



Marine Management Organisation Marine Licence

1 Introduction

This is a licence granted by the Marine Management Organisation on behalf of the Secretary of State to authorise the licence holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

1.1 Licence number

The licence number for this licence is L/2022/00422/1

1.2 Licence holder

The licence holder is the person or organisation set out below:

Name / company name	Royal Society for the Protection of Birds
Company registration number (if applicable)	RC000521
Address	West Hayling Nature Reserve RSPB, Basepoint, Harts Farm Way, Havant, PO9 1HS
Contact within company	Mr Daniel Piec
Position within company (if applicable). State if company officer or director	Senior Project Manager

1.3 Licence date

Version	1
Licence start date	24 October 2022
Licence end date	01 November 2027
Date of original issue	24 October 2022

1.4 Licence validity

This version of this licence is valid from the licence start date to the licence end date.

This version of this licence supersedes any earlier version of this licence. Any activity commenced under a previous version of this licence and which is also a licensed activity authorised by section 4 of this version of this licence may continue in accordance with the licence conditions in section 5 of this version of this licence.

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2 General

2.1 Interpretation

In this licence, terms are as defined in section 115 of the Marine and Coastal Access Act 2009 and the Interpretation Act 1978 unless otherwise stated.

- "licensed activity" means any activity set out in section 4 of this licence.
- "licence holder" means the person(s) or organisation(s) named in section 1 above to whom this licence is granted.
- "MMO" means the Marine Management Organisation.
- "mean high water springs" means the average of high water heights occurring at the time of spring tides.
- "sea bed" or "seabed" means the ground under the sea.
- "the 2009 Act" means the Marine and Coastal Access Act 2009.
- All times shall be taken to be the time on any given day.
- All geographical co-ordinates contained within this licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

2.2 Contacts

Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be:

Marine Management Organisation

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

Email: marine.consents@marinemanagement.org.uk

Any references to any local MMO officer shall be the relevant officer in the area(s) located at:

Marine Management Organisation Portsmouth office

Lynx House

1 Northern Road

Portsmouth

PO6 3XB

Tel: 02392 373435

Email: portsmouth@marinemanagement.org.uk

3 Project overview

3.1 Project title

Tern and Shorebird Habitat Restoration at Langstone Harbour

3.2 Project description

The project is to ensure site resilience to present threats (including ongoing erosion) and to create better suited environments for shingle nesting and roosting birds. Langstone Harbour contains sites of very high importance for their nature conservation value. The RSPB will be restoring two shingle habitats for shingle nesting and roosting birds between January and April, to avoid bird breeding season.

The shingle recharge site, and brushwood fencing site at Long Island is above mean high water springs (MHWS). Anti-predator fencing is to be installed and only small sections will be on or below MHWS.

4 Licensed activities

This section sets out the licensed activities. The licensed activities are authorised to be carried on only in accordance with the activity details below and with the licence conditions as set out in section 5 of this licence.

Please note that where licensed quantities are displayed with reference to their constituent materials, the relative quantities given for the constituent materials are indicative only.

Site 1 - Long Island	
Site location	Langstone Harbour - See Licence Schedule 1
Activity 1.1 - Barge Access and Plant Movements during Shingle Recharge	
Activity type	Other works
Activity location	Long Island, Langstone Harbour - See Licence Schedule 3, Sections 4.2.2 & 4.2.4
Description	The shingle recharge site at Long Island is above MHWS. It will involve the use of a barge with a crane to offload the shingle to Long Island via a shallow draft pontoon. Tracked dumpers in combination with light weight excavators will distribute the shingle evenly across the project area. Plant will mobilise along the intertidal area.
Methodology	<p>The use of a barge with a crane will be required to offload the shingle to Long Island via a shallow draft pontoon. Tracked dumpers in combination with light weight excavators will distribute the shingle evenly across the project area. During a high spring tide, the fully loaded barge will depart Kendall's Wharf and land on the east side of Long Island (Grid reference SU 70184 04260; See figure 16 in Schedule 3).</p> <p>Shingle will be offloaded using a crane, in combination with dumpers and excavator, and subsequently the barge will return to the wharf to be reloaded and ready for the next high tide. It is expected that up to seven barge loads will be needed to complete the operation.</p> <p>This would give a time frame of two weeks in favourable weather (including mobilisation and demobilisation of mats).</p>
Programme of works	Works are scheduled to take place between January and April for each year of the licence. The works have been timed to avoid the nesting season and periods of particular sensitivity (winter and while birds are on passage).

Activity 1.2 - Anti-predator Fencing	
Activity type	Construction of new works
Activity location	Long Island, Langstone Harbour - See Licence Schedule 4
Description	An anti-predator fence will be constructed around the shingle ridge and brushwood fence to protect shingle-nesting and roosting birds
Methodology	<p>See section 9.5 of Schedule 3 for fence design.</p> <p><u>Wire mesh</u></p> <p>Tornado RL 23/240/5 C5.</p> <p><u>Wooden posts</u></p> <p>Treated with a wood preservative safe for marine environment. Forest Stewardship Council (FSC) certified, ideally locally grown and manufactured.</p> <p>2.4 metre full round 100mm posts at 4 metre intervals. Full round 150mm 3 metre strainer posts where needed at changes of direction. Minimal external fence features, such as strainer post stays.</p> <p><u>Electric wire</u></p> <p>Live strand (1) 0.60-0.65m above ground and off-set by 80mm</p> <p>Live strand (2) c.8cm above the top of the mesh fence</p> <p>Earth/neutral strand (1) c.18cm above the top of the mesh fence</p> <p>Live strand (3) c.30cm above the top of the mesh fence</p> <p><u>Electric fence gate</u></p> <p>Bespoke gates (1.5m wide) within the perimeter. Meshed as per fence. Electric wires as per fence and isolator steel springs across gates for safe access. 30cm wire netting apron butted against the gate lying flat on the ground surface and pegged at intervals.</p>
Programme of works	Works are scheduled to take place between January and April for each year of the licence. The works have been timed to avoid the nesting season and periods of particular sensitivity (winter and while birds are on passage).

Site 2 - West Hayling	
Site location	Langstone Harbour - See Licence Schedule 2

Activity 2.1 - Shingle recharge		
Activity type	Other deposits	
Activity location	Langstone Harbour - See Licence Schedule 2	
Description	<p>By strategic placement of different grades of shingle, as well as providing for the development of vegetated shingle in certain locations, the project aims to be able to initiate a better long-term outcome for the wildlife using the site and address the present annual threat of total or near-total colony failure due to tidal flooding.</p> <p>Shingle will be deposited to increase the height of the main lagoon islands over a length of 182m split in two adjacent sites (A & B) (Figure 9 in Schedule 3) by 0.7m (to 3.6m ODN) (see Figure 9 in Schedule 3). This will create a habitat suitable for shingle nesting birds of 1,820 square metres. The estimated total amount of shingle required for the primary goal is 2,293 tonnes.</p>	
Quantities		
Start date	End date	Quantity (kg)
02/1/2023	31/3/2027	2293000
Methodology	<p>Shingle will be added to enhance the two former oyster beds within the lagoon, labelled site A and B in Figure 9 (Schedule 3). This will require 2293 tonnes of shingle to raise both beds up by 0.7m. The shingle required will be a mix of larger cobbles (100mm to 250mm) for foundation, which will then be capped by smaller shingle (10mm-50mm) to provide the ideal nesting habitat for the target species.</p> <p>Shingle will be transported via the Hayling Billy Trail which runs adjacent to the site.</p> <p>Due to the narrow path that continues from the Hayling Billy Trail, smaller front loading tipper vehicles will be used to transport the shingle along the path on the northern edge of the lagoon.</p> <p>A temporary Bailey or pontoon bridge will be used to get machinery across to the islands. An excavator may also be used transport shingle from the stockpile to the islands.</p>	
Programme of works	<p>Works are scheduled to take place between January and April for each year of the licence. The works have been timed to avoid the nesting season and periods of particular sensitivity (winter and while birds are on passage).</p>	

5 Licence conditions

5.1 General conditions

5.1.1 Notification of commencement

The MMO must be notified prior to the commencement of the first instance of any licensed activity. This notice must be received by the MMO no less than **five working days before** the commencement of that licensed activity.

5.1.2 Licence conditions binding other parties

Where provisions under section 71(5) of the 2009 Act apply, all conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the licensed activities for which this licence has been granted.

5.1.3 Agents / contractors / sub-contractors

The MMO must be notified in writing of any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than **24 hours before** the commencement of the licensed activity.

A copy of this licence and any subsequent revisions or amendments must be provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder.

5.1.4 Vessels

The MMO must be notified in writing of any vessel being used to carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than **24 hours before** the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

A copy of this licence and any subsequent revisions or amendments must be read and understood by the masters of any vessel being used to carry on any licensed activity listed in section 4 of this licence, and that a copy of this licence must be held on board any such vessel.

5.1.5 Changes to this licence

Should any of the information on which the granting of this licence was based changed or is likely to change, the MMO must be notified at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action.

5.2 Project specific conditions

This section sets out project specific conditions relating to the licensed activities as set out in section 4 of this licence.

Conditions pre-commencement	
5.2.1	<p>All activities must adhere to the Environment Agency check-clean-dry code of practice. For information contact the Environment Agency on 03708 506 506, or visit the Great Britain Non-Native Species Secretariat website - http://www.nonnativespecies.org/checkcleandry</p> <p>A document must be provided to the MMO demonstrating how the activities adhere to this guidance. This document must be submitted to the MMO 6 weeks prior to the commencement of the licenced activities. The licensed activities must not commence until written approval is provided by the MMO.</p> <p>Reason: <i>To minimise the introduction, and restrict the spread, of invasive non-native species which may occur through dredging activities.</i></p>
Conditions during works	
5.2.2	<p>All licensed activities must only be undertaken between January and April inclusive for each year of the licence.</p> <p>Reason: <i>To minimise the risk of activities affecting bird breeding season.</i></p>
5.2.3	<p>The sites must only be accessed within a defined and marked out area thereby limiting personnel and plant access to the site. The defined work area and access routes are defined by Licence Schedule 3.</p> <p>Reason: <i>To minimise damage and disturbance to sensitive habitats or species from construction plant and personnel.</i></p>

5.2.4	<p>Only coatings and treatments, including concrete and paint, can be used that are suitable for use in the marine environment.</p> <p>Reason: <i>To ensure hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment.</i></p>
5.2.5	<p>Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.</p> <p>Reason: <i>To minimise the risk of marine pollution incidents.</i></p>
5.2.6	<p>All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed within 7 days of completion of licensed activities. Under no circumstances is equipment to be stored on the foreshore.</p> <p>Reason: <i>To minimise impacts to the marine environment and other users of the sea/seabed.</i></p>
5.2.7	<p>Barge landings must be undertaken during high spring tides only.</p> <p>Reason: <i>To minimise disturbance to PHI Coastal Saltmarsh and Annex I saltmarsh and mudflat features.</i></p>
5.2.8	<p>Protective matting / bog mats must be placed over the approach to the barge so that the foreshore is protected from compaction and truncation.</p> <p>Reason: <i>To ensure that vulnerable archaeological remains and Annex I saltmarsh and mudflat features are protected from compaction.</i></p>

5.2.9	<p>Anti-predator fencing must be installed as detailed in Licence Schedule 3 (Section 9.5 for design) and Licence Schedule 4 (for route).</p> <p>Co-ordinates (in WGS84) of the as-built fence must be submitted to the MMO no later than 7 days after completion.</p> <p>Reason: <i>To ensure activities are completed as per licence.</i></p>
5.2.10	<p>Any incidental and/or potential archaeological finds must be reported to the county archaeologist by email to historic.environment@hants.gov.uk. A copy of any emails sent to the county archaeologist must be sent to the MMO within 5 days the original email being sent.</p> <p>Reason: <i>To deal with unexpected discoveries of possible historic or archaeological interest</i></p>

Conditions post-completion

5.2.11	<p>The local MMO office must be notified as detailed in section 2.2 of the completion of the licensed activities by the licence holder, no later than 10 working days after their completion.</p> <p>A copy of this notification must be submitted to the MMO via a return no later than 7 days after the original notification was sent.</p> <p>Reason: <i>To ensure the local MMO officer is aware of the licensed activities at sea occurring within its jurisdiction in order to notify other sea users and to arrange any enforcement visits where appropriate.</i></p>
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6 Compliance and enforcement

This licence and its terms and conditions are issued under the Marine and Coastal Access Act 2009.

Any breach of the licence terms and conditions may lead to enforcement action being taken. This can include variation, revocation or suspension of the licence, the issuing of an enforcement notice, or criminal proceedings, which may carry a maximum penalty of an unlimited fine and / or a term of imprisonment of up to two years.

Your attention is drawn to Part 4 of the Marine and Coastal Access Act 2009, in particular sections 65, 85 and 89 which set out offences, and also to sections 86, 87 and 109 which concern defences. The MMO's Compliance and Enforcement Strategy can be found on our website (<https://www.gov.uk/government/publications/compliance-and-enforcement-strategy>).