



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**

**Licence to Carry Out Repairs at Fisherman's Quay, Carrickfergus**

**Licence Number: ML2020001**

**Part 1 - Particulars**

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

Mr. Colin Morrison  
Mid & East Antrim Borough Council  
1-26 Bridge Street  
Ballymena  
BT43 5EJ

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

n/a

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

Repairs at Fisherman's Quay, off the Marine Highway, Carrickfergus.  
Work includes cleaning of stone, re-setting, re-pointing and re-mortaring of revetments, steps and capping blocks.  
Rebuilding a section of revetment with concrete foundation and re-clad with existing blocks.

**4. Location of works:**

Fisherman's Quay, Carrickfergus  
IGR 342016.7, 387803.5

**5. Valid:**

From: 1<sup>st</sup> March 2022  
Until: 28<sup>th</sup> February 2023.

## **PART 2: CONDITIONS**

The Department of Agriculture, Environment & Rural Affairs (referred to as the licensing authority) authorises **Mid & East Antrim Borough Council**, to deposit in the sea the substances or articles (except for dredge material) used in the execution of works described in Part 1 of this licence. This licence is subject to the under mentioned condition(s):

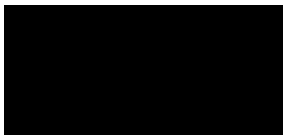
### **Licence Condition(s):**

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

1. 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).
3. The licensee(s) shall inform the licensing authority of the finishing date of the licensed work within **28 days** of completion.
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 31<sup>st</sup> January 2020. 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) shall ensure that the Department is informed of any contractor appointed to carry out part or all of the works and a copy of this licence is given to each contractor.
6. The licensee(s) must commence works with 12 months of the date of this licence.
7. 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)
8. 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.
9. The licensee(s) shall ensure that the sea walls within the site are checked thoroughly for the presence of Black Guillemot nests by a competent ornithologist with experience of this species prior to works commencing. If a nest is found, any work in the immediate vicinity that would impede access to the nest by adults should be suspended until the chicks have fledged or there is conclusive evidence that the nest has failed.
10. A Construction Method Statement shall be submitted no later than 4 weeks prior to the commencement of construction, in order to specify and ensure all effective avoidance and mitigation methodologies have been planned for the protection of the water environment during the project.
11. The Licensee(s) must issue local notification to marine users - including fisherman's organisations, neighbouring port authorities and other local stakeholders - to ensure that they are made fully aware of the activity.

12. Fisherman's Quay is a statutorily protected heritage asset, Scheduled under Article 3 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. The licensee(s) shall apply for Scheduled Monument Consent (SMC) from DfC Historic Environment Division for works in the scheduled area.

Signed on behalf of the Department:



Dated: 1<sup>st</sup> March 2022

**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/dae/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(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 months imprisonment.

Water Management Unit would refer the applicant to DAERA's Standing Advice on Pollution Prevention and Discharges to the Water Environment, available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

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

The licensee(s) should be made aware that it is an offence, under Section 47 of the Fisheries Act (Northern Ireland) 1966, to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

**3. DAERA Marine & Fisheries – Marine Conservation**

**European and National Marine Protected Areas**

The licensee(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 Conservation Zones**

The licensee(s) attention is drawn to the fact that the proposed works are in close proximity to the boundary of Belfast Lough Marine Conservation Zone (MCZ) and precautions should be taken to ensure its integrity and the animals residing within, 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 outside the red line planning application boundary are subject to the Marine Act (Northern Ireland), which makes it an offence to

- a) intentionally or recklessly kills or injures any animal in an MCZ which is a protected feature of that MCZ,
- b) intentionally picks or collects, or intentionally or recklessly cuts, uproots or destroys, any plant in an MCZ which is a protected feature of that MCZ,
- c) intentionally or recklessly takes anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or
- d) intentionally or recklessly destroys or damages any habitat or feature which is a protected feature of an MCZ

For Further information please see;

<https://www.daera-ni.gov.uk/articles/marine-conservation-zones>

**Marine European Protected Species**

The licensee(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 dolphins, porpoises and whales and the marine turtle species.

For more information please see;

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

### **Marine National Protected Species**

The licensee(s) attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to deliberately capture, deliberately or recklessly disturb, injure or kill a wild animal included in Schedule 5 of this Order. This includes the common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*), basking shark (*Cetorhinus maximus*), <sup>1</sup>angel shark (*Squatina squatina*), <sup>1</sup>common skate (*Dipturus batis*) short snouted seahorse (*Hippocampus hippocampus*), spiny seahorse (*Hippocampus guttulatus*), spiny lobster (*Palinurus elaphus*) and fan mussel (*Atrina fragilis*), all species of dolphins, porpoises and whales and the marine turtle species.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

For more information please see;

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

For more information on marine wildlife disturbance please see;

<https://www.daera-ni.gov.uk/publications/watch-out-wildlife-crime-marine-wildlife-disturbance>

### **Invasive Species**

The licensee(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](#)

The licensee(s) attention is also drawn to the following links which provide advice to be considered:

- [Planning in the Coastal Area](#)
- [Standing advice for development that may have an effect on the water environment \(including groundwater and fisheries\)](#)
- [Marine Wildlife Licensing](#)
- [Marine Wildlife Disturbance](#)

#### **4. Maritime & Coastguard Agency – Navigational Safety Branch**

The licensee(s) 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.