



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 CONSTRUCTION LICENCE

Licence to carry out remedial construction work on Red Bay Pier, Waterfoot, Co. Antrim

Licence Number: ML2022009 VAR-2

Part 1 - Particulars

1. Licensee(s) Name & Address:

Causeway Coast & Glens Borough Council
Riada House,
14 Charles Street,
Ballymoney,
BT53 6DZ

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

Charles Brand Limited
Rosemount House
21-23 Sydenham Road
Belfast
BT3 9HA

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

The proposed works comprises installation of a new sheet pile wall around the head of the pier. The new wall will be 93m in length and installed approximately 1m seaward of the existing sheet pile wall. The new wall will be anchored at the top by raking ground anchors. A reinforced concrete capping beam will be constructed to connect the heads of the piles and transfer the horizontal anchor loads. It is anticipated that a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following driving of the sheet piles.

Minor remedial works to the existing masonry quay wall, in the form of re-pointing will also be undertaken. No operational impacts are associated with this proposed development as it essentially amounts to maintenance of the pier.

4. Location of works:

Extent of Permanent Works (Points refer to diagram on issue sheet 1B - AE1/22/792486)

Point	Easting	Northing	Latitude Longitude
Pt.A	324416.548	426014.656	55° 3' 57.190"N - 6° 3' 11.940"W
Pt.B	324409.247	426011.088	55° 3' 57.08"N - 6° 3' 12.356"W
Pt.C	324419.48 1	425987.625	55° 3' 56.313 "N - 6° 3' 11.817"W
Pt.D	324423.835	425985.882	55° 3' 56.253"N - 6° 3' 11.574"W
Pt.E	324450.647	425999.032	55° 3' 56.654"N - 6° 3' 10.044"W
Pt.F	324441.740	426018.299	55° 3' 57.285"N - 6° 3' 10.515"W
Pt.G	324439.037	426022.769	55° 3' 57.43"N - 6° 3' 10.66"W
Pt.H	324417.060	426013683	55° 3' 57.158"N - 6° 3' 11.912"W
Pt.J	324410.681	426010.551	55° 3' 57.062"N - 6° 3' 12.277"W
Pt.K	324420.308	425988.479	55° 3' 56.340"N - 6° 3' 11.769 "W
Pt.L	324423.793	425987.084	55° 3' 56.292"N - 6° 3' 11.575"W
Pt.M	324449.194	425999.541	55° 3' 56.672N - 6° 3' 10.125"W
Pt.N	324440.767	426017.782	55° 3' 57.269 "N - 6° 3' 10.57"W
Pt.P	324437.971	426022.140	55° 3' 57.412"N - 6° 3' 10.72"W
Pt.Q	324441.401	425994.101	55° 3' 56.503"N - 6° 3' 10.572"W
Pt.R	324450.136	425991.561	55° 3' 56.413"N - 6° 3' 10.085"W
Pt.S	324457.352	425994.705	55° 3' 56.508"N - 6° 3' 9.673"W
Pt.T	324462.095	426000.660	55° 3' 56.696"N - 6° 3' 9.397"W
Pt.U	324460.695	426011.213	55° 3' 57.039"N - 6° 3' 9.459"W
Pt.V	324451.162	426016.274	55° 3' 57.21"N - 6° 3' 9.988"W
Pt.W	324445.080	426027.030	55° 3' 57.564"N - 6° 3' 10.314"W
Pt.X	324442.776	426028.539	55° 3' 57.615"N - 6° 3' 10.44"W
Pt.Y	324437.121	426030.353	55° 3' 57.678"N - 6° 3' 10.757"W
Pt.Z	324433.560	426028.340	55° 3' 57.616"N - 6° 3' 10.960"W

Extent of Temporary Stockpile for Primary Rock Armour

Point	Easting	Northing	Latitude Longitude
Pt.1	324421.169	426070.292	55° 3' 58.983"N -6° 3' 11.592"W
Pt.2	324411.877	42 6062 698	55° 3' 58.746"N -6° 3' 12.127"W
Pt.3	324440.418	426046.736	55° 3' 58.205"N -6° 3' 70.545"W
Pt.4	324431.126	426039.143	55° 3' 57.968"N -6° 3' 11.080"W

5. Valid:

From:10/04/2024
Until: 26/02/2025

Please refer to timing restriction at Condition 19: *The licensee(s) must ensure that **construction works do not take place between 1st of March and 31st of August** unless a survey by a suitably qualified and experienced Ornithologist/Ecologist confirms that no black guillemots are actively nesting in the construction area, and this have been approved by the Department.*

6. Licence Documentation

- MCZ Assessment (April 2022)
- HRA (March 2022)
- Methodology (May 2022)
- Construction Application (May 2022)
- Drawings (1, 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10) (Rec. July, 2022)
- CEMP (January 2024)

Part 2: Conditions

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Causeway Coast & Glens Borough Council** 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

GENERAL CONDITIONS:

1. The Licensee(s) must commence the works **within 12 months** of the date of this licence. After that date the licence will expire in accordance with section 71(4) of the 2009 Act.
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 Act, whether or not the licence has been transferred to that person.
3. The Licensee(s) must inform the Licensing Authority of any circumstances leading to a change in licensee(s) details, at the earliest opportunity by email to MLCompliance&Enforcement@daera-ni.gov.uk
4. The licensee(s) must receive written authorisation from the Licensing Authority to assign or transfer the licence. The Licensing Authority will confirm in writing to both the original licensee(s) and any proposed new licensee(s) that the licence has been transferred/assigned and accepted before any works may commence under the new licensee(s).
5. In the event of any breach of health and safety or environmental obligations relating to the licensed activity during the period of this licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority **within 24 hours** of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority by email to MLCompliance&Enforcement@daera-ni.gov.uk
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 20/06/2022**. The licensee(s) must contact the Licensing Authority immediately 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) must commence works in line with Condition 1 and complete works within the valid dates of this licence. After that date the licence will expire in accordance with section 71(4) of the Act.
8. The Licensee(s) must immediately inform the Licensing Authority of any contractor appointed to carry out part or all of the works, before any works commence by email to MLCompliance&Enforcement@daera-ni.gov.uk
9. The Licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the licensed activities in order that they are clear about the extent of the activities for which the licence has been given and the conditions that are attached to the licence. Evidence of that information sharing should be retained by the licensee for inspection.
10. Any person authorised by the Licensing Authority will be permitted to inspect the licensed activity at any reasonable time.
11. The Licensee(s) shall ensure that copies of the licence are available for inspection by any authorised officer at:
 - a. The premises of the licensee(s);

- b. The premises of the operating facility; and
- c. The site of the works (including on board vessels).

SPECIFIC CONDITIONS

Noise

12. The Licensee(s) shall ensure that they submit a proposed activity form in the online Marine Noise Registry (<https://mnr.jncc.gov.uk/>) for all activities that produce loud, low to medium frequency impulsive noise **no later than seven days prior to the commencement of the licensed activity**. If the licensed activity varies (with Licensing Authority approval) in any way from the proposed activity in the submitted Marine Noise Registry form the Licensee must then submit a new proposed activity form **up to seven days prior to commencement of the works**. A copy of this must also be supplied to the Licensing Authority at MLCompliance&Enforcement@daera-ni.gov.uk
13. A noise risk impact assessment must be submitted to the Licensing Authority marinelicensingenforcement@daera-ni.gov.uk for approval before piling can begin to prevent disturbance to sensitive receptors.
14. The Licensee(s) shall appoint an approved Marine Mammal Observer (MMO) (<https://jncc.gov.uk/our-work/marine-mammal-observer-training/>) and provide their details and certifications to marinelicensingenforcement@daera-ni.gov.uk The MMO must be present at the time the rock breaker or any other similar breaking or piling machinery is in use, to ensure there is no disturbance or injury/harm to marine mammals wherever they are present, as detailed in the Marine Licence application dated **20/06/2022**. If marine mammals are detected in the area, the MMO must issue a delay in the commencement of rock breaking, until they are satisfied that the animals have left the mitigation zone which should be no less than 500 metres, measured from the rock breaking location.
15. The licensee must ensure an MMO report is submitted to marine.wildlife@daera-ni.gov.uk after works conclude.
16. The Licensee(s) must adhere to the following conditions as set out in the licence application ML2022009 and Outline Construction Environment Management Plan (OCEMP) and agreed CEMP on 01/02/2024:
 - 16.1. Piling activities will not commence during darkness.
 - 16.2. A soft start will be employed, with the gradual ramping up of piling power incrementally over a set time period until full operational power is achieved.
 - 16.3. After a pause in the piling operations for a period of greater than 10 minutes the pre-piling search and soft-start procedure shall be repeated before piling recommences.
 - 16.4. Piling activities **must be completed within 7 weeks from start date**.
 - 16.5. All measures to prevent the mobilisation of sediments within the aquatic environment must be implemented in full.
 - 16.6. All mitigation and precaution outlined in the oCEMP in relation to deleterious material entering the aquatic environment must be implemented.
17. The Licensee(s) shall ensure that they complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency impulsive noise at the online Marine Noise Registry (<https://mnr.jncc.gov.uk/>) **no later than 6 month intervals during the validity of this licence**. The Licensing Authority must be notified by email MLCompliance&Enforcement@daera-ni.gov.uk that this has been completed.

Reason: To monitor levels of disturbance in the marine environment and meet commitments under the UK Marine Strategy
18. Any piling required during construction the Licensee(s) must be recorded including the beginning and end times and duration. Records must be submitted to the Licensing Authority **within 8 weeks of completion of the licensed works at** MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To monitor levels of disturbance in the marine environment

Black Guillemot

19. The Licensee(s) must ensure that **construction works do not take place between 1st of March and 31st August** unless a weekly survey by a suitably qualified and experienced ornithologist/Ecological Clerk of Works confirms that no black guillemots are actively nesting in the proposed construction area. Survey results must be provided to MLCompliance&Enforcement@daera-ni.gov.uk weekly during the piling activity period, and a final report to be submitted upon completion of piling.

Reason: To prevent potential disturbance to resident black guillemot species

20. Licensee(s) must complete a baseline survey for nesting birds in the pier structure and submit results to MLCompliance&Enforcement@daera-ni.gov.uk in writing **14 days prior** to the commencement of works. Should black guillemot nests be detected artificial black guillemot nest holes **must be** provided prior to the next breeding season after the commencement of works on site. The exact locations must be confirmed by the Ecological Clerk of Works appointed by the licensee and included in the reports submitted.

Reason: To prevent potential disturbance to resident black guillemot species

Prior to the commencement of the Licensed Activity

21. The Licensee must, prior to and **no less than 24 hours** before the commencement of the licensed activity, notify the Licensing Authority, in writing, of the date of commencement of the licensed activity authorised under the licence.
22. The Licensee(s) must ensure that no deviation from the schedule specified in the licence is made without the further written permission of the Licensing Authority. In the event of the licensee becoming aware that any of the information on which the issue of the licence was based has changed, the licensee must immediately notify the Licensing Authority of the details.
23. The Licensee(s) must issue a Marine Notice **at least 5 days before commencement of work**, to ensure local mariners and fishermen's organisations are aware of the activity. A copy of the notification must also be provided to the Licensing Authority **within 24 hours of issue** to MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

24. The Licensee(s) must ensure that HM Coastguard, in this case Belfast Coastguard, is made aware of the works to be undertaken **7 days before commencement of construction**. Notification must be made to zone34@hmcg.gov.uk and copied to the Licensing Authority MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

25. The Licensee(s) must notify the Source Data Receipt team at the UK Hydrographic Office (sdr@ukho.gov.uk) of commencement of the licensed activities, **at least 10 days before commencement of the works**. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements. The UK Hydrographic Office must also be notified upon completion of the works. The Licensing Authority must be copied into all notifications by email to MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

26. The licensee must ensure invasive species biosecurity measures are in place for all stages of the works and for all equipment used. A copy of the biosecurity plan should be submitted to Marine.Wildlife@daera-ni.gov.uk 4 weeks prior to works commencing. MLCompliance&Enforcement@daera-ni.gov.uk must be copied in on the correspondence.

Reason: To prevent the introduction of and minimise the spread of marine Invasive Non-Native Species.

During the Licensed Activity

27. The Licensee(s) must at all times construct and maintain the licensed activity in accordance with this licence, the application and associated documents listed under Part 1 section 6 which have been agreed by the Licensing Authority.

Reason: To ensure adherence to licence conditions.

28. 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) report your discovery to and seek further advice from the Licensing Authority **immediately**.

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

29. In the event of a discovery of wreck material during the works, the Licensee must report it to the 'Receiver of Wreck' **within 28 days** to the relevant authority.

Reason: To ensure recovered wreck material is recorded with the appropriate authority

30. The Licensee(s) is reminded that Red Bay Pier is a historic asset recorded on the Historic Environment Record of Northern Ireland (IHR 06525) and therefore must ensure that lime mortar is used for the repointing of the historic masonry of the pier as outlined in the supplied methodology.

Reason: To ensure that historic monuments and archaeological objects are protected

31. The Licensee(s) must ensure that any existing navigational lights on Red Bay Pier remain functioning and intact throughout the duration of the works.

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

32. The Licensee(s) must ensure that any lighting used during construction does not interfere with any Aids to Navigation in the area, including the pier light and aquaculture sites close by.

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

Upon Completion of the Licensed Activity

33. The Licensee(s) must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

Reason: To prevent water pollution

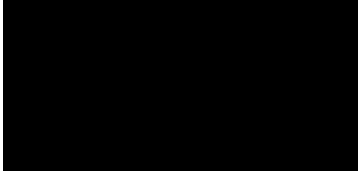
34. The Licensee(s) must provide the Source Data Receipt team at UK Hydrographic Office, Taunton. Somerset, TA1 2DN, Tel: 01823 337900) (sdr@ukho.gov.uk) with a copy of all bathymetric data collected in connection with the marine licence application, to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. The Licensing Authority must be copied into all notifications by email to MLCompliance&Enforcement@daera-ni.gov.uk

Reason: To adhere to Maritime Safety Legislation and to protect human health and marine users

35. The Licensee(s) shall inform the Licensing Authority of the finishing date of the licensed work **within 28 days of completion**, by email to MLCompliance&Enforcement@daera-ni.gov.uk

36. The Licensee(s) shall, within **eight weeks** after the completion of the licensed works, submit a written report to the Licensing Authority at MLCompliance&Enforcement@daera-ni.gov.uk. The written report should include detail the substances and objects removed during the activities along with the quantity and description of substances deposited under the authority of this licence.

Signed on behalf of the Licensing Authority:



Dated: 10 April 2024

NOTE:

- (1) The Licensing Authority would advise that this licence does not negate the Licensees' responsibility to gain any other environmental consents 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>

INFORMATIVES:

Maritime & Coastguard Agency advice on Navigational Safety

- The Licensee(s) 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>

DAERA advice on preventing water pollution

- The Licensee(s) should comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (PPG/GPPs) available at:

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

- The Licensee(s) shall ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter. Guidance for Pollution Prevention (GPPs) documents can be obtained at:
<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>
- The contractor / person carrying out the works is responsible for ensuring that any and all required mitigation measures are in place and ultimately under **The Water (Northern Ireland) Order 1999** is liable for any discharge or deposit, whether knowingly or otherwise, of any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.
- 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 years imprisonment.

Other links to information from consultation:

- [Planning in the Coastal Area](#)
- [DAERA Standing Advice - WTR - Pollution Prevention Guidance - Sept 2022 Final.pdf \(daera-ni.gov.uk\)](#)
- [DAERA Standing Advice - Marine Litter.pdf \(daera-ni.gov.uk\)](#)
- [Marine Wildlife Disturbance](#)
- [Marine Map Viewer](#)

DAERA advice on protection of archaeological objects

- 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.

DAERA advice on recovery of wreck material

- 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**.