



British Marine Aggregate
Producers Association

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22nd June 2006

Dear Sir

Consultation on proposals for a Marine Bill
Response from the British Marine Aggregate Producers Association

1. Introduction

1.1 The British Marine Aggregate Producers Association (BMAPA) is the representative trade body for the British marine aggregate sector. BMAPA represents 10 member companies who collectively produce over 95% of the 22 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 represents around 7% of Great Britain's overall construction aggregate requirements. At a regional scale the contribution made by the marine aggregate sector can be very significant, providing 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.

1.3 Marine dredged sand and gravel also provides 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.

1.4 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



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.

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around the waters of England and Wales, restricted to their geological distribution and their geographical position related to the markets location.

1.5 BMAPA welcomes the opportunity that the Marine Bill presents to develop an integrated approach for planning, managing and protecting the marine environment which better accommodates the varied and legitimate needs and uses that take place there. We recognise that this consultation forms the start of the policy development process therefore we have set out our initial views against the various work streams below. Where appropriate, comments are referenced to specific questions contained within the consultation document.

2. Overarching Comments

2.1 BMAPA would be strongly in favour of any practical improvements which are able to better define and deliver a 'licence to operate' for all marine activities. This will require the development of clear integrated long term national marine policy objectives which reflect and balance the economic, social and environmental demands placed upon the UK's marine environment. From a marine aggregate perspective, this would need to ensure that the sectors contribution to national construction aggregate supply and the strategic role marine aggregate supplies play in supporting coast protection works is both acknowledged and accounted for – thus allowing such supplies to be maintained in the future. This would include safeguarding potential sand and gravel deposits from unnecessary constraint.

2.2 If implemented effectively, the Marine Bill would provide an opportunity to deliver a consistent approach for planning, consenting and managing the varied demands that are placed upon the marine environment. This would need to include a mechanism to allow competing demands and interests to be clarified and resolved at a national level. However, for such an approach to be truly effective, it should be applied to all legitimate interests consistently across all UK waters. Without a consistent integrated approach, it is difficult to see how the stated objectives can be realistically and effectively delivered and there remains the concern that individual sectors or interests may be disadvantaged or marginalised.

2.3 As a marine development interest, we are seeking a regime and approach which provides greater certainty for planning, consenting and managing operations – both now and looking to the future. If this was provided, we firmly believe that there would be complimentary benefits and certainty for the environmental protection and nature conservation components of sustainable development. Therefore if the principles of the Marine Bill are implemented effectively, the benefits of such an approach would ultimately help to deliver the economic, social and environmental objectives which exist across Government.

2.4 There may be the perception that improvements in marine planning and protection can be delivered simply through increased regulation and control, which in turn would result in a greater level of regulatory burden for development interests. Rather than looking for more regulation to deliver improvements, the focus should be on delivering better regulation – either through the existing controls or any new controls which may emerge. In both cases the necessary resourcing and expertise must be provided within Government to enable delivery.

2.5 Finally, from the practical experiences of the marine aggregate sector, Government should not underestimate the knowledge base that will be required in order to implement the various components of the Marine Bill effectively – particularly the marine spatial planning component. While we certainly need to make better use of the information that already exists, there will be a requirement to develop and enhance our broad scale understanding of the UK's seas through the acquisition of new data. In this respect, the Marine Bill must be seen as an opportunity to further develop and enhance the knowledge base for UK seas in the long term.

3. Marine Spatial Planning

3.1 We believe that the way that marine planning currently works in the UK's seas has some serious failings which need to be addressed. To illustrate some of these, it is helpful to draw upon some of the marine aggregate sectors recent experiences.

Example 1 - Proposals for offshore renewable sites have been submitted on top of or immediately adjacent to existing marine aggregate interests with no practical consideration of the implications.

Example 2 - A pipeline has been laid directly through an existing marine aggregate production licence with no prior consultation or discussion. The first the licensee knew was when a dredger turned up to find the pipeline being laid across the licence area.

Example 3 - In the Eastern English Channel a substantial deposit of marine sand and gravel has been identified. However prior to identification, a variety of cables have been laid through the region sterilising over 80 million tonnes of potential resource – equivalent to an asset value of some £700m.

Example 4 - Applications for new marine sand and gravel deposits have been halted or constrained on nature conservation grounds as a result of the data collected by the industry to support their application.

3.2 In the case of the first two examples, the issues arose because of a lack of awareness of activities which already exist – despite the fact that the marine aggregate sector has been operating for over 40 years.

3.3 In the case of the third example, it highlights the need to plan strategically – to understand what resources are important, where they are located, and the potential pressures that may come to bear in the future in order to ensure that they are not unduly constrained.

3.4 The fourth example highlights the poor baseline understanding of the marine environment and the potential resources which exist there. Often, the only way this understanding is improved is through data collected by a developing interest which results in a reactive approach to feature identification and protection. The problem for industry is how to avoid areas of particular importance or sensitivity if no-one knows where they are located? The current approach provides industry with little certainty, and ultimately increases the potential risks associated with a development.

3.5 All four examples ultimately fail on the knowledge/information available or how existing information and knowledge is actually used. In this respect, an important component of any marine spatial planning process must be its ability to evolve and adapt in response to changes in knowledge/understanding or policy objectives. (Q.20)

3.6 From a marine aggregate perspective, marine spatial planning offers an opportunity to identify and safeguard potential sand and gravel resources for future use – both construction and beach replenishment. It also represents an opportunity to identify and where necessary safeguard or protect other legitimate uses and demands – including areas of nature conservation importance. This in turn would allow the marine aggregate sector to actively avoid or certainly take into account such interests during the development planning process. However, such a plan must take into account all legitimate interests and the respective roles that they play in delivering sustainable development. (Q.1)

3.7 The marine aggregate sector has had some experience with a non-binding spatial plan approach in the Bristol Channel, with the Welsh Assembly Government's Interim Marine Aggregate Dredging Policy (MAD-P). While this defines some preferred development locations, the first application located in such an area still ended up in a public inquiry. Therefore the overall benefit of such an approach in terms of development certainty could be questioned. (Q.2, 4, 5)

3.8 The fact that the MAD-P approach only applies on the Welsh side of the Bristol Channel also provides a useful insight to the practicalities of delivering a consistent policy approach in UK seas – with marine aggregate applications in English waters located immediately adjacent to the median line being determined in an entirely different way. The existence of two very different policy regimes over the same geographical region, albeit separated by a notional median line, could result in development interests being preferentially located to take advantage of the policy environment which is considered to be more effective or less constraining. We would suggest that this is not conducive to delivering a consistent, integrated approach to planning and managing UK seas. (Q.8, 11)

3.9 A binding plan offers greater certainty for all interests involved and ensures that the plan is actually applied, but it could be argued that sufficient information does not currently exist to allow this to work. On this basis, there is a case for an evolving approach which allows the plan to develop before it becomes binding. Any binding plan approach must also provide some process to allow changes in knowledge or policy to be incorporated. (Q.5)

3.10 In terms of the coverage of the plan, we would favour an approach which allowed national policies to be consistently applied at a national scale from mean high water out to the median line. This would ensure that such overarching principles as the ecosystem approach and sustainable development could be delivered on a consistent basis. We would be concerned if the delivery of national scale policies were in some way devolved to a local scale, as we believe that this could result in inconsistencies resulting from local interests competing or conflicting with the national objectives. However, we recognise the benefits of some form of regional seas approach, whereby national scale policies could be delivered through a regional expression of a nationally based delivery organisation (such as the Marine Management Organisation). (Q.8, 14, 15, 16, 17)

4. Marine Consents

4.1 The marine aggregate sector is currently controlled via a non-statutory Government View arrangement which has been in place in various forms since the late 1980's. In addition to the non-statutory Government View permission, operators also have to obtain statutory consent under the Coast Protection Act and on occasions consent under the Food and Environment Protection Act.

4.2 The current regulatory process is lengthy and provides the developer with very little certainty or confidence. In the near future these arrangements are to be replaced by a statutory system of regulation, a development that will be welcomed by the industry. This will hopefully provide a better process of regulation which will speed up the decision making process and provide a formal framework for resolving outstanding concerns. It is the time taken to resolve concerns and to allow robust and informed decisions to be made that is critical, as significant delays can result in new issues arising which in turn result in further delays as these then have to be addressed.

4.3 Our experience with the existing marine consents regime which exists is that it is complex, inconsistent and under resourced. This places a significant burden upon the developer. The Marine Bill represents an opportunity to create a more consistent and effective regulatory regime which in turn would support the delivery of Governments sustainable development objectives in the marine environment. (Q.32)

4.4 In an ideal world there would be considerable merit in having a standardised consents process which would apply to all sectors and interests who make use of the marine environment. This would ensure that a common, consistent and proportional approach could be adopted in the advice provided, the information required and the consultation processes undertaken across all sectors. Having said that, we can equally appreciate that there are certain practical difficulties why this approach is unlikely to be forthcoming – despite the obvious advantages it would present for an integrated approach to marine regulation and management. (Q.46)

4.3 Accepting that a fully integrated approach to consenting is unlikely, the marine aggregate sector would favour a simplified sectoral regime to emerge. This should incorporate a proportional approach and require common standards of advice, assessment methodology, information requirement and consultation processes to be applied across the various regimes. We understand that the regulatory regime for marine aggregate dredging is likely to transfer from the Department of Communities and Local Government (DCLG) to Defra once the statutory dredging regulations come into force. This would mean that Defra would in effect become the ‘sponsoring’ Government department responsible for regulating the marine aggregate sector, even though the department has no responsibility or remit for defining or delivering national construction aggregate supply. We recognise that there is perhaps a stronger link with the departments flood and coastal defence responsibilities. (Q.44)

4.4 Whatever the final outcome of the changes to the marine consents regime, it is important that any changes are able to deliver practical improvements in process and ultimately better regulation. Once more, a key component to this will be the provision of sufficient resources within Government itself to allow the timely and robust consideration of development.

5. Marine Nature Conservation

5.1 While there is reference in the consultation document to the development and application of marine ecosystem objectives, we note that there is no reference to a parallel requirement for equivalent objectives for the social or economic components of sustainable development. We would suggest that this will need to be addressed if the underlying principles set out under section 4 of the consultation document are to be delivered. (para.10.40-10.46)

5.2 The marine aggregate sector would support the provision of new controls to allow sites of national marine nature conservation to be created, so long as such considerations take place alongside the socio-economic uses and such designations are bound by the same evidence based approach that is required for marine development consents. In this way, a robust, well informed case would have to be submitted for consideration, which takes into account the other socio economic uses which may exist.

5.3 We would suggest that the main challenge facing marine nature conservation is for the process to become more proactive, and less reliant upon a reactive approach which is largely driven by the information collected in support of development interests. Too often the extent of regional understanding is insufficient to allow any consideration of a sites context and therefore its potential significance at a regional scale. This is a fundamental weakness which can only be resolved by improving the regional scale understanding of marine habitats and species distribution. In this respect, both the regional scale and site specific processes need to be adequately resourced by central Government.

5.4 Given that the level of understanding at a regional scale is likely to improve over time, it is important that such sites retain the potential for evidence-based review and modification.

6. Marine Management Organisation

6.1 The marine management organisation will be a key component in the delivery of marine spatial planning – indeed without such an organisation it is difficult to see how marine spatial planning can be delivered at all.

6.2 Such an organisation would need to have neutral status, and would provide a focus for delivering national marine sustainable development objectives, by translating national sectoral policy objectives into an integrated plan-led approach.

6.3 The organisation would need to be strong and authoritative, and be prepared to resolve policy conflicts where these arise. Decisions and judgements should be evidence led (knowledge/data), and the organisation will have to be accountable, effective and decisive if it is to deliver the improvements that are required.

6.4 In effect, the organisation would provide a centre of technical excellence for UK marine science and planning, and would provide a focus for managing existing knowledge and a lead role in the identification, acquisition and management of new data.

7. Conclusion

7.1 We trust that you find these comments helpful as the development of the various work streams of the Marine Bill continues. The marine aggregate sector recognise that the Bill represents an opportunity to make some significant and substantial improvements to the way that the marine environment is managed, and we are committed to constructively contributing to the ongoing development process.

7.2 BMAPA has also contributed to the discussions which have informed the UK Maritime and Sea User and Developer Group positions, both of which will be responding in their own right to this consultation.

7.3 If you require any further information or clarification of any of the points or issues raised, please do not hesitate to contact the undersigned.

Yours faithfully

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Director, Marine Aggregates

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Directory: C:\Documents and Settings\Mark.RUSSELL\My
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Title: 12 July 2004
Subject:
Author: Robert Stoakes
Keywords:
Comments:
Creation Date: 6/22/2006 5:08 PM
Change Number: 3
Last Saved On: 6/22/2006 5:09 PM
Last Saved By: Mark
Total Editing Time: 3 Minutes
Last Printed On: 9/10/2007 5:43 PM
As of Last Complete Printing
Number of Pages: 8
Number of Words: 2,871 (approx.)
Number of Characters: 16,365 (approx.)