

Marine Licence

Licence Number: L/2012/00288/2

This is a licence issued by the Marine Management Organisation (MMO) on behalf of the Secretary of State to the licence holder named below to carry out activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

The licence is for licensable activities carried out as part of the project specified in Section 2 of this licence and is subject to the terms and conditions set out in this Licence.

Licence Holder

Name: LYMINGTON HARBOUR COMMISSIONERS
Address: HARBOUR OFFICE
BATH ROAD
LYMINGTON
SO41 3SE

Licence Date:

Valid From 10th January 2014

Valid to: 26th July 2022

Date of issue: 10th January 2014

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Section 1: General

1.1 Interpretation

In this licence:-

- (a) "the Act" means the Marine and Coastal Access Act 2009.
- (b) "Licensable Activity" means any activity listed in s.66(1) of the Act and section 2.2 of this licence.
- (c) "MMO" means the Marine Management Organisation.
- (d) "Sea" means any area submerged at mean high water spring tide and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.
- (e) "Sea Bed" means the solid surface of the Earth which lies under the Sea.
- (f) "Dredging" means using any device to move material (whether or not suspended in water) from one part of the sea or sea bed to another part.
- (g) "Licensing Authority" means the Secretary of State.
- (h) "Vessel" means hovercraft, and any other craft capable of travelling on, in or under water, whether or not self-propelled.
- (i) "Location" and "Disposal Site" and "Disposal Sites" means those locations listed in section 2.4 of this Licence.
- (j) "Licence Holder" means the individual(s) and Organisation(s) named above to whom this licence is issued.
- (k) All times shall be taken to be Greenwich Mean Time (GMT).
- (l) 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.

1.2 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
Marine Consents Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

Fax: 0191 376 2681

Email: marine.consents@marinemanagement.org.uk

Any references to the Local District Marine Officer shall mean the relevant District Marine Officer in the area(s) located at:-

**Marine Management Organisation
Fish Market
Rock-A-Nore Road
Hastings
East Sussex
TN34 3DW**

Tel: 01424 424109

Fax: 01424 444642

Email: hastings@marinemanagement.org.uk

1.3 Returns to be made to the MMO by the Licence Holder

Table 1, below, sets out the returns that the Licence Holder must make and the corresponding dates by which they must reach the MMO.

IMPORTANT: No operations licensed herein may start until the Licence Holder has notified the MMO in writing that it accepts the terms and conditions of this licence. The notification may be sent to the MMO by post or email, using the contact details set out above in section 1.2.

Table 1

Return No.	Return Description	Return Deadline
1	Licence Holder to accept terms and conditions of Licence.	Within 10 working days from licence Date of Issue.

2	Licence Holder to notify Local District Marine Officer of proposed start of works date.	No less than 5 working days before work is due to start.
3	Licence Holder to notify Local District Marine Officer of cessation of works date.	No less than 5 working days after cessation of works.

1.4 Inspection of records etc.

The Licence Holder shall-

(a) Permit any person who is appointed by the MMO for the purpose to inspect, and make notes from, all books, papers, maps and other records of any kind kept by the Licence Holder in pursuance of this licence or in connection with activities associated with this licence.

(b) Furnish that person at reasonable times with such information and provide him at reasonable times with such reasonable assistance as he may request in connection with or arising out of an inspection in pursuance of this clause.

1.5 Rights of access

Any person or persons authorised by the MMO shall be entitled at all reasonable times to enter into and upon any of the Licence Holders installations, vessels or equipment used or to be used in connection with the activities authorised by this licence in accordance with Chapter 2, Part 8 of the Act.

1.6 Variation, suspension, revocation and transfer

(1) A Licensing Authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that there has been a breach of any of its provisions.

(2) A Licensing Authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that:

(a) In the course of the application for the licence, any person either supplied information to the authority that was false or misleading or failed to supply information, and

(b) If the correct information had been supplied the authority would have, or it is likely that the authority would have, refused the application or granted the licence in different terms.

(3) A Licensing Authority may by notice vary, suspend or revoke a licence granted by

it if it appears to the authority that the licence ought to be varied, suspended or revoked:

- (a) Because of a change in circumstances relating to the environment or human health;
- (b) Because of increased scientific knowledge relating to either of those matters;
- (c) In the interests of safety of navigation;
- (d) For any other reason that appears to the authority to be relevant.

1.7 Force Majeure

If by reason of force majeure any substances or articles are deposited otherwise than at the Disposal Sites specified in section 5 of this Licence, below, then the full details of the circumstances must be notified to the MMO within 48 hours of the incident occurring. Force majeure may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles otherwise than at the specified Disposal Sites because the safety of human life or the vessel is threatened.

1.8 Licence Conditions Binding Other Parties

All conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the works for which this licence has been granted in relation to those marine activities authorised under item 7 in section 66(1) of the Act.

Section 2: Project Details

2.1 Licence Categories

The category of works hereby licensed is: construction - breakwaters

2.2 Description of project

Project Title

Lymington Harbour Protection - Phase 2

Project Background

Lymington Harbour is a major leisure boating centre, ferry terminal and base for commercial fishing, and is of high importance to the local economy. The harbour is currently at risk from increasing wave exposure, which is exacerbated by saltmarsh loss at the mouth of the estuary. As a result, Lymington Harbour Commissioners has committed to building two breakwaters, one in the west and one in the east of the estuary. Together, the two breakwaters will provide effective protection against wave action. They will prevent extreme waves entering the harbour from the Solent and will reduce fetch lengths within the estuary.

Phase 1 of the western breakwater has been completed and Phase 2 of the project is the construction of the segment of the eastern breakwater closest to the deepwater channel.

2.3 Works Methodology

The works will be carried out using the following methodology:

The construction of the breakwater will consist of a footing using a closed ring of cantilevered sheet piles cut off close to the bed level, with a mound of natural stone placed within the footprint. A rock apron will be placed immediately adjacent to the sheet pile wall to mitigate against the potential detrimental effects of wave reflection. Effectively, rock runs over the tops of the piles thus preventing them from becoming exposed. Post construction monitoring has demonstrated this design solution has been successful in Phase 1 with an accretion trend being observed along the seaward face of the breakwater.

All construction would be from floating plant, on the assumption that each phase of the project would be accessible at high tide at the time of its construction.

Material will be brought to the site by sea in barges. Piles will be driven by vibro-piling or silent piling methods as far as possible. It is envisaged that rock will be placed directly in the breakwater using a crane mounted on the rock barge, or on a separate smaller barge. Barges will be moored alongside the works for unloading and will ground on the mud over the low water period

2.4 Location

The Licence Holder, and any third parties specified in section 2.5 of this licence, may engage in the Licensed Activity at the following locations:

Construction

Breakwater Phase 2 (WGS84) as defined by the following coordinates:

50°44.9201'N 01°31.0415'W

50°44.9779'N 01°31.1146'W

50°45.0802'N 01°30.9520'W

50°45.0450'N 01°30.8496'W

50°44.9201'N 01°31.0415'W

Substances or articles authorised for disposal at this location: Stone/Rock, Plastic/Synthetic, Steel Piles.

2.5 Agents/contractors/sub-contractors

The third parties permitted to engage in the Licensed Activity are:

Name of Agent, Contractor or sub-contractor	Function
Black & Veatch	Agent

2.6 Persons Responsible for the Deposit of the Substances or Articles

The operators, vessels and vehicles permitted to engage in the Licensed Activity are:

Name of Vessel or Vehicle Registration	Operator	Type(s)
None	None	None

The Master or the Officer of the Watch of each of these vessels and vehicles undertaking the Licensed Activity must maintain a written log of operations recording, in the English Language, the following information:

- (a) The name of the vessel.
- (b) The quantity and type of each substance or article loaded for deposit.

(c) The date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Disposal Sites on each occasion that it proceeds to and from such area.

(d) Latitude and Longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the course of any disposal element of the Licensed Activity being undertaken, which for the purpose of this Licence shall be the commencement of loading each consignment of material for deposit in the Sea to the completion placement of that material at the Disposal Sites.

(e) The time taken to complete the disposal Licensed Activity operation and a statement of the reasons for any delays.

(f) Courses and speeds together with any alterations throughout each consignment disposal (multiple changes may be recorded as "various").

(g) The rate of deposit, together with any variations, throughout the disposal Licensed Activity.

(h) Weather, Sea-state, wind and tidal set, and rate throughout the disposal Licensed Activity.

(i) The signature of the Master at the foot of each log sheet or page of the record.

All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the coordinates of the licensed Disposal Sites should be marked.

2.7 Distribution of copies

The Licence Holder must ensure that a copy of this licence and any subsequent revisions or amendments is given to all third parties listed in section 2.5, above, and the Masters of all vessels and transport managers responsible for the vehicles listed in section 2.6.

The Licence Holder must also keep a copy of this licence at:

LYMINGTON HARBOUR COMMISSIONERS
HARBOUR OFFICE
BATH ROAD
LYMINGTON
SO41 3SE

Section 3: Licence Conditions

3.1 Prior to the Commencement of the Works

The Licence Holder must submit the pre-works returns specified in Table 1 of section 1.3, above.

- 3.1.1** The Licence Holder should ensure that information regarding the origin of rocks and transshipment routes utilised are supplied to the MMO prior to any works commencing. This must be approved by MMO before works can commence.

Reason: To ensure that the rock and routes utilised are appropriate.

- 3.1.2** The Licence Holder must issue a notice to mariners 2 weeks prior to works commencing. The MMO must be informed when a Notice to Mariners has been issued.

Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

- 3.1.3** The Licence Holder should ensure that liaison with the local fishing industry takes place prior to the commencement of the works.

Reason: To inform them of the works.

- 3.1.4** The Licence Holder must provide the MMO with a detailed construction method statement at least 4 weeks prior to the commencement of works. This must be approved by MMO before works can commence.

Reason: To ensure the latest methodology has been assessed.

- 3.1.5** The Licence Holder must ensure that they apply for a variation to this licence to add the details of any contractors and/or vessels before works commence.

Reason: To confirm with the Licensing Authority that the licence is always up to date and valid.

3.2 During the Works

3.2.1 The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice, (e.g. approved by HSE, EA Pollution Prevention Control Guidelines).

Reason: To ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and are used appropriately.

3.2.2 The Licence Holder must install bunding and/or storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. i.e. secondary containment should be used with a capacity of not less than 110% of the containers storage capacity.

Reason: To prevent marine pollution incidents by adopting best practice techniques.

3.2.3 The Licence Holder should ensure that every effort is undertaken to minimise resuspension of sediment during these works.

Reason: To prevent smothering and potential contamination from sediments.

3.2.4 The Licence Holder should ensure that the rock material used is inert and contains minimal fines.

Reason: To prevent pollution caused by material that may come from a polluted area or potentially change the chemical balance, pH of the environment in which it is placed.

3.2.5 The Licence Holder should ensure that the amount of rock placed is kept to the minimum required and excess rock must be returned to land.

Reason: To reduce the risk of unnecessary amounts of material deposited below MHWS and subsequent damage to seabed habitat or loss of habitat.

3.2.6 The Licence Holder should ensure that the results of pre and post-material placement surveys carried out to confirm the accurate positioning of the rock should be forwarded to CEFAS and MMO when available.

Reason: To ensure the rock is placed in the correct areas.

- 3.2.7** Any piling operations must only be carried out during daylight hours.
Reason: To avoid impact on sensitive periods for sea trout migration.
- 3.2.8** Construction including piling works to take place between the months of April and September.
Reason: To avoid disturbance to overwintering SPA birds.
- 3.2.9** The Licence Holder must ensure best practice is in place for operating machinery to reduce unnecessary noise.
Reason: To avoid disturbance to sensitive receptors.
- 3.2.10** The Licence Holder must ensure that the Environment Agency's Pollution Prevention Guidelines for works in or near water (PPG5) are adhered to at all times.
Reason: To ensure that best environmental practice is used at all times.
- 3.2.11** The seaward end of the breakwater should be marked by means of a pole beacon fitted with 2 fixed green lights, vertically disposed, 2 metres apart with the lower light at least 2 metres above MHWS and surmounted by a green conical shaped topmark.
Reason: For navigational safety.
- 3.2.12** Spill mitigation kits must available for accidental spillages.
Reason: To prevent pollution incidents
- 3.2.13** The Licence Holder must ensure that as far as is practicable all piling is undertaken using vibro-piling or silent piling methods; impact driving shall only be used as a last resort if adequate penetration cannot be achieved with vibro or silent piling
Reason: To prevent disturbance to sensitive receptors.
- 3.2.14** If impact piling is required a noise impact assessment must be produced and submitted to the MMO for approval before impact piling can begin.
Reason: To prevent disturbance to sensitive receptors.

- 3.2.15** During construction the archaeological protocol in schedule 1 should be adhered to at all times.

Reason: To protect the archaeological environment.

- 3.2.16** An exclusion zone, defined by the following coordinates (WGS84), must be implemented around the extent of the "Boat Graveyard"

50.752551, -1.513840

50.752408, -1.513870

50.752092, -1.513562

50.752253, -1.513333

50.752587, -1.513684

Reason: To prevent disturbance of heritage assets within this area.

3.3 Conditions upon completion of the Works

- 3.3.1** The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.

Reason: To prevent the accumulation of unlicensed materials/debris and the potential environmental damage, safety & navigational issues associated with such materials/debris.

- 3.3.2** The Licence Holder must notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email: hdcfiles@ukho.gov.uk; Tel: 01823 337900) of both progress and completion of the works.

Reason: In order that all necessary amendments to nautical charts can be made, to ensure navigational safety.

Section 4: Changes to this licence

Should the Licence Holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they shall notify the MMO at the earliest opportunity.

Should the Licence Holder wish to undertake the Licensed Activity in a manner that is contrary to the terms and conditions of this licence they shall inform the MMO at the earliest opportunity and in any event shall not carry out the Licensed Activity in a manner contrary to the terms and conditions of this licence unless and until permission has been given by MMO.

Section 5: Disposal Sites

There are no disposal sites for this project.