



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

www.daera-ni.gov.uk

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

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

MARINE SEA DISPOSAL LICENCE

Licence to Dispose of Dredged Material from Ardglass Harbour

Licence Number: ML2020006

Part 1 – Particulars

1. Licensee(s) Name & Address:

Mr. David Lindsay
Northern Ireland Fishery Harbour Authority
3 St. Patrick's Avenue
Downpatrick
BT52 1EY

2. Name and Address of Producer of Dredged Material

Northern Ireland Fishery Harbour Authority
3 St. Patrick's Avenue
Downpatrick
BT52 1EY

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

MD Kilmourne

4. Description of works and method of disposal:

It is planned to carry out the maintenance dredging at Ardglass Harbour in discrete dredging campaigns. Weather permitting, the target is to dump 2-3 loads per day at the designated disposal site, Ardglass B.

Disposal will be by opening the bottom doors of the hopper to allow the dredged sediment to be deposited on the seabed

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

Quantity for disposal within period: 1st August 2020 to 31st July 2023

Up to 9,999 metric tonnes

6. Location of disposal site:

Within a 0.5 nautical mile radius of the following coordinates:

Ardglass B

54° 012.9 'N, 05° 39.7'W

6. Valid:

From: 1st August 2020

Until: 31st July 2023

PART 2: CONDITIONS

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Northern Ireland Fishery 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 ENFORCEMENT ACTION BEING TAKEN

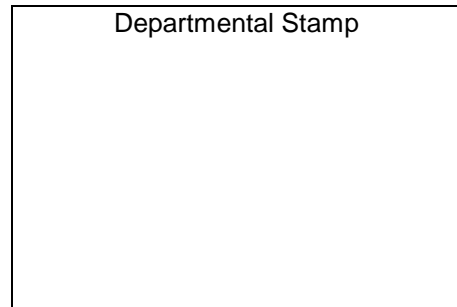
1. All conditions of this licence bind any persons whom, for the time being, owns, occupies or enjoys any use of the works for which this licence has been granted, in relation to those licensed activities authorized under section 66 of the 2009 Act, whether or not the licence has been transferred to that person.
2. The Licensee(s) must receive written authorization 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).
2. The licensee(s) are required to dispose of materials at the Disposal Area(s) stated above. If in the case of 'force majeure' (stress of weather or any other cause threatening the safety of human life or the vessel) dredged material is deposited in any other area, full details of the circumstances should be notified to the licensing authority in writing within 24 hrs.
3. The licensee(s) shall confirm to the licensing authority by way of a report and map the area specifically dredged to produce the disposal material.
4. The licensee(s) shall ensure that a log of all the disposal operations is kept and be made available on request by the Department.

5. Certified returns to be submitted by end of January 2021 for disposal during the period, 1st August 2020 to 31st December 2020, by the end of January 2022 for the period 1st January 2021 to 31st December 2021, by the end of January 2023 for the period 1st January 2022 to 31st December 2022 and by end of January 2024 for the period 1st January 2023 to 31 July 2023.
6. The licensee(s) shall confirm in writing to the licensing authority that the disposal vessel(s) shall have position fixing capability within a +/- 20m range.
7. Recordable position fixing equipment must be used to ensure disposal within a 0.5 nautical mile radius of the stated disposal site.
8. The licensee(s) must ensure that vessel log details (attached as an Appendix to this licence) should be completed **within a week** after the end of each month of dredging and disposal operation.
 1. The licensee(s) may decide to use their own vessel log template with prior written agreement of the licensing authority.
 2. The vessel log should be accompanied by timed and dated tracked plots indicating the route taken, to and from, each disposal event in addition to the position and time for each disposal.
 3. If licensee(s) cannot provide track plots they must reach agreement with the licensing authority on a suitable method of recoding and reporting the position and time for each disposal prior to disposal commencing.
9. The dredging operators must have operational and active AIS vessel tracking during all operations.
10. If AIS or vessel positioning systems are faulty, dredge and/or disposal activities must not continue until all systems are repaired/replaced and fully operational.
11. The licensee(s) must ensure they meet all the requirements of Merchant Shipping Regulations
12. 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 disposal operations, as stated within the Notice(s) to Mariners guidance notes, which is usually ten days.
13. The licensee(s) shall ensure that 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)
14. The licensee(s) must issue local notification to marine users - including fisherman's organisations, neighbouring port authorities and other local copies of stakeholders - to ensure that they are made fully aware of the activity.
15. The licensee(s) must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
16. The licensee(s) must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system
17. The licensee(s) must survey the seabed of the disposal site before and after disposal operations in addition to a reference site. The survey must include photography/video of the benthos and grab sample or side scan. This survey information should be provided in a report format (including still images) to the licensing authority within **8 weeks** upon completion of this licence. This operation shall be agreed with the licensing authority prior to disposal operations.
18. The licensee(s) shall inform the licensing authority of the finishing date of the work within 1 week of completion

19. In the event of a discovery of an archaeological object and/or remains during works the Department would ask that the licensee(s): (1) record the position and details of the site; (2) do not disturb the site further and (3) contact DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA for further advice.

The DAERA document *Guidance Note: For the Discovery of Unanticipated Underwater Archaeological Heritage* (<https://www.daera-ni.gov.uk/publications/guidance-note-discovery-unanticipated-underwater-archaeological-heritage>) sets out best practice and legal responsibilities in the reporting of unanticipated finds of archaeological interest made during the course of marine construction and/or dredging projects.

Signed on behalf of the Department:



Dated: 29th June 2020

Due to the current circumstances it is not possible to attach the Departmental Stamp. A stamped copy will be issued when this becomes possible.

NOTE:

(1) The licensing authority would advise that this licence does not negate the licensees' responsibility to gain any other environmental or access permissions that may be required to progress the works.

(2) Under Part 4, Chapter 1, paragraph 72 of the **Marine and Coastal Access Act 2009**, the licensing authority may revoke, vary or suspend this licence if it appears to the authority that the holder is in breach of a condition included in it, or if it appears to the authority that the licence ought to be varied, suspended or revoked because of a change of circumstances relating to the marine environment or human health, including a change in scientific knowledge. A revocation, variation or suspension may also be enforced in the interests of safety of navigation.

(3) A person who deposits material in contravention of the terms of a licence is guilty of an offence under Section 85 of the Act. It is a defence under paragraph 86 (1) for a person charged with such an offence to prove 'force majeure'. However they are also required to prove that they took steps within a reasonable time to inform the licensing authority of all details pertaining to the incident contained in paragraph 86 (2). The licensing authority shall be obliged to report force majeure cases immediately to the OSPAR Commission.

(4) Attention is drawn to the necessity of complying where appropriate with the **Radioactive Substances Act 1960**, the **Prevention of Oil Pollution Act 1971** and to the **Merchant Shipping (Dangerous Goods) (Amendment) Rules 1968**.

(5) If within 28 days of the issue of a licence the person to whom it was issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the Authority shall comply with his request within 28 days of receiving it.

(6) Anyone who fails to comply with a condition on a Marine Licence commits an offence under Section 85 of the **Marine and Coastal Access Act 2009**, and may be subject to enforcement action. Possible enforcement actions are compliance notices, remediation notices, fixed monetary penalties and variable monetary penalties. In the worst cases, a person found guilty of an offence on summary conviction may be subject to a fine not exceeding £50,000. In addition, a person found guilty of an offence on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both. Further details can be found at our guidance note

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/marine-licensing-guidance-enforcement-under-part-4-marine-and-coastal-access-act%2C-2009-may-2016.pdf>

Further information from consultation:

1. Northern Ireland Environment Agency – Water Management Unit

The licensee should adhere to DAERA's Standing Advice on Pollution Prevention and Discharges. All available at: www.daera-ni.gov.uk/water-environment-standingadvice

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

The licensee 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.

3. DAERA Marine & Fisheries – Marine Conservation

European and National Marine Protected Areas

The applicant's attention is drawn to the fact that the proposed works are 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 construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

Marine National Protected Species – Seals and basking shark

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*), grey seal (*Halichoerus grypus*) or basking shark (*Cetorhinus maximus*).

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,
 - damage or destroy 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 wildlife 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/II/crossheading/protection-of-other-animals>

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 capture, disturb, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphin, porpoise and whale and the marine turtle species.

For more information please see:

<https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

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>

4. Maritime and Coastguard Agency

The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.