



**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 Construction as part of the Public Realm Works at Warrenpoint
Shore Front**

Licence Number: ML2021021 VAR-1

Part 1 - Particulars

1. Licensee(s) Name & Address:

██████████
Newry, Mourne and Down District Council
Unit 19, Rampart Road
Greenbank Industrial Estate
Newry
BT34 2QU

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

██████████
1 Kilmacrew Road
Banbridge
Co. Down
N.Ireland
United Kingdom
BT32 4ES

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

Sea wall repairs, maintenance of the sea wall and the upgrade of the existing ramp to the beach, as part of the public realm works at Warrenpoint shore front.

4. Location of works:

Marine Parade Area - 54°5' 57.2N, 6°15'20.7W

Promenade Area - 54°5' 55N, 6°14'55.5W

5. Valid:

From: 1st March 2022
Until: 30th April 2023

PART 2: CONDITIONS

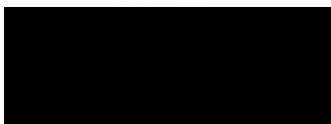
The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Newry, Mourne and Down District Council**, to deposit in the sea the substances or articles (except for dredge material) used in the execution of works described in Part 1 of this licence. 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. 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 authorized under section 66 of the 2009 Act, whether or not the licence has been transferred to that person.
2. The licensee(s) must undertake works within the valid dates as set out in Part 1 of this licence.
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 inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.
5. 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 10th December 2021. 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.
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.
7. 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.
8. 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)
9. The licensee(s) shall adhere to the following:
 - Works in, near or over watercourses, PPG5 and
 - Prevent Pollution, & Construction and Demolition sites: PPG6: Prevent Pollution.

Signed on behalf of the Department:



Dated: 23 February 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 from consultation:

1. Northern Ireland Environment Agency – Water Management Unit

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 months imprisonment.

Water Management Unit would refer the applicant to DAERA's Standing Advice on Pollution Prevention and Discharges to the Water Environment, available at: www.daera-ni.gov.uk/water-environment-standingadvice

2. DAERA Marine & Fisheries – Marine Conservation

Marine Protected Areas

It is the responsibility of the applicant to implement appropriate measures which will ensure the integrity of Marine Protected Areas will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity associated with this Planning Application during the construction period or thereafter. Any works occurring within a designated site but outside the red line planning application boundary require permission from the Department of Agriculture, Environment and Rural Affairs (DAERA).

For further information please see:

<https://www.daera-ni.gov.uk/articles/marine-protected-areas>

Invasive Species

The applicant'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>

Marine European Protected Species

The applicant'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 disturb, capture, 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.

It is also an offence to;

- (a) deliberately obstruct access to a breeding site or resting place of such an animal,
- (b) damage or destroy a breeding site or resting place of such an animal,
- (c) keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal of a European protected species, 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 Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

<http://www.legislation.gov.uk/nisr/1995/380/part/III/made>

Marine National Protected Species – Seals and basking shark

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 disturb, capture, injure a common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*) or basking shark (*Cetorhinus maximus*).

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>

Standing Advice

The applicant's attention is also drawn to the following links which provide 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 Map Viewer](#)
- [Decisions affected by marine policy - authorisation decisions](#)
- [Marine Non-Native Species](#)

- [Marine Wildlife Disturbance](#)

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

3. Navigation Safety

The licensee(s) should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

4. DAERA Sea Fisheries

The licensee(s) should be aware of Section 47 of the Fisheries Act (NI) 1966, which covers their responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any deleterious material into any waters.

5. DAERA Monitoring and Assessment

Monitoring and Assessment Team refers the licensee(s) to standing advice:

<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>