



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

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**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 construct a revetment at Ravenhill Quay under the Belfast Tidal Flood Alleviation
Scheme**

Licence Number: ML2023015

PART 1 – PARTICULARS

1. Licensee(s) Name & Address:

DfI Rivers HQ
49 Tullywiggan Road
Loughry
Cookstown
BT80 8SG

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

To be provided in accordance with Condition 6

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

The construction of a revetment at Ravenhill Quay. The revetment will be constructed by installation of the fill material, rock armour protection, mini piles for wall foundation and construction of the concrete wall.

4. Location of works:

54°35'.3N, 5°54'.5W and 54°35'.4N, 5°54'.4W for the Ravenhill Revetment

See map at Appendix 1

5. Valid:

From: 21st February 2024

Until: 31st May 2024

6. Licence Documentation

1. BTFAS Marine Licence application rev 1 (dated 16.11.2023)
2. Construction of Ravenhill Revetment ST rev 3 (dated 21.11.2023)
3. BTFAS - Construction Environmental Management Plan Revision 4 (dated 14.09.2023)
4. NI2488_Belfast Tidal sHRA_Revetment F01_03.03.23 (dated 03.03.2023)
5. M0833-RPS-RH-ML-DR-C-0300 P05 Marine Licence Revetment at Ravenhill Road(3) (dated 27.01.2022)
6. River Lagan Revetment Hydrodynamics P01 (dated 16.01.2024)

PART 2 - CONDITIONS

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Department for Infrastructure** 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 16 November 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 Construction of Ravenhill Revetment ST rev 3 (dated 21.11.2023) and BTFAS - Construction Environmental Management Plan Revision 4 (dated 14.09.2023) 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 by email to MLCompliance&Enforcement@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.

7. Any person authorised by the licensing authority will be permitted to inspect the licensed activity at any reasonable time.
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)

Prior to the commencement of the Licensed Activity

9. A final Construction Environmental Management Plan (CEMP) and associated Method Statement should be submitted to NIEA Water Management Unit (nieapollutionprevention@daera-ni.gov.uk), **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. MLCompliance&Enforcement@daera-ni.gov.uk must be copied in on the correspondence.

Reason: To ensure effective mitigation methodologies have been planned for the protection of the water environment.

10. 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. MLCompliance&Enforcement@daera-ni.gov.uk must be copied into all notifications.

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

11. The licensee must ensure invasive species biosecurity measures are in place for all stages of the works and for all equipment used. A copy of the biosecurity plan should be submitted to Marine.Wildlife@daera-ni.gov.uk **4 weeks prior** to works commencing. MLCompliance&Enforcement@daera-ni.gov.uk must be copied in on the correspondence.

Reason: To prevent the introduction of and minimise the spread of marine Invasive Non-Native Species.

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 MLCompliance&Enforcement@daera-ni.gov.uk for approval before impact piling can begin to prevent disturbance to sensitive receptors. Any noise must be registered on the Marine Noise Registry.

Reason: To prevent disturbance to sensitive receptors.

13. The Licensee will provide Black Guillemot nesting boxes at an alternative location as per the provided method statement Construction of Ravenhill Revetment ST rev 3 (dated 21.11.2023).

Reason: To compensate for loss of nesting in Ravenhill Quay wall.

During the Licensed Activity

14. The in-river works must only be carried out in accordance with the agreed final CEMP (Condition 9). In-river works must only be carried out during daylight working hours and dependent on tidal conditions for in water-based activities. The piling works will be limited to 0700 to 1900 hours on weekdays, 0700 to 1300 on Saturdays, with no work on Sundays.

Reason: To prevent disturbance to sensitive receptors as outlined in NI2488_Belfast Tidal sHRA_Revetment F01_03.03.23 (dated 03.03.2023)

15. No piling is permitted during June, July or August to avoid disturbing the breeding season of common seals and migrating fish.

Reason: To prevent disturbance to sensitive receptors as outlined in NI2488_Belfast Tidal sHRA_Revetment F01_03.03.23 (dated 03.03.2023)

16. The Licensee(s) shall maintain records of impact piling required during construction. The record should include the beginning and end times and duration, e.g. hammer energy blow or explosive charges. Records must be submitted to the licensing authority MLCompliance&Enforcement@daera-ni.gov.uk **within eight weeks** of completion of the licensed works.

Reason: To prevent disturbance to sensitive receptors.

17. 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 16 November 2023. If marine mammals are detected in the area, the MMO must 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. The MMO report must be submitted to MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To prevent disturbance to sensitive receptors.

18. Piling procedures should be applied as per the provided document NI2488_Belfast Tidal sHRA_Revetment F01_03.03.23 (28.04.2023), which refer to [JNCC \(2010\) Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise \(August 2010\)](#); The Department should be contacted if any further advice is required.

Reason: To prevent disturbance to sensitive receptors.

19. The silt curtain listed in the agreed final Method Statement (Condition 9) must be implemented during the dredging operations to contain any sediments mobilized to the water column during works.

Reason: To prevent water pollution.

20. 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 contact MLCompliance&Enforcement@daera-ni.gov.uk **immediately** so further advice may be sought.

Reason: To ensure that historic monuments and archaeological objects are protected.

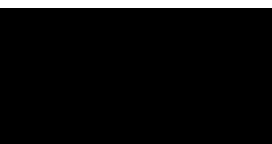
21. In the event of a discovery of wreck material during the works, the Licensee must report it to the 'Receiver of Wreck' (Maritime and Coastguard Agency) **within 28 days**.

Reason: To ensure that recovered wreck material is declared and dealt with appropriately.

Upon Completion of the Licensed Activity

22. The Licensee(s) shall inform the licensing authority of the finishing date of the licensed work **within 28 days** of completion.
23. 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 must be submitted to MLCompliance&Enforcement@daera-ni.gov.uk
24. At the decommissioning stage, the Licensee(s) should ensure the seabed is returned to its original profile. MLCompliance&Enforcement@daera-ni.gov.uk must be consulted **8 weeks in advance** on what licensing requirements may be to complete any decommissioning works.

Signed on behalf of the Department:



Dated: 21st February 2024

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>

INFORMATIVES:

Maritime & Coastguard Agency advice on Navigational Safety

- 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 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.

Appendix 1 Map of Ravenhill Quay, Belfast

