



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

This licence granted by the Department of Agriculture, Environment and Rural Affairs (referred to as the Licensing Authority) under Part 4 of the Marine and Coastal Access Act 2009, authorises the Licensee(s) to deposit in the area of sea specified below all substances and articles (except for dredged material) used in the execution of works of construction by the Licensee(s) in that area, subject to the undermentioned conditions:

Licence Number: ML28_12

Part 1 – Particulars

1. Licensee(s) Name & Address:

Islandmagee Energy Ltd
8 Portmuck Road
Islandmagee
Larne
Co. Antrim
BT403TW

2. Area of Deposit:

The creation of seven storage caverns below Larne Lough as described in the IMEL Marine Construction Licence Updated Application dated 10 December 2019 and as described in the IMEL Environmental Statement and appendices (hereafter referred to as the "Environmental Statement").

- The licence shall refer to the creation of seven underground caverns in the Permian salt deposits below Larne Lough.
- A brine discharge pipeline directionally drilled to 27m depth from Grid reference (Easting and Northings) 344840/403130 to 345076/403469
- A seawater abstraction pipeline directionally drilled, from Grid reference (Easting and Northings) 344615/403250 to 344640/403270
- Three monitoring buoys and associated equipment to monitor salinity concentrations around the discharge pipe in locations to be finalised through the Environmental Monitoring Programme.

3. Period of Validity of Licence

The licence shall remain valid for the duration of the project.

From: 05/11/2021. The works must commence within 5 years of the start date of this licence. The Licensing Authority may extend this period on request and will confirm any extension in writing to the Licensee(s).

Until: This licence will remain valid for the period required to undertake the construction, operation and decommissioning of the gas storage facility, with an additional period post-decommissioning as agreed with the Licensing Authority through the Environmental Monitoring Programme.

PART 2: CONDITIONS

The Department of Agriculture, Environment & Rural Affairs (referred to as the Licensing Authority) authorises **Islandmagee Energy Ltd** to carry out the construction, deposits and any removals described in Part One of this licence in compliance with the following conditions:

NOTE: FAILURE TO COMPLY WITH THE BELOW LICENCE CONDITIONS MAY RESULT IN ENFORCEMENT ACTION BEING TAKEN.

General Conditions

1. Under the Marine and Coastal Access Act 2009, a marine construction licence covers the duration of a project. This licence cannot be transferred without the authorisation of the Licensing Authority. Should the Licensee wish to transfer the licence, contact must be made with the Licensing Authority at least one month before a proposed transfer date.
2. The Licensee(s) shall not deposit any other material than that detailed in the updated Marine Licence application form received by the Licensing Authority, dated 10 December 2019.
3. The Licensee(s) shall contact the Licensing Authority if it is proposed to vary the materials or planned methods to be used from those described in the documentation supplied in the updated application.
4. The facility authorised to be constructed under this Licence shall only be used for the storage of natural gas. The Licensee(s) shall contact the Licensing Authority immediately if it is proposed to vary or change the intended use of the facility from the storage of Natural Gas. It should be noted that a change of use may invalidate a licence and that a further application may be necessary.
5. In the event of the Licensee(s) becoming aware that any of the information on which the licence is based has changed, the Licensing Authority shall be immediately notified in writing of the alterations. It should be noted that alterations may invalidate a licence and that an application for a new licence may be necessary.
6. The Licensee(s) shall ensure that a copy of this licence, and any subsequent variations made in accordance with section 72 of the Act are given to each agent, contractor and sub-contractor appointed to carry out part or all of the works. The Licensee(s) must ensure that such agent, contractor or sub-contractor is aware of the conditions within the aforementioned licence and any subsequent variations.
7. The Licensee(s) shall ensure that copies of the licence are available for inspection by Marine Licence Enforcement Officers at:
 - The premises of the Licensee(s)
 - The premises of the operating facility
 - The premises of and on board any vessel or chartered agent acting on behalf of the Licensee(s); and
 - The site of the works

8. The Licensee(s) must ensure that if for any reason of *Force Majeure* any substance or object is deposited other than at the site described in this licence, then the Licensing Authority must be notified of the full details of the circumstances of the deposit as soon as the Licensee(s) are aware of the incident occurring. *Force Majeure* may be deemed to apply when, due to stress of weather or another cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit a substance or object other than according to a licence. Such actions must be directly related to the safety of a human life, a vessel, vehicle or marine structure which is threatened by the failure to take the action. Under Annex II, Article 7 of the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, the Licensing Authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

Pipeline Infrastructure Construction Conditions

1. The Licensee(s) shall inform the Licensing Authority of the starting date of the construction work at least two months prior to commencement of the works, and finishing date of the work 1 week before its termination.
2. The Licensee shall submit a Construction Environmental Management Plan (CEMP) two months before construction is due to start for agreement with the Licensing Authority. The CEMP will cover the following – the prevention of water pollution on construction sites, the prevention of disturbance through noise, vibration, dust and visual impacts. The implementation of the CEMP shall be overseen by the Ecological Clerk of Works.
3. The Licensee(s) shall appoint an approved, experienced Marine Mammal Observer (MMO) during the construction phase of the seawater intake and the brine outfall. Prior to works commencing, a marine mammal protocol shall be submitted and approved by the Department. The protocol shall be written and implemented in accordance with JNCC Guidance ‘The protection of marine European Protected Species from injury and disturbance October 2010’ Appendix C.
4. The use of impact piling or blasting is not anticipated for this licence. However, if a requirement emerges due to geological anomalies, the Licensee shall notify the Licensing Authority. A noise risk impact assessment must be produced and submitted to the Licensing Authority for approval before these construction methods can be considered to prevent disturbance to sensitive receptors.
5. Should impact piling or blasting be necessary, the Licensee(s) must submit information on the expected location, start and end dates of noise generating activities to the Department to fulfil the requirements of the Marine Noise Registry, in order to satisfy the ‘Forward Look requirements of the Registry, prior to the commencement of the licensed activities. The licence holder must notify the Department of the successful submission of ‘forward look’ data within 7 days of commencement of the licensed works. A noise risk impact assessment must be produced and submitted to the Licensing Authority for approval before activities can begin to prevent disturbance to sensitive receptors. <https://mnr.jncc.gov.uk/>
6. Prior to works commencing, a marine biosecurity protocol shall be submitted to and approved by the Department. Please see the following link for Best Practice Guidance: Marine Biosecurity Planning Guidance. <https://www.daera-ni.gov.uk/articles/monitoring-marine-invasive-non-native-species>
7. 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.
8. The Licensee must ensure that HM Coastguard, in this case nmcccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
9. The Licensee(s) must notify the Commissioners of Irish Lights of the intention to deploy navigational aids in relation to *in situ* monitoring or navigational buoys. If aids to Navigation such as buoys or fixed beacons are deemed necessary, to be installed, modified or removed a “Statutory Sanction” must be applied for through the Irish Lights office.

Captain Rory Mullins
Navigation Services Manager
D: +353 1 271 5542 T: +353 1 271 5400
Commissioners of Irish Lights
Harbour Road, Dun Laoghaire, Co. Dublin, Ireland
A96 H500
<http://www.irishlights.ie>

10. The Licensee must issue local notification to marine users - including the Licensing Authority, fisherman's organisations, neighbouring port authorities and other local stakeholders - to ensure that they are made fully aware of the activity.
11. Any consented cable/pipeline protection works must ensure existing and future safe navigation is not compromised. The MCA would accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum but under no circumstances should depth reductions compromise safe navigation.
12. The Licensee(s) must notify The Source Data Receipt team, UK Hydrographic Office, Taunton. Somerset, TA1 2DN (Email: hdcfiles@ukho.gov.uk; Tel: 01823 337900) of both commencement and completion of the works in order that all necessary amendments to nautical charts can be made, to ensure navigational safety. This office must be copied into all notifications.
13. 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 construction 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 Department immediately.
14. 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.

Environmental Monitoring Programme

15. The Licensee(s) shall ensure that the agreed monitoring and mitigation are employed pre, during and after the excavation of the caverns by implementing the Environmental Monitoring Programme as outlined in the Marine Environmental Conditions Update, 2019. The Licensee shall work with the Licensing Authority to establish a Science and Technical Advisory Group to finalise arrangements for the *in-situ* buoys to monitor the conditions of the Water (NI) Order consent. The Science and Technical Advisory Group will meet prior to the construction phase and on a quarterly basis initially. The frequency of meetings will be reviewed by the Licensing Authority in consultation with Science and Technical Advisory Group.
16. As outlined, the Environmental Monitoring Programme shall cover the following elements:
 - Real time water quality by *in situ* buoys measuring salinity, dissolved oxygen and temperature,
 - A minimum of six brine tracking surveys during the first year of the operation of the brine outfall,
 - Marine mammal surveys including static acoustic monitoring and the use of marine mammal observers
 - Seal survey
 - Benthic grab and video surveys
 - Beam trawl fish survey and commercial pot fishery and by-catch survey
 - Bird survey
17. The Licensee(s) shall ensure that the EMP data is submitted to the Licensing Authority in a MEDIN-compatible format. Monitoring data from the *in situ* buoys will be available in real time on a web-based system. The Licensee must submit all reports, studies and survey data to the Licensing Authority on a 6 monthly basis.
18. The Licensee(s) must ensure that a suitably qualified and experienced Ecological Clerk(s) of Works / Environmental manager(s) is, or are, appointed prior to the commencement of the licensable programme of works. The appointed person(s) will provide environmental liaison establishing and maintaining effective communications between the Licensee, Licensing Authority, contractors, stakeholders, conservation groups and other users of the sea during the period in which licensed activities authorised under this licence are undertaken. Prior to the commencement of the works, the Licensee(s) must notify the Licensing Authority in writing of the identity, contact details and qualifications of the appointed Ecological Clerk(s) of Works / Environmental manager(s).

19. The term of appointment for the Ecological Clerk(s) of Works must cover the period from the commencement of a programme of marine works until completion of the process, unless otherwise agreed by the Licensing Authority.

1. The responsibilities of the Ecological Clerk(s) of Works must include, but are not limited to the following:
 - Quality assurance of the final draft of all plans and programmes required under this Licence.
 - Ensuring that all works are carried out in accordance with Construction Environmental Management Plan (CEMP) and Environmental Monitoring Programmes.
 - Project Monitoring Plan compliance with all environmental conditions and agreements.
 - Ensuring any wildlife designated site or protected species permissions are in place as required by the project.
 - Provide advice on monitoring and compliance of the licence by the Licensee(s) in coordination with the Licensing Authority.
 - Liaise with the marine Licensing Authority on works progress.
 - Produce a communications plan aimed at the public, residents and stakeholders.

Post Discharge & Operational Conditions

20. The Licensee(s) shall carry out surveys of the discharge site after the cessation of the brine discharge in line with the Environmental Monitoring Programme for a period of up to 24 months, or longer if required by the Licensing Authority.
21. The Licensee(s) shall submit to the Licensing Authority an annual report of the EMP, post-discharge termination covering a 24 month period or longer if required by the Licensing Authority.

Outline Decommissioning Conditions

22. The Licensee(s) shall notify the Licensing Authority in writing 6 months in advance of decommissioning of the installations and shall submit a new licensing application to cover the entirety of the decommissioning process.
23. The Licensee(s) shall ensure that all materials (excluding rock armouring) shall be removed from the seabed, unless the Licensing Authority decides otherwise based on best practice at the time of decommissioning.
24. The Licensee(s) shall ensure that the remaining abstraction and discharge pipelines are capped at the seabed, unless the Licensing Authority decides otherwise based on best practice at the time of decommissioning.
25. The Licensee(s) shall ensure the structural integrity of the salt caverns post decommissioning and ensure as best practice provisions detail at the time ensure the structural integrity is sustainable.
26. The Licensee(s) shall ensure that no materials or waste are deposited on the seabed.
27. The Licensee(s) shall supply a report of all materials that were in or on the seabed which were removed after decommissioning the marine structures and a list of any materials left behind in situ.

Departmental Stamp

Signed on behalf of the Department:



Dated: 5th November 2021

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>

Informative Information:

1. Northern Ireland Environment Agency – Water Management Unit and Water Regulation

1. The brine discharge from this project is subject to a consent under Article 7A Para 3(a) of the Water (Northern Ireland) Order, 1999. In the event of future cavern shaping/brine discharge, the Licensee(s) may require a further consent from NIEA
2. The water abstraction is subject to an Abstraction Licence under The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. It is an offence under Regulation 4 to abstract water without the appropriate authorisation.

You should be aware that it is an offence under Article 7 of 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.

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

2. Department for Infrastructure

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

3. DAERA Marine Conservation & Reporting

Designated Sites

The applicant's attention is drawn to the fact that the proposal has the potential to have a significant impact on national, international and European Marine Protected Areas and precautions should be taken to ensure their integrity 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 marine licence application boundary are subject to the following Regulations;

- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)
- Environment (Northern Ireland) Order 2002 (as amended)

European Marine Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which details offences relevant to all species of dolphins, porpoises and whales and the marine turtle species. It is the applicant responsibility to ensure that an offence is not committed as a result of operations carried out as part of this proposal.

For further information please see <https://www.daera-ni.gov.uk/articles/marine-wildlife-licensing#toc-2>

National Marine Protected Species

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) which details offences relevant to marine protected species. It is the applicant responsibility to ensure that an offence is not committed as a result of operations carried out as part of this proposal.

For further 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 if any person releases or allows to escape into the wild any 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 (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 animal included in that Part),
he shall be guilty of an offence.

List of Part I, Schedule 9 species

<https://www.legislation.gov.uk/nisi/1985/171/schedule/9>

Article 15 of the Wildlife (Northern Ireland) Order 1985

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

Please see the following link for Best Practice Guidance:
Marine Biosecurity Planning Guidance

4. DAERA Marine Archaeology

The Licence Holder should be aware of the need to pay due regard to coastal and marine historic assets where they remain as archaeological material and attention is drawn to Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) and the UK Marine Policy Statement (UK MPS).

There is a legal obligation to report archaeological objects within 14 days under the provisions of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 and to report historic wreck material to the Receiver of Wreck under the Merchant Shipping Act 1995.

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.

ADVICE:

Contact: Marine & Fisheries Division Archaeologist at: marine.conservation@daera-ni.gov.uk

5. DAERA Inland Fisheries

Inland Fisheries would like to draw the applicant's attention to the following:–

Northern Ireland through the UK and EU is a signatory to North Atlantic Salmon Conservation Organisation (NASCO), under which we are legally obliged to protect, restore and enhance the habitat of the North Atlantic Salmon species.

Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any deleterious materials into any waters.

6. Maritime & 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.
- Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
- The cavern 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. (Applicable to site within Port of Larne SHA jurisdiction only.)
- If in the opinion of the Secretary of State for Transport, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

7. Health and Safety Executive Northern Ireland

The construction and operation of the gas caverns fall under the Control of Major Accident Hazards Regulations (COMAH) (Northern Ireland) 2000, for which the Health and Safety Executive (NI) is joint competent authority with NIEA. The proposed development is an 'Upper Tier' COMAH site. This requires the applicant to ensure that adequate engineering or procedural safeguards will be in place to control risk for major accident scenarios and that risk are reduced to a level that is as low as reasonably practicable (ALARP).

Before construction can commence on aspects of this project that have not already been permitted under the planning permission (F/2010/0092/F), and before operations are allowed to commence, HSENI must be satisfied that safety aspects have been properly addressed through the regulatory process.

8. The Crown Estate

The Crown Estate advises that construction below the mean high water spring tide mark cannot commence until a full lease is in place.