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Dear Sir

Consultation on a marine planning system for England

1. The British Marine Aggregate Producers Association (BMAPA) is the representative trade organisation for the British marine aggregate sector and a constituent body of the wider Mineral Products Association. The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, ready-mixed concrete, lime, mortar and silica sand industries. With a growing membership of 272 companies, it is the largest UK trade association in the sector and represents the majority of independent companies, as well as the 9 major international and global companies. The MPA represents 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production. Each year the industry supplies £5 billion of materials to the £110 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy. BMAPA represents 11 member companies of the MPA who collectively produce around 90% of the 20 million tonnes of marine sand and gravel dredged from licensed areas in the waters around England and Wales each year.

Background

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.

3. 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.

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

4. 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.

5. In all 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.

6. At present 1286km<sup>2</sup> of seabed is licensed for marine aggregate extraction, of which around 124km<sup>2</sup> is dredged in a typical year. This represents around 0.15% and 0.016% of the total UK continental shelf area (867,000km<sup>2</sup>) respectively. A further 1931 km<sup>2</sup> 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

7. We very much welcome the opportunity to comment on the proposals for the marine planning system in England. 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. Given the wide range of activities and operations that take place in the marine environment, it is also important that the information requirements, regulatory processes and expectations are as consistent as possible – allowing for the differing scales of activity, the environment in which they occur, their environmental significance and the nature of the associated impacts.

8. 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.

9. As a sector that has a range of ongoing licensed interests, many of which require renewal by the end of 2013, it is important to have clarity over licensing arrangements during the transitional planning period so that consents and decisions can be delivered while the Marine Plan process is evolving. Without continuity of licensing process, there is a risk that essential licence renewals may be delayed with knock on implications to both operator's business interests and the supply of strategic construction aggregate resources. We note that transitional arrangements are proposed, but have some concerns over the reliance and interpretation of the Marine Policy Statement (MPS) in delivering decisions in the absence of a plan.

10. While recognising that the MPS is deliberately high-level, given the challenges of ensuring compatibility between marine uses potentially competing for the same space and also the need for a transparent and robust mechanism to ultimately

guide plan/decision making between competing sectoral activities/policy areas, it is essential that the processes and mechanisms that will inform and guide such decisions are clearly defined. At present the draft MPS provides no clarity on such matters, focussing instead on the sectoral policy objectives at a UK scale. While understanding the reasons for this, it does result in a disconnect between sectoral policy and integrated delivery at a national scale. For this reason it is important that the supporting national marine planning guidance documents provide clarity on the process(es) through which such decisions will be made by the relevant planning and licensing authorities. This will ensure that interpretations and judgements relating to sectoral objectives or decisions on competing requirements across sectors consistently align with national policy, and assist with the transparency of decision making – whether for planning or licensing.

11. Similarly, while Chapter 4 (specifically para.s 4.25 through 4.39) expands on the over-riding principle for marine planning to promote compatibility and reduce conflict as defined in the draft MPS, it is important that all parties (planners, regulators, users and wider stakeholders) clearly understand up front the potential and opportunity for compatibility and co-existence between uses and activities, both in a spatial and also a temporal setting. As the marine planning process develops, the consistency of the approach to such matters will be key, both in terms of its application across activities/uses and also over time across the various plan areas. We would therefore suggest that there is a need to provide clear guidance on compatibility and complementarity early on in the process.

12. Over and above the comments presented above, we offer the following in response to the questions posed in the consultation.

#### Question 1

13. As stated in the overview, we believe that marine planning provides an opportunity to deliver a more integrated, strategic approach to how we use the marine area around England. Central to this is a long term approach which is able to both recognise and account for changing and emerging requirements and needs over time, and also an overarching driver to deliver sustainable development outcomes which are in the best interest of the nation as a whole. If implemented effectively, this could be expected to provide greater clarity and confidence to all marine users, reducing both development risks and the regulatory burdens.

14. Clearly the Marine Management Organisation (MMO) will have a central role to play in this, and as para 1.5 acknowledges their personnel will have the important and difficult responsibility to make judgements. Para 1.11 suggests that Government *'...will set a clear direction for managing our seas, to clarify objectives and priorities, and to direct decision makers, users and stakeholders towards more strategic and efficient use of marine resources'*. However, as the draft MPS presents a UK sectoral position, we would reiterate our comments under point 10 above, in which we stress the importance of more detailed guidance, so that the inevitably difficult integrated decisions related to planning and licensing can be steered and shaped accordingly on a consistent basis at a national scale, particularly in instances where competing sectoral policies may not be compatible. Without this clarity, it is difficult to see how the plan-led approach can be effective, and instead the process will default to each development or activity being determined on its own merits.

15. While the opportunity for greater cohesion between terrestrial and marine planning is recognised, the need for greater cohesion between the associated terrestrial and marine policies is also required. An example would be national mineral policy, where currently an assumption in a largely terrestrial policy (Minerals Policy Statement 1) results in a requirement for provision to be made in the marine planning process. No doubt there are examples across other sectors.

## Question 2

16. We would suggest that it is important for the necessary national guidance and processes to be agreed and in place before the region specific planning process commences. Experience with the ongoing Marine Conservation Zone projects demonstrates the practical difficulties that arise when a process is started without all the necessary core principles and processes in place. The strategic scoping of the emerging draft MPS will help with this on one level, by mapping the current spread of activities and uses and beginning to understand how these may change overtime or may be limited. However, when considering scenario planning and options at the plan scale, clearly defined processes to guide judgements between uses or activities will be required.

17. Issues such as integration of marine plans with existing terrestrial regimes and the interaction with the equivalent processes taking place within the jurisdiction of the devolved administrations are important. However, it is also important that consideration is given to how the marine planning process as a whole is integrated. As a sector with interests in and across multiple marine regions – inshore and offshore – these mechanisms are particularly important. That being said, we recognise that it will be important to allow the process to evolve based on practical experience, and that a process of adaptive management will be required. This is implicit in the review and reporting requirements on the planning authority over the anticipated 20 year plan period.

18. We would endorse the option presented in para. 2.25, whereby the MMO may chose to develop inshore and offshore elements of a regional plan via a single process, as is proposed for the Irish Sea. We believe that this approach offers some practical benefits to the time and effort required by stakeholders and to the robustness and efficiency of the plan making process itself. We would not favour adjacent inshore and offshore plan processes becoming disjointed, and we anticipate that the strategic scoping exercise may help to inform some of these decisions.

## Question 3

19. The processes set out in para's 3.7 to 3.9 would seem to establish reasonable guiding principles for the marine planning process.

20. We would though again refer back to our comment under points 10 and 11 presented in the overview to this response. Para 3.9 states that '*Where the MPS does not explicitly state goals and/or objectives for any given policy area, the MMO is permitted to, and indeed expected to, propose relevant Plan-specific goals and objectives...*'. While a series of caveats follow, including engagement with stakeholders, it is important that there is a clear means for the MMO to 'test' the fit of the goals/objectives with the specific requirements of the policy to which they refer – both locally and nationally.

21. We would also suggest that some of the practical tools required to allow the MMO to robustly and consistently consider some of the key issues they are required to address in the marine planning process, such as socio-economic considerations and potential cumulative impacts, will need to be further developed.

## Question 4/5

22. We fully welcome the intention to develop and build relationships with stakeholders throughout the development process for each plan area via some form of marine plan advisory group. This ensures that plans can be developed on a common understanding, which in turn should aid buy-in and ultimately consensus.

This though is dependant on the clear processes to help resolve priorities or resolve potential conflicts as raised previously.

23. We would again reiterate that for those stakeholders with interests across adjacent nearshore and offshore plan areas the workload and administrative burden could perhaps be better managed via a single process, as suggested under point 18 above.

24. We would suggest that it is important not to underestimate the role that industry sectors could play in helping to support the wider plan process – both in terms of the data and evidence that they hold, but also through their practical experience working and operating in the marine environment. Consideration of some kind of national stakeholder forum to share practical experience across sectors outside of the region specific planning process may therefore be something that MMO wish to establish.

#### Question 6

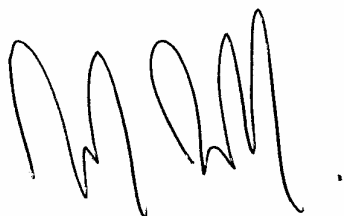
25. Broadly yes, though inevitably with the range of different scale of terrestrial interests involved, an evolving approach will be required.

#### Question 7

26. Our views on this point are picked up in our overview comments, specifically those relating to the importance of transitional arrangements and the concerns expressed over the reliance and interpretation of the Marine Policy Statement (MPS) in informing decisions in the absence of a plan.

27. We trust that you find these comments of use. Please note that we also have also contributed to and endorse the wider comments from the Seabed User and Developer Group of which we are a member. If you require us to clarify any of the issues that are raised or elaborate upon any of the practical points that we refer, please do not hesitate to contact the undersigned.

Yours faithfully



Mark Russell  
Director, Marine Aggregates