

**Department of Agriculture, Environment &  
Rural Affairs**

Marine & Fisheries Division



Department of  
**Agriculture, Environment  
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil  
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment  
an' Kintra Matthers**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

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

**Licence Number: MLVAR2025026**

This Licence varies ML122\_15 please refer to Note (1).

**Part 1 - Particulars**

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

To be confirmed under Condition 3 and Condition 7

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

Construction of a new multi-purpose facility at D3 for the berthing of cruise ships in addition to lay-by and transient storage of project cargo, break bulk & dry bulk during cruise ship off-season. Construction will consist of 340m long solid quay wall and mooring dolphins. Filling behind the new quay wall with clean fill materials, construction of a 25m wide piled relieving slab along the quay length, with heavy duty paving surface on the quay/slab hinterland. Associated terrestrial works include an access road, modular buildings and lighting.

Approximated quantity of permanent deposits;

9,000 T	Steel	Piles
7,000 m <sup>3</sup>	Concrete	Poured & Pre-Cast
110,000 m <sup>3</sup>	Stone/Rock/Gravel	Infill
215,000 T	Sand/Silt/Gravel reclamation	Infill

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

As shown in Appendix A.

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

Until: 30<sup>th</sup> November 2025

#### **6. Licence Documentation**

1. Marine Construction licence Application form (dated 07/03/2016)
2. Drawings (dated 06/07/2017)
3. Non-Technical Summary (dated 07/07/2017)
4. Environmental Statement (dated 07/07/2017)
5. HRA (dated 07/07/2017)
6. Marine Licence Variation Request (dated 16/04/2025)
7. Letters received from Applicant / Agents (dated 12/06/2025, 03/07/2025, 08/07/2025, 10/07/2025, 25/07/2025)

#### **PART 2 - Conditions**

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Belfast Harbour Commissioners** to deposit in the sea the substances or articles (except for dredged material,) used in the execution of works described in Part 1, para 3 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) shall not deposit any other material than that detailed in the marine licence application form received by the licensing authority, dated 7 March 2016 and Environmental Statement as revised through addendum dated 7 July 2017.
2. The Licensee(s) must contact the licensing authority if it is proposed to vary the material or methods to be used from those described in the documentation supplied in connection with the Marine Licence application.
3. The licensee(s) must ensure that the Department is informed of any contractor appointed to carry out part or all of the works by email to [MLComplianceandEnforcement@daera-ni.gov.uk](mailto:MLComplianceandEnforcement@daera-ni.gov.uk) no less than **4 weeks** before the commencement of the licensed activity. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors, or sub-contractors that will carry on any licensed activity authorised by this licence on behalf of the licence holder.
4. The Licensee(s) shall, within **8 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. This report is to be submitted to [MLComplianceandEnforcement@daera-ni.gov.uk](mailto:MLComplianceandEnforcement@daera-ni.gov.uk) This report will be held by the licensing authority and details considered 'Commercial in confidence' should be marked on the report by the Licensee(s).

**Reason:** To ensure this work has no adverse impact on the marine environment, that appropriate equipment is used, and the best practice is followed, and mitigations are in place.

5. 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)
6. The licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: [sdrr@ukho.gov.uk](mailto:sdrr@ukho.gov.uk); Tel: 01823 337900) at least **4 weeks** before commencement of the works, to allow for any necessary amendments to nautical charts.

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

7. The licensee(s) shall ensure that the Department is informed of any contractor appointed to carry out part or all the works and a copy of this licence is given to each contractor.
8. The licensee(s) must have commenced works within 12 months of the valid date of licence ML122\_15.

### **Environmental Management**

9. The Licensee shall appoint an independent **Ecological Clerk of Works**.

**Reason:** To ensure avoidance and mitigation measures have been planned and are followed for the protection of the environment.

10. The Licensee must submit an **Environmental Management Plan (EMP)** for approval by the licensing authority. This must detail the mitigation and monitoring agreed with the licensing authority, Marine Mammal Observer and the Ecological Clerk of Works. The EMP should include:
  - a. An Environmental Management & Monitoring Plan to include vantage-based surveys of the main East Twin Island harbour seal colony pre, post and during construction. The purpose of these surveys is to better understand patterns of dispersal and help detect any changes in seal behaviour over this period.
  - b. Monitoring of Oystercatcher flight paths must be conducted by the licensee. This programme should monitor displacement before and during works and if required, adapt working practices to mitigate any significant displacement. If impacts are identified due to cruise ships presence, then appropriate compensatory mitigation must be agreed with NIEA and implemented within a year of impacts being identified.

**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of water environment

11. Construction works are not permitted to the original stone embankment between 1 March and 31 August unless a survey by a suitably qualified and experienced ornithologist / Ecological Clerk of Works confirms that no black guillemots are actively nesting in the construction area, and the results of the survey are submitted in writing to the Department. If black guillemots are found to use the site as a nesting location, then mitigation for the new development must include the provision of nesting boxes.

**Reason:** To prevent the disturbance of black guillemots as required under The Wildlife (Northern Ireland) Order 1985 and The Wildlife and Natural Environment Act (Northern Ireland) 2011.

12. The Licensee shall appoint; independent, JNCC approved, **Marine Mammal Observer(s)** (MMO) to ensure suitable coverage for the work at the time of pilling operations to ensure there is no disturbance or injury/harm to marine mammals wherever they are present.

**Reason:** To prevent marine mammal disturbance as required under the Conservation (Natural Habitats, etc.) regulations (Northern Ireland) 1995 (as amended), The Environment Order (Northern Ireland) 2022 and the Wildlife and Natural Environment Act (Northern Ireland) 2011.

13. The appointed MMO shall work in conjunction with the Ecological Clerk of Works to ensure that mitigation to reduce the impacts on seals is adapted and implemented as required and agreed with the licensing authority.

**Reason:** To prevent marine mammal disturbance as required under the Conservation (Natural Habitats, etc.) regulations (Northern Ireland) 1995 (as amended), The Environment Order (Northern Ireland) 2022 and the Wildlife and Natural Environment Act (Northern Ireland) 2011.

14. Prior to works commencing on site a Marine Mammal Protocol shall be submitted to and agreed in writing by DAERA Marine and Fisheries Division. The proposed Marine Mammal Protocol shall be carried out in line with current JNCC Guidelines 'The Protection of Marine European Protected Species from Injury and Disturbance'.

**Reason:** To minimise the impact of the proposal on protected species.

- During piling the licensing authority must be notified **one week** in advance of commencement. A noise risk impact assessment must be produced and submitted to the licensing authority for approval before impact piling can begin, to prevent disturbance to sensitive receptors.
- Piling works shall initially commence at the most distant point from the D2 reserve to assist in bird habituation.
- Piling will be undertaken with a **soft start** as detailed within JNCC guidelines and as required/adapted by direction of the Marine Mammal Observer.  
**Soft Start:** The use of a soft start to piling (the gradual increase of piling power, incrementally, until full operational power is achieved) will be required as part of the piling methodology.
- If for any reason there is a pause in the marine piling operations for 20mins or more, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If, however, the mitigation zone has been observed while piling has ceased and no marine mammals have entered the zone, piling can recommence immediately.
- Monitoring results shall be assessed daily to ensure any impacts are identified as soon as possible.
- The licensing authority must be made aware of any adverse reactions identified through the monitoring as soon as possible.
- If monitoring demonstrates significant disturbance, effects from crew securing ships to the mooring dolphins, additional screening for the RSPB reserve must be provided.
- A test period to ascertain an appropriate pattern of piling/breaks should be factored into the schedule of works. If the MMO identifies that mitigation is inadequate and that seals are being significantly affected, then works must cease until adequate mitigation proposals have been agreed with the licensing authority. The licensing authority will confirm in writing that works can continue on agreement of adequate mitigation.
- A noise report must be submitted the licensing authority detailing noise inputs to the marine environment as advised by the JNCC Noise Registry guidance. This data should also be submitted online to the JNCC Marine Noise Registry Database: <https://mnr.jncc.gov.uk/>
- The Marine Noise Register (MNR) is a two-part database, one section providing a 'forward look' and the other providing a 'backward look'. The 'forward look' section collates estimated, planned information for proposed activities, while the 'backward look' section collates the actual (accurate) activity information, after the activity has taken place:

- I. The 'forward look' data should be submitted to the MNR database at least one week in advance of commencement of piling or other significant noise disturbance activity.
- II. The 'backward look' data should be submitted to the MR database at least 8 weeks after the completion of the licensed works.
- III. Evidence should be provided to the licensing authority when this data has been submitted.

15. The Licensee(s) must submit for approval by the licensing authority a **Construction Method Statement (CMS)** for the plan of works, this must detail or reference a piling protocol to be agreed the licensing authority.

**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of water environment

16. The Licensee(s) should 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.

**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of water environment

17. 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 the works the licensee(s) must: (1) record the position and details of the site; (2) cease work and (3) report your discovery to and seek further advice from the Department immediately by contacting [MLComplianceandEnforcement@daera-ni.gov.uk](mailto:MLComplianceandEnforcement@daera-ni.gov.uk).

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

18. 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 **within 28 days**.

**Reason:** To ensure that recovered wreck material is declared and dealt with appropriately.

### **Construction Conditions**

19. Lighting should be constructed to provide shielding to prevent spill into RSPB reserve.

20. Contractors accessing the RSBP reserve at D2 must, as best practicably possible, provide advance notification to RSPB.

21. The licensee(s) must inform the licensing authority of the finishing date of the licensed work with **28 days** of completion to [MLComplianceandEnforcement@daera-ni.gov.uk](mailto:MLComplianceandEnforcement@daera-ni.gov.uk)

**Reason:** To ensure the protection of birds.

### **Operational Conditions**

22. The specification of new lighting associated with the berth must, as best practically possible, ensure that light is directed downwards and lateral spill onto D2 is avoided.

Signed on behalf of the Department:



Dated: 31<sup>st</sup> July 2025

**Note:**

- (1) The conditions from ML122\_15 have been repeated in this licence, some have been amended and some you may have discharged. The discharged conditions must be complied with and any mitigation related to these implemented as set out in your supporting documents.
- (2) 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.
- (3) Under Part 4, Chapter 1, Section 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.
- (4) 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 Section 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 Section 86 (2). The licensing authority shall be obliged to report force majeure cases immediately to the OSPAR Commission.
- (5) 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.
- (6) 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.
- (7) 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:****Northern Ireland Environment Agency – Ornithology**

A code of conduct should be issued to all mariners using the D3 berth in respect of noise and other potential disturbance of birds at D2 lagoon. This will cover issues such as the use of the ship's horn and entertainment systems, particularly when boats berth over-night. At sensitive periods in any years, bird nesting, ships should avoid where possible loud horn or Tanoy noises which could cause disturbance to birds.

**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.

### **DAERA – Marine & Fisheries– 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 which is subsequently shown to have a deleterious effect on fish stocks.
- Piling activities directly within the aquatic environment should not take place during the hours of darkness during the months of April - May and July – August. To protect the migration of returning Adult Salmon and the outward migration of salmon smolt.

### **DAERA – Marine & Fisheries – Conservation & Reporting – Marine Archaeology**

Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

- 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 works the Department would ask that you: (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 this Office immediately.

Merchant Shipping Act 1995

- The License Holder must report any recovered wreck material to the Receiver of Wreck (Maritime and Coastguard Agency) in accordance with the **Merchant Shipping Act 1995**.

#### **For Advice:**

Contact: Marine & Fisheries Division Senior Archaeologist [rory.mcneary@daera-ni.gov.uk]

### **Department for Infrastructure – 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:

DfI Rivers,  
Lisburn Area Office,

Ravarnet House, Altona Road, Largymore,  
LISBURN, BT27 5QB  
Tel: 028 9260 6100

### **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 kill, injury 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 seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*).

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.

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<sup>1</sup>) 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 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time<sup>2</sup>.

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.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species. Further advice can be sought from DAERA Marine and Fisheries Division, Clare House, 303 Airport Road West, Belfast, BT3 9ED.

<sup>1</sup> Common skate and angel sharks in respect to Article 10 (1) only and within 6 nautical miles of coastal water only.

<sup>2</sup> Schedule 7 species includes all Schedule 5 species listed in Appendix A, with the exception of the common skate and angel shark. Sea urchin is protected under Schedule 7 only.

### **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<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.

(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.

Under this legislation a licence may be required for any operations which might impact on European Protected Species. Further advice can be sought from DAERA Marine & Fisheries Division Clare House, 303 Airport Road West, Belfast, BT3 9ED.

*<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)

## **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.

# APPENDIX A

Aerial view of the D3 site



Site plan for the construction of D3

