

2020 No. 132

WATER AND SEWERAGE SERVICES

**The Drought (Blacksprings Emergency Abstraction) 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.

A total of one objection was received. The objection was subsequently withdrawn.

Citation, Commencement and Interpretation

- 1.**—(1) This Order may be cited as the Drought (Blacksprings Emergency Abstraction) Order (Northern Ireland) 2020 and shall come into operation on 3rd July 2020.
- (2) In this Order “the water undertaker” means Northern Ireland Water Limited.

Temporary Emergency Abstraction

- 2.**—(1) The water undertaker may for such a period as it thinks necessary not exceeding three months beginning 3rd July 2020 carry out emergency abstraction of no more than 1000 cubic metres of water per day from Blacksprings.
- (2) The water undertaker shall—
- (a) every 20 days, following the commencement of the abstraction, cease abstraction for at least 5 days, to allow a recovery period for the aquatic environment; and

(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.)

(b) review the need to continue abstraction once the recovery period ends, before recommencing the abstraction.

(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 Blacksprings/Lissan Water, and conduct such supplemental monitoring of fish habitat in the Blacksprings/Lissan Water, as is required under method statements agreed with the Department of Agriculture, Environment and Rural Affairs 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

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 Lough Fea reservoir by reason of an exceptional shortage of rain.

NI Water is authorised to impound and abstract water from Lough Fea reservoir under abstraction licence numbered AIL/2007/0052. To maintain adequate levels of water in the reservoir for the provision of a water supply in the area served by Lough Fea reservoir, NI Water needs to use an additional temporary water supply at Blacksprings.

The effect of this Order is to permit NI Water to carry out emergency abstraction (for no longer than three months) of no more than 1000 cubic metres of water per day. This abstraction will be from Blacksprings. These springs feed the Lissan Water, and the abstracted water will be pumped into Lough Fea reservoir.

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