



**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 LICENCE

Licence for: Headwall and Outfall Pipe, Thornhill, Culmore, L.derry

Licence Number: ML2025025

Part 1 - Particulars

1. Licensee(s) Name & Address:

██████████
AtkinsRealis
5th Floor, The Vantage
Belfast
BT2 7BA

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

To be provided as per Condition 6.

3. Description of works and nature and quantity of all materials to be deposited below Mean High Water Springs.

Proposed laying of a new sewer headwall and 450mm outfall pipe for storm water from the redevelopment of former Thornhill College site into a retirement development.

4. Location of works:

The proposed works will be carried out within the following co-ordinates:

Lat: 55.036156
Long: -7.2765807

Also refer to the site layout plan in **Appendix A**



5. Valid:

From: 11/09/2025

Until: 15/09/2026

This Licence will remain valid for the period required to undertake the construction works and operational period as dictated by the licensing authority. The licensing authority may extend this period on request. Any extension will be confirmed in writing to the licensee(s).

6. Licence Documentation

- LICENCE APPLICATION – 09/06/2025
- HRA – 09/06/2025
- RAMS - 09/06/2025
- SITE PLAN & LOCATION AND DRAINAGE LAYOUT- 09/06/2025
- STORM DRAINAGE LONG SECTION - 09/06/2025
- DRAINAGE STANDARD DETAILS - 09/06/2025
- HRA Rev01 – 14/08/2025

PART 2: CONDITIONS

The Department of Agriculture, Environment and Rural Affairs (referred to as the licensing authority) authorises the Licensee(s) to deposit in the sea, the substances or articles (except for dredged 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. The Licensee(s) must commence works with **12 months** of the date of this licence.
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 2009 Act, whether or not the licence has been transferred to that person.
3. 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)
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 09/06/2025. 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) 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.
6. The Licensee(s) shall 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 **no less than 24 hours 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.
7. Any person authorised by the licensing authority will be permitted to inspect the licensed activity at any reasonable time.
8. 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)

Prior to the commencement of the Licensed Activity

9. The Licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: sdr@ukho.gov.uk; Tel: 01823 337900) at least **10 days** before commencement of the works, to allow for any necessary amendments to nautical charts. 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. A copy of the notification must be sent to DAERA within 5 working days to MLComplianceandEnforcement@daera-ni.gov.uk.

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

10. The Licensee(s) shall ensure marine invasive non-native species biosecurity measures are in place for all stages of the project and 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. MLComplianceandEnforcement@daera-ni.gov.uk must be copied in on the correspondence.

Reason: To prevent the introduction and spread of invasive non-native species as required under the Wildlife (Northern Ireland) Order 1985 (as amended).

11. The Licensee(s) must ensure that a detailed Construction Environmental Management Plan (CEMP) with reference to relevant PPG/GPP & CIRIA documents and The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 in regard to oil/fuel storage should be prepared by the Contractor when appointed. A copy of the CEMP should be submitted to nieapollutionprevention@daera-ni.gov.uk **4 weeks prior** to works commencing. MLComplianceandEnforcement@daera-ni.gov.uk must be copied in on the correspondence.

Please refer to DAERA's Standing Advice on Pollution Prevention available at: www.daera-ni.gov.uk/water-environment-standingadvice.

Reason: To prevent the introduction of a potentially polluting discharge to the water environment, during the construction or operational phases of works on or near a watercourse e.g. sewage effluent, site drainage or process effluent, or has the potential to make a discharge, a discharge Consent issued under the Water (Northern Ireland) Order 1999.

12. Bird Nesting Season; Licensee(s) should complete a baseline survey for nesting birds and submit results to the Licensing Authority in writing prior to the commencement of works and submit to



MLComplianceandEnforcement@daera-ni.gov.uk. Should nests be detected a buffer zone of at least 50m between them and equipment storage or site huts locations. If nests have been detected a suitably qualified and experienced Ecological Clerk of Works should be present throughout the works and must have the power to stop works if required. No removal of vegetation should be carried out during breeding season (1st March – 31st August)

Reason: To prevent disturbance to nesting birds, particularly during winter nesting season (1st November – 31st February.)

13. The work zone plus haul routes should be subject to a pre works otter (& badger) survey extending to 30m radius around the works. Should an otter holt or badger sett be found advice from the NIEA wildlife team must be sought. This survey should be submitted to MLComplianceandEnforcement@daera-ni.gov.uk.

Reason: To prevent disturbance to Otters or Badgers as protected species

During the Licensed Activity

14. 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 contact MLComplianceandEnforcement@daera-ni.gov.uk immediately so further advice may be sought.

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

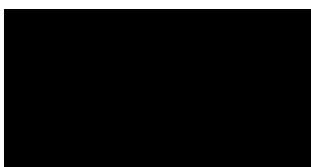
15. A contingency plan should be put in place outlining procedures to be followed if an INNS is found on site or on any equipment. Furthermore, we advise that staff should be provided with the following marine [Invasive species identification guides](#). Staff must report any INNS to DAERA MFD/CEDaR. No INNS should be released back into the marine environment, instead, they should be disposed of in landfill or incinerated.

Reason: To prevent the introduction and spread of invasive non-native species as required under the Wildlife (Northern Ireland) Order 1985 (as amended).

Upon Completion of the Licensed Activity

16. The Licensee(s) shall inform the licensing authority of the finishing date of the licensed work within 28 days of completion at MLComplianceandEnforcement@daera-ni.gov.uk.
17. 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. This report is to be submitted to MLComplianceandEnforcement@daera-ni.gov.uk.
18. The licensee(s) shall within eight weeks after the completion of the licensed works, send a report of the details of the final build to the UK Hydrographic Office to enable Admiralty Navigational products to be updated. This report should be submitted to MLComplianceandEnforcement@daera-ni.gov.uk and SDR@UKHO.gov.uk.

Signed on behalf of the Department:



Dated: 11/09/2025

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. Maritime and Coastguard Agency

- The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.
- Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.

2. 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/>

Pollution Standing Advice

[DAERA Standing Advice - WTR - Pollution Prevention Guidance - Sept 2022 Final.pdf \(daera-ni.gov.uk\)](#)

- 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.
- Any marine litter encountered or generated during the work carried out must be appropriately disposed of at the end of each day following [DAERA Marine Litter Standing Advice](#).
- Guidance and details of fees are also available. <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

3. Northern Ireland Environment Agency – Water Management Unit

Water Management Unit would request a detailed Construction Method Statement (CMS) from the contractor once they have been appointed. Any CMS provided for the attention of Water Management Unit should provide further detail regarding:

- The identification of all perceived risks to a waterway (e.g. from cement, concrete, grout, suspended solids, chemicals, paint and hydrocarbons including fuels or oils);
- The identification of all potential pollution pathways to environmental receptors and proposed mitigation measures which will be employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999);
- Demonstration of adherence to good working practices with direct reference to all relevant guidance documents (GPPs) which can be found at the NetRegs site: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>;
- To prevent pollution by fuel / oil from leaking machinery there must be regular inspections of machinery working near any waterway;
- Details should be provided regarding safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc.;
- Emergency spill procedures should be addressed. NIEA's Pollution Prevention hotline number 0800 80 70 60 should be included in any list of emergency contacts, along with a timeframe for response. It is recommended that in the event of a water pollution incident the NIEA Pollution Prevention hotline number is contacted within 30 minutes unless it is not safe to do so.



- Water Management Unit's Pollution Prevention Team can be contacted directly at nieapollutionprevention@daera-ni.gov.uk, and will be happy to advise on the contents of any CEMP / CMS or to provide any pollution prevention advice that may be required.

4. DAERA - Sea Fisheries

DAERA Fisheries Inspectorate have no issues or concerns to raise from an aquaculture / sea fisheries aspect, but we would like to remind the applicant that:

It is an offence under Article 47 of the Fisheries Act (Northern Ireland) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

The location of the proposed installation of a headwall and outfall pipe is hydrologically connected via the River Foyle and approximately 7km from Longfield Bank & Balls point [Shellfish Water Protected Area](#). These areas are designated under [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017](#). These sites contain commercial shellfish harvesting areas which must meet stringent bacteriological and chemical standards as laid down in [Water Framework Directive \(Classification, Priority Substances and Shellfish Waters\) Regulations \(Northern Ireland\) 2015](#)

The designation of Longfield Bank & Balls point as Shellfish Water Protected Areas reflects the high production value of this area. Water quality must be protected in this area to ensure public health and food standards are achieved. Shellfish Waters are particularly vulnerable to pollution. The proposed work could have adverse effects. More information about Shellfish Water Protected Areas and the management measures that should be considered to prevent pollution are included in the [SWPA Shellfish Action Plan](#). The applicant should ensure adherence to the [DAERA Standing Advice](#) for development that may impact the water environment.

5. DAERA – Marine & Fisheries Division - Conservation and Reporting – Marine Archaeology

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.

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.

European and National Marine Protected Areas

The applicant's attention is drawn to the fact that the proposal is in close proximity to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Clare House, 303 Airport Road, Belfast BT3 9ED.



Marine European 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, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*).

It is also an offence to intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damages or destroys anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.

The Wildlife (Northern Ireland) Order 1985:

<http://www.legislation.gov.uk/nisi/1985/171/part/III/crossheading/protection-of-other-animals>

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 to release or allow to escape into the wild any plant or 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 state (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 plant or animal included in that Part).

Article 15 of the Wildlife (Northern Ireland) Order 1985

<https://www.legislation.gov.uk/nisi/1985/171/article/15>

Further information

The applicant's attention is also drawn to the following links which provide advice to be considered:

- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Wildlife Disturbance](#)
- [Marine Biosecurity Planning Guidance](#)
- [Marine Map Viewer](#)
- [Decisions affected by marine policy - authorisation decisions](#)

Further advice can be sought from the Marine Conservation Advice Team, DAERA Marine and Fisheries Division, Ground Floor, Clare House, 303 Airport Road West Belfast, BT3 9ED. Tel: 028 90 569 757 or email: Marine.Wildlife@daera-ni.gov.uk

Construction Activities – Oil / Fuel

Oil / fuel storage and re-fueling activities should be undertaken on an impermeable area and an appropriate distance from waterbodies. A leak or spillage of fuel or lubricating oil / fluids from the working pontoon could adversely affect water quality and fisheries interests. There should be a spill kit on the vessel and on site, which site operators are trained to use, and a pollution containment plan in case of spillage.



Construction Activities - Cement / Concrete

The use of cement/concrete on site will require careful management. They are versatile building materials but they are also highly toxic to aquatic life and therefore must be kept out of all drains and watercourses. Any concrete or cement mixing should be on an impermeable area and at least 10m away from any waterbody or drain. There should be appropriate measures to contain a pollution incident and a pollution containment plan in case of spillage / leakage of cement, grout or other sediment to the marine environment.

Construction - Biosecurity Protocols.

The nature of the works has the potential to spread invasive species which could be detrimental to the aquatic environment. All works which have the potential to aid the spread of invasive species must implement a biosecurity protocol. Loughs Agency suggests that an appropriate Invasive species management plan is considered.

