

**2022 No. 60**

**ROADS**

**The Narrow Water Bridge Order (Northern Ireland) 2022**

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

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

The Department for Infrastructure (a) in accordance with Article 4 of the Roads (Northern Ireland) Order 1993(b) proposes by order to provide for the construction, as part of an access linking Newry Road (A2), Warrenpoint, in Northern Ireland, and the Omeath to Newry Road (R173), County Louth, in the Republic of Ireland, of a bridge over the navigable waters of the Newry River in so far as they are within Northern Ireland.

The Department has taken into consideration the reasonable requirements of navigation over the waters affected by the order in accordance with Article 4(3) of that Order.

The Department has published and served a notice in compliance with paragraphs 1 and 2 of Schedule 8 to that Order.

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 The Department having considered the objections that were made and not withdrawn; having given careful consideration of the importance of the Narrow Water Bridge project to the local community of South Down; the fact that it is a commitment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 Article 4 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 Narrow Water Bridge Order (Northern Ireland) 2022 and comes 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-400020, NWB-ROD-GEN-AE-DR-CB-400021 and NWB-ROD-GEN-AE-

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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

DR-CB-400022 respectively, marked “The Narrow Water Bridge 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;

“Warrenpoint Port” means the port over which the WHA has jurisdiction;

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

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

“variable message sign” means a sign displaying information, as determined from time to time by the undertaker, about—

- (i) forthcoming closures of the new bridge to road users and other matters relating to the operation of the new bridge;
- (ii) routes which road users are required or recommended to use, or not to use;
- (iii) other matters of relevance to the operation of the local road network; and
- (iv) any other matter likely to be of assistance or interest to road users;

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

### **Position and dimensions of the Bridge**

**3.** The position and minimum dimensions of the bridge (including its minimum headways and waterways) are specified in Schedule 1.

### **Operation of new bridge**

**4.—(1)** The undertaker shall provide for regulating the operation of Narrow Water Bridge in accordance with Schedule 2.

(2) The undertaker is authorised to operate the new bridge, subject to the following provisions of this article.

(3) The undertaker must operate the new bridge in accordance with the Scheme of Operation prepared by the undertaker.

(4) The WHA, and the master, owner, agent, pilot or operator of any vessel must comply with the provisions of the Scheme of Operation.

(5) The provisions of the Scheme of Operation must initially consist of the provisions set out in Schedule 3 (Scheme of Operation).

(6) At any time after the new bridge opens to public use, the undertaker may, with the agreement of WHA which must not be unreasonably withheld or delayed, amend the terms of the scheme of operation.

(7) Any amendment of the Scheme of Operation under paragraph (6) must conform to the following principles—

- (a) the new bridge will be opened as and when required, subject to agreement with the undertaker, to allow the passage of any vessel except a recreational vessel. For recreation vessels refer to Schedule 3, Part 2, paragraph 7;
- (b) reasonable measures are to be taken by the WHA, the undertaker and users of the Newry River to ensure that passages of vessels past the new bridge are co-ordinated and conducted efficiently;
- (c) the new bridge will be opened to allow the passage of any recreational vessel upon such notice and at such times as the undertaker reasonably determines;
- (d) in determining times under sub-paragraph (c) the undertaker may exclude peak hours;

- (e) where a specified event occurs and as a result—
    - (i) the new bridge cannot be opened; or
    - (ii) opening the new bridge would be likely to cause danger to—
      - (aa) any person or property, including the new bridge, any vessel and any person using, working on or intending to use or work on the new bridge or aboard any vessel; or
      - (bb) the environment,
- the undertaker is not to be obliged to open the new bridge at the scheduled time but instead at such later time as is reasonable in the circumstances; and
- (f) no amendment of the Scheme of Operation is to result in any effects on the environment which are materially different from those assessed in the environmental statement.

(8) Paragraphs (3) and (4) apply to the Scheme of Operation as amended under paragraph (6) as they do the scheme as initially prepared in compliance with paragraph (5).

(9) The undertaker must publish the initial Scheme of Operation and any amendments to it on a website maintained by the undertaker.

(10) In this article—

- (a) “peak hours” means the periods between—
  - (i) 08:00 to 09:30 on any day; and
  - (ii) 16:30 to 18:00 on any day;
- (b) “recreational vessel” means a vessel used solely for leisure activity and includes any commercially operated hire vessel used or rented for leisure use;
- (c) “the scheduled time” means any time at which the new bridge would be due to open in accordance with the principles at sub-paragraphs (7)(a) to (d); and
- (d) “specified event” means—
  - (i) an emergency;
  - (ii) adverse weather conditions;
  - (iii) a vessel colliding with the new bridge;
  - (iv) a power failure, hydraulic failure or mechanical failure; or
  - (v) any other circumstance beyond the reasonable control of the undertaker.

(11) In this article “emergency” means any circumstance existing or imminent which the undertaker considers is likely to cause danger to—

- (a) any person or property, including the new bridge, any vessel and any person using, working on or intending to use or work on the new bridge or aboard any vessel passing the new bridge; or
- (b) the environment

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

## POSITION AND DIMENSIONS OF NEWRY RIVER NARROW WATER BRIDGE

The bridge is located approximately 1 kilometre west-north-west of Warrenpoint and crosses Newry River at a narrow point just south-east of Narrow Water Keep.

### **Points of Commencement and Termination**

From a point on the north bank of Newry River at a place called Narrow Water on a line approximately 395 metres south-east of Narrow Water Keep in a south-westerly direction, to a point in the centre of Newry River on a line approximately 376 metres south-east of Narrow Water Keep more particularly delineated and marked “A to B” on Drawing 1.

### **Navigation Waterway**

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.

**REGULATION OF OPERATION OF THE BRIDGE.**

**1.** The undertaker shall operate the Narrow Water Bridge (“the bridge”) in accordance with the operating procedures described in this Schedule.

**2.** The operating procedures shall provide for the safety of:

- (i) persons, including, but not limited to, motorists, cyclists, pedestrians and vehicles on the bridge;
- (ii) vessels navigating on Newry River in the vicinity of the bridge, including vessels passing under the bridge and vessels requiring the bridge to be raised to allow them to pass; and
- (iii) users of approach roads to the A0002 Burren Road Roundabout.

**3.** The operating procedures shall provide for the bridge to be maintained in the lowered position to allow persons, including, but not limited to, motorists, cyclists, pedestrians and vehicles to pass unless required to be raised to allow a vessel to pass or on such other occasions as listed in the operating procedures.

**4.** The operating procedures shall provide for the master of a vessel seeking to pass the bridge and requiring it to be raised to allow a vessel to pass to make the arrangements necessary for the bridge to be raised.

**5.** The operating procedures shall provide for the bridge to be raised to allow a vessel to pass and lowered when the vessel has passed.

**6.** The operating procedure, including the operation of physical measures, including barriers, to provide for the safety of persons, including, but not limited to, motorists, cyclists, pedestrians and vehicles on or approaching the bridge, shall provide for the bridge to be raised to allow a vessel to pass and lowered or on such occasions as listed in the operating procedures, within a period not exceeding 20 minutes.

**7.** Where circumstances arise which resulted in the bridge remaining raised for a period exceeding 20 minutes, the operating procedures shall require the undertaker to notify the Department in writing:

- (i) of this occurrence;
- (ii) the reasons for the occurrence;
- (iii) the steps which the undertaker is taking to advise and keep informed users of approach roads to the A0002 Burren Road Roundabout; and
- (iv) where appropriate, the steps which the undertaker is taking to lower the bridge, and the time which is likely to be required to complete those steps.

**8.** The operating procedures shall provide for the use of variable message information and warning signs on approach roads to the A0002 Burren Road Roundabout to inform road users that the bridge is open, will shortly be closing or is closed to road users.

**9.** Where the undertaker considers it necessary or desirable, or if so directed in writing by the Department for Infrastructure, the undertaker shall review and revise the operating procedures for regulating the operation of Narrow Water Bridge.

**10.** The undertaker shall publish the operating procedures (as from time to time revised and approved by the Department for Infrastructure) in such manner as is likely to facilitate operation of the bridge.



## SCHEME OF OPERATION

## PART 1

## PRELIMINARY

**Interpretation**

1.—(1) In this Schedule the following expressions have the following meanings—

“the bridge” means the new bridge;

“emergency vessel” means a vessel used to respond to an emergency whether operated by the WHA, a recognised emergency service or deputised provider;

“excessive wind condition” means a 10 minute average wind speed (m/s) greater than the limit at which the bridge can be operated safely as defined in the bridge operational and maintenance manual;

“inbound vessel” means any vessel approaching the bridge from the mouth of the Newry River intending to transit the bridge in a north-westerly direction towards the bridge;

“opening request” means a request given in respect of a vessel specifying the opening time that it requires the bridge to be open;

“opening request revision” means a request for an amendment to a vessel’s passage plan and to the opening time specified in an opening request;

“opening time” means the time when the vessel requires the bridge to be open as specified in an opening request;

“outbound vessel” means any vessel approaching the bridge from Narrow Water Keep intending to transit the bridge in a south-easterly direction towards Carlingford Lough;

“port” means Warrenpoint Port;

“recreational vessel” means any vessel used solely for leisure activity and includes any commercially operated hire vessel used or rented for leisure use; and

“specified event” means—

- (i) an emergency (either marine or landside and includes a road traffic accident on or close to the bridge);
- (ii) excessive wind condition or other adverse weather conditions such as affects the safe operation of the bridge;
- (iii) a vessel colliding with the bridge;
- (iv) a power failure, hydraulic failure or mechanical failure; or
- (v) any other circumstance beyond the reasonable control of the undertaker.

(2) Paragraphs 3 to 6 are subject to paragraph 7 in their application to a recreational vessel.

(3) Paragraphs 3 to 6 are subject to paragraph 8 in their application to a commercial fishing vessel.

## PART 2

### OPERATIONAL PROVISIONS

#### **Bridge Operations**

2.—(1) The following provisions apply to the undertaker.

(2) The bridge is to be operated during working hours and working days, opening upon request, subject to and in accordance with the provisions of this Schedule, for all marine traffic transiting the Newry River in the waters of the port.

“Working hours” for the purpose of this article means the periods between—

- (i) 08:00 to 20:00 on any day in May to September; and
- (ii) 08:00 to 17:00 on any day in October to April.

“Working days” shall be all days of the year other than Christmas Eve, Christmas Day, and New Year Day.

(3) With the exception of a specified event, or in the circumstances detailed at sub-paragraph (9) and paragraph 10, the bridge is to be opened in sufficient time to allow the safe and unhindered passage of a vessel through the bridge.

(4) The undertaker is to ensure the bridge is manned and operated safely, by suitably qualified and experienced personnel during openings and closings, in accordance with the prevailing applicable legislation.

(5) The undertaker shall ensure that the bridge operator is in the bridge control room at least the time specified in the operational and maintenance manual before the scheduled opening time to establish communication with the vessel.

(6) The undertaker is to provide suitable marine VHF radio equipment to monitor the port operational frequency to monitor and respond to Port Control, Vessels within the port, as well as maintaining an understanding of the flow of traffic and any developing marine emergencies.

(7) The undertaker is to provide, publicly promote, and constantly monitor, an email address, web portal, telephone number and the VHF equipment detailed in sub-paragraph (6), for the purposes of receiving opening requests and opening request revisions.

(8) The undertaker is to cause and ensure that the bridge—

- (a) is fully opened and in a safe condition for transit by a vessel by the time given in that vessel’s opening request or (as the case may be) revised opening request; and
- (b) remains open for the duration of the vessel’s transit until the vessel is past and clear and it is safe to close.

(9) In the event of scheduled maintenance of the bridge structure, road surface, machinery or associated equipment, such that the bridge is unable to open upon request, the undertaker is to provide a minimum of 14 days’ notice, in writing, to WHA stating the following;

- (a) start date and time of the scheduled maintenance;
- (b) duration the bridge will be out of operation; and
- (c) scheduled date and time of the bridge returning to operational state.

#### **Opening Requests**

3.—(1) The following provisions of this paragraph apply to the master, owner, agent, pilot or operator of vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) With the exception of commercial fishing vessels detailed in paragraph 8, any vessel wishing to transit the bridge must provide an opening request containing the following information no later than 48 hours prior to the required opening time—

- (a) the name of the vessel requesting passage;



- (b) the required opening time;
- (c) the overall length and beam of the vessel requesting passage;
- (d) the presence of any superstructure, cargo, or structure which overhangs the designed beam of the vessel requesting passage;
- (e) the air draft of the vessel; and
- (f) for a tug and tow, or vessel being escorted by a tug or tugs;
  - (i) the names and number of tugs;
  - (ii) the overall length of the tow;
  - (iii) the maximum beam of the tow or towed object.

(3) Any vessel must reconfirm the requested opening time with the undertaker no later than 90 minutes prior to the requested opening time.

(4) Opening requests and reconfirmations under sub-paragraph (3) are to be made by the vessel via the means detailed at paragraph 2(6).

(5) The required opening time given in the opening request is to be that time which the vessel intends to commence its transit of the bridge, either inbound or outbound.

(6) The undertaker must—

- (a) acknowledge the opening request, by the same means as it was given, within 10 minutes of receiving the request;
- (b) provide a confirmation of approval or refusal of the requested opening time within 10 minutes of acknowledging the request; and
- (c) where an opening request is refused, provide the following information—
  - (i) a reason for refusing the request; and
  - (ii) except in the case of exceptional circumstances, an alternative time for the vessel to transit the bridge.

(7) Vessels acting as a group and wishing to transit the bridge as a group may request a bridge opening in accordance with paragraph 2 provided that—

- (a) the opening request is made by the group leader;
- (b) all vessels included in the group are listed in the opening request; and
- (c) the number of vessels is such that the anticipated transit time through the bridge from the passage of the first vessel to the passage of the last vessel is no greater than 15 minutes.

### **Opening Request Revisions**

4.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Should a vessel require to revise a previously requested opening time, this must be made by way of an opening request revision complying with the following requirements—

- (a) it is made via the means detailed at paragraph 2(6);
- (b) it contains the revised opening time together with the information specified in paragraph 3(2)(a) and (c) to (f);
- (c) it is made no later than 30 minutes prior to the originally requested opening time; and
- (d) where it is made through written communications, the first line of text reads “opening request revision”.

(3) The undertaker must—

- (a) acknowledge the opening request revision by the same means as it was given, within 10 minutes of receiving the request;

- (b) provide a confirmation of approval or refusal of the requested revised opening time within 10 minutes of receipting the request; and
- (c) where an opening revision request is refused, provide the following information—
  - (i) a reason for refusing the request; and
  - (ii) except in the case of exceptional circumstances, an alternative time for the vessel to transit the bridge.

### **Vessels inbound**

5.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of inbound vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Vessels are to request a bridge opening in accordance with paragraph 3.

(3) Vessels entering Carlingford Lough that have provided an opening request are to conduct a marine VHF call with the undertaker on the operational marine VHF channel to be agreed with WHA, immediately prior to transiting a location to be agreed with the undertaker and WHA, reconfirming the requested opening time of transiting the bridge.

(4) Vessels departing a berth within the port to the southeast of the bridge and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the operational marine VHF channel to be agreed with WHA, immediately prior to letting go all lines.

### **Vessels outbound**

6.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of outbound vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Vessels are to request a bridge opening in accordance with paragraph 3.

(3) Vessels entering the port from the Newry River that have provided an opening request are to conduct a marine VHF call with the bridge control room on the operational marine VHF channel to be agreed with WHA, immediately prior to passing the Narrow Water Keep, reconfirming the intended time of transiting the bridge.

(4) Vessels departing from other locations along the Newry River to the northwest of the bridge and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the operational marine VHF channel to be agreed with WHA, immediately prior to letting go all lines.

### **Recreational Vessels**

7.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of recreational vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a recreational vessel).

(2) Recreational vessels are to request a bridge opening in accordance with paragraph 3 and must use reasonable endeavours not to request an opening time during peak hours.

(3) Where the bridge has been opened for a vessel, other than a recreational vessel, a recreational vessel may transit the bridge with the undertaker's permission, provided that the transit time through the bridge from the passage of the first vessel to the passage of the last vessel is no greater than 15 minutes.

### **Commercial Fishing Vessels**

8.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of commercial fishing vessels that fish on licenced sites upriver of the bridge, wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a commercial fishing vessel).

(2) The working hours provisions of paragraph 2(2) shall be agreed between the undertaker, WHA and the master, owner, agent or operator of commercial fishing vessels.

(3) Commercial fishing vessels are to request a bridge opening in accordance with paragraph 3, with the exception that the timing of the provision of information detailed in paragraph 3(2) prior to the required opening time shall be agreed between the undertaker, WHA and the master, owner, agent or operator of commercial fishing vessels. Commercial fishing vessels must use reasonable endeavours not to request an opening time during peak hours.

(4) Where the bridge has been opened for a vessel, other than a commercial fishing vessel, a commercial fishing vessel may transit the bridge with the undertaker's permission, provided that the transit time through the bridge from the passage of the first vessel to the passage of the last vessel is no greater than 15 minutes.

### **Emergency Vessels**

**9.**—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of emergency vessels responding to an emergency and wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to an emergency vessel).

(2) The provisions of paragraph 2(2) do not apply to the emergency vessel.

(3) The provisions of paragraph 3 do not apply to the emergency vessel.

(4) Where possible the emergency vessel must provide as much notice as possible of its required opening of the bridge.

(5) Emergency vessels entering the port from sea and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the operational marine VHF channel to be agreed with WHA, immediately prior to entering the mouth of the Newry River.

(6) Emergency vessels departing from any location along the Newry River and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the operational marine VHF channel to be agreed with WHA, immediately prior letting go all lines.

(7) Should an emergency vessel request an immediate bridge opening whilst the bridge is already open to conduct a scheduled bridge opening, the undertaker is to ensure the bridge remains open until the emergency vessel has completed its transit and is past and clear.

### **Exceptions to obligations of undertaker**

**10.**—(1) In the event of a specified event, such that the bridge is unable to open upon request, the undertaker is to—

(a) immediately inform WHA of the specified event, by the fastest possible means, stating—

(i) The nature of the specified event preventing operation of the bridge; and

(ii) The possible duration the bridge will be out of operation;

(b) immediately inform approaching vessels intending to transit the bridge of the specified event and the need to seek a temporary berth or port departure;

(c) provide regular updates on the specified event to the WHA, amending the possible duration of the interruption to operations; and

(d) on successful resolution of the specified event inform the WHA of such and the resumption of routine operations.

(2) Where opening the bridge would be likely to cause danger to—

(a) any person or property, including the bridge;

(b) any vessel;

(c) any person using or intending to use or work on the bridge or aboard any vessel; or

(d) the environment,

the undertaker is not obliged to open the bridge at any scheduled time but instead must open the bridge at such later time as is reasonable in the circumstances.

(3) Where the circumstances described in sub-paragraph (2) apply and the bridge is unable to be opened on request, the undertaker is to—

- (a) immediately inform WHA, by the fastest possible means, of—
  - (i) the reason preventing operation of the bridge; and
  - (ii) the possible duration the bridge will be out of operation;
- (b) immediately inform approaching vessels intending to transit the bridge of the reasons preventing operation of the bridge and the need to seek a temporary berth or port departure;
- (c) provide regular updates on the closure to WHA, amending the possible duration of the interruption to operations; and
- (d) on successful resolution to inform the WHA of such and the resumption of routine operations.

## **EXPLANATORY NOTE**

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

This Order provides for the construction, as part of an access linking Newry Road (A2), Warrenpoint, in Northern Ireland and the Omeath to Newry road (R173), County Louth, in the Republic of Ireland, of a bridge over the navigable waters of the Newry River, in so far as they are within Northern Ireland.

The position and minimum dimensions of the bridge (including its minimum headways and waterways) are specified in Schedule 1.

The bridge will be operated in accordance with the operating procedures described in Schedule 2 (as from time to time revised and approved by the Department for Infrastructure).

In this Order “Drawing 1” “Drawing 2” and “Drawing 3”, means the drawings numbered NWB-ROD-GEN-AE-DR-CB-400020, NWB-ROD-GEN-AE-DR-CB-400021 and NWB-ROD-GEN-AE-DR-CB-400022 respectively, marked “The Narrow Water Bridge 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.