



**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 Replace an existing dilapidated pontoon (only 2 upstanding piles  
remaining on site) on the River Bann, Coleraine with a larger pontoon which  
will be installed in its place**

Licence Number: ML 2020017/VAR1

**Part 1 - Particulars**

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



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

Not available yet – plan to be included along with CEMP.

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

The pontoon will work primarily as a landing and boarding platform and will not have any services for vessels installed such as electricity, water supply, fuelling or pump out facilities. The replacement pontoon will be moored to the river bank and bed by means of 4 piles. The pontoon will be connected to the riverbank by a bankseat which will have access steps connecting to the shore.

The following Construction Methodology will be used when installing the pontoon on the River Bann, Coleraine. Two construction methods are outlined and either of these may be used. The construction methods are as follows:

- Marine Plant Method
- Land-based/Bund Method

The final methodology will be incorporated into the Construction Environmental Management Plan to be produced by the Contractor prior to work on site commencing. An outline construction programme would be as follows:

- Site setup/ mobilisation – 1 day
- Construction of berm (land based construction method only) – 3 days

- Pontoon pile installation – 2 days
- Construction of relocated pontoons, anchor blocks, etc – 5 days
- Bankseat pile installation – 2 days
- Bankseat construction – 4 days
- Access ramp/ stair construction – 3 days
- Furniture/ Services – 2days

As these activities can occur concurrently, it is envisaged that the overall construction programme will be circa 3 weeks.

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

The location of the bankseat on the River bank is as follows: E, 284364.3 , N, 433934.8

The mid-point location of where the access ramp and pontoon meet is as follows: E, 284357.3 ,N, 433924.4

The extent of Pontoon where it terminates in the River is as follows: E, 284364.2 , N, 433913.2

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

From: 31<sup>st</sup> March 2022

Until: 30<sup>th</sup> March 2023

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

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **PK Murphy Developments Ltd and Aghinver Boat Company**, 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. 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 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 2<sup>nd</sup> June 2020. 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 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)
7. 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.
8. The licensee(s) shall ensure that a detailed **Construction Environmental Management Plan** is submitted to the licensing authority as soon as possible, at least **8 weeks prior to the commencement of construction** in order to specify and ensure all effective avoidance and mitigation methodologies have been planned for to ensure the protection of the environment during the project. Details of what all should be included in a Construction Environmental Management Plan (CEMP), should include all mitigation measures and pre-commencement surveys mentioned in all documentation provided with the application dated 21<sup>st</sup> December 2020 shall be included.

*Reason: to ensure the protection of the environment*
9. Piling methodology should, as much as is feasible, aim to minimise noise.

*Reason: to minimise threats to breeding birds, nest sites and marine mammals.*
10. All works should remain within the access and construction footprint as shown on the original drawings.

*Reason: to minimise threats to breeding birds and maintain the availability of nest sites*
11. The licensee(s) shall ensure that prior to works commencing a biosecurity protocol shall be submitted and approved by the Department. This can be incorporated into the CEMP.

*Reason: to minimise the impact of the proposal on marine protected areas.*
12. In the event of a discovery of an archaeological object and/or remains during works, the Department requires that the licensee(s): (1) record the position and details of the site; (2) do not disturb the site further and (3) contact DAERA Marine and Fisheries Division, MarineLicensingTeam@daera-ni.gov.uk for further advice.

*Reason: for the protection of underwater archeological heritage.*
13. Piling works shall not take place from the end of March through to the end of October.

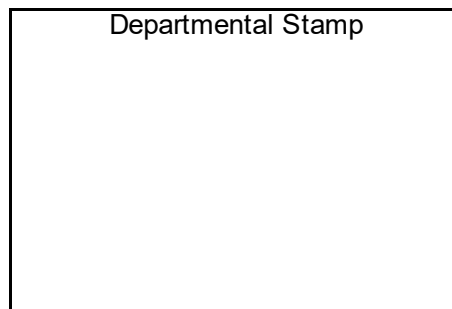
*Reason: to avoid impact to the main upstream migration of adult Atlantic Salmon adjacent to the proposed works*
14. The Licencee must issue local notification to marine users - including fisherman's organisations, neighboring port authorities and other local stakeholders.

*Reason: to ensure that they are made fully aware of the activity.*
15. The Licencee must ensure that HM Coastguard, in this case zone34@hmcg.gov.uk, is made aware of the works prior to commencement.
16. The Licencee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

Signed on behalf of the Department:



Dated: 30 May 2022



**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 and Monitoring and Assessment Team**

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 months imprisonment.

Water Management Unit would refer the applicant to DAERA's Standing Advice on Pollution Prevention and Discharges to the Water Environment, available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

**2. DAERA Marine & Fisheries – Sea Fisheries**

The licensee(s) should be made 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.

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

Northern Ireland through the UK and EU is a signatory to North Atlantic Salmon Conservation Organization (NASCO), under which we are legally obliged to protect, restore and enhance the habitat of the North Atlantic Salmon species.

We would like to draw the applicant's attention to Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any Deleterious materials into any waters.

**3. DAERA Marine & Fisheries – Marine Conservation**

**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](#)

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](#)
- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Wildlife Disturbance](#)

#### **4. DAERA Marine & Fisheries – Marine Archaeology**

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).

There is a 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.

The DAERA document **Guidance Note: For the Discovery of Unanticipated Underwater Archaeological Heritage**

(<https://www.daera-ni.gov.uk/publications/guidance-note-discovery-unanticipated-underwater-archaeological-heritage>) sets out best practice and legal responsibilities in the reporting of unanticipated finds of archaeological interest made during the course of marine construction and/or dredging projects.

#### **5. Maritime and Coastguard Agency**

**Advisories**

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. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
3. 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.

The licensee 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>