



British Marine Aggregate
Producers Association

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Dear Sir/Madam

Re. Consultation response to draft Marine Bill

1. Background

1.1 The British Marine Aggregate Producers Association (BMAPA) is the representative trade body for the British marine aggregate sector. The association represents 12 member companies who collectively produce around 90% of the 23 million tonnes of marine sand and gravel dredged from licensed areas in the waters around England and Wales each year.

1.2 Marine dredged sand and gravel is principally used by the construction industry, and the marine contribution provides 20% of overall sand and gravel demand in England, 90% of fine aggregate demand in South Wales, 35% of total construction aggregate demand in South East England and over 50% of construction aggregate demand in London. In this respect, marine aggregate supplies play a key role in supporting the delivery of various Government policies, including Sustainable Communities, the regeneration of Thames Gateway and the 2012 Olympic Games. Marine dredged sand and gravel also provide a strategic role in supplying large scale coast defence and beach replenishment projects – over 25 million tonnes being used for this purpose since the mid 1990's. With the growing threats posed by sea level rise and increased storminess, the use of marine sand and gravel for coast protection purposes will become increasingly important.



The British Marine Aggregate Producers Association is one of the constituent bodies of the Quarry Products Association, the trade association for the aggregate, asphalt and ready-mixed concrete industries. Secretary Mark Russell.

Registered in England as Quarry Products Association Limited
No. 1634996. Registered at the above address.

1.3 In both cases, the marine aggregate sector is dependant upon identifying and licensing economically viable sand and gravel deposits to secure sufficient reserves to maintain long term supply to existing and well established markets. The location of such deposits is extremely localised around the waters of England and Wales, restricted to their geological distribution and their geographical position related to the markets location.

1.4 At present 1369km² of seabed is licensed for marine aggregate extraction, of which a.140km² is dredged in a typical year. This represents around 0.15% and 0.016% of the total UK continental shelf area (867,000km²) respectively. A further 1931 km² of seabed is currently under application or covered by prospecting licence. In this respect, the marine aggregate sector is responsible for managing a significant area of the UK seabed.

2. Overview

2.1 BMAPA welcomes the publication of the draft Marine Bill and the continued commitment from UK Government to improve the way in which the marine environment is planned, managed, regulated and protected. The marine aggregate sector remains highly supportive of an approach which is able to define and deliver a 'licence to operate' for all marine activities and uses, guided by a long-term integrated marine policy statement founded in the principles of sustainable development. This should offer benefits to business and to the environment.

2.2 From a marine aggregate industry perspective, a more consistent, strategic approach will provide operators with greater certainty when planning, consenting and managing operations – both now and into the future.

2.3 This response expands upon the Memorandum of Written Evidence submitted by BMAPA to the Joint Select Committee.

3. Management at a UK seas scale

3.1 The draft Bill clearly sets out the situation with respect to the positions of the various devolved administrations. Given the

aspiration to plan and manage UK waters on a more integrated basis, every effort should be made by UK Government and the devolved administrations to deliver a consistent approach across UK regional seas – examples would be the Bristol Channel and the Irish Sea.

3.2 Any inconsistencies, whether in policy, planning or management, will hinder the ability to manage UK regional seas at an ecosystem scale. Furthermore, many of the environmental, economic and social demands which exist cut across the notional administrative boundaries that exist offshore.

4. Marine policy background

4.1 The ability of the various aspects of the Marine Bill to deliver the anticipated improvements in the way that UK seas are planned, managed and protected will be heavily reliant upon the ability of the Marine Policy Statement, and the associated vision and objectives that feed into it, to clearly define Government's strategic policy objectives for all aspects of UK sea use.

4.2 The policies and associated priorities for the sustainable use of all aspects of the UK marine environment set out in the Marine Policy Statement will need to provide a clear unambiguous driver as to how Government wants this valuable resource to be used. It is at this high level policy stage that the matter of 'balance' between various uses of the marine environment should be addressed. This will provide a clear policy setting to the sustainable use of all aspects of UK seas against which decisions on use, management, protection and development can be based. Without this robust backdrop, the concern would be that policy priorities become more a matter of interpretation. This in turn will increase the pressure on planners, regulators, developers and wider marine stakeholders by creating uncertainty amongst all involved in the practical delivery of sustainable marine management.

5. Marine data/knowledge

5.1 Data and knowledge are an essential component to the delivery of a robust, evidence-led marine planning and management framework. The more complete the state of knowledge informing the

various processes the greater the confidence in the end product and the lower the risk to end users – all parties can take proactive decisions to avoid or manage known sensitivities.

5.2 It is important not to under estimate the limited extent of existing knowledge in the marine environment (both extent and resolution), and the impact this will then have on the robustness of any plans that are developed and on the various stakeholders who then have to use the plans. Gaps in knowledge result in a more reactive approach to managing issues, which in turn increases risk and reduces confidence for stakeholders operating in the marine environment.

5.3 A robust understanding of the potential future requirements for marine resources will also be important, alongside their spatial distribution. Such information should be used to ensure that the marine planning process is able to take account of, and if necessary protect, resources that may be important in the future in accordance with the Marine Policy Statement and associated objectives. An example could be sand and gravel resources of a suitable quality and in a suitable location to support future coast defence requirements.

5.4 It is recognised that the plan making process cannot simply wait until the most appropriate level of data is actually available. Best use of all available existing data must inform the early phases of the plan development process. However, it is essential that the planning process has the ability to evolve and adapt to new data when it becomes available.

5.5 It is also important that the plan development process is supported by a commitment to improve the level of understanding of the resources and features within UK seas through a central Government sponsored national marine mapping programme. Continuing to rely upon the existing, uncoordinated piece meal approach to data acquisition will simply not deliver the quality of understanding in the time required to underpin the evolution of the process. Furthermore it will be more expensive, with significant duplication of effort and wasted sea time. While a national approach will require long term financial commitment, the outputs from this investment would benefit every aspect of sustainable marine use and

arguably deliver huge value to UK marine plc as a whole. The draft Bill provides an opportunity to make this key responsibility a core delivery function of the Marine Management Organisation, supported by a commitment for appropriate resourcing.

6. Transitional arrangements

6.1 The draft Marine Bill defines the basic legislative structure for delivering the necessary changes in the way that UK marine environment is planned, managed and protected. However, there will be a need for a raft of additional secondary legislation to deliver individual aspects, for example the licensing regime. Inevitably the devil will be in the detail therefore this is likely to take time.

6.2 For both the licensing and the planning components, it will be essential that robust transitional arrangements are in place and clearly communicated to all stakeholders to ensure that business as usual can be maintained as far as possible. Marine users cannot afford for day-to-day marine development, protection and management to be stalled. A practical example of this would be the 30 or so marine aggregate production licence areas that will require renewal before the end of 2013.

6.3 While the policy document references the need for and importance of effective transitional arrangements, providing some basic outline, the draft Bill itself does not establish these arrangements. There is therefore a need to effectively manage the expectations of all the various stakeholders with interests in the marine environment, so all clearly understand what will happen during the transitional phase at the earliest stage possible.

7. Creation of the Marine Management Organisation

7.1 The establishment of the MMO to act as champion for the integrated management of UK seas and to act as the delivery mechanism for many of the changes set out by the draft Bill is welcomed. It is important that this organisation will be charged with making marine sustainable development happen. The proposals for marine industry representatives to be present on the MMO Board,

and for wider industry representation to be made through the MMO stakeholder group are also welcomed.

7.2 Resourcing will be critical to the ability of the organisation to fulfil its remit effectively – both in terms of number of personnel and their respective skill sets. The sooner the final location of the MMO can be determined the better, to identify which members of staff are likely to be retained and what gaps need to be filled.

7.3 Related to the point raised in para 7.2 above, it is important to consider the wider workload expected over the next five years or so. Arising from the Marine Bill alone are the development of the MPS, the secondary legislation to enact some of the regulatory and planning changes proposed, the development of regional marine plans and the continued development of the network of MCZ/SAC designations. In parallel to this will be a range of other workload, including a significant programme of marine aggregate licence renewals and the Round 3 renewables programme to name just two. All will be inevitably inter related, and because of the nature of the workload across all stakeholder groups – industry, regulator, advisor and wider stakeholders – a significant constraint will be the availability of personnel with the necessary skills and expertise to support the effective and timely delivery. It is therefore essential that the potential constraints on resourcing within the MMO are not considered in isolation. There are many other interests – both within Government and outside – that will be affected, all of whom could potentially hinder the ability to successful deliver.

8. Marine planning

8.1 The development of a strategic marine planning system through which Government's marine policies and objectives can be delivered in support of marine sustainable development is strongly supported. The role of a robust and clear MPS will be critical in defining the policy environment, priorities and objectives against which plans should be developed.

8.2 It is unlikely that the plans will be absolutely right first time therefore their introduction should be viewed as a process of evolution rather than revolution. The process should be adaptive, so

it can be amended depending upon changes in evidence/data or policy both within and outside of the formal planning cycle.

8.3 It is also important for the marine planning process to fully consider the potential opportunities that may be possible, rather than simply mapping the constraints. Although this is more challenging, the planning process represents an opportunity to take account of, and where necessary protect, the full range of marine resources (including economic) that may be important in the future, in accordance with the MPS and associated objectives.

8.4 The draft Bill enables the planning body to ask an independent person to investigate the draft plan prior to introduction. It will be important that this review process covers both the plan development process and the actual plan content.

9. Better licensing decisions

9.1 The draft Bill's objective to deliver better regulation of marine activities by making the licensing regimes as effective and efficient as possible is welcomed. The streamlining of consents coupled with delivery through the MMO should deliver a more consistent regulatory framework, though it will be important that this framework is founded upon a proportional, evidence based approach to information requirements and decision making which takes account of the risks posed by activities.

9.2 For the proposed new dredging licensing regime, it will be essential for the new regulations to have sufficient flexibility to account of both the significant differences in environments being considered (estuarine to offshore), and the different issues and risks associated with the range of dredging operations that take place.

10. Nature conservation

10.1 The provision of new controls to allow a network of sites of national nature conservation interest to be designated and protected is supported, as is the fact that the designations would have to take into account socio-economic interests. Given the desire to deliver a more consistent and coherent approach to management and

assessment across UK seas, proposals for designation should be bound by the same evidence-led approach required for marine development licensing.

10.2 The rationale behind the support for national designations is that if marine developers know where marine sites of nature conservation significance are located in advance they can make more informed business decisions. This would encourage a more proactive approach to assessing impact, significance and risk as opposed to the reactive approach which exists at present.

10.3 An inevitable constraint will be the extent and resolution of baseline data available to identify sites with a high degree of certainty, which links back to the need for improved baseline mapping data discussed under section 5 of this response. The designation process has to be evidence led and underpinned by sound science. This not only relates to the site specific information, but also the justification as to how an individual site fits into the regional/national context, in terms of its significance, sensitivity and risk.

10.4 While the proposed site selection process is intended to involve a wide range of stakeholders through regional scale projects to facilitate access to alternative sources of potential data, for example that held by industry, it is important to also recognise that the time and resources available to many stakeholder interests to participate in such initiatives may be constrained – particularly where stakeholders have interests in multiple regions.

10.5 A further issue is whether the necessary objectives for socio-economic aspects are sufficiently well developed to be used alongside the environmental objectives and the associated policies which underpin them. An obvious concern would be that the environment runs in front of everything – including the MPS – which would appear contrary to Government’s wider vision for sustainable marine use. Having said that, we understand that the MCZ site selection process will culminate in proposals to the Secretary of State around 2012, by which time the MPS should be established.

10.6 The draft Bill makes reference to the implications of the proposed Marine Conservation Zone designations when determining new licences, but the process (if any) for reviewing existing licensed interests which may be within/adjacent to MCZ designations is not clear and needs to be further explained. Should legitimately issued licences subsequently have to be withdrawn, there are parallels with terrestrial planning and licensing for compensation to be provided.

11. Summary

11.1 We trust that you find these comments helpful in refining the various components of the draft Marine Bill. The marine aggregate sector continue to recognise that the Bill represents an opportunity to improve the way in which the marine environment is planned, managed and protected, and we remain committed to constructively contributing to this process.

11.2 BMAPA has contributed to the discussions that have informed the consultation submissions provided by the Seabed User & Developer Group and Maritime UK, and is a co-signatory to both responses. BMAPA is also a co-signatory to the Joint Statement on the draft Marine Bill produced by the Seabed User & Developer Group and Wildlife and Countryside Link.

11.3 If you require any further information or clarification of any of the points or issues raised in this response please do not hesitate to contact the undersigned.

Yours faithfully

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, followed by a period.

Mark Russell
Director, Marine Aggregates