



Marine
Management
Organisation

Lancaster House
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Mr Taylor
THE MERSEA HARBOUR PROTECTION TRUST
10 BRICKHOUSE CLOSE
WEST MERSEA
COLCHESTER
CO5 8LA

Case reference: MLA/2016/00386

26th March 2018

Dear Mr Taylor,

**Marine and Coastal Access Act 2009
Application for a marine licence (Ref: MLA/2016/00386)**

The Marine Management Organisation (MMO), is the Licensing Authority for the purpose of Part 4 of the Marine and Coastal Access Act 2009. You applied to us on 21 September 2016 for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to undertake the Mersea Harbour and Tollesbury Wick Climate Change Adaptation Recharge Project.

We have considered all the information that has been provided to us as well as any representations made to us by interested parties. We have granted a licence to you, the licence is enclosed with this letter.

The licence we have granted contains a number of conditions, including conditions requiring mitigation or monitoring measures which can be found in section 5 of the marine licence.

Terms and Conditions

General

This licence is your statutory consent to carry out the activity authorised by the licence. You must comply with the terms and conditions of the licence in full, these are binding on you and any agent or subcontractor undertaking the activity on your behalf. If you fail to comply with all the conditions in the licence we may vary, suspend or revoke your licence, and we may also take enforcement action against you.

Please read the licence carefully before you carry out the activity authorised by the licence

Post Consent Returns



Where the conditions of the licence require you to submit returns to us, you must ensure these are submitted in accordance with the timescales set out in the licence and via the Marine Case Management System: http://bit.ly/MMO_MCMS.

You must ensure that you discharge all the conditions of the licence before the licence expires.

Where we are required to carry out post consent monitoring of the licence, including any review or approval that is required, then we may charge you a fee for that work. Where we propose to charge you such a fee we will provide you with an estimated cost before proceeding with consideration of your return.

Fees

Where we do charge a fee, we will invoice you in respect of that fee. We expect full payment to be made for any licence charges **within 28 days** of the date of the invoice we send to you and non-payment of the invoice within the 28 days may result in us suspending or revoking the licence. Our terms and conditions relating to charging can be found here: http://bit.ly/MMO_Terms_and_Conditions.

Variations

Any requests for a variation to this licence should be made **at least 3 months** before change is required or at least 3 months before the licence end date as specified in section 1.3 of the licence. Any request for a variation which does not allow sufficient time for us to fully consider and process the request before the licence expires will be rejected. We cannot vary a licence once the licence end date has passed.

Additional consents

You may require permissions and consents from other organisations or persons before you can carry on the activity authorised by this licence and a marine licence issued by us does not absolve you from the need to hold these other consents or approvals before you carry out the licensed activities. For example, planning consent is often necessary for works to be undertaken above the low water mark and consent from the landowner may also be required. In some cases, approval from the Environment Agency may be necessary (e.g. where the activities involve a discharge or have implications for flood defences) or consent might be required from Natural England where your activities have the potential to affect a Site of Specific Scientific Interest http://bit.ly/MMO_SSSI. These examples are not intended to be an exhaustive list of other permissions that may be required, you will need to make your own enquiries as to what, if any, other authorisations and permissions are required.



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The Crown Estate is affected by part of the proposed works and landowner's consent is required. The applicant is requested to contact the Crown Estate's Managing Agent for the area: Peter Riches of Morley Riches & Ablewhite on 01206 505707, peter@mrallp.co.uk regarding consent to the proposed activity.

Other Matters

Regarding terrestrial protected species, Natural England has not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The standing advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by Natural England's Standing Advice for European Protected Species, please contact them with details at consultations@naturalengland.org.uk.

With regard to the timing of the works, we would advise the applicant liaises with the Little Tern Group, who actively monitor the recharge sites for breeding Little Tern. The Little Tern Group have up-to-date records for breeding Little Tern on Cobmarsh Island, Packing Shed Island at Tollesbury Wick and Old Hall Marshes. This data will be very useful for the applicant when planning the timing of the recharge.

There are some concerns regarding an increase in suspended sediment caused by recharge activity which may be unfavourable to herring if timing of foreshore recharge works coincides with the herring spawning season (February - April). It is requested that the licensee considers planning the timing of recharge works around the herring spawning season if and where possible.

Where possible, the works should take place during calm weather to ensure that the risk of sediment loss through run off is minimised.

The Environmental Health Team of Maldon District Council has advised that once the project starts, they will require contact details of those with direct control for the



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operations so that any complaints can be addressed promptly. It would also be of assistance for the council to receive regular notifications of the phases of the scheme. The Environmental Health Team can be contacted through the main Maldon District Council portal - 01621 854477, contact@maldon.gov.uk.

PSA analysis shows sites 29, 30, 32 and 68 have a higher gravel content than site 7 and 81 and appear to comprise sediments that are better suited for the recharge project. The licensee is therefore advised to obtain material from these sites to create recharge deposits that are more resilient to wave attack.

Appealing a decision

You may appeal our decision to grant the licence subject to conditions, any provision within the licence and or the period of time over which the licence is granted. You have **6 months** from the date of our decision to make your appeal. Your notice of Appeal should be sent to the Planning Inspectorate (PINS) who will manage and decide any appeal against our licensing decision.

Further guidance is available here: http://bit.ly/MMO_appeal

Your feedback

We are committed to providing excellent customer service and continually improving our service and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey: http://bit.ly/MMO_Survey.

Finally, if you have any queries or require clarification of any of the terms or conditions of the licence, please do not hesitate to contact me using the contact details below.

Yours Sincerely,

Ms Ellie Noble
+44 (0)2082 257 929
ellie.noble@marinemanagement.org.uk