

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 bridge across Narrow Water from Warrenpoint, County Down

Licence Number: ML2022003

PART 1 – PARTICULARS

1. Licensee(s) Name & Address:

Louth County Council
Millennium Centre
County Hall
Dundalk
Co. Louth

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

To be provided under Condition 6

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

The proposed Narrow Water Bridge will cross the Newry River approximately 400m south of the Narrow Water Keep. The bridge, which will connect the R173 Omeath Road south of Ferry Hill and the A2 dual carriageway at the existing roundabout, is situated approximately 1km and 2km northwest of Warrenpoint and Omeath, respectively. The bridge will pass close to the beacon near the southern shoreline. Works below Mean High Water Springs (MHWS) includes construction of embankments, installation of cofferdams, piling to construct the tower base, creation of the construct tower, and placement of the moveable span.

4. Location of works:

Burren Roundabout, Warrenpoint, County Down IGR 312890E 319096N
See map at Appendix A

5. Valid:

From: 29th March 2024

Until: 28th March 2027

6. Licence Documentation

PDF Copy Application for Marine Construction Works in the Territorial(dated 24.05.2023)
NWB-ROD-ENV-AE-RP-EN-500001 (S4-P04) OCEMP (dated May 2022)
08119 Narrow Water Bridge NIS HRA February 2012 (dated February 2012)
NWB-ROD-ENV-AE-RP-EN-500010 (S4-P01) Tech Appraisal NIS-HRA (dated November 2023)
NWB-ROD-ENV-AE-RP-EN-500011 (S4-P01) MCZ Assessment (dated November 2023)
Narrow Water Bridge EIS_ES Table of Contents
Volume 1 Standalone Non Technical Summary February 2012 (dated February 2012)
Volume 2 Narrow Water Bridge EIS February 2012 (dated February 2012)
Volume 3 Figures Narrow Water Bridge EIS Part 1 (dated February 2012)
Volume 3 Figures Narrow Water Bridge EIS Part 2 (dated February 2012)
Volume 3 Figures Narrow Water Bridge EIS Part 3 (dated February 2012)
Volume 3 Figures Narrow Water Bridge EIS Part 4 (dated February 2012)
Volume 3 Figures Narrow Water Bridge EIS Part 5 (dated February 2012)
0811925 ABP Planning Approval 15102012 (dated 12.10.2012)
(DoENI) 0811925 Planning Service Approval 15102012 searchable (dated 15.10.2012)
Screening Opinion - Narrow Water Bridge ML2022003 (dated 22.02.2024)
NWB-ROD-ENV-AE-RP-EN-500011 MCZ Assessment Rev 2 (dated November 2023)

PART 2 - CONDITIONS

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Louth County 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 25th 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 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) must be submitted to NIEA Water Management Unit (nieapollutionprevention@daera-ni.gov.uk) and Marine Conservation Branch (Marine.Wildlife@daera-ni.gov.uk), at least 8 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 aquatic environment.

10. The Licensee must perform weekly bacterial water quality testing at a minimum of 3 sites across the project area.
 - 10.1. Sampling and recording should be by a UKAS accredited laboratory for *E.coli* and intestinal streptococci.
 - 10.2. Results should be submitted to DAERA Bathing Waters Team at bathingwaters@daera-ni.gov.uk for weekly review.
 - 10.3. Testing should commence a minimum of 4 weeks before any construction, and continue until the project end.
 - 10.4. MLCompliance&Enforcement@daera-ni.gov.uk should be copied in on the correspondence.

Reason: To understand any potential impact to the candidate bathing waters at Warrenpoint, the designated shellfish water in Carlingford Lough and the wild shellfishery in Narrow Water.

11. The Licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: sdrr@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

12. The Licensee must issue local notification to marine users – including fishermen’s organisations a minimum of 5 days prior to commencement of work. MLCompliance&Enforcement@daera-ni.gov.uk must be copied in on the notification.

Reason: To make local marine users aware.

13. The Licensee must adhere to the mitigation measures set out in Section 13.4.1 of the provided Environmental Impact Statement (EIS), namely:

- 13.1. An artificial island is to be constructed to provide an alternative roost site to the natural island that will be lost. The new roost site is intended to be located approximately 200m south east of the existing bird roost and will be made up of stones and cobbles are similar to those of the existing island.
- 13.2. Vegetation removal should be minimised and any unavoidable vegetation must be undertaken outside of the bird breeding season (1st March-31st August).
- 13.3. To reduce the risk to birds from collision with the bridge and associated cables, the bridge should be lit in such a way as to maximise visibility of cables.

Reason: To minimise impacts on marine wildlife, particularly birds.

14. The Licensee must ensure marine invasive species biosecurity measures are in place for all stages of the works and for all equipment used. A copy of the marine 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.

15. The Licensee(s) must inform the licensing authority one week in advance of commencement of piling.

Reason: To allow the licensing authority plan a site visit during piling operations.

16. The Licensee(s) shall ensure that the impacts of underwater noise shall be mitigated through adherence to the Joint Nature Conservation Council (JNCC) document '[Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise](#)'. Specifically:

- i. Employ a qualified Independent Marine Mammal Observer;
- ii. Pre-piling search duration should be a minimum of 30 minutes;
- iii. Piling should not be commenced if marine mammals are detected within the mitigation zone or until 20 minutes after the last visual or acoustic detection;
- iv. If a marine mammal enters the mitigation zone during the soft-start then, whenever possible, the piling operation should cease, or at the least the power should not be further increased until the marine mammal exits the mitigation zone, and there is no further detection for 20 minutes.

Reason: To avoid any potential impacts on marine mammals.

During the Licensed Activity

17. 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 MLComplianceandEnforcement@daera-ni.gov.uk within eight weeks of completion of the licensed works.

Reason: To monitor levels of disturbance in the marine environment.

18. The Licensee must log impulsive noise data by registration on the Marine Noise Registry at <https://mnr.jncc.gov.uk/>. Confirmation of the registration must be submitted to MLComplianceandEnforcement@daera-ni.gov.uk within eight weeks of completion of the licensed works.

Reason: To monitor levels of disturbance in the marine environment and meet commitments under the UK Marine Strategy.

19. 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.

20. 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. MLCompliance&Enforcement@daera-ni.gov.uk must be copied in on the correspondence.

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

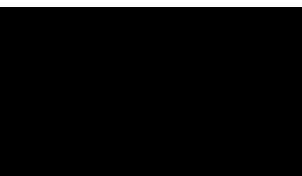
Upon Completion of the Licensed Activity

21. The Licensee(s) shall inform the licensing authority MLComplianceandEnforcement@daera-ni.gov.uk of the finishing date of the licensed work within **28 days** of completion.

22. 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 MLComplianceandEnforcement@daera-ni.gov.uk

23. At the decommissioning stage, the Licensee(s) should ensure the seabed is returned to its original profile. MLComplianceandEnforcement@daera-ni.gov.uk must be consulted 8 weeks in advance on what licensing requirements may be to complete any works.

Signed on behalf of the Department:



Dated: 28 March 2024

NOTES:

- (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.

DAERA advice on Marine Invasive Species

- [https://www.daera-ni.gov.uk/articles/marine-invasive-non-native-species-guidance#:~:text=Invasive%20non%2Dnative%20species%20\(INNS,smothering%20and%20outcompeting%20native%20species](https://www.daera-ni.gov.uk/articles/marine-invasive-non-native-species-guidance#:~:text=Invasive%20non%2Dnative%20species%20(INNS,smothering%20and%20outcompeting%20native%20species)
- The Licensee(s) should note the recommendation to monitor for the presence of Spartina in this area. Spartina has been recorded in mudflats to the north of the Newry River and, if able to colonise, will reduce the overall biodiversity of the potential saltmarsh habitat that is expected to form here and will reduce foraging areas by waterfowl and waders.

APPENDIX A

Map showing Narrow Water Bridge between Warrenpoint, County Down and Omagh, County Louth



1 NO. DIRECTION SIGN 140m
IN ADVANCE OF YIELD LINE

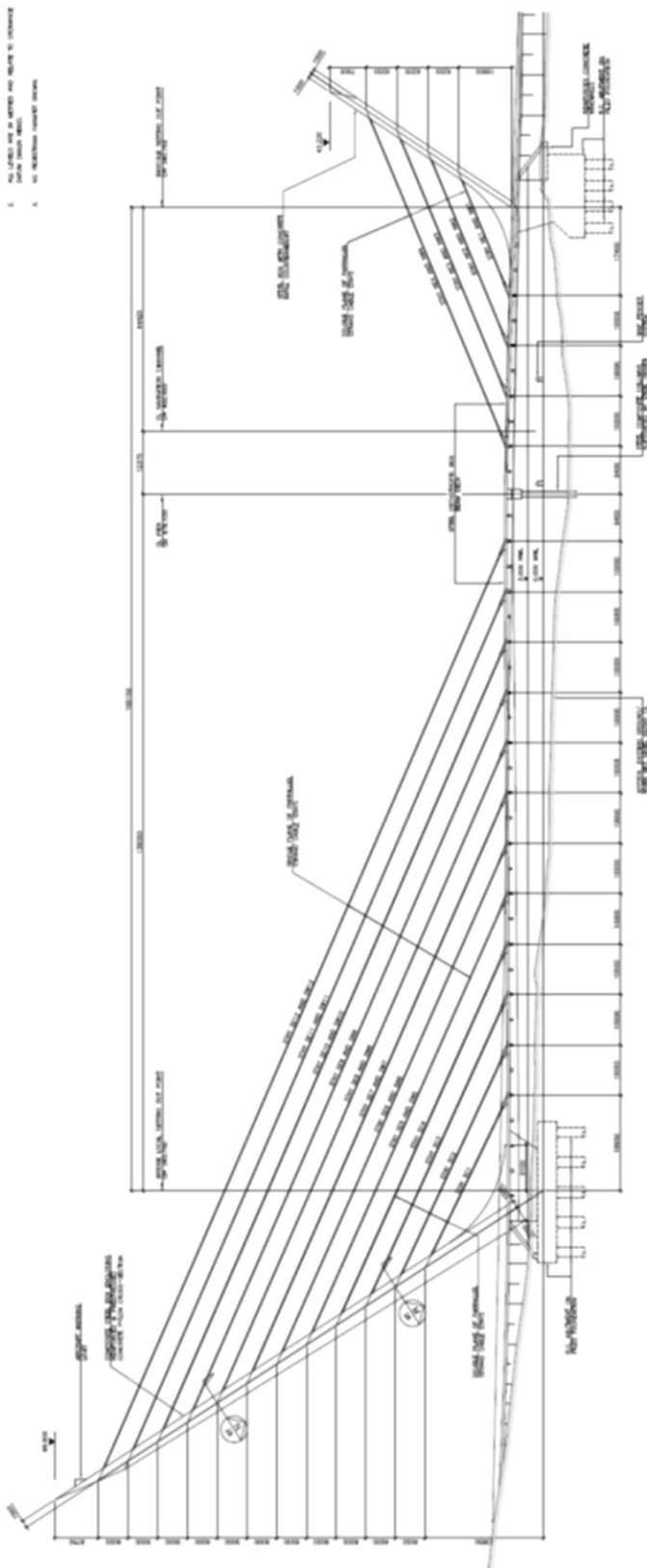
2 NO. ROUNDABOUT AHEAD WARNING SIGN "GATEWAY
TREATMENT" 300m IN ADVANCE OF YIELD LINE

PLAN
A1 SCALE 1:1000
A3 SCALE 1:2000

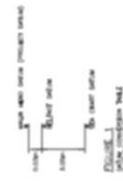
Structural diagram of Narrow Water Bridge

NOTES:

1. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE
2. ALL LEVELS ARE IN METRES AND REFER TO DATUM
3. ALL DIMENSIONS ARE TO CENTRE UNLESS NOTED OTHERWISE



ELEVATION OF BRIDGE - OPEN FOR TRAFFIC
SCALE 1:40



 An tSúil le hÉireann Department of Transport, Tourism and Sport	 European Union	 Department of the Environment, Heritage and Local Government	 Department of the Marine	 Department of the Environment, Heritage and Local Government	Roughan & O'Donovan Consulting Engineers 100-102, Main Street, Carrigrohane, Co. Kerry	Approved Access Point for the 2002 National Access Point Scheme www.nationalaccesspoint.ie	NARROW WATER BRIDGE PROJECT	BRIDGE ELEVATION SHEET 1