



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

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

MARINE SEA DISPOSAL LICENCE

Warrenpoint Harbour Authority Multi-Year Maintenance Dredging Disposal at Sea Marine Licence

Licence Number: ML 14/19 VAR-1

PART 1 - PARTICULARS

1. Licensee(s) Name & Address:

Warrenpoint Harbour Authority
The Docks
Co. Down
BT34 3JR

2. Name and Address of Producer of Dredged Material

Warrenpoint Harbour Authority
The Docks
Warrenpoint
Co. Down
BT34 3JR

3. Names, and operators, of the vessels to be employed to undertake or support the deposit operation:

██████████
Industrieweg 24,
3361 HJ Sliedrecht,
The Netherlands.

4. Description of works and method of disposal:

Maintenance dredging of Warrenpoint Harbour area and its approaches to reinstate safe navigational and berthing depths in the period 2020-2024. Unknown but will be through the bottom doors of a hopper vessel. Upon filling its hopper the disposal vessel will sail to the licensed disposal site and slow to



approximately one to two knots. The disposal vessel will then open bottom doors or split along its hull to allow the release of its contents over several minutes.

Dredge Area Co-ordinates (Lat/Long) or (IGR) Irish National Grid Coordinates

317291.1277, 315174.6756	314067.4730, 318021.5907
314035.2604, 317802.3967	314086.0228, 318000.4709
314033.6972, 317800.3172	314099.8367, 317963.7551
314016.4265, 317808.9724	314102.0329, 317924.5903
313942.9819, 317810.8994	314105.3726, 317902.6506
313893.8692, 317834.3856	314118.7126, 317884.9151
313858.6839, 317875.9276	314117.0946, 317882.9102
313843.7207, 317928.2989	317362.7179, 315263.3943
313537.1240, 318187.3840	317291.1277, 315174.6756
313417.3167, 318347.8214	323684.1770, 310573.1240
313449.2901, 318385.8053	323152.5900, 310739.5340
313497.3281, 318366.2920	322789.0900, 311050.4120
313523.1692, 318396.9907	322271.8360, 311480.9380
313527.7920, 318395.7545	321958.4830, 312098.0120
313562.2821, 318366.9226	321521.6630, 312523.4130
313586.9275, 318368.4778	321060.2660, 312834.1130
313523.1692, 318396.9907	321127.4260, 312926.8830
313527.7920, 318395.7545	321596.7630, 312620.5070
313562.2821, 318366.9226	322050.4940, 312163.5130
313586.9275, 318368.4778	322326.6730, 311632.0950
313595.0528, 318378.1687	322462.0800, 311476.5830
313959.7006, 318070.3563	323113.7910, 310934.1430
314190.2502, 318189.4674	323530.4730, 310738.1790
314116.0724, 318088.4530	323716.4080, 310685.8540
314072.3906, 318038.1950	

5. Nature and quantity of all material to be deposited below Mean High Water Springs:

- Nature of material

The material is to be dredged from harbour berths and approaches and resultantly the material will be highly modified and will vary in nature from gravel, sand to silt and clay. The sediment type will also vary depending on the location of the dredging.

Detailed sample analysis was undertaken in June 2023 and August 2023 and the licensing authority has determined the material is suitable to be disposed of at sea.

- Quantity of material

Quantity for disposal within period **1 October 2020 to 31 March 2024**

A maximum total of 805,000 tonnes is permitted under this Licence.



6. Location of disposal site:

Name WARRENPOINT B
Latitude 53 57.800 N
Longitude 05 56.500 W
Dec_Lat 53.96
Dec_Long -5.94
Radius_nm 0.25
Status Open
Depth_m 28.00
Distance_C 2.70
Sea Area Irish Sea

7. Valid:

From: 01 October 2020
Until: 31 March 2024

8. Licence Documentation

- Dredging and Disposal Monitoring Plan 2019 - Warrenpoint Harbour Disposal Licence Application
- Warrenpoint Port MCZ Assessment_Maintenance Dredging - Warrenpoint Harbour Disposal Licence Application
- Warrenpoint Port Test for Likely Significance Maintenance Dredging 2019 - Warrenpoint Harbour Disposal Licence Application
- Marine Licence Application - Disposal at Sea - Warrenpoint Harbour Disposal Licence Application
- Best Practicable Environmental Option BPEO Assessment 2019 - Warrenpoint Harbour Disposal Licence Application
- MAR01937 – sediment analysis results
- MAR02002 DAERA - Marine Licencing - Sediment Analysis Template



PART 2 - CONDITIONS

The Department of Agriculture, Environment and Rural Affairs (referred to as the licensing authority) authorise **Warrenpoint Harbour Authority, Van Der Herik and other operators as confirmed by Warrenpoint Harbour Authority**, to carry out the loading for disposal from Northern Ireland ports and sea disposal of the material described in Part One of this licence in accordance with the following conditions:

Licence Condition(s):

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

PRIOR TO WORKS

1. 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.
2. 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.
3. The Licensee(s) must commence works with the validity period of this licence.
4. 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).
5. The Licensee(s) shall confirm in writing to the licensing authority at MarineLicensingTeam@daera-ni.gov.uk that the disposal vessel(s) shall have position fixing capability within a +/- 20m range.
6. Recordable position fixing equipment must be used to ensure disposal within a 0.25 nautical mile radius of the stated disposal site.
7. The Licensee(s) must survey the seabed of the disposal site before disposal operations in addition to a reference site. The survey must include photography/video of the benthos and grab sample. This survey information should be provided in a report format (including still images) to MarineLicensingTeam@daera-ni.gov.uk within **8 weeks** upon completion of each sea disposal campaign (as per Condition 29).
8. The Licensee(s) must ensure they meet all the requirements of Merchant Shipping Regulations.



9. The Licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: 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 **must be copied into all notifications.**
10. The Licensee(s) shall ensure that details of each campaign are sent to maritime users through Notice(s) to Mariners and/or radio navigational warnings and publication in appropriate bulletins. This should take place prior to the commencement of disposal operations, as stated within the Notice(s) to Mariners guidance notes, i.e. 10 days. MarineLicensingTeam@daera-ni.gov.uk **must be copied into all notifications.**
11. In the event of the Licensee(s) becoming aware of information indicating that any part of the licensed works has become a danger to navigation or an interference with legitimate uses of the sea, the licensee shall immediately inform the licensing authority, Maritime and Coastguard Agency (MCA), UK Hydrographic Office (UKHO) and the Commissioner of Irish Lights (CIL) to communicate the hazard to the maritime community.
12. The Licensee(s) shall ensure that a review of the local aids to navigation is carried out by the harbour authority to ensure they remain relevant and correct as the seabed profile changes over the lifetime of this Licence.

DURING WORKS

13. The dredging operators must have operational and active AIS vessel tracking during all operations.
14. If AIS or vessel positioning systems are faulty, dredge and/or disposal activities must not continue until all systems are repaired/replaced and fully operational.
15. The Licensee(s) are required to dispose of materials at the Disposal Area(s) stated above. If in the case of 'force majeure' (stress of weather or any other cause threatening the safety of human life or the vessel) dredged material is deposited in any other area, full details of the circumstances should be notified to the licensing authority in writing *within 24 hrs*.
16. The Licensee(s) shall confirm to the licensing authority by way of a report and map the area specifically dredged to produce the disposal material to MarineLicensingTeam@daera-ni.gov.uk within **8 weeks** upon completion of each sea disposal campaign.
17. The Licensee(s) shall ensure that a log of all the disposal operations is kept and be made available on request by the Department.
18. 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 dredging works the Licensee(s) must: (1) record the position and details of the site; (2) do not disturb the site further and (3) report your discovery to and seek further advice from the Department immediately.



19. 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**.
20. The Licensee(s) shall ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at: The premises of the Licensee(s)
 - a. The premises of the operating facility
 - b. The site of the works (including on board vessels)
21. The Licensee(s) shall inform the licensing authority MarineLicensingTeam@daera-ni.gov.uk of the **finishing date of each dredging and disposal campaign at least 1 week** before its termination.
22. The Licensee(s) must ensure that turbidity within Carlingford Lough is measured in real time during dredge disposal operations, by installation of two mooring instruments, as close as practically possible to the site of dredging during the campaign. Measurement results should be provided to the MarineLicensingTeam@daera-ni.gov.uk.
23. The Licensee(s) must ensure that:
 1. Suspended solids must not exceed 300 mg/l for more than 6h and not exceed 600 mg/l at any point. If these limits are breached then dredging should cease immediately until levels of suspended solids drop to less than 600 mg/l;
 2. Concentrations should also be monitored at a reference site to ensure the levels do not exceed 10% of the 90 percentile (background) 71mg/l for greater than 6 hours on one tide.
 3. Dissolved oxygen levels within the water column should be monitored throughout the dredging operations. If at any time levels fall below 4mg/l⁻¹ dredging activities should be suspended until the oxygen levels rise above 5mg/l⁻¹.
 4. A sediment sample should be collected upstream and downstream of the dredging before and after each operation. This sample should be retained, to be tested, if required by the licensing authority. Any results from testing should be provided to the licensing authority by submission to MarineLicensingTeam@daera-ni.gov.uk ;
24. If any of the standards in Condition 23 (1-3) above are breached, the Licensee(s) must ensure the licensing authority are notified MarineLicensingTeam@daera-ni.gov.uk that a breach has taken place. Works may only resume if it has been determined the breach is due to natural causes and this should also be provided to the licensing authority in writing.
25. The Licensee(s) must provide written evidence that monitoring has taken place during the dredging operations, including times when operations are ceased because of increased background levels, to the licensing authority at MarineLicensingTeam@daera-ni.gov.uk
26. The Licensee(s) must ensure that:
 1. Samples of the Blue Mussel, *Mytilus edulis*, are taken upstream and downstream of the area to be dredged and before, during and after each dredging operation. The samples should be taken as close to the dredging operation as possible. If possible, samples should also be lifted from a designated control site and like for like samples should be taken.



2. Sampling and recording should be carried out in accordance with the CSEMP Green Book Version 15 July 2012 Appendix 5 – Procedural Guidelines for the Collection and Processing of Shellfish and Algal Tissue for Body Burden Analysis - <https://www.cefas.co.uk/publications/greenbook/greenbookappendicesv15.pdf>.
 3. These samples should be analysed for PAHs - Benzo(a)Pyrene, Benzo(a)Anthracene, Benzo(b)Fluoranthene and Chrysene.
 4. The laboratory carrying out the analyses should participate in the QUASIMEME programme and the results should be reported as ug/kg (wet weight basis) with a lower detection limit of 0.5ug/kg.
 5. Results should be provided to the licensing authority **within 6 weeks** of each sampling round by submission to MarineLicensingTeam@daera-ni.gov.uk.
27. The Licensee(s) must provide, to the licensing authority, MarineLicensingTeam@daera-ni.gov.uk a monthly spreadsheet which should include the quantities of material disposed at sea and also **timed and dated** track plots of position and time for each disposal run from the dredge site to the disposal site.

AFTER WORKS

28. The Licensee(s) must ensure that vessel log details (attached as an Annex to this licence) should be completed **within a week** after the end of each month of dredging and disposal operation.
- a. The Licensee(s) may decide to use their own vessel log template with prior written agreement of the licensing authority.
 - b. The vessel log should be accompanied by timed and dated tracked plots indicating the route taken, to and from, each disposal event in addition to the position and time for each disposal.
 - c. If Licensee(s) cannot provide track plots they must reach agreement with the licensing authority on a suitable method of recording and reporting the position and time for each disposal prior to disposal commencing.
29. The Licensee(s) must survey the seabed of the disposal site after disposal operations in addition to a reference site. The survey must include photography/video of the benthos and grab sample. This survey information should be provided in a report format (including still images) to MarineLicensingTeam@daera-ni.gov.uk within **8 weeks** upon completion of each sea disposal campaign (as per Condition 7).
30. The Licensee(s) must ensure that certified returns of quantities of substances or articles deposited under this licence are submitted to the licensing authority MarineLicensingTeam@daera-ni.gov.uk
- by 31 January 2021 for deposits made from 1 October 2020 to 31 December 2020 inclusive
 - by 31 January 2022 for deposits made from 1 January 2021 to 31 December 2021 inclusive
 - by 31 January 2023 for deposits made from 1 January 2022 to 31 December 2022 inclusive
 - by 31 January 2024 for deposits made from 1 January 2023 to 31 December 2023 inclusive



- by 30 April 2024 for the period 1 January to 31 March 2024 inclusive.

The returns must specify the full licence number, disposal site name and amount deposited each calendar month at the authorised deposit site. **Where no deposit is made in a given year, a nil return is required.**

Signed on behalf of the Department:



Dated: 12th September 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:

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>
- Guidance for Pollution Prevention (PPG/GPPs) documents can be obtained at:
http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx

DAERA advice on Marine Conservation

- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Non-Native Species](#)
- [Marine Map Viewer](#)

- European and National Marine Protected Areas

The Licensee's attention is drawn to the fact that the proposed works are in close proximity to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

- Marine Conservation Zones

The Licensee's attention is drawn to the fact that the proposed works are in close proximity to the boundary of Carlingford Lough Marine Conservation Zone (MCZ) and precautions should be taken to ensure its integrity and the animals residing within, will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring outside the red line planning application boundary are subject to the Marine Act (Northern Ireland), which makes it an offence to

- a) intentionally or recklessly kills or injures any animal in an MCZ which is a protected feature of that MCZ,
- b) intentionally picks or collects, or intentionally or recklessly cuts, uproots or destroys, any plant in an MCZ which is a protected feature of that MCZ,
- c) intentionally or recklessly takes anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or
- d) intentionally or recklessly destroys or damages any habitat or feature which is a protected feature of an MCZ

For Further information please see <https://www.daera-ni.gov.uk/articles/marine-conservation-zones>



- Marine European Protected Species

The Licensee's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, disturb, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

For more information please see <https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

- Marine National Protected Species

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 deliberately capture, deliberately or recklessly disturb, injure or kill a wild animal included in Schedule 5 of this Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximus*), 1angel shark (*Squatina squatina*), 1common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).all species of dolphins, porpoises and whales and the marine turtle species.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

For more information please see <https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

For more information on marine wildlife disturbance please see

<https://www.daera-ni.gov.uk/publications/watch-out-wildlife-crime-marine-wildlife-disturbance>

DAERA advice on Fisheries Protection

It is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks. Northern Ireland through the UK and EU is a signatory to North Atlantic Salmon Conservation Organisation (NASCO), under which we are legally obliged to protect, restore and enhance the habitat of the North Atlantic Salmon species. Section 47 of the Fisheries Act (NI) 1966, which covers the Licensee's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any deleterious materials into any waters.



Appendix A Maps of Warrenpoint Harbour dredging locations

Chart 1

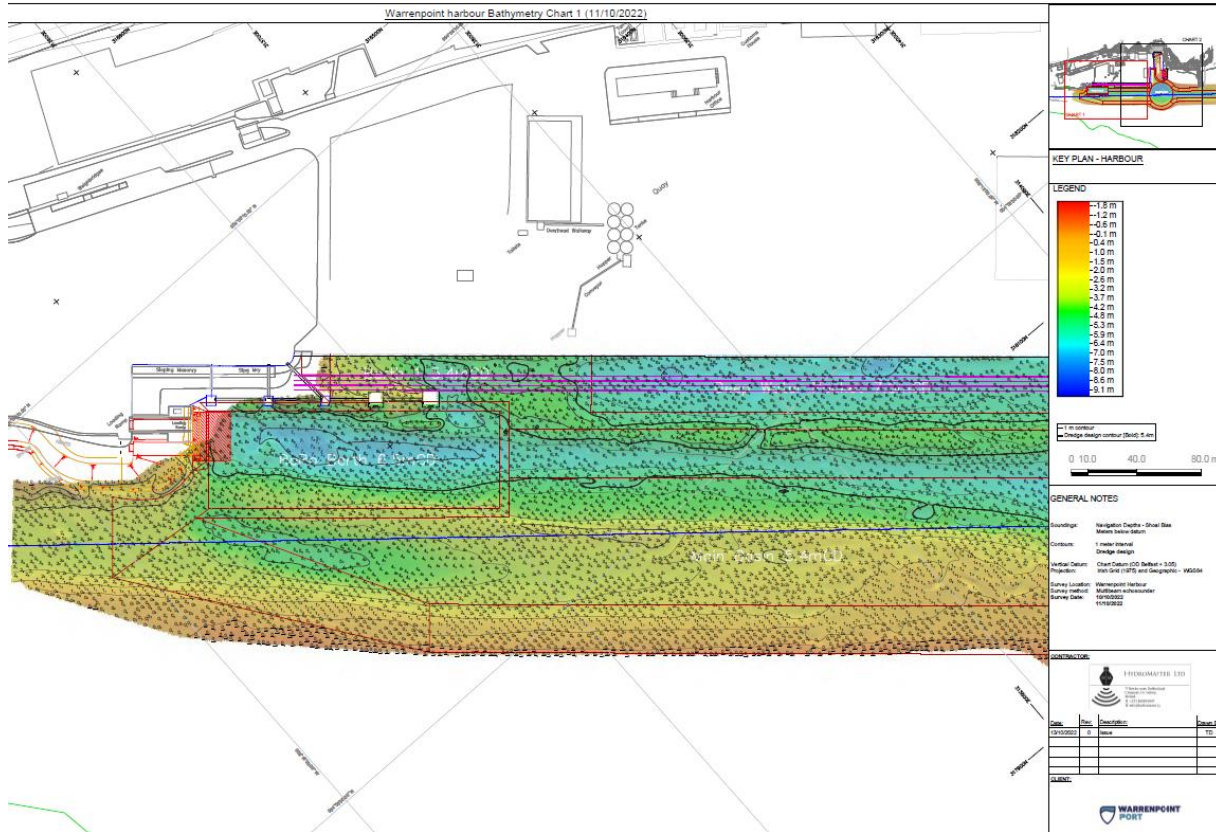


Chart 2

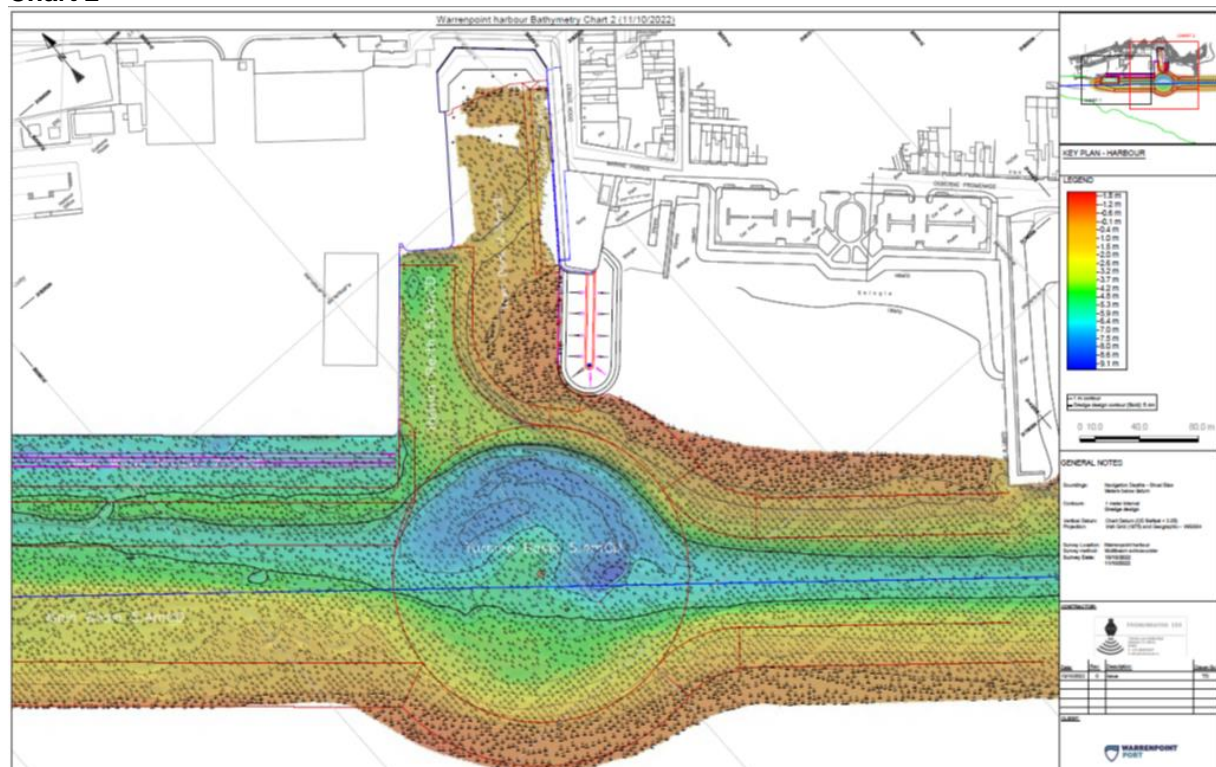




Chart 3

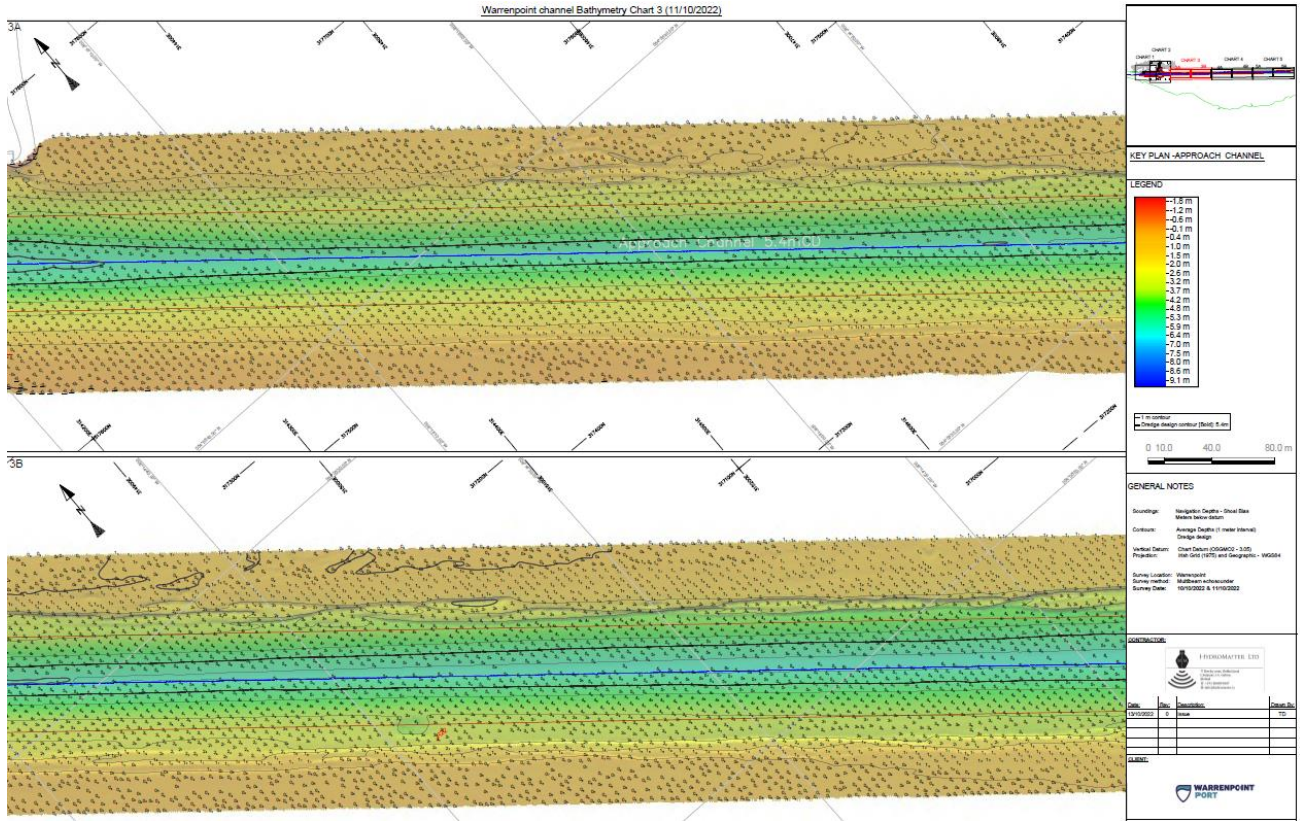


Chart 4

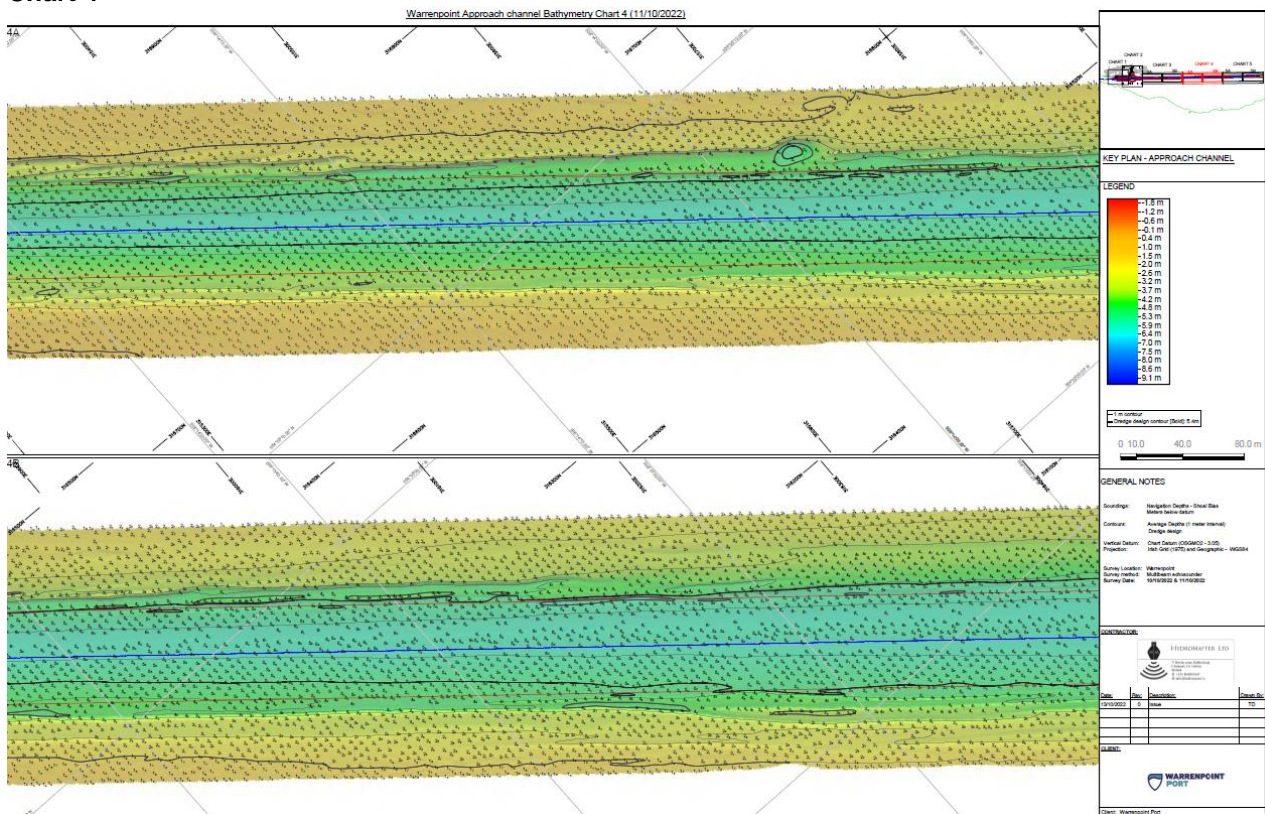




Chart 5

