



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 Road Protection and Verge Strengthening Works on A20  
Portaferry Road, SE of junction with Mount Stewart Road**

Licence Number: ML2021012

**Part 1 - Particulars**

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

Mr. Eugene McGeown  
Department for Infrastructure – Roads & Rivers  
Marlborough House  
Central Way  
Craigavon  
BT46 1AD

Gibson (Banbridge) Ltd  
1 Kilmacrew Road  
Banbridge  
BT32 4ES

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

n/a

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

The works will include verge strengthening and road protection works, including excavation for a toe to the embankment and placement of rock armour to protect the new embankment.

**4. Location of works:**

Irish Grid J559688 to J560687

**5. Valid:**

From: 9<sup>th</sup> June 2021  
Until: 31<sup>st</sup> October 2021

## PART 2: CONDITIONS

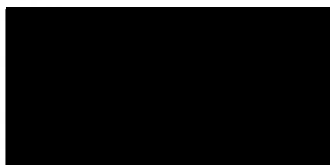
The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Department for Infrastructure – Roads and Gibson (Banbridge) Ltd**, to remove and deposit the substances or articles (except for dredge material) used in the execution of works described in 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 authorised under section 66 of the 2009 Act, whether or not the licence has been transferred to that person.
2. 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).
3. The licensee(s) shall inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.
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 12<sup>th</sup> March 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.
5. The licensee(s) shall ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works. The extent of the works for which the licence has been given and the conditions that are attached to the licence should be made clear to the contractors.
6. 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.
7. The Licensee must ensure that HM Coastguard, in this case [zone34@hmcg.gov.uk](mailto:zone34@hmcg.gov.uk), is made aware of the works prior to commencement.
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: 16<sup>th</sup> June 2021

**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

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](http://www.daera-ni.gov.uk/water-environment-standingadvice)

### 2. DAERA Marine & Fisheries – Marine Conservation

#### Designated Sites

The licensee's attention is drawn to the fact that construction works and operations could potentially impact nearby Marine Protected Areas and precautions should be taken to ensure their integrity 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 require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

For Further information please see:

<https://www.daera-ni.gov.uk/articles/special-areas-conservation>

#### Invasive Species

The licensee's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence if any person releases or allows to escape into the wild any 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 (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 animal included in that Part),
- he shall be guilty of an offence.

List of Part I, Schedule 9 species

<https://www.legislation.gov.uk/nisi/1985/171/schedule/9>

Article 15 of the Wildlife (Northern Ireland) Order 1985

<https://www.legislation.gov.uk/nisi/1985/171/article/15>

Please see the following link for Best Practice Guidance:

[Marine Biosecurity Planning Guidance](#)

Further advice can be sought from the Wildlife Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel: 028 90 569 262.

#### 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 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.

Under this legislation a licence may be required for any operations which might impact on European Protected Species.

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>

### **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 intentionally or recklessly disturb, deliberately capture, injure or kill a wild animal included in Schedule 5 of this Order. This includes the Common/ Harbour seal (*Phoca vitulina*) and Grey seal (*Halichoerus grypus*).

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. Under this legislation a licence may be required for any operations which might impact on National Protected Species.

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>

### **Further information**

The licensee'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 Wildlife Licensing](#)
- [Marine Wildlife Disturbance](#)

### **3. DAERA Marine & Fisheries – Inland Fisheries & Sea Fisheries**

- We would like to draw the licensee(s)'s attention to 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 materials into any waters.
- Any works in or on the riverbank should be permitted under section 48 of the Fisheries Act (Northern Ireland) 1966 which is issued by DAERA Inland Fisheries. Inland Fisheries may apply conditions to any permissions granted for in river works.
- Northern Ireland as part of the UK is a signatory to the Convention for the Conservation of Salmon in the North Atlantic. This treaty requires signatory states to develop programmes of work to conserve, rationally manage and improve Atlantic salmon populations and their habitats within their jurisdiction. This work is scrutinised by the North Atlantic Salmon Conservation Organisation (NASCO)

### **4. 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.

### **5. DAERA Marine & Fisheries – Monitoring & Assessment Team**

The licensee(s) should refer to standing advice:

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