



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 SEA DISPOSAL LICENCE

Licence to dispose material dredged from Impounded River Lagan at sea

Licence Number: ML 33_18

Part 1 – Particulars

1. Licensee(s) Name & Address:

Peter Gallagher
C/o Department for Communities
Lagan Weir
1 Donegall Quay
Belfast
BT1 3EA

2. Name and Address of Producer of Dredged Material

Department for Communities
Lagan Weir
1 Donegall Quay
Belfast
BT1 3EA

3. Names, and operators, of the vessels to be employed to undertake or support the deposit operation:

ABCO Marine

4. Description of works and method of disposal:

Disposal of maintenance dredging material as detailed in the Application received 28 January 2019. Full methodology to be confirmed before works take place.

5. Nature and quantity of all material to be deposited below Mean High Water Springs:

Quantity for disposal within period September to March:

Up to 77,329 metric tonnes

6. Location of disposal site:

Site_Code IS591
Name BELFAST DREDGINGS C (Live)
Latitude 54 45.300 N
Longitude 05 29.600 W
Dec_Lat 54.76
Dec_Long -5.49
Radius_nm 0.25

6. Valid:

From: 11 June 2019
Until: 10 June 2020

PART 2: CONDITIONS

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises Department for Communities and ABCO Marine to carry out the loading for disposal from Northern Ireland ports and sea disposal of the material described in Part One of this licence in accordance with the following conditions:

Licence Condition(s):

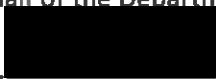
NOTE: FAILURE TO COMPLY WITH THE BELOW LICENCE CONDITIONS MAY RESULT IN ENFORCEMENT ACTION BEING TAKEN

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 receive written authorization 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).
2. The licensee(s) are required to dispose of materials at the Disposal Area(s) stated above. If in the case of 'force majeure' (stress of weather or any other cause threatening the safety of human life or the vessel) dredged material is deposited in any other area, full details of the circumstances should be notified to the licensing authority in writing *within 24 hrs*.
3. The licensee(s) shall confirm to the licensing authority by way of a report and map (and GIS files if possible) the area specifically dredged to produce the disposal material.
4. The licensee(s) shall ensure that a log of all the disposal operations is kept and be made available on request by the Department.
5. **Certified returns to be submitted by 31st January 2020 for disposal during the period 1 September to 31 December 2019 and by 31st January 2021 for disposal between 1 January 2020 and 31 March 2020, nil return where applicable.**
6. The licensee(s) shall confirm in writing to the licensing authority that the disposal vessel(s) shall have position fixing capability within a +/- 20m range.
7. Recordable position fixing equipment must be used to ensure disposal within a 0.25 nautical mile radius of the stated disposal site.
8. The licensee(s) must ensure that vessel log details (attached as an Appendix to this licence) should be completed **within a week** after the end of each month of dredging and disposal operation.
 1. The licensee(s) may decide to use their own vessel log template with prior written agreement of the licensing authority.
 2. The vessel log should be accompanied by timed and dated tracked plots indicating the route taken, to and from, each disposal event in addition to the position and time for each disposal.
 3. If licensee(s) cannot provide track plots they must reach agreement with the licensing authority on a suitable method of recoding and reporting the position and time for each disposal prior to disposal commencing.
9. The dredging operators must have operational and active AIS vessel tracking during all operations.
10. If AIS or vessel positioning systems are faulty, dredge and/or disposal activities must not continue until all systems are repaired/replaced and fully operational.
11. The licensee(s) must ensure they meet all the requirements of Merchant Shipping Regulations
12. The licensee(s) shall ensure that details of each campaign are promulgated to maritime users through Notice(s) to Mariners and/or radio navigational warnings and publication in appropriate bulletins. This should take place prior to the commencement of disposal operations, as stated within the Notice(s) to Mariners guidance notes, which is usually ten days.

13. 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)
14. The licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: hdr@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.**
15. The Licensee must ensure that HM Coastguard, in this case nmcccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
16. As per the River Lagan dredging licence, **A Dredging and Disposal Plan** must be provided to the licensing authority before any works take place, including a **Disposal Monitoring Programme**.
17. The Disposal Monitoring Programme should include methods to survey the seabed of the disposal site before and after disposal operations and a reference site must also be monitored. The survey must include Particle Size Analysis (collected by grab sampling) and a bathymetric survey. This survey information should be provided in a report format to the licensing authority within **8 weeks** upon completion of this licence. This operation shall be agreed with the licensing authority prior to disposal operations.
18. This survey information should be provided in a report format (including still images) to the licensing authority within **8 weeks** upon completion of this licence.
19. In granting approval for any further plans or assessments, the licensing authority may consult any such other advisors, stakeholders or organisations as may be required.
20. Any proposal to vary from the **Dredging and Disposal Plan**, must be sent to the licensing authority for written approval, prior to the commencement of any changes.
21. The licensee(s) 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).
22. 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 dredging works the licensee(s) must: (1) record the position and details of the site; (2) do not disturb the site further and (3) report your discovery to and seek further advice from the Department immediately.
23. In the event of an archaeological discovery being made during works, contact DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA for further advice.
24. The licensee(s) must also report any recovered wreck material to the Receiver of Wreck (Maritime and Coastguard Agency) in accordance with the **Merchant Shipping Act 1995**.

25. The licensee(s) shall inform the licensing authority of the finishing date of the work within 1 week of completion

Signed on behalf of the Department:



Dated: 12/6/2019



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

You 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.

2. DfI 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:

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

3. DAERA sea fisheries/ Inland Fisheries

The applicant should also be made aware that it is an offence under section 47 of the Fisheries (NI) Act 1966 to cause pollution or obstruction which is subsequently shown to have a deleterious effect on fish stocks.

4. DAERA Marine Conservation and Reporting

Marine National Protected Species:

In addition to protection offered under designated sites, certain marine species are afforded protection throughout their range through the following nature conservation legislation:

- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and
- The Wildlife (Northern Ireland) Order 1985 (as amended).

This includes marine animals such as cetaceans, basking shark and seals. Under this legislation it is an offence to disturb, injure or harm marine protected species, however, the offences that apply will depend on the species,

activity and location. Most applicable to this application would be seals, which have been recorded within this stretch of the Lagan.

The applicant should be made aware (through the attached informative) that marine animals are transient in nature and could potentially be present adjacent to the site at any time. It is the responsibility of the applicant to ensure that an offence is not committed and to seek advice if needed.

A wildlife licence may be issued to authorise what would otherwise be an offence under the nature conservation legislation. In all cases, it is recommended that mitigation should be used in the first instance in order to reduce the risk of an offence. If there is negligible risk of an offence or mitigation reduces the risk to a negligible level, there is no requirement for a wildlife licence.

While Marine and Fisheries Division will provide assistance and guidance on individual cases, it is the responsibility of the applicant to assess the risk of committing a wildlife offence when carrying out a proposed activity and also the need for a wildlife licence application.

