



**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: Repair to Beach Palisades - Portballintrae

Licence Number: ML2021016

The Licensing Authority for Northern Ireland as described within the Marine & Coastal Access Act 2009 hereby grants a marine licence authorising the Licensee(s) as detailed below.

Part 1 - Particulars

Interpretation

In this licence, unless otherwise stated, terms are as defined in the Marine and Coastal Access Act 2009 (The Act).

Licensing Authority Contact Details

Marine & Fisheries Division
Marine Strategy and Licensing
Klondyke Building
Cromac Avenue
Belfast
BT7 2JA.

E-mail: marinelicensingteam@daera-ni.gov.uk
Telephone: 028 905 69238

1. Licensee(s) Name & Address:

**Causeway Coast & Glens Borough Council
Cloonavin
66 Portstewart Road
Coleraine
BT52 1EY**

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

**JPM Contracts Ltd
79 Main Street
Dungiven
Co. Londonderry
BT47 4LE**



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

Maintenance Works

A number of the horizontal timber members are split and need replaced while there are a number of sections where the horizontal timber members are either missing or where additional are required. Where the existing horizontal timber members are split these will be removed and replaced with new timbers of the same dimensions. The new timber used will be Greenheart Timber or timber with similar structural characteristics. Where each horizontal timber member is removed the new timber will be fixed to the existing support structure with new 30mm diameter Grade 8.8 bolts. These bolts will be placed into the existing holes on the support structure. Where sections are missing new horizontal timber members will be manufactured to the same dimensions as the existing horizontal timber members and fixed to the support structure using new 30mm diameter Grade 8.8 bolts. These bolts will be placed into the existing holes in the support structure. Where additional horizontal timber members are required these will be manufactured to the same dimensions as the existing horizontal members and fixed to the support structure using new 30mm diameter Grade 8.8 bolts. As these members will be new additional holes will be required in the support structure to accommodate these fixings. If there are fixings missing these will be replaced with new 30mm diameter Grade 8.8 bolts placed into the existing holes on the support structure.

4. Location of works:

Timber Bank Protection Structure, Portballintrae as shown in application drawing (See attached Map Appendix 1)
The works are required to improve the safety and increase the longevity of the existing structure.

Irish Grid Reference 292280 442042

5. Valid:

From: 05/10/2021.

Until: 04/10/2022.

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) shall inform the licensing authority of the starting date of the construction work at least 1 week prior to commencement of the construction works, and finishing date of the construction work, 1 week before its termination.

Reason: To allow the licensing authority to monitor the works as deemed fit.

2. The licensee(s) shall not deposit any other material than that detailed in the Marine Licence application form received by the licensing authority, dated 8th June 2021. 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.



Reason: To ensure no additional works are conducted without the knowledge of the licensing authority.

3. The licensee(s) shall ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works. The extent of the works for which the licence has been given and the conditions that are attached to the licence should be made clear to the contractors.

Reason: To ensure no breaches of the licence conditions occurs.

4. The licensee(s) shall, within eight weeks after the completion of the construction 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.

Reason: To allow the licensing authority to maintain a record of works carried out within the licensable area.

5. 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)

Reason: To ensure any enforcement officer can check the works against the licence.

6. The licensee(s) shall ensure that if any archaeological or cultural material is uncovered by the construction works it should be reported to the Marine and Fisheries Division archaeologist (colin.dunlop@daera-ni.gov.uk), as required under Article 42 of the Historic Monuments and Archaeological Objects (NI) Order 1995.

Reason: To ensure a record is maintained of Northern Ireland's maritime cultural heritage.

7. The licensee(s) shall not store any site supplies of fuel or oils within 10m of the shore and 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.

Reason: To reduce the potential for the works to cause pollution to the environment.

8. The licensee(s) approved contractor shall submit a Construction Method Statement (CMS) prior to commencement of the works to Water Management Unit - Pollution Prevention Team for review. The appointed contractor can liaise with Water Management Unit Pollution Prevention Team at nieapollutionprevention@daera-ni.gov.uk.

DAERA Marine Licensing shall be copied into all correspondence.

Details to meet the requirements of this condition may be found in Paragraph 2 **Northern Ireland Environment Agency – Water Management Unit**

9. The licensee(s) should adhere to the following:
 - Works in, near or over watercourses, PPG5 and
 - Prevent Pollution, & Construction and Demolition sites: PPG6: Prevent Pollution.

Reason: To reduce the potential for the works to cause pollution to the environment



10. The construction works permitted under this licence are restricted to repairs and reinstatement within original footprints. The works shall not extend the beach defences in length, width or height.

Reason: There is concern that any increase in size of the current beach defences could cause a change to the localised wave regime and sediment dynamics, potentially causing damage to Portballintrae ASSI or the local beach

11. The Licensee shall 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.

Signed on behalf of the Department:



Dated: 05 October 2021



NOTE:

- 1) 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**.
- 2) 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.
- 3) 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 may be subject to a fine of up to £50,000 or to imprisonment for a term not exceeding two years or to both.
- 4) The Licensee(s) are deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed operations. The issuing of the licence does not absolve the Licensee(s) from obtaining such other authorizations and consents etc. which may be required under statute.
- 5) **Variation, Suspension, Revocation and Transfer:** Under section 72 of the 2009 Act the licensing authority may by notice vary, suspend or revoke the licence granted by them if it appears to the licensing authority that there has been a breach of the provisions of the licence or for any such other reason that appears to be relevant to the authority under section 72(2) or (3) of that Act.
- 6) **Breach of requirement for, or conditions of, the licence:** Under section 65 of the Act it is an offence to carry on a licensable activity without a marine licence or to fail to comply with any condition of a marine licence.
- 7) **Defences: actions taken in an emergency:** Under section 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85 in relation to any activity, to prove that the activity was carried out for the purpose of saving life or for the purposes of securing the safety of a vessel, aircraft or marine structure and

that person took steps within a reasonable time to provide full details of the matter to the licensing authority as set out in section 86 1(b) of the 2009 Act.

- 8) **Offences relating to information:** Under section 89 of the 2009 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2009 Act or this licence.

Further information from consultation:

1. DAERA MARINE CONSERVATION AND REPORTING (HISTORIC ENVIRONMENT)

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. In the event of a discovery of an archaeological object and/or remains during works the Department would ask that you: (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.

Colin Dunlop colin.dunlop@daera-ni.gov.uk
Marine Historic Environment Adviser
Historic Environment Division | Department for Communities

2. Northern Ireland Environment Agency – Water Management Unit

Water Management Unit would direct the applicant to best practice guidance in pollution prevention: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Provision of a detailed CMS must demonstrate that best practice and appropriate mitigation will be applied during the construction, deconstruction and operational phases of the application. This should include pollution prevention measures to protect groundwater and other waterways. Best practice and appropriate mitigation must be applied in accordance with NIEA's published pollution prevention guidance.

CMS should:

- Identify the perceived risks to the aquatic environment e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids,
 - Identify potential pollution pathways,
 - Identify the mitigation measures employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) e.g.
1. Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc.
 2. Emergency spill procedures should be addressed and should include the NIEA pollution hotline 0800 80 70 60 along with a timeframe for response. For example "any spillages / pollution incidents should be reported to the NIEA water pollution hotline within 30 minutes of the incident occurring unless it is not safe to do so".
 3. The emergency response plan should be included within the CMS and should reference GPP21 and 22 for best practice.



The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal.

The applicant must refer and adhere, and the CMS must reflect, all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant should note where further information can be found on a wide variety of topics (PPG /GPP's).

The CMS must demonstrate adherence of working practices to the precepts contained in relevant PPG's. E.g. GPP5 Works in, near or liable to affect watercourses and PPG6 Working at Demolition and Construction sites.

Detail of any site compound required for these works should be included in a site layout plan which outlines the following:

- Locations of any oil/fuel storage – including detail on containment
- Locations of any COSHH substance storage – including detail on containment
- Identify any areas of impermeable ground
- Identify any drains, drainage lines and the direction of flow
- Should vehicle washing/wheel washing be proposed, details of where this will take place including any discharge points and associated consents
- Locations of any spill kit provisions

Water Management Unit would expect the contractor to regularly monitor the site to ensure no polluting discharges are leaving the site. Regular checks of oil/fuel and other chemical storage containers as well as daily vehicle checks should be completed to ensure no leaks.

WMU would direct the Marine team to Water Regulation for details of any required monitoring of discharges from the site. These should be consented if discharging to the water environment.

As above, regular checking on site of possible pollution pathways should be included in the method statement along with maintenance of any mitigation measures installed on site, for example checking silt fence integrity after heavy rainfall.

Updated Construction Method Statement for the works should be forwarded to Water Management Units Pollution Prevention team for review.

You should be aware that 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 is content, subject to the applicant adhering to DAERA's Standing Advice on Pollution Prevention Guidance and Discharges to the Water Environment, which are available at:

www.daera-ni.gov.uk/water-environment-standingadvice

3. DAERA – Inland Fisheries & Sea Fisheries

We would like to draw the applicant's attention to 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.



4. DAERA – Marine & Fisheries Division - Conservation and 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>

Guidance on noise management in Harbour Porpoise SACs

<https://hub.incc.gov.uk/assets/2e60a9a0-4366-4971-9327-2bc409e09784>

Please contact Stephen Foster, Marine Species Advisor, if you require any advice on this guidance stephen.foster@daera-ni.gov.uk

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>



5. DfI – Rivers Agency

We note your proposed works lie within or adjacent to an important designated site. We would ask that due consideration continues to be given on how the proposed works may impact the area.

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 Coleraine
37 Castleroe Road
Castleroe
Coleraine
BT51 3RL

6. Maritime and Coastguard Agency

ADVISORY - 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.