

# **Northern Ireland Guidance on Marine Licensing**

## **Emergency and high risk works, under Part 4 of the Marine and Coastal Access Act 2009**

January 2016

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## **1.0 Introduction**

Under the Marine and Coastal Access Act (MCAA) part 4, DoE Marine Division is required to carry out licensing and enforcement. It is under this legislation that emergency and high risks works are determined.

In determining an application for a marine licence, it is the duty of Marine Division, under section 2 of the Act, to ensure that the carrying on of activities is managed, regulated or controlled.

The purpose of this guidance is to:

- Introduce applicants to emergency works applications; and
- Detail each step required during the emergency works process;

Marine Division's definition of Emergency Works is as follows:

*'Emergency works are those where urgent permission is required to shore up/make safe only, an existing structure/development/project (possibly in response to a recent event) where human health, property or the environment are at imminent risk. These works will only be classed as an emergency where there is no realistic possibility that the applicant can proceed through the normal application process or a fast tracked version of the process without posing a higher risk.'*

Please state the following information when contacting Marine Division:

- Name and contact details;
- Type of project;
- Proposed location;
- Scale of project;
- Timeframes of project;
- Any other information that may be applicable;
- Why it is an emergency;
- Other bodies contacted in relation to the works.

## **2.0 Application process**

Applicants should refer to Marine Division's '*Northern Ireland Guidance on Marine Licensing: Overview and Process*' for more information on licensable activities and whether their project requires a marine licence.

Marine Division will decide whether:

- The case requires a marine licence;
- If the project falls within emergency works.

## **3.0 Is the Case a Genuine Emergency?**

*A marine licence for emergency works will be issued to shore up or make safe. If further works are required to repair damage, reinstate infrastructure etc which are not deemed to be emergency works, a marine licence application must be submitted to Marine Division before these works are undertaken. Marine Division*

*will then follow the normal application process in deciding whether to licence the works.*

Marine Division does not encourage applicants to hold out from applying for a marine licence allowing the state of works to degrade. Applicants should apply for a marine licence before works become an 'emergency' to allow the proper application procedure to be followed, allowing primary advisors, consultees and the public to input into the process and Marine Division to properly assess the project issuing an appropriate marine licence.

Alternately, a retrospective visit must be made so that agreed works can be inspected and verified. This action should ensure that licences are not requested or approved urgently in the guise of an emergency situation.

#### **4.0 Marine Licences for Emergency Works**

If a marine licence is required immediately for emergency works Marine Division is not required to consult. If Marine Division proceeds with this option all primary advisors and consultees who would normally be consulted will be issued with a copy of the marine licence for their information.

However, more frequently a full marine licence with conditions will be produced (where timeframes allow) even if a fast track consultation approach is required. If this is the case the normal consultation process will be followed as much as possible. Fast tracked consultation should take no more than two days however this may vary depending on circumstances.

Primary advisors and consultees consulted on emergency works varies from case to case, but the following will always be consulted where possible:

- NIEA Natural Heritage;
- Maritime and Coastguard Agency (MCA);
- DARD Fisheries.

#### **5.0 Issuing an Emergency Works Marine Licence**

If the licensing decision is favourable the marine licence for emergency works will be issued to the applicant via e-mail.

Where a marine licence is issued for emergency works, the applicant will have to notify Marine Division of the start date of the works via e-mail or telephone. The applicant must give notification of start of works otherwise the licence will not be active.

All primary advisors and consultees will be sent a copy of the marine licence for their information.

## 6.0 Fees and Charges

Due to the fast nature of emergency works, Marine Division will not require payment when we receive an emergency request. However, we will require payment of the appropriate fee within **two** weeks of the initial request.

## 7.0 Specific Emergency Exemptions

The Marine Licensing (Exempted Activities) Order 2011 details some emergency activities that are exempt from requiring a marine licence in certain conditions. These are:

- Emergency works in response to flood or flood risk; and
- Cables and pipelines – authorised emergency inspection and repair.

## 8.0 Emergency Works in Response to Flood or Flood Risk

An activity carried out for the purpose of executing emergency works in response to any flood or imminent risk of flood is exempt from requiring a marine licence.

This exemption is subject to the condition that the activity may only be carried out in accordance with an **approval** granted by Marine Division for that purpose.

### Contact Details:

If wish to contact us with any questions or feedback regarding this guidance document, please contact us at:

Marine Licensing Team  
DoE Marine Division  
2<sup>nd</sup> Floor, Klondyke Building  
Cromac Avenue  
Belfast  
BT7 2JA

Tel: 028 90569247

Email: [MarineLicensingTeam@doeni.gov.uk](mailto:MarineLicensingTeam@doeni.gov.uk)