



**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 extend slipway at Carrickfergus Sailing Club**

**Licence Number: ML 18\_19**

**Part 1 - Particulars**

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

Carrickfergus Sailing Club  
Rodgers Quay  
Carrickfergus  
BT38 8BE

CIVCO Ltd  
25A Hillside Road  
Maghera  
BT46 5SD

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

TBC

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

A summary of the proposed construction works:

1. Remove existing wire mesh fencing at seaward side of site and handover to club to set aside and restore for use;
2. Break up and remove existing small in-situ concrete overhanging slab with existing steel support members and remove off site to a licensed waste facility;
3. Saw cut existing concrete slab to side of boatshed and break up and remove designated area off site to a licensed facility;
4. Remove existing surplus rock armour from seaward facing south slope or from the SW side of the existing slip and place in position across the bottom of the slipway to provide protection for the work
5. Place a layer of Terram / silt curtain in place to the inner side of the temporary armour to capture and prevent any sediment from entering the lough;
6. Remove existing rock armour from the SW side of the slip if not already undertaken for above and set aside for reuse on site;
7. Excavate and remove the existing embankment clay fill material behind the rock armour to facilitate the required 5 to 10 m widening. Dispose of the excavated material off site to a licensed facility;
8. Allow for temporary protection as required of the exposed slope;
9. Replace existing rock armour removed (5 above) or strip surplus rock armour from the seaward slope above HMWT and place in position along the side of the slipway to provide permanent protection of the new embankment;

10. Remove the remaining surplus rock armour from the roundhead and seaward front slope and temporarily store on site or place in position as item 18 below;
11. Remove any temporary rock armour protection and replace the permanent rock armour protection to the lower slopes and roundhead on the SW corner of the re-profiled embankment;
12. Supply and install off site manufactured precast down stand beams to allow for a permanent shuttering to the end of the widened slipway and the first 15m on the lower sections of the SW face;
13. Prepare for and cast the lowest 15m of the slipway widening on spring tide conditions with a 250mm deep in-situ concrete quick drying water-resistant slab using premixed off site insitu concrete with two layers of A252 reinforcing mesh or equivalent;
14. Place as required sandbag constructed cofferdams to protect the works and prevent any runoff until concrete has set. Remove as work proceeds;
15. Continue working back up the slope of the slipway using construction method at low tide conditions;
16. Grade, prepare for, and cast the remainder of the slipway widening to the top of the existing slipway profile;
17. Construct the armour profile to the slip and re-graded slopes to final completion;
18. Any surplus rock armour to be placed in position on site above HWMT to increase protection along the sides of the slipway and existing front seaward slope to East of slip to harbor wall;
19. Final clean of site and demobilisation.

Works due to take place from February 2020 – 6/8 week timescale.

#### **4. Location of works:**

Carrickfergus Sailing Club  
Latitude N54 42' 37.65" Longitude 5 48' 31.93" W

#### **5. Valid:**

From: 10<sup>th</sup> January 2020  
Until: 9<sup>th</sup> January 2021

#### **PART 2: CONDITIONS**

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Carrickfergus Sailing Club** and **CIVCO Ltd**, 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**

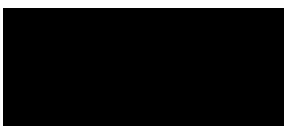
1. The Licensee(s) must adhere to the agreed Construction and Environmental Management Plan.
2. All conditions of this licence bind any persons whom, for the time being, owns, occupies or enjoys any use of the works for which this licence has been granted, in relation to those licensed activities authorised 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 inform the licensing authority of the proposed starting date of licensed work at least **14 days** before commencement.
5. The licensee(s) shall inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.

6. 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 09/08/2019. 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.
7. 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.
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, 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.
10. The licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email: [sdr@ukho.gov.uk](mailto: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. **This office must be copied into all notifications.**
11. The Licensee must ensure that HM Coastguard, in this case [nmoccocontroller@hmcg.gov.uk](mailto:nmoccocontroller@hmcg.gov.uk), The National Maritime Operations Centre is made aware of the works prior to commencement.
12. The Licensee must issue local notification to marine users.
13. 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 the works the licensee(s) must: (1) record the position and details of the site; (2) not disturb the site further and (3) contact DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA for further advice.

*Reason: To ensure recovered archaeological material is recorded with the appropriate authority*
14. 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**.

*Reason: To ensure recovered wreck material is recorded with the appropriate authority*
15. The licensee(s) shall adhere to NIEA's Standing Advice on Pollution Prevention and Discharges:
  - [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)

Signed on behalf of the Department:



Dated: 10<sup>th</sup> January 2020

Departmental Stamp



**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 following link shows the Pollution Prevention Guidelines (PPGs) for Works and Maintenance In or Near Water:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

**2. DAERA - Inland Fisheries and Sea Fisheries**

It is an offence under Article 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks

**3. Maritime and Coastguard Agency**

1. The Consent Holder 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.
2. If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

#### 4. DAERA - Marine Conservation & Reporting Team

##### **Marine National Protected Species:**

##### **Designated Sites**

The applicant'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 applicant'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 - <http://www.nonnativespecies.org/checkcleandry/index.cfm?>

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 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.

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 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, 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 applicant's attention is also drawn to the following links which provide advice to be considered:

- Planning in the Coastal Area –  
<https://www.daerani.gov.uk/sites/default/files/publications/daera/Planning%20in%20the%20Coastal%20Area%20-%20October%202016%20review%20-%20JH%20edits%2022%20May%20201....pdf>
- Standing advice for development that may have an effect on the water environment (including groundwater and fisheries) –  
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>
- Marine Wildlife Licensing –  
<https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing>
- Marine Wildlife Disturbance –  
<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.236%20Watchout%20for%20Wildlife%20Crime%20-%20Marine%20Final.PDF>

#### **5. Department for Infrastructure - Rivers**

Within the terms of the Drainage (Northern Ireland) Order 1973, Marine Construction Licence applicants are advised of the following legal requirements for ALL sites as follows:

1. If during the course of developing a site a watercourse is uncovered which was not previously evident, the appropriate DfI Rivers Office should be advised immediately in order that arrangements may be made for the investigation and direction in respect of any possible action necessary to deal with the watercourse. Piped storm drains, culverts, open channels etc. may be considered to be watercourses.
2. Any proposals either temporary or permanent, in connection with the development, which involve interference with any watercourse at the site such as culverting, bridging, diversion, building adjacent or discharge of storm water etc require the written consent (known as "Schedule 6 Consent") from DfI Rivers.
3. Failure to obtain Schedule 6 Consent is an offence under the provisions of the above Order, which may lead to prosecution or other statutory action as provided for.

In this instance the appropriate DfI Rivers office to contact in respect of Schedule 6 applications and any other general enquiries is:

**GBA Area Office,  
Ravarnet House  
15 Altona Road  
Lisburn  
BT27 5QB  
Tel: 028 92 606100**

## **6. DAERA - MARINE CONSERVATION AND REPORTING (HISTORIC ENVIRONMENT)**

The License Holder should be aware of the need to pay due regard to coastal and marine historic assets where they remain as archaeological material and attention is drawn to Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) and the UK Marine Policy Statement (UK MPS).

Further to this there is the legal obligation to report archaeological objects within 14 days under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 and to report historic wreck material to the Receiver of Wreck under the Merchant Shipping Act 1995. In the event of a discovery of an archaeological object and/or remains during works the Department would ask that you: (1) record the position and details of the site; (2) do not disturb the site further and (3) contact DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA for further advice.

## **7. DAERA – Marine Monitoring and assessment team**

Monitoring and Assessment Team response to planning consultation refers to standing advice:

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

