



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

**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 for pontoon extension in Impounded River Lagan**

**Licence Number:** ML2023019

**PART 1 - PARTICULARS**

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

██████████  
Department for Communities (DfC)  
Lagan Weir  
1 Donegal Quay  
Belfast  
BT1 3EA

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

TBC

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

Extension of pontoon based in Impounded River Lagan

**4. Location of works:**

Lagan Weir X334,441 Y374,536 (as per map in Appendix A)

**5. Valid:**

From: 1<sup>st</sup> September 2023  
Until: 31<sup>st</sup> August 2026

**6. Licence Documentation**

- Marine Construction Works in the Territorial Sea and Controlled Waters - Pontoon Extension v1.0

- Appendix A - Site Location Plan
- Appendix B - Pontoon Works HRA
- Appendix C - Pontoon Works Outline CEMP

## **PART 2: CONDITIONS**

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises Department for Communities (DfC) 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 11<sup>th</sup> May 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. The Licensee(s) shall ensure that the Department is informed of any contractor appointed to carry out part or all of the works and a copy of this licence is given to each contractor. This information should be provided to the Department via completing a Form 8 (Draft Licence Conditions Acknowledgement Form) by email to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk).
7. Work is not permitted during August to avoid disturbing nesting black guillemots.
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 to NIEA Water Management Unit, at least **4 weeks** prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) must be copied in on the correspondence.
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. The Licensee(s) must inform the licensing authority **one week** in advance of commencement of piling. A noise risk impact assessment must be produced and submitted to the licensing authority for approval before impact piling can begin to prevent disturbance to sensitive receptors. Any noise must be registered on the [Marine Noise Registry](#)
13. A biosecurity plan should be submitted and agreed by the Department **one week** before works commence. [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) must be copied into the notification.

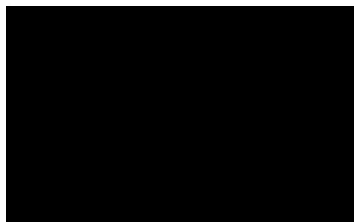
### ***During the Licensed Activity***

14. The piling works will be limited to 0700 to 1900 hours on weekdays, 0700 to 1300 on Saturdays with no work on Sundays in the summer months and shorter periods in the winter months.
15. The Licensee(s) shall maintain a record of the beginning and end times and duration of any piling activities, e.g. hammer energy blow or explosive charges. Records must be submitted to [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk) within **eight weeks** of completion of the licensed works.
16. The Licensee(s) shall appoint an approved Marine Mammal Observer (MMO) at the time the rock breaker or any other similar breaking machinery is in use to ensure there is no disturbance or injury/harm to marine mammals wherever they are present as detailed in the Marine Licence application dated 11<sup>th</sup> May 2023. If marine mammals are detected in the area, the MMO will issue a delay in the commencement of rock breaking, until they are satisfied that the animals have left the mitigation zone which should be no less than 500 metres, measured from the rock breaking location.
17. 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.
18. 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***

19. The Licensee(s) shall inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.
20. 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: 8<sup>th</sup> August 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>

## **FURTHER INFORMATION:**

### **Maritime & Coastguard Agency (MCA) – Navigational Safety Branch**

- The Licensee(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 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 (PPG/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 advice on Marine Conservation**

The Licensee(s) should refer to the links for;

- [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](#)

### **DAERA advice on Marine Protected Species**

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

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)

### **DAERA advice on Marine Litter**

Marine litter is defined as items arising from human activity, deliberately discarded or unintentionally lost, that end up in the sea and on beaches and coastlines. Marine litter is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Marine litter can cause significant

impacts to marine ecosystems, including direct damage to wildlife through entanglement, entrapment and/ or ingestion and can also destroy coastal habitats, by interfering with biological production and smothering of the seabed.

Policy Requirement – Marine litter considerations

The Marine Strategy Regulations 2010, as amended, impose a general duty on government departments to take measures to achieve good environmental status in marine waters. They also place a duty on public authorities to have regard to the UK Marine Strategy which has been developed in accordance with the Regulations when exercising their functions. The objective of the UK Marine Strategy is to achieve good environmental status in marine waters. In respect of marine litter, this is ensuring that the properties and quantities of marine litter do not cause harm to the coastal and marine environments.

## Appendix A Site location plan

