to the local community of South Down the fact that it is a commitment in New Decade New Approach; and that, as well as delivering social and economic advantage, the proposed Bridge will also increase connectivity and maximise tourism potential for the region: now proposes to make the Order with modifications and without subjecting the draft Order to an examination through a public inquiry

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

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(a) Formerly the Department for Regional Development: *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)).  
(b) S.I. 1993/3160 (N.I. 15)  
(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

### **Citation, commencement and interpretation**

1. This Order may be cited as the Newry River (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2022 and shall come into operation on 26 March 2022.

2. In this Order except where provided otherwise—

“Drawing 1”, “Drawing 2” and “Drawing 3” means the drawings numbered NWB-ROD-GEN-AE-DR-CB-400023, NWB-ROD-GEN-AE-DR-CB-400024 and NWB-ROD-GEN-AE-DR-CB-400025 respectively, marked “The Newry River (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2022”, copies of which have been deposited at the Department’s Roads Service offices, Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB and Southern Division, Marlborough House, Central Way, Craigavon BT64 1AD.

“WHA” means the Warrenpoint Harbour Authority and includes any person or body authorised by the Authority to act on its behalf for the purposes of this Order;

“master”, in relation to any vessel, means the person having the command, charge or management of the vessel for the time being;

“the harbour master” means any person appointed as the harbour master by the WHA under section 51 (appointment of harbour, dock or pier master) of the Harbours, Docks and Piers Clauses Act 1847 and includes that person’s authorised deputies and assistants;

“undertaker” means Louth County Council or agents of Louth County Council; and

“vessel” means any vessel navigable on the Newry River.

### **Diversion of navigable watercourse**

3. That part of the navigable watercourse specified in Schedule 1 is diverted upon provision of a vessel protection scheme in accordance with Schedule 2

### **Extinguishment of public rights of navigation**

4.—(1) All public right of navigation within the areas of the Newry River identified in paragraph (2) is extinguished in accordance with the provisions of this article.

(2) The areas referred to in paragraph (1) are shown coloured red on the Drawing 1.

(3) Paragraph (1) does not take effect until the undertaker has, prior to commencement of construction of the new bridge—

- (a) notified WHA of the date from which the extinguishment is to have effect;
- (b) published notice of the extinguishment and the date from which the extinguishment is to have effect in national publication and once in each of 2 successive weeks in a local newspaper published or circulating in both Newry, Mourne & Down Council Area, with an interval between the earliest and latest notices of not less than 7 clear days; and
- (c) displayed notice of the extinguishment and the date from which the extinguishment is to have effect in a conspicuous position adjacent to the Newry River from the date of the first notice published under sub-paragraph (b) above, until at least 7 days after the last notice published under sub-paragraph (b).

(4) The date that is notified, published and displayed under paragraph (3) as the date from which the extinguishment is to have effect must not be earlier than 14 days after the last date on which a notice is published under paragraph (3)(b).

(5) As soon as possible following receipt by WHA of notice given by the undertaker under paragraph (3), WHA must issue a notice to mariners giving the commencement date and other particulars of the extinguishment to which the notice relates.

(6) A master of a vessel must not allow a vessel to enter into any part of the areas referred to in paragraph (2) without first obtaining the consent of the undertaker which may attach reasonable conditions to any consent.

(7) Before granting a consent under paragraph (6), the undertaker must consult with the harbour master.

Sealed with the Official Seal of the Department for Infrastructure on 24<sup>th</sup> February 2022.

(L.S.)

*D Millar*  
A senior officer of the Department for Infrastructure

**LENGTH OF NAVIGABLE WATERCOURSE TO BE DIVERTED**

Navigation on part of the Newry River, more particularly delineated and coloured red on Drawing 1, is diverted by vessel protection systems shown marked “A, C, D to E” on Drawing 1, into the Navigation Watercourse as follows—

Navigation Watercourse

Shallow tidal waterway 20 metres wide between vessel protection systems and centred approximately 165 metres from the centre of A0002 Burren Road Roundabout measured along the line of the bridge, more particularly delineated and marked “A to B” on Drawing 2.

Headway

- (i) In lowered position 2.987 metres above Highest Astronomical Tide (HAT) [3.587 metres above Mean High Water Spring (MHWS)], [8.687 metres above Admiralty Chart Datum], more particularly marked “headway” on Drawing 2.
- (ii) In raised position – unlimited over the width of the Navigation Waterway, more particularly delineated and marked “A to B” on drawing 3.

VESSEL PROTECTION SYSTEM

Interpretation

1. In this Schedule—

“Point A”, “Point B”, “Point C”, “Point D”, “Point E” and “Point F” means Point A, Point B, Point C, Point D, Point E, and Point F as shown marked on Drawing 1.

2. A vessel protection system shall be provided in connection with the construction of a bridge over the navigable waters of Newry River in Northern Ireland.

3. The vessel protection system shall comprise floating fenders and piles situated on either side of the public navigable waterway to guide vessels passing through the navigation watercourse.

4. On the northern side of the public navigable waterway, the vessel protection system extends from Point B on the northern bank of Newry River, upstream of the bridge near Narrow Water Keep, through Point C on the northern side of the navigation watercourse, upstream of the bridge, and Point D on the northern side of the navigation watercourse, downstream of the bridge, as far as Point E on the northern bank of the Newry River downstream of the bridge.

5. The location of Points A, B, C, D, E and F relative to the centre of the A0002 Burren Road Roundabout and along the line of the bridge are as follows:

Description	Reference Point					
	A	B	C	D	E	F
	metres	metres	metres	metres	metres	metres
Approximate distance along line of the bridge from the centre of A0002 Burren Road Roundabout	49	126	155	155	129	117
Approximate offset distance from bridge centreline	60 upriver	60 upriver	18 upriver	18 down- river	57 down- river	57 down- river

6. The fendering system in Newry River in Northern Ireland shall consist of a floating fender located on the northern side of the navigation watercourse providing a guide for vessels passing through the navigation watercourse. The floating fender on the northern side extends between Points C and D and is maintained in its position by 4 piles located along its length.

7. A floating fendering system, secured to guide piles and located approximately 12 metres apart will extend from the fendering system at Point C upstream, at approximately 35 degrees away from the centreline of Newry River, to Point B.

8. A floating fendering system, secured to guide piles and located approximately 11 metres apart will extend from the fendering system at Point D downstream, at approximately 35 degrees away from the centreline of Newry River, to Point E.



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the diversion of the navigable watercourse and the extinguishment of any public rights of navigation over the navigable waters of the Newry River in the vicinity of Narrow Water in relation to Narrow Water Bridge and in so far as they are within Northern Ireland.

In this Order “Drawing 1”, “Drawing 2” and “Drawing 3” means the drawings numbered NWB-ROD-GEN-AE-DR-CB-400023, NWB-ROD-GEN-AE-DR-CB-400024 and NWB-ROD-GEN-AE-DR-CB-400025 respectively, marked “The Newry River (Diversion of Navigable Watercourse and Extinguishment of Public Rights of Navigation) Order (Northern Ireland) 2022”, copies of which have been deposited at the Department’s Roads Service offices, Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB and Southern Division, Marlborough House, Central Way, Craigavon BT64 1AD.