

# Environmental Guidance for Ports and Harbours



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)



**INVESTORS  
IN PEOPLE**

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## Summary

Environmental management and protection around ports and harbours is a complex area regulated by many layers of interrelated legislation. This can make the protection of the environment seem to be an intimidating task. This guidance, produced by the Department of Agriculture, Environment and Rural Affairs (DAERA), aims to take these legal requirements and present them in an easy to read format to assist ports and harbour operators in meeting their environmental obligations.

As an island nation, Northern Ireland is dependent on the sea for trade and our seaports are the gateways to that trade. Ports and harbours are of key importance to our economy. However engineering activities associated with these busy working areas have the potential to cause environmental damage. Construction works can involve noisy activities which can be a problem for seals and other mammals. Land reclamation can directly remove habitat and dredging activities can increase turbidity, reduce dissolved oxygen and mobilise contaminants in the water. In turn, this can impact on migratory fish species like salmonids, eels and lamprey or on filter feeders like mussels and oysters.

There are 5 commercial ports in Northern Ireland - the 4 public trust ports of Belfast, Londonderry, Warrenpoint and Coleraine and one in private ownership - Larne. In addition, there are 3 main fishing harbours at Portavogie, Ardglass and Kilkeel, which are managed by the Northern Ireland Fishery Harbour Authority. Many local authorities also have responsibilities for smaller harbours and marinas within their areas. All harbour authorities have a statutory duty to maintain and manage navigable channels for shipping within their harbour limits.

Figure 1 outlines the ports and harbours around the coast of Northern Ireland.

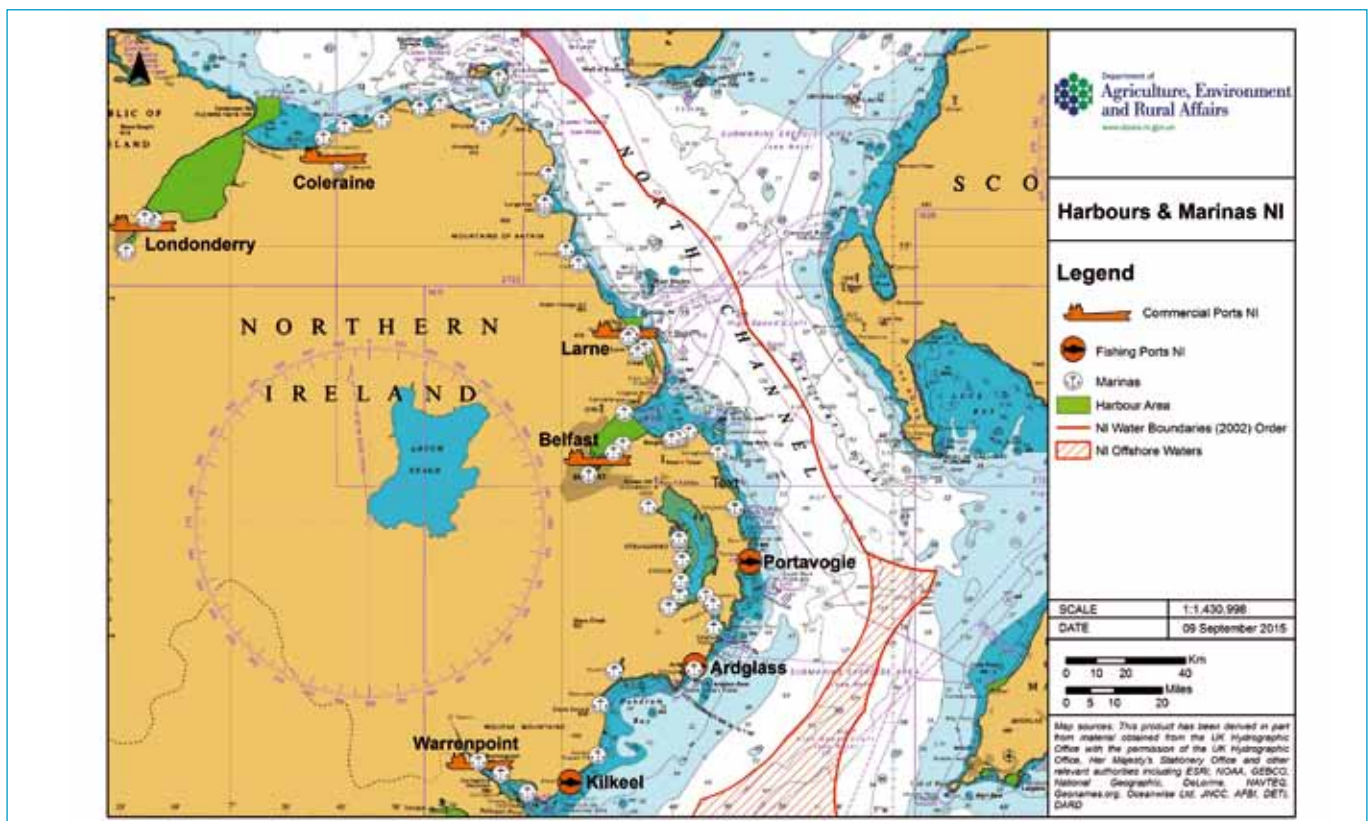


Figure 1 Ports and Harbours around the NI coastline.

One of the main legislative drivers for how our ports and harbours are managed is the EU Water Framework Directive (WFD). The referendum on 23 June 2016 resulted in a decision that the UK should leave the European Union. However, until such time as exit negotiations are concluded, the UK remains a full Member of the European Union, and all the rights and obligations associated with EU membership remain in place. EU legislation will continue to be negotiated, implemented and applied during this period. It is the outcome of those exit negotiations that will determine the arrangements that should apply in relation to legislation in the future once the UK has left the European Union.

The WFD introduced a holistic approach to the management of water quality, and requires the protection and improvement of all aspects of the water environment including rivers, lakes, estuaries, coastal waters and groundwater.

The Directive places a responsibility on Member States to classify waterbodies as High, Good, Moderate, Poor and Bad, and then to ensure that all inland and coastal waters reach at least 'good status'. However, the Directive recognises that some water bodies have been artificially created or have been heavily modified. All of our ports fall into the latter category, and as such are required to meet a target of 'Good Ecological Potential'. This recognises that it is unrealistic to expect a normal biology in for example a dredged channel. However, we must still strive to meet the other components of 'Good Status', such as nutrients, dissolved oxygen and chemical status. Our ports must still allow the passage of migratory fish and it is recognised that harbour areas are often home to marine mammals like seals and porpoises.

WFD also allows for extended deadlines or less stringent objectives to be set for water bodies, should certain conditions be met. To achieve the target of reaching good status or ecological potential, Member States are required to implement management planning at river basin level, linking with other key policy areas such as agriculture, land use, biodiversity, tourism, recreation and flood protection. This is done through the publication of river basin management plans (RBMPs) which set out a programme of measures to be implemented over six-year cycles aimed at improving the status of waterbodies. The completion of this guidance is part of the Northern Ireland programme of measures to ensure that our ports and harbours are managed to ensure progress towards Good Ecological Potential.


The 2015-2021 RBMPs can be viewed at <https://www.daera-ni.gov.uk/topics/water/river-basin-management>

The purpose of this document is to provide guidance to port and harbour authorities on how to minimise the impacts of necessary harbour works on the environment. It will also outline the regulatory framework within which ports and harbours operate in Northern Ireland. There is a considerable amount of useful guidance already available on the web. This document will signpost other web-based publications.

Much of the guidance in this document applies to the area below the mean high water spring tide mark, where the licensing authority is DAERA. A separate, but related system of planning controls, enforced by the Department for Infrastructure and local councils, applies above the mean low water mark.

This guidance has been produced in partnership with Department for Infrastructure, Department for Communities, local authorities and port, harbour and marina operators.

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## 1. Dredging and Related Activities

### 1.1 Dredging & Disposal

Dredging is a vital component of any port or harbour management plan in ensuring that operational charted depths are maintained.

It is advisable to identify the need for dredging through regular bathymetric monitoring and calculation of sediment deposition rates. This enables dredging campaigns to be planned in advance and reduces operational risk.

Most dredging operations in Northern Ireland occur in two stages, the removal of material from one location and then its deposition at another location. Dredging campaigns can require two distinct licences; the first permits the removal of sediment, the second permits its deposition at a licensed disposal site. Before a licence can be granted permitting the dredging or disposal of sediments, it is important to identify any polluting contaminants in the sediments. This minimises the risk of pollution on the marine environment.

Contaminants are identified through testing of sediment samples and assessment against agreed safety limits for specific chemicals. The OSPAR<sup>1</sup> Guidelines for the Management of Dredged Material state that sediment sampling and testing should be carried out at least every three years where dredging is a regular requirement and pollution sources have been shown to exist. Such sampling can coincide with three year maintenance and dredging licences.

On rare occasions, extreme weather events can lead to dredging requirements outside of predicted deposition rates. This can be problematic for ports or harbours and highlights the benefit of a maintenance dredging regime as opposed to *ad hoc* licence requests.

### 1.2 Contaminated sediments

If sediment sampling identifies high levels of chemical substances within material to be dredged, then further consideration must be given to the next steps. It is important that the potential environmental impact of any contamination is fully understood before any dredging or disposal option is agreed.



This process is outlined in the OSPAR Guidelines to which the UK adheres.

Chemical analysis is the first stage of sediment testing. This enables sediments to be classified as:

- Below Action levels - chemicals are present at or below expected background levels.
- Action level one - chemicals are above background levels and may pose a threat to the marine environment if disturbed or disposed of at sea. Further analysis of the sediment is required through source identification and biological assays to determine appropriate dredging and disposal options.
- Action level two - chemical levels are considered toxic to the marine environment and cannot be disposed of at sea. Further investigations are required to identify the contamination source and specialist dredge and disposal techniques are required.

When normal sea disposal is not an option, alternatives must be considered. This can include options such as on-site treatment, containment within bunded areas or landfill.

## It is an offence to:

-  Remove material from the sea bed with a vessel or vehicle without a marine licence.
-  Deposit materials in the sea from a vessel or vehicle without a marine licence.

## Exempt Activities:

- ✓ Exemption from licensing for dredging or the disposal of dredged material carried out by or on behalf of a Harbour Authority<sup>1</sup>.

However, this exemption only applies if all the following criteria are satisfied:

- I. The dredging and/or disposal is authorised by and carried out under a Harbour Order or a Local Act;
  - II. The marine licensing authority is satisfied that the dredged material is not hazardous. Similar to licensed dredging, sediment sampling is normally required every three years to ensure sediments are not contaminated;
- and
- III. The material deposited is for land reclamation, preventing floods or mitigating floods and droughts, managing waters and waterways and
- or
- IV. Sediments are relocated inside surface waters, i.e. sediment is not removed from the seabed but shifted along it, the most common example being plough dredging.

This exemption therefore means that ports and harbours with a Harbour Order or Local Act in place may be exempt from the requirement to obtain a marine licence to carry out dredging and/or disposal within the harbour limits.

## Good Practice:



For further information, please contact the Marine Licensing team on [MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk)

CIRIA<sup>2</sup> has published its second edition of the “Coastal and marine environmental site guidance”. This is a useful background document covering many aspects that marine licensees face and includes some interesting case studies.



## 2. Port development

### 2.1 Construction

Construction activities within the Northern Ireland marine area will usually require a marine licence. This applies to all our marine waters from the mean high water spring tide mark out to 12 nautical miles (the inshore region). This area includes the waters of any sea lough, estuary, or tidal rivers as far as the tide flows at mean high water spring tide.

Construction within the intertidal area may also require terrestrial planning permission. Construction activities could include building and maintaining piers, jetties, slipways and pontoons. Repairs to existing infrastructure including roads and bridges may also be included. Marine structures, such as tidal energy devices also fall into this category. Construction under the sea bed, e.g. salt cavern constructions, or over the marine area e.g. bridge repairs are also included. Some activities may be exempt from requiring a marine construction licence. However, DAERA, the marine licensing authority in Northern Ireland, encourages enquiries around possible exempted activities. [Planning in the Coastal Area](#) is a useful guidance document for prospective developers to consider.

### 2.2 Land reclamation









Another form of marine construction is land reclamation, which by its nature requires deposits below the mean high water spring tide mark. In addition, land reclamation will usually be subject to Environmental Impact Assessment (EIA) (see section 7). Land reclamation always involves the removal of marine habitat, and compensatory measures may be required. Appropriate measures and mitigation to protect the environment and legitimate uses of the sea are negotiated through the EIA and licensing processes.<sup>3</sup>

### 2.3 Terrestrial planning permission and permitted development

Under planning legislation, planning permission is required for the carrying out of any development of land.<sup>4</sup> Since April 2015, planning powers rest with the local councils in Northern Ireland, with the exception of strategic infrastructure projects which are determined by the Department for Infrastructure. A variety of different types of development may be 'permitted development'<sup>5</sup> if prescribed conditions and limitations are met, which means that planning permission is granted for certain, generally low impact, development without the need to seek express planning permission. Permitted development cannot be granted where the proposed development is subject to an EIA.<sup>6</sup> Where permitted development rights do not apply, developers must apply to the relevant planning authority. A suite of Practice Notes is available on the Northern Ireland Planning Portal, which provides guidance on the legislative requirements for a variety of land use planning matters and can be downloaded from <http://www.planningni.gov.uk/index/advice.htm>. Further guidance may be obtained from the relevant planning authority. In most cases that will be the local council, depending upon the nature and scale of a proposed development.





## Permissions Required:

-  Construction activities below the mean high water spring tide require a marine licence.<sup>7</sup>
-  Construction activities which extend above the low water mark may also require Planning Permission.
-  Consent from Rivers Agency (for work on, in or under a watercourse<sup>8</sup>).
-  A road bridge construction over a waterway will require the consent of TransportNI<sup>9</sup> (DfI) and a marine licence from DAERA.
-  Larger infrastructure projects will usually require an Environmental Impact Assessment (see Section 3.3).
-  A Habitats Regulations Assessment (see section 6.1).
-  Scheduled Monument Consent from Historic Environment Division<sup>10</sup> for works which would affect a Scheduled Historic Monument. This Consent should be in place before seeking planning permission, contact [Heritage Advice and Regulation Branch, Historic Environment Division](#) for more information.
-  An archaeological excavation licence from Historic Environment Division to carry out any archaeological excavation works.

NOTE - A construction which might normally require an assent to work within an Area of Special Scientific Interest, can be incorporated into the marine licence.




## It is an offence to:

-  Carry out construction activity below the mean high water mark without a marine licence or the other permissions above.
-  Use inappropriate material in construction (e.g. tyres or other waste material).

## Exempt Activities:

- ✓ The following are possible examples of construction activities that may be exempt<sup>1</sup> from the requirement for a marine licence:
  - I. Construction associated with the deposit, removal and dredging activity of any shellfish trestle, cage etc. in the course of propagation or cultivation.
  - II. Construction associated with small scale harbour works to maintain the harbour facilities within the harbour limit; this does not include new works. The exemption covers deposits, construction works and removals from the seabed by or on behalf of a Harbour Authority;
  - III. Construction for the maintenance of coast protection works, drainage works or flood defence works, carried on within the existing boundaries of the work being maintained.

## Good Practice:

-  Discuss requirements early with the Marine and Fisheries Division (DAERA). We encourage early engagement, can act as a 'one stop shop' for queries and arrange pre-application discussions.
-  In an effort to streamline the regulation process, the marine licence can also incorporate ASSI and any Wildlife Order requirements.
-  Discuss possible exempt activities with Marine and Fisheries Division (DAERA) as many of the exemptions have conditions to be fulfilled.

## 3. Managing waste around ports




### 3.1 Port Waste Management Plan (PWMP)

A Port Waste Management Plan is in place to deal with waste generated by ships and cargo activities. This incorporates the 'waste hierarchy' with a major focus on re-using and recycling waste streams from these sources.



The plan should cover all processes required by the relevant legislation,<sup>11</sup> including areas such as the charging system, waste types, reception, quantities, storage facilities, treatment required and details of disposal. The Plan should at all times endeavour to reduce the environmental impact of the waste. Records of all of the above should be kept and the responsible person at the harbour for managing this process should also be noted.

Any significant changes in the operation of the harbour or port must be reflected and approved no more than 9 months later in the Port Waste Management Plan. Provisions for sewage must also be included when submitting the plan as part of the three yearly update.

#### Permissions Required:

-  At least 24 hours before their arrival, ships must notify the harbour authority and terminal operator of the waste they intend to land, including types and weights.
-  All ships must deliver all ship-generated wastes to a waste reception facility before they leave a harbour or terminal.
-  Ships must pay a mandatory charge for this service.




#### It is an offence:

-  For a harbour authority or terminal operator not to provide waste reception facilities, not to prepare a waste management plan and not to have this plan approved.
-  For a vessel not to notify the harbour or terminal of waste they intend to land. There are some exemptions to this.

#### Exempt Activities:

- ✓ A waste exemption exists to allow the temporary storage of waste, either garbage or tank washings, at a harbour or terminal, from ships that normally use that harbour or terminal. More information is available from the NIEA.
- ✓ Fishing vessels and recreational craft authorised or designed to carry a maximum of 12 people, do not have to notify the harbour authority and terminal operator of the waste they intend to land, they are also exempt from the mandatory charge.
- ✓ Sewage discharges (not included within the scope of the plan).
- ✓ If ships have a regular route they may arrange to discharge waste at only one of the ports.

## Good Practice:

-  Keep up to date with Marine Guidance Notices (MGNs), Merchant Shipping Notices and Marine Information Notices produced by the Maritime and Coastguard Agency.<sup>12</sup>
-  Ensure that Port Waste Management Plans reflect requirements that arise with any changes in relevant Legislation.
-  Some harbours carry out daily patrols with a workboat to collect any floating waste such as storm debris and other litter originating from land based or marine activities that finds its way into the harbour marine environment.

## Waste operations outside of the scope of the PWMPs

Ports and harbours are frequently transport routes for many types of waste materials to and from Europe and further afield, with waste companies storing materials at ports and harbours prior to dispatch. Holders of the waste have a duty of care to ensure the waste does not escape or present any risk to the environment. Waste transfer documentation must be in place to cover the legal transport of this waste. There may also be a requirement to have permission to store these wastes at the port or harbour. The Regulation Unit of the Northern Ireland Environment Agency (NIEA), will be happy to discuss issues around waste storage in port or harbour areas.

Where waste is moving through a port it may be subject to the conditions within a waste authorisation issued by the Regulation Unit. The type of authorisation is proportionate to the associated risks involved with the waste activity e.g.:

1. Regulatory Position Statement (low risk) - if waste is stored for no longer than 5 days no authorisation is required;
2. Waste Exemptions;
3. Waste Management Licence;
4. Waste Permit (high risk).

The waste authorisation will be designed to ensure there is no negative impact on the environment. It will have specific conditions to mitigate against any negative environmental impacts from the storage, treatment or handling of waste. The onus for complying with the conditions of the waste authorisation is on the holder of the waste authorisation or whoever is in control of the waste. There is also an overarching Duty of Care on anyone responsible for waste to handle it in an appropriate manner. Further guidance can be found at <https://www.daera-ni.gov.uk/topics/waste>

## Litter Management within Ports and Harbours

Ports are responsible for managing litter within the harbour area and different strategies or approaches have been developed which reflect the particular circumstances. For instance, the Port of Larne has bottle recycling facilities in its passenger terminal to segregate this type of waste at source as well as litter bins. The Port of Larne also has a dedicated litter operative who empties bins, undertakes litter patrols around fence lines and in the traffic area.



Belfast Port which has a large harbour estate has litter bins along walkways and at the quay. The Port is responsible for emptying and maintaining these litter bins. Routine litter management measures include; the deployment of 2 road sweepers while bins are emptied frequently. A number of public events are held within the Belfast Port estate and litter control is the responsibility of the event organiser.

## Education

Education is key to changing public attitudes and behaviour towards litter and ports are playing their part in helping to address the problem of marine litter. Belfast Port has delivered a Green Teacher Programme in partnership organisations including; Action Renewables, Ulster Wildlife Trust, Royal Society for the Protection of Birds and W5. Most Northern Ireland primary schools took part in the Programme which was aimed at Primary 3 and 4 level.

The Northern Ireland Fishery Harbour Authority launched its Happy Harbours Primary School Programme in 2016. This course covers five key modules and seeks to share with children the importance of caring for the marine environment. The children also learned about safety within the fishing industry and the work of the harbours. Schools from all three of the harbour communities it serves (Portavogie, Ardglass and Kilkeel) took part in the programme.

## 3.2 End-of-life vessels

End-of-life vessels must be dismantled or recycled in an environmentally sound manner by owners. These vessels can contain many hazardous materials which could result in a threat to both human health and the environment. It is therefore important that vessels are managed in a way to avoid any unlawful escape of these materials. Regulations<sup>13</sup> published in 2015 provide details on the responsibilities where vessels exceed 500 tonnes in gross weight. If a vessel falls below this threshold the existing waste management legislation<sup>14</sup> will apply.

## Vessel Safety

[A Guide to Good Practice on Port Marine Operations](#) and the [Port Marine Safety Code](#) will help any port or harbour to understand the requirements expected of them in discharging their responsibilities in such areas as buoyage, navigation and load line assessments.

It is good practice to be familiar with these documents and implement any requirements therein.

## Permissions Required:



Under the new regulations<sup>15</sup> for all vessels exceeding a gross weight of 500 tonnes the ship owner will have the following responsibilities:

- Supply relevant information to the ship recycling facility to aid them in preparing a ship recycling plan;
- Notify NIEA that they intend to have the ship recycled and at which ship recycling facility they intend to have it recycled in;

- The specified ship recycling facility must be selected from the published European List;
- The vessel must hold a 'Ready for Recycling' certificate prior to being recycled;
- The vessel remains the ship owner's responsibility until the ship recycling facility accepts responsibility for the vessel.



For vessels under 500 tonnes the ship owner has the following responsibilities:

- Ensure that the vessel is only recycled in a facility licensed by the relevant authority (DAERA). You can find details on available facilities via this link [Waste Management Licensing public register](#)
- Ensure that the transport of the vessel to the recycling facility is done so in accordance with the current waste regulatory controls. At-sea movement must have the permission of the Maritime and Coastguard Agency;
- Vessels must be dismantled by a facility with appropriately qualified persons;<sup>16</sup> Any dismantled parts (including any liquids) must be transported to a licensed facility. Transport must be carried out by a registered carrier of waste, with each movement being covered by waste transfer documentation.

### It is an offence:



Scuttle vessels at sea. There are strict laws around the scuttling of vessels and the UK is a signatory to OSPAR and London Conventions<sup>17</sup> which have strict guidance around this practice.



Allow the vessel to be recycled and/or dismantled/disposed of at an unauthorised facility.



Transport either the vessel or any parts of the vessel to be recycled/disposed of without the required waste transfer documentation.

### Exempt Activities:

- ✓ Waste exemptions only apply where there is waste recovery or the disposal of non-hazardous waste at the place of production. The NIEA must keep a register of businesses carrying out the disposal or recovery of waste under this provision.
- ✓ The following conditions must be fulfilled for the exemption to apply:
  - I. Establishment or undertaking is carrying out disposal of its own non-hazardous waste or recovery of waste;
  - II. Type and Quantity of waste involved and the method of disposal or recovery are consistent with the need to attain the objectives of the Waste Framework Directive<sup>1</sup>.

## Good Practice:



Discuss requirements early to understand and comply with the legal obligations. It is advisable to make contact with the NIEA, and the Health and Safety Executive<sup>18</sup> to receive the correct and most up-to-date guidance available.

## Waste Management Strategy

DAERA has a webpage to inform the public of their [Waste Strategy](#). This centres on the Waste Hierarchy.

The Waste Hierarchy requires the development of solutions which encompass all waste, encouraging a holistic approach that reflects the broader definition of municipal waste and explores opportunities for integration of waste streams.

## Marine litter

Marine litter is a global problem which poses an increasing threat to human health, safety, ecosystem services and sustainable livelihoods. The [Northern Ireland Marine Litter Strategy](#) is a co-ordinated response to the problem at a regional level. Its goals are to reduce the levels of litter entering the sea and to remove litter which is already there. The Strategy contains measures designed to change attitudes and behaviour towards littering through education; adequate provision of bins; fining offenders and collecting data on the extent of the problem.

The Fishing for Litter scheme addresses litter which is captured in fishing nets. The project has two main aims; firstly maintaining a network of harbours where participating boats can land marine litter caught in their nets and secondly to change the culture within the fishing industry, hopefully preventing litter reaching the marine environment in the first instance.

This project was initiated in Ardglass in February 2014, extended to Kilkeel in September 2014 and to Portavogie in September 2015. The scheme encourages fishermen to land rubbish trawled up in their nets during normal fishing operations and promotes sustainable waste disposal practices among the industry. Since February 2014 almost 24 tonnes of litter have been removed from the sea by fishermen.

A wide range of litter has been landed including: fishing litter (buoys, fishing boxes, fish traps, gloves and oil skins) and household rubbish (sleeping bags, mattresses, toy horse, plastic kettle). A boat from Portavogie, the Girl Ann, even landed a litter bin.



Portavogie launch of the Fishing for Litter Scheme

For further details of the scheme please follow the facebook page

<https://www.facebook.com/pages/Fishing-For-Litter/110575902318906>

## 3.3 Dredged material not suitable for sea disposal

Dredged material deemed not suitable for sea disposal is classified as waste and may either, be reused, pre-treated before land disposal or taken directly to a waste disposal facility. In some instances there may be opportunities to reuse the material in building projects.





This material will need to be assessed and classified to establish the most appropriate treatment or disposal route and this will, in turn, determine the appropriate European Waste Catalogue (EWC) Code.<sup>19</sup> The EWC code will need to be recorded in all associated paperwork that accompanies the material. For dredged material, the most likely EWC codes will be 17 05 06 for non-hazardous material and 17 05 05 for hazardous material.

Waste assessment can be a complex process depending on the material and the possible contaminants of concern. Guidance on Waste Classification has been developed by the UK Environment Agencies<sup>20</sup> (Technical Guidance WM3).




To pre-treat waste prior to removal from site, the operator must obtain a Mobile Plant Licence.

There are currently no inert landfills in Northern Ireland with permission to accept dredged material for disposal. If the material is non-hazardous (17 05 06) it may be accepted at a non-hazardous landfill without further testing. Acceptance would have to be agreed with the individual landfill operator. There are no landfills for hazardous waste in Northern Ireland with permission to accept dredged material for disposal. This type of material (17 05 05) would have to be transported to a site outside Northern Ireland for disposal. Hazardous material may be subject to further testing to ensure it complies with the Waste Acceptance Criteria (WAC testing). The Environment Agency has developed guidance on waste acceptance procedures.<sup>21</sup>





### Permissions Required:

-  A mobile plant licence will be required, should the waste be treated on site prior to removal.
-  The correct paperwork will be needed to accompany the transport of the material. The type of paperwork required will depend on whether the waste is deemed hazardous<sup>22</sup> or non-hazardous.
-  If any dredged material is to be exported, regardless of whether it is hazardous or non-hazardous, an application must be made through the Control and Data Management section<sup>23</sup> of DAERA. Consent to export must be obtained from the Control and Data Management section, the country of destination and any countries the waste transits before the final destination.
-  Non-hazardous waste can only be exported out of the UK for the purposes of recovery. Hazardous waste may be, permitted under the UK plan, exported to a landfill in the Republic of Ireland for disposal or for recovery in another Member State.

### It is an offence:

-  Use an unregistered carrier of waste to transport the material.
-  Transport material or allow another individual to transport the material to an unauthorised facility.
-  Transport the waste without the correct paperwork.





-  Store, treat or keep controlled waste or deposit waste without a relevant waste authorisation.
-  Knowingly cause pollution.
-  Transport waste in breach of the Transfrontier Shipment of Waste Regulations 2007.<sup>24</sup>
-  Carry out tipping activities on a Scheduled Historic Monument.

## Exempt Activities:

- ✓ Depending on the waste activity, it may fall within the waste exemption regime which is designed for low risk waste activities

## Good Practice:

-  If a waste material is identified within the port or harbour operations please engage at the earliest stage with the DAERA's Regulation Unit.
-  Consider opportunities for reusing or recycling the material, see the [WRAP](#) website.

## 4. Water pollution

### 4.1 Pollution

Many of the activities described in this guidance document have the potential to cause water pollution. Examples of this could be:

- Dredging which can cause the re-suspension of sediments to an extent that it could be harmful to marine life.
- The cleaning of the hulls of boats/ships.
- Construction works can directly or indirectly result in pollution for example oil spillages from machinery.

It is an offence to cause a water pollution incident either knowingly or unknowingly. For managed activities like construction around ports, the marine licensing process incorporates discussions between the applicant and consultees to ensure that conditions and mitigation are incorporated to minimise the potential for water pollution.

NIEA runs a 24 hour Water Pollution Hotline for the public to report pollution incidents on  
**0800 807060**

### 4.2 Contingency Planning

Ports and harbours are required to have contingency arrangements for water pollution events within their area of responsibility. These include plans for dealing with minor oil spills and access to appropriate equipment designed to contain and remove spillages. As pollution from shipping is a reserved matter (i.e. not devolved to NI Executive), these plans are regulated by the Maritime and Coastguard Agency (MCA), a UK-wide agency of the Department for Transport. MCA has published Contingency Planning for Marine Pollution Preparedness and Response Guidelines to assist ports and harbours with these responsibilities.<sup>25</sup>



After some of the major oil spill incidents around the UK from ships like the Braer and Sea Empress, the MCA developed a UK-wide National Contingency Plan, which sets out arrangements for dealing with major pollution incidents at sea. Within this structure, Northern Ireland has an Environment Group chaired by DAERA Marine and Fisheries Division, which provides environmental advice around any marine incident.

The NIEA Water Management Unit will manage and operate a Shoreline Response Centre, should a major marine incident require a shoreline response.




#### Discharges from shipping vessels

If you have any queries on shipping discharges please contact the Maritime Coastguard Agency.

## Permissions Required:

-  Any land-based discharge made to the marine environment. If a discharge point is within 3 nautical miles from the baseline, requires consent from DAERA.<sup>26</sup>
-  Many ports or marinas will have specific arrangement within their Port Waste Management Plans for discharging waste.


## It is an offence:




-  Make a discharge or a deposit of poisonous, noxious or polluting matter into a waterway.
-  Make a discharge into a waterway without a consent under the Water (NI) Order 1999.
-  Make a discharge into a waterway in contravention of the conditions of a consent issued by DAERA.

## Exempt Activities:

- ✓ The use of products for the clean-up of pollution incidents in the sea involving oil and chemicals is exempt from the requirement of a marine licence. This may include products used to disperse or treat oil spills, chemical pollution and fouling of the sea and the seabed. However there are strict conditions around this exemption. The following conditions must also be fulfilled in order for the exemption to apply:
  - The exemption is only given for substances that have been licensed for such use by the Marine Management Organisation in England who manage this list for the UK;
  - The substance must be used in accordance with any conditions to which the approval is subject;
  - No deposit may be made in an area of the sea of a depth less than 20 m or within 1NM of any such area except with approval from the licensing authority. Use outside of this range does not require approval; however, it is strongly recommended that the licensing authority is contacted for advice for any planned approval; and
  - No deposit of any marine chemical treatment substance or marine oil treatment substance may be made below the surface of the sea except with the approval of the licensing authority.
- ✓ In respect of the Water (NI) Order 1999, as amended by the Water and Sewerage Services Order 2006, 'Exceptions' are set out in Articles 7A and 7B.
- ✓ The deposit of any equipment in the process of responding to a marine pollution incident.

## Good Practice:

-  Beach Clean-up Guides and Risk Models have been drawn up by the Water Management Unit to assist responders to formulate the most appropriate strategy to deal with pollution affecting shorelines.
-  Follow the advice given in the Pollution Prevention Guidelines. For further information on exemptions, please contact the Marine Licensing team on:  
[MarineLicensingTeam@daera-ni.gov.uk](mailto:MarineLicensingTeam@daera-ni.gov.uk)

-  Reference should be made to Pollution Prevention Guidelines (PPG5) regarding any planned works and/or maintenance in or near water. Pollution Prevention Guidelines PPG 21 and PPG 22 should also be referenced in respect of pre-planning and dealing with incidents. Copies can be found at: [Pollution Prevention Guidelines \(PPGs\)](#).
-  Check the MMO list of approved dispersants.<sup>27</sup>
-  The Green Blue is the joint environment programme created by the [Royal Yachting Association](#) and [British Marine](#) for anyone who enjoys getting out on the water or whose livelihood depends on it. The Green Blue Scheme helps boat users, boating businesses, sailing clubs and training centres to reduce their impact on coastal and inland waters to keep them in great shape for now and the future. <http://thegreenblue.org.uk/>





## FOCUS ON

### **EU INTERREG IVB SPRES Project - Oil Spill Prevention and Response: Belfast Lough study area**

The prediction of oil movement after a spill event is extremely difficult in inshore waters because of the complexity of wind and water current movements. The SPRES EU INTERREG IVB project was designed to track and forecast oil spills in coastal systems such as Belfast Lough to aid emergency response to oil spills.

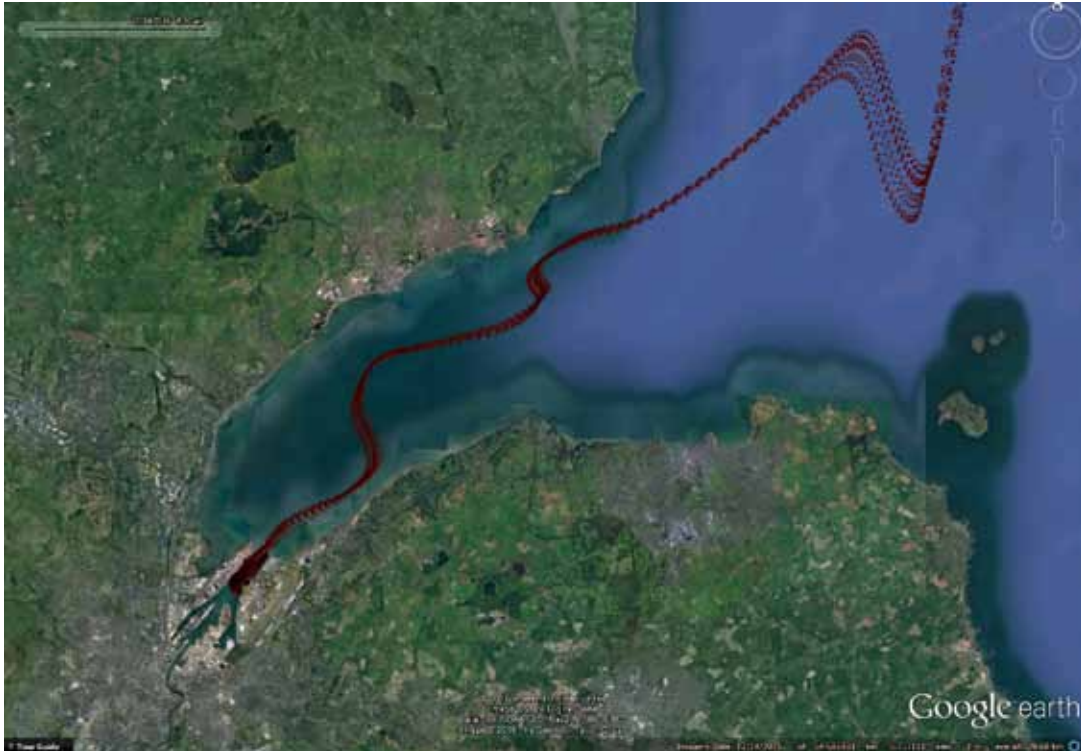
To fulfil the environmental and safety at sea legislation, and to prevent, prepare for, and respond to oil spills, two complementary approaches were targeted:

1. Planning tools to promote an integrated and sustainable oil spill response capability;
2. Operational oceanography systems that provide real-time forecast of oceanographic variables and oil spill trajectories.

Both approaches are based on real-time monitoring and numerical (hydrodynamic and oil-transport) models. Many institutions with response obligations are not in a position to undertake such modelling without specialist input. Transnational cooperation through the SPRES project sought to address these needs, led by modelling experts at the Institute of Hydraulics, University of Cantabria, Spain ("IH Cantabria").

At the end of 2014 SPRES delivered the following resources to aid oil spill response:

- A set of high resolution operational oceanographic systems in several European estuaries and ports. These systems will provide daily forecasts of sea level, currents, temperature and salinity.
- Oil spill modelling systems coupled with the aforementioned operational systems ready to be used at these local scales in case of pollution threat.
- A Geographical Information System (GIS)-based risk assessment system for each of the chosen sites.
- A local oil spill response plan for each of the chosen sites.



*Figure 2. Example of oil spill trajectory model output for a spill scenario in Belfast Harbour.*

Both the operational oil spill simulator and the site risk information are accessible via a web portal with a map-based interface for key emergency responders and institutions in the area.<sup>28</sup>

Since the completion of the SPRES project AFBI has maintained the operational forecast system, and further developed the user interface to make it more accessible and cost-effective to maintain. Now well proven and published, the system framework can be applied to any coastal water-body or port if the appropriate environmental data are available.

## 5. Invasive alien species



*Carpet Sea Squirt (Didemnum Vexillum)*

Invasive species are a growing environmental and economic threat to Northern Ireland. They are defined as harmful alien species whose introduction or spread threatens the environment, the economy, and society, including human health. Once established, invasive species are extremely difficult and costly to control and eradicate and the ecological effects can be irreversible. Impacts can be far reaching - disrupting ecosystems, threatening economic interests such as fisheries and development. Invasive species can be transferred from place to place and country to country by a number of pathways. In the marine environment these include ballast water, hull fouling, aquaculture and movement of dredged material.

Many invasive species have already established in Northern Ireland's coastal and inshore areas. The State of the Seas, which was published in 2011, detailed many of these in a chapter on [Invasive Alien Species](#).

An example of an invasive species, highlighted in the Invasive Alien Species chapter, which has already impacted on our coastline within Northern Ireland, is the Carpet sea squirt (*Didemnum vexillum*). This species (see photograph) has been found in Strangford Lough, it is a fast growing invasive non-native species which has potential to negatively impact our native species by overgrowing and smothering.

Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species came into force on 1 January 2015. The [initial list](#) of 37 species (14 plants and 23 animals) to which the EU Regulation will apply came into force on 3 August 2016. The Department is developing domestic legislation for penalties and sanctions for breaches of the provisions of the EU Regulation. The Regulations will detail the penalties and sanctions to be applied against those who contravene the prohibitions contained in Article 7 "Restrictions" and Article 8 "Permits" of the EU Regulation. It is anticipated that these Regulations will come into operation in the summer of 2017 in line with the rest of the devolved administrations.

In order to minimise the spread and introduction of invasive species, certain permissions are required.

## Permissions Required:



The movement of shellfish requires a specific permission.



Advice on any aspect of prevention of the introduction of Marine Invasive Alien Species or their control and eradication should be sought from the Marine and Fisheries Division.

## It is an offence:



To deliberately allow a new species of animal to escape into the wild or to cause a species of plant listed in Part II of Schedule 9 of the Wildlife (NI) Order 1985 (as amended) to grow in the wild in Northern Ireland. This applies to terrestrial, freshwater and marine environments.<sup>29</sup>



To sell or advertise for sale any new species or hybrid listed.<sup>30</sup>

## Good Practice:



The best approach is to prepare and implement a biosecurity plan. This should contain a number of sections of which the following are recommended for inclusion.

- Analysis of activities/operations.
- Pathway recognition/analysis/management.
- Risk assessment/analysis/management.



Incorporate biosecurity protocols into operating procedures such as boatworking and diving works. <http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=2126>



Consider the application of government supported guidance on control and management of ballast water.<sup>31</sup>

## Ballast Water Management Convention

This will enter into force on the 8 September 2017.

Ballast water is a major pathway for the introduction of marine invasive non-native species (INNS). Under the Convention, all ships in international trade will be required to manage ballast water to remove, render harmless or avoid the uptake or discharge of aquatic organisms and pathogens within ballast water and sediments.



## 6. Protection of Natural Habitats and Species

Many of our ports and harbours are home to species and habitats that are protected by international, European and national wildlife legislation. This includes protection from intentional or reckless disturbance, taking, harming and killing, and in some cases possession or sale of the species.<sup>32</sup> Species protected under European legislation include seals, dolphins and porpoises. Species protected under national legislation include skates and basking sharks.



*Seals at Strangford Lough*

Species Group	Marine Species	Legislation	Offences
European Protected Species.	All Whales, Dolphins and Porpoises All Marine Turtles Seabirds.	Habitats Regulations - Schedule 2.	Kill, injure, disturb, take, transport, trade.
Seals.	Common (Harbour) Seals and Grey Seals.	Habitats Regulations - Schedule 3.	Kill or take by specific methods.
		Wildlife Order - Schedules 5, 6 & 7.	Kill, injure, disturb, take, transport, trade.
Sharks.	Basking Shark.	Wildlife Order - Schedules 5, 6 & 7.	Kill, injure, disturb, take, transport, trade.
	Angel Shark.	Wildlife Order - Schedule 5.	Kill, injure, take, (within coastal waters - 6 nautical miles).
Skates.	Common Skate.	Wildlife Order - Schedule 5.	Kill, injure, take, (within coastal waters - 6 nautical miles).
Seahorses.	Short snouted Seahorse and Spiny Seahorse.	Wildlife Order - Schedules 5, 6 & 7.	Kill, injure, take, transport, trade.
Lobster.	Spiny Lobster.	Wildlife Order - Schedule 5, 6 & 7.	Kill, injure, take, transport, trade.
Mussels.	Fan Mussel.	Wildlife Order - Schedule 5, 6 & 7.	Kill, injure, take, transport, trade.
Sea Urchin.	Common Sea Urchin.	Wildlife Order - Schedule 7.	Transport or trade.
Seabirds.	All wild birds protected under Wildlife Order.	Wildlife Order.	Kill, injure, take or disturb whilst nesting.

## 6.1 European Protected Sites and Habitats Regulation Assessment

The Natura 2000 (N2K) network is a European-wide network of protected nature conservation areas that have been established to ensure the long term survival of Europe's most valuable habitats and species, including those that might be endangered. The network is comprised of Special Areas of Conservation (SACs) under the EU Habitats Directive<sup>33</sup> and Special Protection Areas (SPAs) under the EU Birds Directive.<sup>34</sup> These Directives are transposed into Northern Ireland law.<sup>35</sup> These regulations require decision makers (e.g. public authorities, government departments, etc.) to undertake an assessment of plans or projects that could have an impact on a protected site, species or habitat. Since many of the marine protected species are mobile, this in reality means that all plans or projects need to be assessed. The scale of assessment is dependent on the likelihood of impact. This process is termed a Habitats Regulations Assessment (HRA) and is required prior to undertaking the plan or project.

## 6.2 Nationally Protected Habitats, Species and Sites

In addition to the European protected network, some species and sites are protected under national legislation. These include Areas of Special Scientific Interest, for flora, fauna or a geological feature on land down to the low water mark.<sup>36</sup> As part of the designation process DAERA provides private owners and occupiers within the ASSI with a list of the activities that could cause damage. These activities are referred to as 'notifiable operations'. It is advisable to check with the Department prior to carrying out a potentially damaging activity.

Marine Conservation Zones (MCZs) are national designations<sup>37</sup> that afford protection to habitats, species, geological and geomorphological features. MCZs can extend from the high water mark to the limits of the Northern Ireland inshore waters. The protection of MCZs will primarily be implemented through the marine licensing regime but other public authority must give considerations to MCZs in their decision making processes.

Where an activity is currently unregulated and it could impact on an MCZ, the Department may introduce byelaws.



*A bottlenose dolphin just outside the mouth of Ballycastle marina.*









## 6.3 Wildlife Licensing

A Wildlife Licence is required from the Department by anyone who wishes to carry out an activity that is otherwise prohibited under the conservation legislation. The protected species and the activities that constitute an offence against each, are listed in the table on the previous page. Some species have European protection including all cetacean species and marine turtles.<sup>38</sup> Other species have local protection and these cover marine species which must be protected; such as the grey seal, harbour seal, basking shark, spiny lobster, common skate, fan mussel etc.<sup>39</sup>

In all cases it is recommended that mitigation should be used in the first instance in order to reduce the risk of any offence, for example, by using alternative equipment or undertaking the activity at a different time of the year. If there is negligible risk of an offence, or mitigation reduces the risk to a negligible level, a wildlife licence will not be required. Alternatively if a marine licensed activity has the potential to require a wildlife licence, the mitigation can usually be worked into the licence, without the need for a separate Wildlife NI Order licence.

A wildlife licence should be considered as a last resort to enable the activity to take place.

### Permissions Required:

-  Any plan or project in the marine area will require a Habitats Regulations Assessment (HRA) of its potential implications for sites, habitats, birds and species with regard to conservation objectives.
-  The HRA will be conducted by either the public authority proposing the plan/project, or by the licensing authority, where the plan/project is being taken forward by an individual.
-  The HRA assists in identifying mitigation measures that are needed to protect sites, habitats, birds and species. In cases where the plan/project will have a negative impact that cannot be mitigated, compensatory measures may be possible e.g. where an area of land reclamation over sensitive wetland for port development is unavoidable, a protected 'set aside' area for a constructed wetland may be an appropriate compensatory measure.
-  In extreme cases, where there may be over-riding public interest in a development which might impact on a European site, habitat, bird or species, the public authority must seek an opinion from the European Commission before proceeding.
-  Within an ASSI, landowners, occupiers or government Departments are required to give notice of a proposal and obtain written consent from NIEA before undertaking any notifiable operation listed in the schedule for the ASSI. The application for this consent should be made using a standard form available on the NIEA website.
-  Where a public authority is determining an application that could significantly impact on a protected feature within an MCZ, it must consult with the Department before making a decision. If the authority believes that there may be a significant risk that the proposed activity could hinder the achievement of the conservation objectives stated for the MCZ, permission can only be granted on the following conditions:

- there is no alternative that would substantially lower the risk of failing to achieve the conservation objectives for the MCZ.
- the benefit to the public clearly outweighs the risk of damage to the environment.
- the applicant will undertake compensatory measures of equivalent environmental benefit to the damage on the MCZ.



Wildlife Licences can only be issued where the Department determines that there is no satisfactory alternative and that the activity would not be detrimental to the maintenance of the population of the species concerned at favourable conservation status.



A Wildlife Licence is required for scientific or educational purposes, photography, preventing the spread of disease or imperative reasons of overriding public interest.

### It is an offence to:



Proceed with a plan or project without ensuring that a Habitats Regulations Assessment has been conducted by the appropriate authority.



To proceed with a notifiable activity in an ASSI, without an assent from the Department



Kill, injure, disturb, take, transport or trade all cetacean species in Northern Ireland's territorial waters



Kill, injure or take for the common skate within 6 nautical miles of the baseline of our territorial waters

### Good Practice:



To engage with DAERA Marine and Fisheries Division in the HRA process.



To engage with DAERA Marine and Fisheries Division if there is likelihood that an activity could impact on an MCZ.



To engage with NIEA for activities within ASSIs that could require permission. This can take up to 3 months.



The requirements of an ASSI assent can often be incorporated into the marine licence. These issues can often be identified through a pre-application discussion.



Familiarisation with the Marine Wildlife Licensing Guidance is advisable

<https://www.daera-ni.gov.uk/publications/marine-wildlife-licensing-guidance-applicants>



Further information can be downloaded from the DAERA website:

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

## **Good Ecological Status, Good Ecological Potential and Good Environmental Status.**

How can ports and harbours manage their activities in such a way that they contribute positively to the status of our watercourses and seas?

Good Ecological Status is the term used to describe water quality objectives in the Water Framework Directive (WFD).

This Directive covers all waters in catchments from groundwater through to lakes, rivers, estuaries (transitional) and coastal waters, out to 1 nautical mile from the baseline.

Many ports and harbours are required to meet Good Ecological Potential. This is a term used to describe the objectives in a water body that has been substantially altered by human activity. Bespoke objectives can be set in these circumstances e.g. a normal seabed (benthic) ecology is not expected in a dredged channel.

### Good Environmental Status

Good Environmental Status is the term used under the Marine Strategy Framework Directive. This Directive generally applies from 1 nautical mile seaward but also overlaps with WFD on issues such as litter and noise.

In order to support Good Ecological Status, ports can make sure that marine dredging and disposal activities are carried out in line within the correct licensing regimes and DAERA supported guidance such as that produced by OSPAR.



## FOCUS ON

### Bangor Marina - Black Guillemot Boxes

Black Guillemots are protected under the Wildlife Order, and as with all wild birds, their nest sites are protected during the breeding season. The Guillemots began nesting in the old North Pier at Bangor Marina in 1911, using small crevices in the decaying wood and concrete structure (Workman 1914).

Since then the population has slowly increased in numbers. When the marina was reconstructed in 1987, discussions between the engineers and local ornithologists led to the incorporation of 27 concrete nesting boxes.

Today the Black Guillemots not only nest in the North Pier, but also in similar nesting boxes that were incorporated into the Central and South piers, with the population of breeding birds now exceeding 25 pairs.

The conservation of the bird's onsite also involves working with those keen on studying them. The birds are ringed, allowing them to be tracked. This has shown that they return to breed from about four years of age and may continue to breed for another ten years or more. It has also shown that young Bangor birds travel to other sites to nest, including the Copelands, Belfast Harbour, Carrickfergus and as far as Strangford village.



The enhancement of the population of Black Guillemots has had many benefits to the marina. Marina users take great pleasure in seeing the birds and they have become part of the fabric of this environment, with the Black Guillemot being adopted within the logo of the marina. Boat users are proud to maintain the environmental code of the marina, showing respect for the environment shared with the birds.

## 7. Marine Historic Environment

The Northern Ireland Government is committed to sustainable development in which archaeology and built heritage is given appropriate assessment and consideration.<sup>40</sup> Within this context there is a responsibility upon port and harbour authorities and their agents to protect Northern Ireland's coastal and marine historic assets where they remain as archaeological material.<sup>41</sup> Some historic assets around the coastline and in the intertidal zone have statutory designations as Listed structures or as Scheduled Historic Monuments.



*Carrickfergus Castle and Harbour*

The marine historic environment can be characterised as comprising the following principal types of heritage asset:

- wrecks of ships, boats and aircraft;
- submerged prehistory, such as artefacts, structures and deposits that are presently submerged as a consequence of sea-level rise but which originated from human activities on land; and,
- coastal and intertidal archaeology, which covers a very wide range of artefacts, structures and deposits that originated from inhabitation or use of the coast.

Conservation of historic assets where occurring in ports and harbours need not prevent development and change. Risk to the marine historic environment can be managed through the processes of environmental assessment: by identifying and assessing potential impacts and the adoption of appropriate mitigation strategies to minimise risk, preserve assets *in situ* or to record assets before they are lost.

However, the potential costs and delays of dealing properly with important unexpected archaeological discoveries makes it highly desirable that any significant remains should as far as possible be identified in advance and left securely *in situ*.

### Permissions Required:



Due consideration for archaeological remains must be given at the outset of any proposed marine development requiring planning consent or marine licensing.<sup>42</sup>



Significant port development is also likely to be subject to Environmental Impact Assessment under the provisions of the EIA Directive.<sup>43</sup> Advice should be sought by the developer at the earliest opportunity to assess the potential of the proposed development to disturb cultural heritage. This will include consultation with Government archaeological curators in Department for Communities (DFC) who advise the regulatory body.<sup>44</sup>






Scheduled Monument Consent for works which impact on archaeological sites designated as Scheduled Historic Monuments



An archaeological excavation licence for the excavation and recording of archaeological remains.



## It is an offence to:

-  Deviate from the required archaeological mitigation dictated by conditions imposed from within the consents procedure.
-  Not report archaeological discoveries occurring during works to the Receiver of Wreck (of the Maritime and Coastguard Agency) and the Department for Communities.
-  Carry out ground works or proposed development works within a designated area, or which would have a direct physical impact upon a designated monument, without the appropriate consent.<sup>45</sup>

## Exempt Activities:

- ✓ Some maintenance dredging operations are exempt from the requirement of a marine licence when carried out by a port or harbour authority under a Harbour Order. However if archaeological or wreck material is discovered the DAERA Marine Archaeologist should be notified immediately.

## Good Practice:

-  Best practice advice is provided by specific guidelines and standards see, for example, *The Historic Environment in Ports and Harbours: Practical Approaches for the Assessment and Management of Marine Archaeology (2014)*; *Ports: the impact of development on the maritime historic environment (2006)*; *JNAPC Code of Practice for Seabed Development (2006)*; *CIRIA Coastal and Marine Environmental Site Guide (2015, 2<sup>nd</sup> edn., pp 120-125)*; *PIANC Guidance Document no. 124 - Dredging and Port Construction: Interactions with Features of Archaeological or Heritage Interest (2014)* and by archaeological curators working for the Department.
-  Port and Harbour authorities should develop a strategic approach to marine archaeology and factor in 1. The costs of recording archaeological remains which will be damaged and 2. The potential for unexpected archaeological discoveries as a result of any development as part of the cost/benefit analysis of the proposal and alongside other environmental mitigation costs.



## 8. Environmental Impact Assessment (EIA)

If a port or harbour project has the potential to have a significant effect on the environment, an EIA must be carried out before a marine licence or planning permission can be granted. The aims of an EIA are to protect the environment and allow the public to play a part in making decisions.

Activities within ports that may require an EIA include new trading ports, new piers to accept vessels of >1350 tonnes, reclaiming land from the sea, extracting minerals by dredging, installations that produce electricity, wind farms, coastal work to combat erosion, for example, moles and jetties. This list is not exhaustive, and full details of possible EIA projects are given in the EIA Directive<sup>46</sup>.

DAERA Marine and Fisheries Division check all applications for marine licence to assess whether an EIA is required. There are five stages in an EIA and details of each stage are given below. Applicants can proceed straight to assessment (stage 3), but the Department recommends that applicants engage in pre-application discussions (stages 1 and 2).

### Stage 1: Screening opinion

The screening opinion stage assesses whether an EIA is required. If a marine licence application is submitted for a project that DAERA deems will require an Environmental Statement (the report written under EIA requirements), the licence application will be put on hold and the applicant advised to request a screening opinion. DAERA will confirm whether or not an ES is required through the screening opinion. Sometime this will involve a consultation process.

### Stage 2: Scoping opinion

Where a project requires an EIA, the applicant can request a scoping opinion, to define and agree the necessary content of the Environmental Statement. Again this usually includes a consultation process.

### Stage 3: Consultation

DAERA Marine and Fisheries Division must have a formal period of public consultation of 42 days on EIA projects, during which time members of the public may make representations about an application.

### Stage 4: Considering the environmental statement

Applicants can request that DAERA Marine and Fisheries Division 'gate check' the draft Environmental Statement before formal submission. The report presented should include the information set out in EIA Directive and in Schedule 3 to the Marine Works Regulations.<sup>47</sup>

### Stage 5: EIA consent decision

Once the Environmental Statement has been considered, and EIA consent decision can be made and the marine licence application can be determined.

## Permissions Required:



Certain projects are required to go through the EIA process, in addition to the marine licensing process. Once projects are confirmed as needing to go through EIA, DAERA Marine Licensing cannot determine a licence until this process has been completed.



Where the project also requires a planning permission, Marine and Fisheries Division's preferred approach is to meet early with the planning authority to co-ordinate thoughts on a single EIA from the applicant, scoped by both the marine licensing and planning authority.

## Good Practice:



Marine and Fisheries Division recommends early engagement on all port and harbour projects to ensure applicant and regulator can work on a 'no surprises' basis. Co-ordination with the planning authority is also key. Marine and Fisheries Division has worked with some of the planning authorities on a Joint Pre-Application process for some recent projects.



EIA Guidance is given at: <https://www.daera-ni.gov.uk/publications/northern-ireland-guidance-environmental-impact-assessment-under-part-4-marine-and-coastal-access-act>



## FOCUS ON

### **Adding environmental benefit through operational enhancements**

In this section we focus on two examples where the environment has benefitted through operational enhancements. The first is the monitoring of seals at Carrickfergus Marina and the second example focuses on the Protocol for Archaeological Discoveries (PAD).

Carrickfergus Marina Staff had noticed a marked increase in seal numbers in and around the Harbour and Marina; as a result they contacted DAERA Marine and Fisheries Division. Following on from that contact, Marina Staff, as part of their daily checks and litter patrols, now provide a monthly seal count as part of the wider NI Seal Count.



*Seals at Carrickfergus Marina*

A Protocol for Archaeological Discoveries (PAD) is a now standard mitigation approach for new dredge projects and allows for the efficient reporting and recording of archaeological material that is inadvertently found by harbour/port authorities or their contractors during works. They are a 'safety net' for catching unexpected finds that may otherwise have been ignored by staff working on the ground.

A PAD was agreed with Ballycastle Harbour to facilitate the effective reporting and recording of archaeological material; this was deemed necessary based on the fact that the partial remains of a historic wreck had been recovered during the original construction of the marina.



*Ship timbers recovered during marine construction at Ballycastle*



*Maintenance dredging Ballycastle Marina*

## 9. Useful contacts and links

Further information on Marine Licensing, including guidance documents, can be found on the DAERA website: <https://www.daera-ni.gov.uk/articles/marine-licensing>

Alternatively the Marine and Fisheries Division can be contacted by:

Letter at the following address:

Marine and Fisheries Division  
Klondyke Building  
Cromac Avenue  
Belfast  
County Antrim  
BT7 2JA

Or by Email at this address: [Marine.InfoRequests@daera-ni.gov.uk](mailto:Marine.InfoRequests@daera-ni.gov.uk)

## Appendix A

Glossary of Government Departments

[Department of Agriculture, Environment and Rural Affairs](#)

- [Marine and Fisheries Division](#)
- [Water Management Unit](#)
- [Resource Efficiency Division](#)

[Department for Communities](#)

- [Historic Environment Division](#)

[Planning NI](#)

[Department for Infrastructure](#)

[Marine and Coastguard Agency](#)

## Appendix B

### Key legislation

<b>Marine</b>
<b>Marine Strategy Framework Directive</b>
<i>Protecting the marine environment across Europe promoting regional cooperation.</i>
<b>Marine and Coastal Access Act 2009</b>
<i>To provide a framework to regulate marine activities to ensure sustainable use and protection of marine resources and to safeguard clean, healthy, safe, productive and biologically diverse oceans and seas.</i>
<b>Marine Act (Northern Ireland) 2013</b>
<i>Instigating and regulating marine planning and marine protection within Northern Ireland and it's coastal jurisdiction.</i>
<b>Waste</b>
<b>The Waste Framework Directive</b>
<b>The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003</b>
<b>The Ship Recycling Facilities Regulations (Northern Ireland) 2015</b>
<i>To ensure ships over 500 tonnes are recycled in an environmentally sound manner.</i>
<b>The Transfrontier Shipment of Waste Regulations 2007</b>
<b>Habitats and Protected Species</b>
<b>Birds Directive</b>
<i>A framework for the conservation and management of wild birds.</i>
<b>Habitats Directive</b>
<i>To promote biodiversity by requiring measures to maintain or restore natural habitats and species of European importance, in favourable conservation status.</i>
<b>Wildlife (Northern Ireland) Order 1985, as amended</b>
<i>Affords national protection measures to certain marine species, including some seabirds. The Wildlife and Natural Environment Act (Northern Ireland) 2011 provided amendments to the Wildlife Order and adds new provisions to protect a greater range of plants, animals, birds and to increase protection to Areas of Special Scientific Interest.</i>
<b>Environment (Northern Ireland) Order 2002</b>
<i>The principal measure for site protection in Northern Ireland.</i>



## **Invasive alien species regulations**

*A framework for the prevention and limiting of further spread of invasive species.*

## **Water**

### **Water Framework Directive**

*Driving overall improvements in the water environment.*

### **Water Order**

*To protect the water environment through consents and pollution enforcements*

## **Archaeology and Cultural Heritage**

### **Historic Monuments and Archaeological Objects (NI) Order 1995**

*Legislation which provides for designation of sites and regulation of works applying to the historic environment.*

### **Protection of Wrecks Act 1973**

*Wrecks and wreckage assessed to be of historical, archaeological or artistic importance can be protected by way of site specific designation. It is an offence to carry out certain activities within a defined area surrounding a designated wreck, unless a licence for those activities has been obtained from the Department for Communities (DFC).*

### **Merchant Shipping Act 1995**

*Sets out the legal requirement to report wreck, inclusive of historic wreck, to the Receiver of Wreck (Maritime and Coastguard Agency).*

*Allowing NIEA to set appropriate consent conditions for sewage and industrial effluent treatment.*

- 1 <http://www.ospar.org/documents?d=34060>
- 2 <http://www.ciria.org/ItemDetail?iProductCode=C584&Category=BOOK>
- 3 <https://www.daera-ni.gov.uk/articles/marine-licensing>
- 4 Section 24 of the Planning Act (Northern Ireland) 2011.
- 5 The Planning (General Permitted Development) Order (Northern Ireland) 2015.
- 6 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
- 7 Under Marine and Coastal Access Act, 2009.
- 8 Schedule 6 Consent under Drainage (NI) Order.
- 9 <https://www.infrastructure-ni.gov.uk/transportni-overview-0>
- 10 <https://www.communities-ni.gov.uk/topics/historic-environment>
- 11 The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 as amended <http://www.legislation.gov.uk/uksi/2003/1809/contents/made>
- 12 Marine Notices <https://www.gov.uk/topic/ships-cargoes/m-notice>
- 13 The Ship Recycling Facilities Regulations (Northern Ireland) 2015  
<http://www.legislation.gov.uk/nisr/2015/229/contents/made>
- 14 The Waste Management Licensing Regulations (Northern Ireland) 2003 as amended  
<http://www.legislation.gov.uk/nisr/2003/493/contents/made>
- 15 The Ship Recycling Facilities Regulations (Northern Ireland) 2015  
<http://www.legislation.gov.uk/nisr/2015/229/contents/made>
- 16 <https://www.daera-ni.gov.uk/articles/waste-management-licensing>
- 17 <http://www.ospar.org/news/ospar-the-international-maritime-organization>
- 18 <http://www.hse.gov.uk/>
- 19 The Lists of Wastes Regulations (Northern Ireland) 2005 as amended  
<http://www.legislation.gov.uk/nisr/2005/301/contents/made>
- 20 Waste Classification - Guidance on the classification and assessment of waste (1st edition 2015)  
Technical Guidance WM3  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/427077/LIT\\_10121.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427077/LIT_10121.pdf)
- 21 Waste acceptance at landfills guidance on waste acceptance procedures and criteria  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296422/geho1110btew-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296422/geho1110btew-e-e.pdf)
- 22 Waste consignment note is required under The Hazardous Waste Regulations 2005.
- 23 <https://www.daera-ni.gov.uk/articles/hazardous-waste>
- 24 The Transfrontier Shipment of Waste Regulations 2007 as amended  
<http://www.legislation.gov.uk/uksi/2007/1711/contents>
- 25 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297954/oprc\\_guidelines\\_for\\_ports\\_-\\_final\\_03.02.2012-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297954/oprc_guidelines_for_ports_-_final_03.02.2012-2.pdf)
- 26 The Water (Northern Ireland) Order 1999 Article 9(1)  
<http://www.legislation.gov.uk/nisi/1999/662/contents/made>

- 27 <https://www.gov.uk/government/publications/approved-oil-spill-treatment-products>
- 28 Reference: Abascal, A.J., Castanedo, S., Gutierrez, A.D., Comerma, E., Medina R., Losada, I.J., 2007. TESEO, An Operational System for Simulating Oil Spills Trajectories and Fate Processes. In: Proceedings, ISOPE-2007: The 17th International Offshore Ocean and Polar Engineering Conference, vol. 3. The International Society of Offshore Ocean and Polar Engineers (ISOPE), Lisboa (Portugal), pp. 1751-1758.  
Ana J. Abascal, Sonia Castanedo, Paula Núñez, Adam Mellor, °Annika Clements<sup>c</sup>, Beatriz Pérez<sup>a</sup>, Mar Cárdenas<sup>a</sup>, Helios Chiri<sup>a</sup>, Raúl Medina<sup>a</sup> A high-resolution operational forecast system for oil spill response in Belfast Lough. In: Marine Pollution Bulletin, In Press, Oct 2016.  
<http://dx.doi.org/10.1016/j.marpolbul.2016.09.042>
- 29 Wildlife (Northern Ireland) Order 1985 as amended Article 15 “*introduction of new species, etc*”  
And in addition an amendment to the Wildlife (Northern Ireland) Order 1985 by the Marine Act 2013 to include the Marine area.
- 30 The Wildlife Order 1985 as amended by the Wildlife and Natural Environment Act (NI) 2011 (WANE Act) Article 15A which prohibited the sale or advertising for sale any new species or hybrid listed in Schedule 9 of the Order. The same defence and powers of inspection are allowed for these offences as those indicated in Article 15 of the Order.
- 31 Control and management of ballast water  
<https://www.gov.uk/guidance/control-and-management-of-ballast-water>
- 32 The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);  
<http://www.legislation.gov.uk/nisr/1995/380/contents/made> and The Wildlife (Northern Ireland) Order 1985 (as amended). <http://www.legislation.gov.uk/nisi/1985/171/article/10>
- 33 [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- 34 [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)
- 35 The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995.  
<http://www.legislation.gov.uk/nisr/1995/380/contents/made>
- 36 The Environment (Northern Ireland) Order 2002.  
<http://www.legislation.gov.uk/nisi/2002/3153/contents/made#28>
- 37 The Marine (Northern Ireland) Act 2013. <http://www.legislation.gov.uk/nia/2013/10/enacted>
- 38 Schedule 2 to the Habitats Regulations [http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi\\_20100490\\_en.pdf](http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi_20100490_en.pdf) details the European Protected Species which are listed to Annex IV (a) of the Habitats Directive  
<https://www.gov.uk/government/publications/list-of-annex-iv-a-species>
- 39 Schedule 5 of the Wildlife (Northern Ireland) Order 2005  
[http://www.legislation.gov.uk/nisi/1985/171/pdfs/uksi\\_19850171\\_en.pdf](http://www.legislation.gov.uk/nisi/1985/171/pdfs/uksi_19850171_en.pdf)
- 40 At international level, standards for archaeological protection, conservation and recording, both on land and underwater, are set out in the European Convention on the Protection of Archaeological Heritage 1992 (also known as the Valletta Convention). Guidance documents such as *Planning Policy Statement 6: Planning, Archaeology and the Built Heritage* (PPS6) and the *UK Marine Policy Statement* provide the current commitment of the Department to abide by the aspirations of the Valletta Convention during the planning process.
- 41 These assets include: submerged prehistoric sites; port and harbour infrastructure; historic military defence features and the wrecks of boats, ships and aircraft.
- 42 A responsible approach to management of the cultural heritage is required under the Valetta Convention

1992. The Convention, which applies to the UK, stipulates that the protection of cultural heritage must form an integrated component of the planning process from the outset. This approach is underpinned in legislation, policy and guidance documents.

- 43 European Union (EU) 'EIA' Directive (2014/52/EU) sets out the requirement for EIA to identify, describe and assess in an appropriate manner, the direct and indirect effects of a project on environmental factors including material assets and the historic environment.
- 44 Government archaeological curators also play a statutory role in relation to changes to listed buildings, or for developments that affect the setting of such buildings, or affects, the character or appearance of a conservation area; as well as, handle all applications for scheduled monument consent.
- 45 With regard to specific consents that may be required, the three principal asset-based controls for heritage purposes in Northern Ireland are: The Protection of Wrecks Act (PWA) 1973; The Historic Monuments and Archaeological Objects (HMAO) Order 1995 and relevant planning legislation (see The Planning (Northern Ireland) Order 1991, as amended; The Planning Act (Northern Ireland) 2011 and the Planning (General Development Procedure) Order (NI) 2015).
- 46 <http://ec.europa.eu/environment/eia/eia-legalcontext.htm>
- 47 <http://www.legislation.gov.uk/ukxi/2007/1518/made>

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