

2020 No. 133

WATER AND SEWERAGE SERVICES

**The Drought (Spelga Impounding Reservoir) Order (Northern
Ireland) 2020**

Made - - - - *3rd July 2020*

Coming into operation - *3rd July 2020*

The Department for Infrastructure(a), in exercise of the powers conferred by Article 137(1)(a) of the Water and Sewerage Services (Northern Ireland) Order 2006(b), on the application of Northern Ireland Water Limited, being satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water exists or is threatened, hereby makes the following drought order.

In accordance with Article 137(2)(a) of the Water and Sewerage Services (Northern Ireland) Order 2006 the Department has consulted with the Department of Agriculture, Environment and Rural Affairs(c).

Notice of the proposed drought order has been published, served and made available for inspection in accordance with Schedule 5 to the Water and Sewerage Services (Northern Ireland) Order 2006.

No written objection or other representation has been received.

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Drought (Spelga Impounding Reservoir) Order (Northern Ireland) 2020 and shall come into operation on 3rd July 2020.

(2) In this Order:

- (a) “the water undertaker” means Northern Ireland Water Limited;
- (b) “DAERA” means the Department of Agriculture, Environment and Rural Affairs; and
- (c) “licenced compensation flow rate” means the sustained compensation flow of a minimum of 2200 cubic metres per day as set out in licence numbered AIL/2007/0042 granted by DAERA on 26th March 2007.

(a) Formerly the Department for Regional Development; see section 1(6) and Schedule 1 of the Departments Act (Northern Ireland) 2016 c. 5 (N.I.)
(b) 2006 No. 3336 (N.I. 21)
(c) 2016 c. 5 (N.I.)

Modification of authorisation to discharge water

2.—(1) The water undertaker may for such a period as it thinks necessary not exceeding three months beginning 3rd July 2020 modify the licensed compensation flow rate from Spelga Impounding Reservoir to the Upper River Bann to a minimum of 880 cubic metres per day.

(2) The water undertaker shall—

- (a) every 20 days revert to the licensed compensation flow rate for at least 5 days to allow a recovery period for the aquatic environment; and
- (b) review the need to reduce the compensation flow rate before re-applying any modification.

(3) This article is subject to the conditions in Article 3.

Conditions

3. The water undertaker shall—

- (a) make such arrangements for the management of the water flow in the Upper River Bann, and conduct such supplemental monitoring of fish habitat in the Upper River Bann, as is required under method statements agreed with DAERA or as may be required pursuant to those method statements; and
- (b) carry out any mitigation measures to ensure compliance with the method statements.

Supplemental provision

4. For the purposes of regulation 16(2)(d) of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009(a) nothing in this Order is to be taken as authorising any event causing environmental damage.

Sealed with the Official Seal of the Department for Infrastructure on 3rd July 2020



Linda MacHugh
A senior officer of the Department for Infrastructure

(a) 2009 No. 252 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Northern Ireland Water Limited (“NI Water”), makes provision to meet a serious deficiency of supplies of water which exists or is threatened in the area served by Spelga Impounding Reservoir by reason of an exceptional shortage of rain.

NI Water is authorised to impound and abstract water from Spelga Impounding Reservoir under abstraction licence numbered AIL/2007/0042. NI Water must maintain a compensation flow immediately downstream of the impoundment at all times into the Upper River Bann, by means of a reservoir spill or controlled release. The maintained licensed compensation flow rate must be a minimum of 2200 cubic metres per day.

The effect of this Order is to temporarily reduce (for no longer than three months) the minimum residual flow which NI Water is required to allow to flow from the impoundment into the Upper River Bann from 2200 to 880 cubic metres per day.

This is subject to the modification in Article 2 and the conditions in Article 3.