

**Department of the Environment
Marine Division**

**LICENCE ISSUED UNDER THE MARINE AND COASTAL ACCESS ACT 2009,
PART 4, MARINE LICENSING**

MARINE CONSTRUCTION LICENCE

This licence granted by the Department of the Environment, (referred to as the Licensing Authority) under Part 4 of the Marine and Coastal Access Act 2009, authorises the licensee to deposit in the area of sea specified below all substances and articles (except for dredged material) used in the execution of works of construction by the licensee in that area, subject to the undermentioned conditions:

1. Reference Number of Licence:

ML 38/14

2. Name of Licensees:

Kate Burns
Managing Director
Ocean Veg Ireland
Church Bay
Rathlin Island
Ballycastle
BT546RT

Works being carried out by

Damien McFaul
Church Bay
Rathlin Island
Ballycastle
Co Antrim
BT546RT

3. Area of Deposit:

Killaney Bay, Rathlin Island, as detailed in Marine Licence application dated 11 November 2013 as amended through the correspondence produced by the Licensing Authority dated 27th May 2014.

4. Period of validity of licence:

From 30/07/2014 to 29/07/2019 thereafter subject to review.

LICENCE CONDITIONS:

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

1. **The licensee(s) shall inform the Licensing Authority of the starting date of the construction work at least 1 week prior to commencement of the installation works, and finishing date of the work 1 week before its termination.**
2. The licensee shall 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.
3. The licensee shall not deposit any other material than that detailed in the Marine Licence application form received by the Licensing Authority, dated 11 November 2013 and amendments received by the Licensing Authority on 6th June 2014 unless agreed by the Licensing Authority.
4. All Licensed deposits must be within the amended site area as detailed to the licensee on 27th May 2014.
5. The licensee shall ensure that all objects or substances deposited are inert and do not contain toxic elements which may be harmful to the marine environment.
6. The licensee shall contact the Licensing Authority 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 must ensure when operating under the marine licensed activity they meet all the requirements of the Merchant Shipping Regulations.
8. The licensee shall have permission from the Crown Estate prior to commencement of the works.
9. A Navigational Risk Assessment on the proposals must be agreed by the Licensing Authority prior to works commencing.
10. The site must be marked by Buoys and agreed by the Commissioner of Irish Lights with a Statutory Sanction before any works commence.
11. The works shall be maintained at all times in good repair.

12. Any changes to the kelp production methods or suppliers must be made known to the Licensing Authority and DARD prior to the changes being made.
13. The identification of any disease or infestation significantly affecting the kelp must be reported to the Licensing Authority and DARD.
14. The licensee should have a bio security plan in place and available for inspection by the Licensing Authority and DARD. Procedures should be adopted to ensure non native or invasive species are not introduced as a result of the licensable activity.
15. The licensee shall use only native species from the North Coast Area sourced in an environmentally sensitive process for cultivation under this licence.
16. An annual report must be submitted to the Department detailing the species used and production volumes.
17. No artificial enrichment should occur or additives used at the site without agreement from the Licensing Authority.
18. The licensee shall in the event of any detrimental environmental impact in connection with the licensable activity carry out or make arrangements for the carrying out of all measures considered reasonably necessary, by the Licensing Authority, to make good.
19. The licensee must inform the Department immediately of any wildlife entanglement at the site.
20. In the event of the licence activity being discontinued the works shall be removed and the site cleared to the satisfaction of the Licensing Authority.
21. If any archaeological or cultural material is uncovered, it must be reported to the Centre for Maritime Archaeology and retained for inspection.
22. 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) of both commencement and completion of the works in order that all necessary amendments to nautical charts can be made, to ensure navigational safety. **The Department office must be copied into all notifications.**
23. The licence will be subject to review by the Licensing Authority on a five year basis.

Additional Informative Information

Marine Coastguard Agency

All conditions as regards navigational aspects of the licence should be adhered to by the applicant and in addition, the **Navigation Risk Assessment** should be regularly reviewed to ensure that it stays current in view of operating experience.

Once suitable navigation marks have been agreed with and sanctioned by the CIL, the Hydrographer should be advised so that corrections for charts and nautical publications can be produced and promulgated.

Department of Culture, Arts and Leisure & Department of Agriculture and Rural Development

The licensee should be aware that it is an offence, under section 47 of the **Fisheries Act (Northern Ireland) 1966**, to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

Department of the Environment, Marine Conservation and Reporting

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 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: *Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata* and *Dermochelys coriacea*.

(1) It is also an offence to;

- (a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- (b) deliberately to disturb such an animal in such a way as to be likely to;
 - (i) affect the local distribution or abundance of the species to which it belongs;
 - (ii) impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - (iii) impair its ability to hibernate or migrate;
- (c) deliberately take or destroy the eggs of such an animal
- (d) deliberately obstruct access to a breeding site or resting place of such an animal; or
- (e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

- (a) to have in his possession or control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange,

any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to **The Habitats Directive**, or any part of, or anything derived from, such an animal.

Any person who knowingly causes or permits an act which is made unlawful under any of these provisions shall also be guilty of an offence.

If there is evidence of Schedule 2 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Division, level 6, Causeway exchange, 1-7 Bedford Street, Belfast BT2 7EG. Telephone: 028 90823367.

Under this legislation a licence may be required for any operations which might impact on 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 kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximum*), angel shark (*Squatina squatina*), common skate (*Dipturus batis*) short snouted sea horse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

Under this regulation it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks.

It is also an offence to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5*) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 of the Wildlife (Northern Ireland) Order 1985 (as amended) it is an offence to sell or transport any Schedule 7 animal dead or alive at any time
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Any person who knowingly causes or permits an act which is made unlawful under any of these provisions shall also be guilty of an offence.

If there is evidence of Schedule 5 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Division, level 6, Causeway exchange, 1-7 Bedford Street, Belfast BT2 7EG. Telephone: 028 90823367.

Under the **Wildlife (Northern Ireland) Order 1985 (as amended)** a licence may be required for any operations which might impact on protected species.

*Common skate and angel sharks in respect to article 10 (1) only and within 6 nautical miles of coastal water only.

**Schedule 7 species includes all Schedule 5 species listed above, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

NOTES

- (A) 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.
- (B) **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.
- (C) **Under Part 4, Chapter 3, paragraph 85 of the Marine and Coastal Access Act 2009** it is an offence to fail to comply with any condition of a marine licence. In some circumstances there may be a defence to non compliance under paragraph 85. These defence conditions are given under paragraph 86 "Action taken in an Emergency", paragraph 87 "Electronic communications, emergency works" and paragraph 88 "Activity licensed by another State".
- (D) 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**.

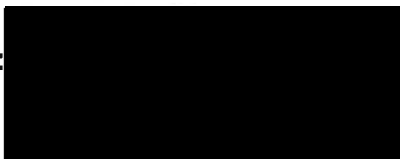
- (E) If within 28 days of the issue of a licence the person to whom it was issued requests the Licensing Authority to give him notice in writing of the reasons for the inclusion of any provision in it, the Authority shall comply with his request within 28 days of receiving it.

All correspondence or communications relating to the licence should be addressed to:

**Marine Licensing
Marine Division
6th Floor, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Tel: 028 90 823586

SIGNED:



FOR AND ON BEHALF OF THE LICENSING AUTHORITY

DATE: 29/07/2014

WGS84

