



**Department of Agriculture, Environment and Rural Affairs  
Marine & Fisheries Division**

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

**MARINE SEA DISPOSAL LICENCE**

**Warrenpoint Harbour Authority Multi-Year Maintenance Dredging Disposal at sea marine licence**

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**Licence Number: 74/15 Variation One**

**Part 1 – Particulars**

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

Mr. C. Cunningham C/o Warrenpoint Harbour Authority  
The Docks  
Warrenpoint  
BT34 4DD

Boskalis Westminster Ltd.  
Westminster House,  
Crompton Way,  
Segensworth West,  
Fareham,  
PO15 5SS

**2. Name and Address of Producer of Dredged Material**

Mr. C Cunningham C/o of Warrenpoint Harbour Authority  
The Docks  
Warrenpoint  
Co. Down  
BT34 3JR

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

Dutch Dredging B.V.

Other operators will be confirmed for each year after 2016 period

**4. Description of works and method of disposal:**



Warrenpoint Harbour Authority are intending to carry out long term maintenance dredging of the area within their jurisdiction and dispose of the material at an approved disposal site at sea. The areas to be dredged will include:

- Town Dock
- Customs House Quay
- Deep water pocket
- Berth No. 1/2
- RoRo berth
- Return Berth
- Turning Circle
- Main Basin
- The approach channel

Dredge Area Co-ordinates (Lat/Long) or (IGR)

Irish National Grid Coordinates

317291.1277, 315174.6756  
314035.2604, 317802.3967  
314033.6972, 317800.3172  
314016.4265, 317808.9724  
313942.9819, 317810.8994  
313893.8692, 317834.3856  
313858.6839, 317875.9276  
313843.7207, 317928.2989  
313537.1240, 318187.3840  
313417.3167, 318347.8214  
313449.2901, 318385.8053  
313497.3281, 318366.2920  
313523.1692, 318396.9907  
313527.7920, 318395.7545  
313562.2821, 318366.9226  
313586.9275, 318368.4778  
313595.0528, 318378.1687  
313959.7006, 318070.3563  
314041.5626, 318167.3195  
314043.4824, 318165.7659  
314068.3223, 318145.1529  
314072.5810, 318146.1160  
314124.6461, 318217.0182  
314137.7073, 318230.1316  
314151.6827, 318231.3522  
314184.0285, 318204.2560  
314190.2502, 318189.4674  
314116.0724, 318088.4530  
314072.3906, 318038.1950  
314067.4730, 318021.5907  
314086.0228, 318000.4709  
314099.8367, 317963.7551  
314102.0329, 317924.5903  
314105.3726, 317902.6506  
314118.7126, 317884.9151  
314117.0946, 317882.9102  
317362.7179, 315263.3943  
317291.1277, 315174.6756

The majority of dredging within the Harbour has traditionally been undertaken using Trailer Suction Hopper Dredgers (TSHD). A TSHD has also been used in combination with a plough vessel, which is used to relocate material. For



coarser material that cannot be recovered by the TSHD or re-located by the plough, a mechanical dredger may be required.

When a TSHD is used, the hopper will be filled with dredged material. The dredging vessel will sail to the licensed disposal site and slow to 1 to 2 knots. The disposal vessel will then open its bottom doors to discharge the contents of the hopper. Once the hopper is empty and flushed clean, the vessel will close its bottom doors and return to the dredging site on a reciprocal course.

When material is dredged by a mechanical dredger, the material is loaded onto dedicated barges. The barge may be self propelled or a tug may be required to bring the barge to the disposal site. Once the material is loaded onto the dedicated barge, the process for disposal is the same as for the TSHD.

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

- **Nature of material**

The material to be disposed at the approved sea disposal site will be varying in nature due to the sediment type and will range from gravel, sand to silt and clay. The sediment type will also vary depending on the location of the dredging.

Detailed sample analysis was undertaken in 2015 and the licensing authority has determined the material is suitable to be disposed of at sea.

- **Quantity of material**

Quantity for disposal within period **03 June 2016 to 02 June 2019**

A maximum of 575,000m<sup>3</sup>/805,000 tonnes over 3 years

#### **6. Location of disposal site:**

Within a 0.25 nautical mile radius of the following coordinates:

**53° 57.8'N 05° 56.5'W**

#### **6. Valid:**

From: 03 June 2016

Until: 02 June 2019



**PART 2: CONDITIONS**

The Department of Agriculture, Environment and Rural Affairs (referred to as the licensing authority) authorise **Warrenpoint Harbour Authority, Dutch Dredging B.V. and other operators as confirmed by Warrenpoint Harbour Authority**, 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 ENFORCMENT ACTION BEING TAKEN**

1. The licensee(s) shall inform the licensing authority of the **finishing date of each dredging and disposal campaign at least 1 week** before its termination.
2. The licensee (s) will ensure dredged material is only disposed in the disposal site as stipulated in Section 6 above and that disposal only takes place within a 0.25 nautical mile radius of the stated deposit site.
3. If in the case of 'force majeure' (stress of weather or any other cause threatening the safety of human life or the vessel), if dredged material is deposited in any other area, the licensee (s) must provide full details of the circumstances to the licensing authority in writing **within 24 hrs, including reasons why this has taken place**.
4. The licensee(s) must ensure that the dredging operators will have operational and active AIS vessel tracking during all operations and the disposal vessel(s) shall have position fixing capability within a +/- 20m range. If AIS and vessel positioning systems are faulty, the licensee(s) must cease dredging and disposal activities until all systems are repaired/replaced and fully operational.
5. The licensee(s) must provide, to the licensing authority, a monthly spreadsheet which should include the quantities of material disposed at sea and also **timed and dated** track plots of position and time for each disposal run from the dredge site to the disposal site.
6. The licensee(s) must ensure that a vessel log (attached as an Appendix to this licence) should be completed **within four weeks** after the end of each period of dredging and disposal operation.
7. The licensee(s) must ensure that certified returns of quantities of substances or articles deposited under this licence are submitted to the licensing authority, by 31 January 2017 for the period 03 June 2016 to 31 December 2016 inclusive and 31 January 2018 for deposits made from 1 January 2017 to 31 December 2017 inclusive and by 1 January 2020 for deposits made from 1 January 2019 to 02 June 2019. The returns must specify the full licence number and amount deposited each calendar month at the authorised deposit site. **Where no deposit is made in a given year, a nil return is required.**
8. The licensee(s) must ensure that turbidity within Carlingford Lough is measured in real time during dredge disposal operations, by installation of two mooring instruments, as close as practically possible to the site of dredging during the campaign.



9. The licensee(s) must ensure that:

1. Suspended solids must not exceed 300 mg/l for more than 6h and not exceed 600 mg/l at any point. If these limits are breached then dredging should cease immediately until levels of suspended solids drop to less than 600 mg/l;
2. Concentrations should also be monitored at a reference site to ensure the levels do not exceed 10% of the 90 percentile (background) 71mg/l for greater than 6 hours on one tide.
3. Dissolved oxygen levels within the water column should be monitored throughout the dredging operations. If at any time levels fall below  $4\text{mg l}^{-1}$  dredging activities should be suspended until the oxygen levels rise above  $5\text{mg l}^{-1}$
4. A sediment sample should be collected upstream and downstream of the dredging before and after each operation. This sample should be retained, to be tested, if required by the licensing authority. Any results from testing should be provided to the licensing authority;

10. If any of the standards in Condition 9 (1-3) above are breached, the licensee(s) must ensure the licensing authority are notified in writing that a breach has taken place. Works may only resume if it has been determined the breach is due to natural causes and this should also be provided to the licensing authority in writing.

11. The licensee(s) must provide written evidence to the licensing authority that monitoring has taken place during the dredging operations including times when operations are ceased because of increased background levels.

12. The licensee(s) must carry out an appropriate seabed survey of the disposal site at least once a year. This survey should include at least one seabed survey before any disposal operations begin. A video survey should also be carried out across the disposal site and a reference site at least once a year. This survey information should be provided in a report format (including photographs) to the licensing authority within 8 weeks upon completion of this licence.

13. The licensee(s) must ensure that:

1. Samples of the Blue Mussel, *Mytilus edulis*, are taken upstream and downstream of the area to be dredged and before, during and after each dredging operation. The samples should be taken as close to the dredging operation as possible. If possible, samples should also be lifted from a designated control site and like for like samples should be taken.
2. Sampling and recording should be carried out in accordance with the CSEMP Green Book Version 15 July 2012 Appendix 5 – Procedural Guidelines for the Collection and Processing of Shellfish and Algal Tissue for Body Burden Analysis - <https://www.cefas.co.uk/publications/greenbook/greenbookappendicesv15.pdf>.
3. These samples should be analysed for PAHs - Benzo(a)Pyrene, Benzo(a)Anthracene, Benzo(a)Fluoranthene and Chrysene
4. The laboratory carrying out the analyses should participate in the QUASIMEME programme and the results should be reported as ug/kg (wet weight basis) with a lower detection limit of 0.5ug/kg.
5. Results should be provided to the licensing authority within 6 weeks of each sampling round

14. The licensee(s) must ensure that they meet all the requirements of Merchant Shipping Regulations

15. 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) before works commence. The UK Hydrographic Office must also be notified upon completion of the works. **This office must be copied into all notifications.**

16. 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 each dredging disposal operation, as stated within the Notice(s) to Mariners



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guidance notes, which is usually ten days. The notices should state the nature and timescale of any works carried out in the marine environment relating to the dredging and disposal operations. Details of dredging and disposal operations should then be issued, as required, to ensure that maritime users are kept up to date. **This office must be copied into all notifications.**

17. In the event of the licensee(s) becoming aware of information indicating that any part of the licensed works has become a danger to navigation or an interference with legitimate uses of the sea, the licensee shall immediately inform the licensing authority, Maritime and Coastguard Agency (MCA), UK Hydrographic Office (UKHO) and the Commissioner of Irish Lights (CIL) to communicate the hazard to the maritime community.
18. The licensee(s) shall ensure that a review of the local aids to navigation is carried out by the harbour authority to ensure they remain relevant and correct as the seabed profile changes over the three years.
19. 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 their find within 14 days to a relevant authority. In the event of a discovery of an archaeological object and/or remains during works all works must cease immediately and further advice must be sought from the Department.
20. 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)

Signed on behalf of the Department:

.....  
*[Handwritten Signature]*

Dated: .....  
*7/3/2017*



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## **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 paragraph 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 may be subject to a fine of up to £50,000 or to imprisonment for a term not exceeding two years or to both.



**Further information from consultation:**

**1. Northern Ireland Environment Agency – Water Management Unit**

You should be aware that 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. Marine Conservation and Reporting Team**

In addition to designated sites, individual marine mammals are afforded protection throughout their range through the following nature conservation legislation:

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

This includes marine mammals such as cetaceans and seals, both of which are present within Carlingford Lough and the wider area. Under these Regulations it is an offence to kill, injure, capture or disturb these species. MCR advise that the informatives below should be attached to any license granted. It is advisable that throughout the dredging and disposal work measures are in place to prevent disturbance or injury to marine mammals, if required. This would be most important during dredging activities in the Harbour.

**Informative**

**Schedule 5 Species – Wildlife Order:**

- Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in schedule 5(as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to national marine protected species.

AND

- Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks.
- It is also an offence under Article 10 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.
- Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 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 DAERA Marine Division [Klondyke Building, Cromac Avenue, Belfast BT7 2JA].





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

#### **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<sup>1</sup> 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.

- 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 DAERA Marine Division [Klondyke Building, Cromac Avenue, Belfast, BT7 2JA].
- Under this legislation a licence may be required for any operations which might impact on protected species.

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<sup>1</sup> Following two European Court of Justice cases (C-103/00 and C-221/04) "deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of his action"  
[http://jncc.defra.gov.uk/PDF/consultation\\_epsGuidanceDisturbance\\_all.pdf](http://jncc.defra.gov.uk/PDF/consultation_epsGuidanceDisturbance_all.pdf)

### **3. DAERA 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.

### **4. DAERA Inland Fisheries**



The applicant 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. It is also an offence to impede or prevent the migration of eels.

#### **5. Rivers Agency**

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 Rivers Agency 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 Rivers Agency.
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 Rivers Agency office to contact in respect of Schedule 6 applications and any other general enquiries is:

Rivers Agency,  
Lisburn Area Office,  
Ravarnet House,  
Altona Road,  
Largymore,  
LISBURN, BT27 5QB