

Direct Dial 028 9263 3462
Date: 14th January, 2013

Dear 

Site Address: Proposed hydropower plant located at Mullaghinch, Irish Grid Reference C8917019460

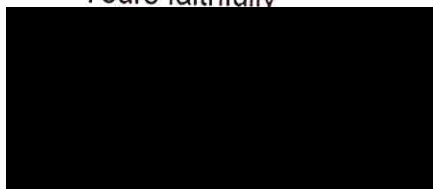
**Water Abstraction and Impoundment (Licensing) Regulations
(Northern Ireland) 2006**

Please find enclosed your licence to abstract/impound water in accordance with Part 2 paragraph 6 and Part 4 paragraph 10 of the above regulations. The enclosed licence now supersedes any previous licences issued. The licence may be reviewed, either upon request from the licence holder or, if deemed necessary by the Department of the Environment.

You should be aware that it is an offence under the regulations to fail to comply with any of the conditions of the licence and any such failure may result in prosecution.

Under the Water abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 an annual charge is payable by licence holders who abstract more than **100 cubic meters** per day (excluding hydro-power at present). Annual charges (if applicable) will be invoiced in advance for the 12 month period running from 1st January to 31 December. Further information on the Fees & Charges Scheme can be found on our website, or you may contact the team directly on 028 92633462.

Yours faithfully



Abstraction & Impoundment Licensing Team

For Information – the Water Abstraction and Impoundment (Licensing) Regulations and or guidance can be viewed at www.ni-environment.gov.uk
(Please quote the above application number in all correspondence)



Licence Document

Licence Number: [REDACTED]

Please quote this number in all correspondence relating to this document



LICENCE TO ABSTRACT WATER

[REDACTED]

Site Address: Proposed hydropower plant located at Mullaghinch, Irish Grid Reference C8917019460.

The Department of Environment (the Department), in accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 ("the Regulations") hereby grants this licence to [REDACTED]

[REDACTED] "the licence holder" to carry on, at or in connection with the site address set out above, the controlled activities described in the Schedule of Conditions to this licence, subject to the requirements of the Regulations and the conditions set out in licence schedule.

Signed [REDACTED]

Authorising Officer on behalf of the
The Department of Environment
Northern Ireland Environment Agency
17 Antrim Road
Lisburn
BT28 3AL

Date of Issue 14/1/13

Date effective 14/1/13

The licence should be kept safe and available for inspection at all times.

Note: References to "the map" are to the map, which is attached to this licence.

Note: References to "the Department" are to the Department of Environment.

Water (NI) Order 1999
Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006

Licence Document

Licence Number: [REDACTED]

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Schedule of Conditions

1. Location of abstraction point, impoundment and discharge point

- 1.1 This licence authorises the impoundment of surface water on the Agivey River at Irish Grid Reference C8922019475, marked as 'Weir' on the attached map.
- 1.2 This licence authorises the abstraction of surface water from the Agivey River at Irish Grid Reference C8917019460, marked as 'Abstraction Point' on the attached map.
- 1.3 The discharge point is located at Irish Grid Reference C8930719610 and is marked as 'Discharge Point' on the attached plan.
The approximate distance between the abstraction and discharge point, as measured along the median line of the river, is 230 metres.

2. Purpose of abstraction

- 2.1 The primary purpose of this abstraction is for the hydroelectric generation of power.

3. Means of abstraction

- 3.1 The means of abstraction is by diversion of river water.

4. Period of abstraction and Residual Flows

- 4.1 No abstraction of water is permitted when the natural flow in the river at the point of abstraction is 64,109 cubic metres per day (0.742 cumecs) or less. This equates to the Q_{80} flow for the river at the point of abstraction.
- 4.2 When water is being abstracted, the licence holder must maintain a residual flow between the Abstraction Point and the Discharge Point (as marked on the attached map) of at least 64,109 cubic metres per calendar day (0.742 cumecs).

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5. Impoundment

5.1 The impounding structure (described as 'Weir' in Condition 1) shall remain unaltered except for amendments to the fish passage provisions as approved by the Department of Culture, Arts and Leisure (DCAL).

6. Abstraction Volumes/Rates

6.1 The quantity of water abstracted shall not exceed 3.292 cubic metres per second; which is equivalent to 284,429 cubic metres per calendar day.

6.2 Definitions of time periods:

A calendar day = Midnight to midnight over a 24 hour period.

7. Inspection

7.1 Authorised Officers from the Department shall be allowed to safely inspect the operation of the scheme (including measurement devices) at all times.

7.2 Any change in the operation of the scheme which results in abstraction or impoundments of water not specified in the original application shall be notified immediately to the Department.

8. Record Keeping.

8.1 A record must be kept of the daily abstraction volumes. This record must be made available when requested by the Department's officials. The licence holder must submit an annual return of this information to the Department during the month of February each year.

9. Monitoring Plans

9.1 At least 2 months prior to the commencement of this scheme a plan for monitoring the operation must be submitted to the Department for approval. The plan shall contain management, operational and monitoring details relevant to the following issues:

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- The management of abstraction volumes
- The management of residual flow volumes
- Details of monitoring and measurement devices and methods
- Sediment management (or evidence that none is required)
- Maintenance activities (if required)
- Record keeping and the making of annual returns

9.2 The approved plan will constitute a detailed programme of activities and a reporting regime (for information/data) which must be provided to the Department within an agreed timetable.

9.3 The said plan will also become a condition of the licence (as an annex) and may be reviewed periodically by the Department, the licence holder or in response to the reported monitoring results.

NB: The operation shall not commence until the Department has given written approval to the said monitoring plan.

10. Turbine commissioning, and 'in river' / survey works

10.1 Any works or activity associated with the construction or commissioning of the hydro turbine, must be carried out in compliance with the conditions set within this licence. A method statement for this aspect of the job must be submitted to the Department four weeks in advance of the works beginning.

NB: This activity shall not commence until the Department has given written approval.

Licence Document

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Informatives

1. The licence

- 1.1. The licence may be reviewed, either upon request from the licence holder or if deemed necessary by the Department.
- 1.2. The operation of an Abstraction Licence does not confer a legal right to abstract water or a legal right to access land at any location in Northern Ireland. Any authorisation granted in accordance with the regulations requires the applicant to have established "water rights" and "access rights" either through ownership or by agreement with any relevant third parties.

2. Design and construction of structures

- 2.1. The design, construction and management of all structures including intake gates, screens, barriers, returns, fish passes, flow measurement equipment and weirs must comply with current fisheries legislation {Fisheries Act (Northern Ireland) 1966 as amended} and particularly with respect to fish not entering the turbine facility. If any alteration is made to the impoundment (as listed in condition 1) the licence holder shall immediately notify the Department of Culture, Arts and Leisure and Rivers Agency (Northern Ireland).
- 2.2. Within the periods of the year when adult salmonid fish will naturally migrate upstream, and when it is evident that groups of fish are being delayed within the de-watered stretch below an impoundment, by local agreement and/or at the request of the competent fishery authority and in support of fish migration, the turbine operator may be requested to stop abstraction for a short period/s.

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3. Operation

3.1. The operation of this scheme shall not have a detrimental effect on the environment in terms of water quality class or ecological status upstream or downstream of the abstraction point. A pollution prevention plan shall also be put in place during the construction phase of this scheme.

3.2. All works affecting any watercourse whether designated or undesignated, requires the prior consent and approval of Rivers Agency. Details should be forwarded for comment and appraisal to:

Rivers Agency Lisburn
Ravarnet House
Altona Road
Largymore
Lisburn
BT27 5QB

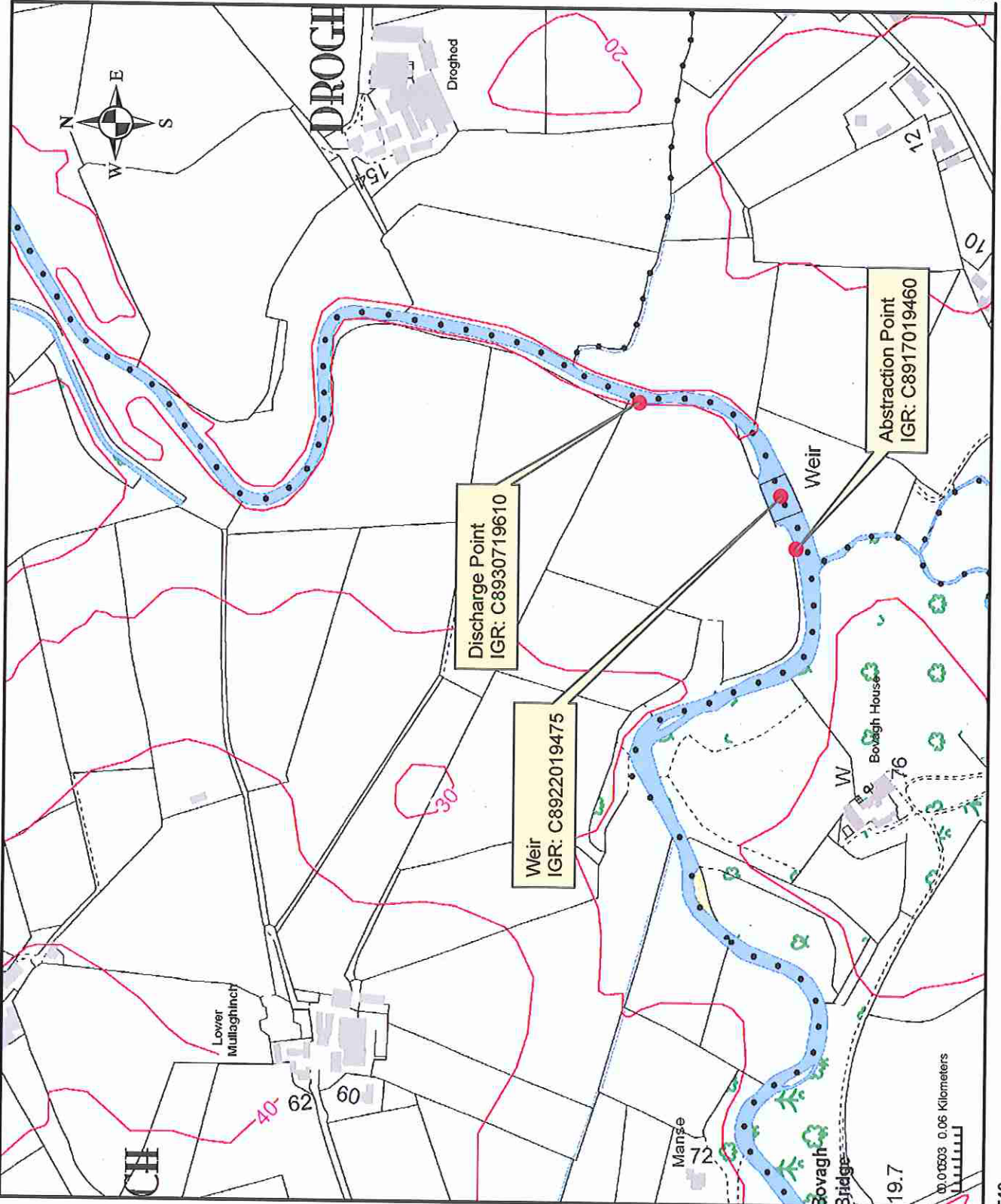
4. Fisheries Protection

4.1 The scheme shall comply with all relevant aspects of the Fisheries Act (Northern Ireland) 1966 as amended. Details can be obtained from:

Department of Culture, Arts and Leisure
Causeway Exchange
1 – 7 Bedford Street
Belfast
BT2 7EG

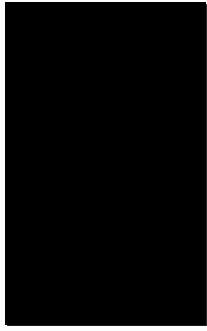
4.2 The Department of Culture, Arts and Leisure has given interim approval with regards to the fish passage proposals for this project. DCAL will withhold formal approval under section 54 of the Fisheries Act (Northern Ireland) 1966 as amended until fish passage arrangements can be fully assessed when the hydro electric plant is operational.

288549



288549

Application No: [REDACTED]



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