



essential materials
sustainable solutions

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Dear Sir/Madam

Re. Consultation on marine plan areas within the English Inshore and English Offshore Marine Regions

The British Marine Aggregate Producers Association (BMAPA) is the representative trade organisation for the British marine aggregate sector. The association represents 10 member companies who collectively produce around 90% of the 21.5 million tonnes of marine sand and gravel dredged from licensed areas in the waters around England and Wales each year.

Background

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. Some 30% of total production from English waters is exported (to Wales and the near Continent), making a contribution to the nations balance of payments.

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.

In the near future, marine sand and gravel resources can be expected to play a key role in supporting the successful delivery of major infrastructure projects associated with Government policies related to energy security and climate change, such as nuclear new builds, tidal power developments, port developments and offshore wind farms. The coastal location of many of these developments means that the sector is ideally placed to supply the large volumes of construction aggregate and fill material that will be required.

BMAPA is part of the Mineral Products Association, the trade association for the aggregates, asphalt, cement, concrete, lime, mortar and silica sand industries

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Registered at the above address

To meet these various needs, 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.

At present 1278km² of seabed is licensed for marine aggregate extraction in the waters around England and Wales, of which around 138km² 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.

Overview

We very much welcome the opportunity to comment on the considerations for the marine plan areas in English inshore and offshore regions. A robust, efficient and proportionate planning regime which provides a framework to enable delivery of a 'licence to operate' for all activities and operations is essential to support the wider sustainable development and management of UK waters.

A long term view is essential to provide certainty and confidence to marine users, particularly where significant long term capital investment is required to undertake the activity in question. As an example of this the current replacement value for the British marine aggregate dredging fleet is >£1 billion. Vessels are expected to have a working life of 25 years and, with the average age of the British fleet being 20 years old, significant investment will be required in the next 5-10 years. The new policy and planning regime will provide an essential backdrop to these investment decisions.

We note that some of the information presented in Annex A appears to be out of date, and also that there are missing data layers for important spatial interests. The data for areas licensed for marine aggregate extraction exclude areas permitted in the Eastern English Channel (awarded from 2003/4 onwards). There is also no data for either application or prospecting licence areas, where operators have an exclusive option to extract minerals from the mineral owner (The Crown Estate). This represents an extensive area (over 1900km²), and further highlights the need to be in possession of the most appropriate, relevant and up to date data sets when considering options and criteria. We would also suggest that there is a need to incorporate data relating to areas of future potential marine sand and gravel resource interest. This would assist the plan process take account of any need to safeguard areas for future use, and reduce the risk of inadvertently compromising the ability to extract those mineral resources in the future.

Q.1/2/3 – Considerations, criteria and plan areas

It is important that the new plan areas genuinely improve and simplify the way that the marine environment is used, managed and protected. On this basis, we would recommend a common sense approach to defining plan areas, rather than getting boxed in by binding criteria. An example of this is the attempt to make the marine biogeographical areas somehow match with terrestrial administrative boundaries (section 3.14).

While understanding the desire for a 'fresh perspective', plan areas should not make the situation any more confusing or complicated given the multitude of regional definitions that are already in place. The stated desire for some consistency in approach to delivering a holistic, integrated ecosystem approach that contributes to the achievement of sustainable development would seem to be at

odds with the approach proposed. A good example of the proposed approach failing is the proposal to separate the Thames Estuary across two plan areas – hardly an aid to delivery of effective and appropriate management at a regional seas scale.

While understanding the requirement to differentiate plans between inshore and offshore areas, we believe that the boundaries between adjacent inshore/offshore areas should be consistent with one another to allow their associated plans to be developed in parallel with one another (section 3.14). This would ensure a consistent approach is adopted at a regional seas scale and reduce duplication of effort – both for the plan maker and the various stakeholders involved.

The consultation states that exceptionally the North West should be treated as one area, comprising both inshore and offshore waters with one process producing two plan documents, and reference is made in footnote 12 to the mechanisms contained within the Act. Given the desire to adopt a holistic approach that assists with delivery of sustainable development at a regional seas scale, we would suggest that this approach should be adopted as the default position for all the marine plan areas that are defined, rather than representing the exception.

Section 3.10 suggests that it would be sensible if boundaries of plan areas did not dissect existing designated areas because of the 'obvious benefits to holistic management'. We would strongly suggest that this argument equally applies to designations for other licensed or permitted spatial activities, such as marine aggregate extraction – particularly given many of these sites have been in operation for several decades and are regulated by single permissions or licences. However, under the equivalent paragraph for Human Activities (3.12), the justification or weighting appears to be considerably weaker.

As proposed, the plan areas will have significant implications for the marine aggregate sector. Permitted marine aggregate interests can be defined into distinct geographic regions, themselves reflecting the discrete geological distribution of the commercially viable marine sand and gravel resources. These regions have existed for several decades, and there is an increasing trend to assess and manage the aggregate interests at a regional rather than site specific scale – reflected by the sector's development and use of Regional Environmental Assessments to support site specific developments.

Unlike other development activity, the consent regime for marine aggregate licensing extends out to the limit of national jurisdiction. The extent and management of marine aggregate activities is therefore currently not influenced by the 12nm limit. As the existing marine aggregate regions extend across the 12nm limit, the proposed marine plan boundaries would effectively split these long term interests (and in a number of cases individual permitted licence areas!) between plans – examples being off the Humber, Great Yarmouth and Isle of Wight. The boundaries defining the nearshore plans also cut across some of these established regions – in the Humber, the Thames and Isle of Wight.

It is important that the risks and consequences of adopting particular plan boundaries are fully understood in order to minimise the risk of unforeseen and unnecessary consequences. This would also allow appropriate mitigation measures to be defined to set out how particular issues could be addressed, for example where an existing licensed interest now falls in several plan areas. In the case of marine aggregate interests, this should include the need for consistent management of regional geological resources and dredging activities, which do not necessarily coincide with plan boundaries.

Q.4/5 Implementation and integration with planning & management on land

We would not necessarily agree with the statement that '*...the scale for planning in inshore waters would be best done in alignment with existing mechanism for planning and management on the coast*' – particularly given that inshore marine plans extend out to 12nm (Inshore planning areas (p.19) and para. 3.14). It is important to recognise that the extent of the terrestrial/marine interface and interaction based on the extent of policy, planning and regulatory responsibilities will in most cases extend only a very limited distance into the inshore marine area – and vice versa with the equivalent terrestrial area. It would therefore seem sensible to clearly define an amphibious 'buffer' zone, beyond which the terrestrial/marine planning processes can be cleanly detached from one another. We would also refer back to our responses under Q.1/2/3 and the need for a more consistent approach to the definition of inshore/offshore plan areas in order to effectively manage seas at a regional scale.

Q.6/7 Plan order

We would refer back to our comments under Q.1/2/3, in which we suggest that the boundaries between adjacent inshore and offshore plan areas should be consistent with one another (rather than split as proposed), and their development undertaken in parallel.

The proposed rollout of plans presented in the consultation indicates that some regions will not have a plan in place until into the next decade (section 3.15). As a sector that has a range of ongoing licensed interests, many of which require renewal by the end of 2013, we would suggest that there is an urgent requirement for clarity over the intended planning and licensing arrangements during the transitional period. It is essential to ensure delivery of effective and efficient 'business as usual' while the Marine Policy Statement and resultant marine plans are evolving. Without this, there is a risk that essential licence renewals may be delayed with rapid and severe knock on effects to both operator's business interests and the supply of essential construction aggregate resources.

It is also important to recognise that plan areas adjacent to the marine areas of devolved administrations are likely to want to develop their plans as soon as possible. Again, for consistency and efficiency it would be preferable for these to be developed in parallel – particularly given the desire to plan and manage at a regional seas scale e.g. Irish Sea and Bristol Channel.

We trust that you find these comments helpful as you continue to develop your thinking on the marine planning process. If there are any queries or further questions relating to the points that we have raised please do not hesitate to contact the undersigned.

Yours faithfully



Mark Russell
Director, BMAPA