

**Northern Ireland Environment Agency
Department of the Environment**

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

MARINE CONSTRUCTION LICENCE

This licence granted by the Northern Ireland Environment Agency (NIEA), an Agency within the Department of the Environment, (referred to as the licensing authority) under Part 4 of the Marine and Coastal Access Act 2009, authorises the licensee 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 in that area, subject to the undermentioned conditions:

1. Reference Number of Licence:

ML 180/11

2. Name of Licensee:

McLaughlin & Harvey Ltd
15 Trench Road
Mallusk
Newtownabbey
BT36 4TY

3. Area of Deposit:

Construction of a marine events berthing pontoon (140m long) adjacent to McFarland's Quay on the River Foyle, Londonderry. Pontoon will be anchored to the river bed by means of forty (40) No. concrete anchor blocks and chain link as detailed in FEPA application dated 23 July 2009 and email from McLaughlin & Harvey dated 18 November 2011.

4. Period of validity of licence:

08 December 2011 – 07 December 2012

Conditions:

1. **The licensee shall inform the Department (in writing or by email) of the starting date of the construction work at least 1 week prior to commencement of the works, and finishing date of the work approximately 1 week before its termination.**
2. **The licensee shall ensure that a pair of vertical fixed green lights should be installed at either end of the pontoon to mark it's extents in darkness.**
3. The licensee 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.
4. The licensee shall not deposit any other material than that detailed in the FEPA Licence application form received by the Department dated 23 July 2009 and in the email from McLaughlin & Harvey dated 18 November 2011.
5. The licensee 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 FEPA Licence application.
6. The licensee 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.

NOTES

- (A) NIEA Water Management Unit would advise that this licence does not negate the licensee's responsibility to gain any other environmental or access permissions that may be required to progress the works.
- (B) 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.
- (C) Under Part 4, Chapter 3, paragraph 85 of the Marine and Coastal Access Act 2009 it is an offence to fail to comply with any condition of a marine licence. In some circumstances there may be a defence to non compliance under paragraph 85. These defence conditions are given under paragraph 86 "Action taken in an Emergency", paragraph 87 "Electronic communications, emergency works" and paragraph 88 "Activity licensed by another State".
- (D) 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.
- (E) 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.

All correspondence or communications relating to the licence should be addressed to:

**Northern Ireland Environment Agency
Water Management Unit
17 Antrim Road
Lisburn
BT28 3AL**

**Tel: 028 92 623153
FAX: 028 92676054**

SIGNED:

FOR AND ON BEHALF OF THE LICENSING AUTHORITY

DATE: