

**Department of Agriculture, Environment & Rural Affairs**  
Marine & Fisheries Division

**LICENCE ISSUED UNDER THE MARINE AND COASTAL ACCESS ACT 2009, PART 4, MARINE  
LICENSING**

**MARINE CONSTRUCTION LICENCE**

**Licence to carry out site investigations on sea defences at West Bay, Portrush**

**Licence Number:** ML2023013

**PART 1 – PARTICULARS**

**1. Licensee(s) Name & Address:**

Causeway Coast & Glens Borough Council  
Riada House  
14 Charles Street  
Ballymoney  
BT53 6DZ

**2. Names, and operators, of the vessels to be employed to undertake or support the deposit, relocation or removal operations:**

N/A

**3. Description of works and nature and quantity of all deposits below Mean High Water Springs:**

**Site Investigation - Phase 1 (30no. Trial Pits):**

- Excavator will mobilise to northern end of West Strand beach and open trial pit at base of sea defence wall to expose top 1m of sheet pile wall
- Site personnel will record the visual condition of the exposed sheet piles
- Open excavation will be made safe to enter and site personnel will take ultrasonic thickness readings from the wall and leave the pit
- Trial pit will be backfilled with arisings in reverse order so as to reinstate the ground to how it was previously
- Above procedure will be followed for the remaining Trial Pits
- On discovery of peat deposits, TP shall be immediately backfilled and relocated

**Site Investigation Phase 2 (4no. Bore Holes):**

- Cable percussive drilling rig will mobilise to first borehole on beachfront
- In-situ Standard Penetration Testing and sampling will be carried out
- Borehole to be backfilled in reverse order with arisings

- Above procedure will be followed for the remaining Boreholes

#### **4. Location of works:**

West Strand Beach, Portrush, Northern Ireland.  
(55°12.2'N, 6°39.5'W)

Refer to Appendix A - drawing 221073-DCL-MCL-XX-DR-C-1001P01.

#### **5. Valid:**

From: 11/10/2023  
Until: 10/10/2024

#### **6. Licence Documentation**

- Application Form
- Drawings x 4
- HRA
- Methodology 1 & 2
- Application Cover Letter
- Application Form (Rev1)
- Drawings
- SI Methodology (Rev1)
- HRA (Rev1)

### **PART 2 - CONDITIONS**

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Causeway Coast & Glens Borough Council** to deposit in the sea the substances or articles (except for dredge material) used in the execution of works described in Part 1 of this licence. This licence is subject to the under mentioned condition(s):

#### **Licence Condition(s):**

#### **NOTE: FAILURE TO COMPLY WITH THE LICENCE CONDITIONS BELOW MAY RESULT IN ENFORCEMENT ACTION BEING TAKEN**

1. The Licensee(s) must commence works with **12 months** of the date of this licence.
2. All conditions of this licence bind any persons whom, for the time being, owns, occupies or enjoys any use of the works for which this licence has been granted, in relation to those licensed activities authorised under section 66 of the 2009 Act, whether or not the licence has been transferred to that person.
3. The Licensee(s) must receive written authorisation from the licensing authority to assign or transfer the consent. The licensing authority must confirm in writing to both the original Licensee(s) and any proposed new Licensee(s) that the licence has been transferred/assigned before any works may commence under the new Licensee(s).
4. The Licensee(s) shall not carry out any licensable activity other than that detailed in the Marine Licence application form received by the licensing authority, dated 04/07/2023. The Licensee(s) shall

contact the Department if it is proposed to vary the materials or methods to be used from those described in the documentation supplied in connection with the Marine Licence application.

5. The Licensee(s) must commence works in line with Condition 1 and complete works within the valid dates of this licence. After that date, the licence will expire in accordance with section 71(4) of the Act.
6. Please notify Belfast Coastguard at [Zone34@hmcg.gov.uk](mailto:Zone34@hmcg.gov.uk) must be notified prior to commencement of activities. [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) must be copied in on the correspondence.
7. The Licensee(s) shall ensure that the Department is informed of any contractor appointed to carry out part or all of the works by email to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) no less than 24 hours before the commencement of the licensed activity. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed activity authorised by this licence on behalf of the licence holder.
8. Any person authorised by the licensing authority will be permitted to inspect the licensed activity at any reasonable time.
9. The Licensee(s) shall ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:
  - a. The premises of the Licensee(s)
  - b. The premises of the operating facility
  - c. The site of the works (including on board vessels)

#### ***Prior to the commencement of the Licensed Activity***

10. A final Construction Environmental Management Plan (CEMP) should be submitted, at least **4 weeks** prior to the commencement of construction to ensure effective protection of the environment, to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk)
11. The Licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); Tel: 01823 337900) at least **4 weeks** before commencement of the works, to allow for any necessary amendments to nautical charts. The UK Hydrographic Office must also be notified upon completion of the works. [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) must be copied into all notifications.
12. A biosecurity plan should be submitted and agreed by the Department before works commence. [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) must be copied in on the correspondence.

#### ***During the Licensed Activity***

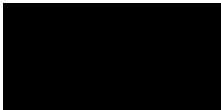
13. The Licensee(s) attention is drawn to Article 42 of the **Historic Monuments and Archaeological Objects (NI) Order 1995** that requires finders of archaeological objects to report within 14 days to a relevant authority. In the event of a discovery of an archaeological object and/or remains during the works the licensee(s) must: (1) record the position and details of the site; (2) not disturb the site further and (3) report your discovery to and seek further advice from the Department immediately.
14. The Licensee must ensure that if any objects or features of an archaeological nature are uncovered during site investigations the contractor shall cease works at that specific location and immediately contact the department at [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk). Site Investigation Works may continue across the rest of the Site Investigation area during the period the Department's marine historic environment advisor is investigating the reported archaeological objects or features.

15. The Licensee(s) must report any recovered wreck material to the Receiver of Wreck (Maritime and Coastguard Agency) in accordance with the **Merchant Shipping Act 1995**.

***Upon Completion of the Licensed Activity***

16. The Licensee(s) shall inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.
17. Following completion, any navigational aids and/or the topography must be returned to the original profile unless otherwise agreed in writing with DAERA.
18. The Licensee(s) shall, within **eight weeks** after the completion of the licensed works, make a written report to the licensing authority stating the quantity and description of all articles and substances deposited under the authority of this licence. This report is to be submitted to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk)

Signed on behalf of the Department:



Dated: 11<sup>th</sup> October 2023

## **NOTE:**

(1) The licensing authority would advise that this licence does not negate the licensees' responsibility to gain any other environmental or access permissions that may be required to progress the works.

(2) Under Part 4, Chapter 1, paragraph 72 of the **Marine and Coastal Access Act 2009**, the licensing authority may revoke, vary or suspend this licence if it appears to the authority that the holder is in breach of a condition included in it, or if it appears to the authority that the licence ought to be varied, suspended or revoked because of a change of circumstances relating to the marine environment or human health, including a change in scientific knowledge. A revocation, variation or suspension may also be enforced in the interests of safety of navigation.

(3) A person who deposits material in contravention of the terms of a licence is guilty of an offence under Section 85 of the Act. It is a defence under paragraph 86 (1) for a person charged with such an offence to prove 'force majeure'. However they are also required to prove that they took steps within a reasonable time to inform the licensing authority of all details pertaining to the incident contained in paragraph 86 (2). The licensing authority shall be obliged to report force majeure cases immediately to the OSPAR Commission.

(4) Attention is drawn to the necessity of complying where appropriate with the **Radioactive Substances Act 1960**, the **Prevention of Oil Pollution Act 1971** and to the **Merchant Shipping (Dangerous Goods) (Amendment) Rules 1968**.

(5) If within 28 days of the issue of a licence the person to whom it was issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the Authority shall comply with his request within 28 days of receiving it.

(6) Anyone who fails to comply with a condition on a Marine Licence commits an offence under Section 85 of the **Marine and Coastal Access Act 2009**, and may be subject to enforcement action. Possible enforcement actions are compliance notices, remediation notices, fixed monetary penalties and variable monetary penalties. In the worst cases, a person found guilty of an offence on summary conviction may be subject to a fine not exceeding £50,000. In addition, a person found guilty of an offence on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both. Further details can be found at our guidance note

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/marine-licensing-guidance-enforcement-under-part-4-marine-and-coastal-access-act%2C-2009-may-2016.pdf>

(7) This marine licence does not confer title of ownership. It is the responsibility of the licence holder to ensure control of the lands necessary to carry out the proposed activity.

## **INFORMATIVES:**

### **Maritime & Coastguard Agency advice on Navigational Safety**

- The Licencee(s) should consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties.
- The Department for Transport also publishes the PMSC Guide to Good Practice which provides useful information and detailed guidance on the safe management of these facilities, and is intended to supplement the Code. This can be found here: <https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

## **DAERA advice on preventing water pollution**

- The Licensee(s) should comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (PPG/GPPs) available at:  
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>
- The Licensee(s) shall ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter. Guidance for Pollution Prevention (GPPs) documents can be obtained at:  
<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>
- The contractor / person carrying out the works is responsible for ensuring that any and all required mitigation measures are in place and ultimately under the Water (Northern Ireland) Order 1999 is liable for any discharge or deposit, whether knowingly or otherwise, of any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.
- The Licensee(s) should be aware that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three years imprisonment.

## **DAERA/NIEA Advice on Construction Environmental Management Plans**

- The links below give advice in regard to the factors and level of detail that is required from a Construction Environmental Management Plan (CEMP) and other considerations that may need to be taken into account when submitting the required information:

Construction Method Statements:

<https://www.daera-ni.gov.uk/articles/construction-method-statements>

Key Environmental Considerations:

<https://www.daera-ni.gov.uk/topics/environmental-advice-planners/key-environmental-considerations-planning-consultations>

## **DAERA Advice on Marine Protected Areas, Habitats and Species**

### **European and National Marine Protected Areas**

The licensee's attention is drawn to the fact that the proposal is within the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed application area are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

### **Marine Habitats**

This proposal has the potential to have an adverse impact on the following Annex I habitats by causing disturbance and pollution during the proposed works:

- (Within) Mudflats and sandflats not covered by seawater at all times
- (~0.15km) Reefs
- (~0.22km) Submerged sandbanks

Provided the sediment is adequately reinstated there should not be any adverse impacts to the Annex I habitats 'Reef', 'Submerged sandbanks' and 'Mudflats and Sandflats not covered by seawater at all times' Please refer to the Biodiversity – Habitats – Annex I Habitats layer in the [DAERA Marine Map Viewer for details](#).

### Marine Species

This proposal has the potential to have an adverse impact on the following Northern Ireland Priority Species, recorded within 1km of the proposed development, by causing pollution during the proposed works:

- *Phocoena phocoena* (Harbour porpoise)
- *Molva molva* (Ling)
- *Gadus morhua* (Atlantic cod)
- *Scomber scombrus* (Mackerel)
- *Ascophyllum nodosum* (Knotted wrack)
- *Pleuronectes platessa* (European plaice)
- *Galeorhinus galeus* (Tope)
- *Ostrea edulis* (European flat oyster)
- *Squalus acanthias* (Spiny dogfish)
- *Merlangus merlangus* (Whiting)

### Marine Mammals

This proposal has the potential to have an adverse impact on the following protected species by causing pollution during the proposed works:

- Harbour seal (*Phoca vitulina*) and Grey seal (*Halichoerus grypus*), which are protected under The Wildlife (Northern Ireland) Order 1985 (as amended)
- Cetaceans (whales, dolphins, porpoise) which are protected under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

Disturbance to seals, caused by the proposed works, is not anticipated because there are no seal haul-outs recorded in the vicinity of the proposal. In addition, Harbour Porpoise (*Phocoena phocoena*) and other cetaceans are not anticipated to be disturbed because no rock coring or pilling is required and because the works are to occur when the tide is receded therefore, significant noise entering the marine environment is mitigated for. Consequently, the noise levels predicted should not be significantly louder than those experienced from waves breaking on the beach.

Please refer to the Biodiversity – Protected Species – Sea Mammal Research Unit layer in the [DAERA Marine Map Viewer for details](#).

Please refer to the Biodiversity – Northern Ireland Priority Species layer in the [DAERA Marine Map Viewer for details](#).

### Marine National Protected Species – Seals

The licensee's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*).

It is also an offence to intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,

- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damages or destroys anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.

The Wildlife (Northern Ireland) Order 1985:

<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-other-animals>

**Marine National Protected Species – Fish (inc Sharks) and invertebrates**

The licensee's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly, injure or kill a wild animal included in Schedule 5 of this Order. This includes <sup>1</sup>Angel shark (*Squatina squatina*), <sup>1</sup>Common skate (*Dipturus batis*), Short snouted seahorse (*Hippocampus hippocampus*), Spiny seahorse (*Hippocampus guttulatus*), Spiny lobster (*Palinurus elaphus*) and Fan mussel (*Atrina fragilis*).

It is also an offence intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damage or destroy anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

*<sup>1</sup> Common skate and Angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.*

The Wildlife (Northern Ireland) Order 1985

<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-other-animals>

**DAERA Advice on Marine Invasive Non-Native Species**

The licensee's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to release or allow to escape into the wild any plant or animal which;

- a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state (or is a hybrid of any animal of that kind), or
- b) is included in Part I of Schedule 9 (or is a hybrid of any plant or animal included in that Part).

Article 15 of the Wildlife (Northern Ireland) Order 1985

<https://www.legislation.gov.uk/nisi/1985/171/article/15>

The proposed works, via equipment and moving of sediment, has the potential to introduce and spread invasive non-native species. Therefore, biosecurity measures should be in place for all stages of the proposal (<https://invasivespeciesni.co.uk/biosecurity/>) and [Marine Non-Native Species](#) standing advice must be adhered to.



The application should be made aware that the following Marine invasive non-native species have been recorded in Portrush West Bay:

- *Sargassum muticum* (Japanese wireweed)
- *Corella eumyota* (Orange-tipped sea-squirt)
- *Tricellaria inopinata* (A bryozoan)

Please refer to the Biodiversity – Non-Native and Invasive Species layer in the [DAERA Marine Map Viewer for details](#).

Any discovery of marine non-native species should be reported to [marine.wildlife@daera-ni.gov.uk](mailto:marine.wildlife@daera-ni.gov.uk)

### **DAERA Advice on Marine Litter and Marine Pollution**

Litter Pollution Prevention should be a consideration during all stages of the project.

Due to the application site being within the marine environment, marine pollution from survey equipment and temporary sediment removal, is a risk therefore [standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#) must be adhered to.

### **Standing Advice**

The licensee's attention is also drawn to the following links which provide standing advice to be considered:

- [Planning in the Coastal Area](#)
- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Non-Native Species](#)
- [Marine Map Viewer](#)
- [Decisions affected by marine policy - authorisation decisions](#)

Further advice can be sought from the Marine Conservation Advice Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Email: [Marine.Wildlife@daera-ni.gov.uk](mailto:Marine.Wildlife@daera-ni.gov.uk)

