

**NATIONAL ASSEMBLY FOR WALES'  
ENVIRONMENT AND SUSTAINABILITY COMMITTEE  
INQUIRY INTO MARINE POLICY IN WALES**

**Submission by the British Marine Aggregate Producers Association**

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, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF) and the British Association of Reinforcement (BAR), it has a growing membership of 450 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production, 95% of asphalt and ready-mixed concrete production and 70% of precast concrete production. Each year the industry supplies £9 billion of materials and services to the £120 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. BMAPA represents 11 member companies of 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 around 19% of overall sand and gravel demand in England, 46% of overall sand and gravel demand in Wales and 90% of fine aggregate demand in South Wales – with wharves located in Newport, Cardiff, Port Talbot, Swansea, Burry Port and Pembroke. The absence of alternative natural sand deposits in South Wales means that marine aggregate supplies play a key role in supporting economic development and regeneration in the region.

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 around the coastline of Britain 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.

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 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 1274km<sup>2</sup> of seabed is licensed for marine aggregate extraction, of which around 114km<sup>2</sup> is dredged in a typical year. This represents around 0.15% and 0.014% 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.

7. In response to the invitation for evidence to help inform the National Assembly for Wales' Environment and Sustainability Committees' short inquiry into marine policy in Wales, the information presented below outlines the marine aggregate sectors position on marine planning, marine licensing and the resourcing of the marine function.

#### Marine planning in Wales

8. The framework provided by the Marine & Coastal Access Act 2009 (Marine Act) represents a cultural shift in marine policy and regulation which in time should allow a more holistic consideration of sustainable marine development that takes into account the range of uses and activities that take place along the coastal fringe and offshore. Part of this will see a move towards a plan-led approach to marine management over time – away from the current consent or licence-led environmental issue/response approach that currently exists. It will also require the social and economic costs and benefits of activities to be more fully factored into decision making. While Environmental Impact Assessment (EIA) is well established, equivalent tools and methodologies to robustly and consistently address the social and economic costs and benefits very much remain in their infancy, as do the means to link the three elements together.

9. Unlike the terrestrial environment, the development of planning and policy for the UK marine environment remains very much in its formative years. However, unlike the equivalent terrestrial policies, regimes and processes which have evolved developed and matured largely in isolation from one another, the Marine Act provides an opportunity to develop a more integrated approach to delivering sustainable marine use in both Welsh and UK waters from the outset. The draft UK Marine Policy Statement reinforces this opportunity to a point, and the new marine planning system could provide the means to deliver a more integrated approach to marine use, management and protection. However, the absence of a truly integrated overview of policy objectives and priorities across policy themes at both UK and Welsh scales will ultimately limit how successful the end product is likely to be in terms of delivering sustainable marine use. The absence of a clear and unambiguous policy steer over objectives and priorities will create some fundamental challenges for those planners, regulators and advisors that will have to actually realise and deliver the required policies in practice – as well as those activities and interests that are trying to work within their structure.

10. We would cite the Interim Marine Aggregate Dredging Policy (IMADP), published by WAG in 2004, as one example of an approach to deliver integrated policy and planning that was in many ways ahead of its time. It was by no means perfect and there were some fundamental weaknesses in some of the evidence it was based upon, but the concept was in many ways ground breaking, with the idea to provide developers, regulators and wider stakeholders with a clear statement of all policy considerations, issues and priorities – albeit at a sectoral scale. Certainly from a developers’ perspective, the principle of providing a greater level of certainty, increasing confidence and reducing the levels of risk associated with new applications was considered most welcome and it is hoped that the wider marine planning process will deliver something similar.

11. While the level of planning and policy onshore is considerably more developed than offshore, the same may also be said for our state of knowledge and overall evidence base. The time and effort required to develop a robust system of marine planning, management and protection will be considerable, particularly given the time taken for the equivalent policies and structures on land to develop. Therefore, if we are serious about delivering an integrated approach to sustainable marine use and protection in Welsh waters which is based on sound and robust evidence, then sufficient time, effort and resource must be provided across Welsh Government and their advisors over the medium to long term to realise the wider benefits that would result.

12. Beyond setting out some high level guiding principles, progress with marine planning in Welsh waters has been somewhat limited to date – focussing upon high level principles. In a sense, this is not altogether unsurprising given the scale of the process – both in terms of the spatial extent and the variety of uses and activities to be managed – and the time, effort and resources required to properly develop marine planning in practice. The equivalent processes being undertaken by the Marine Management Organisation for the first of the marine plan areas in English waters serve to illustrate just how involved the plan development process is, and the combination of technical and practical challenges that are involved – particularly from the outset.

13. Given the limited resources available to Welsh Government, there is a lot to be said for holding back to allow some of the wider groundwork on the marine planning process to be established by others – in this way, the Welsh process can benefit from others hard earned experiences, rather than reinventing the wheel. There would also be an advantage for the Welsh marine plan to be developed in conjunction with the equivalent processes being developed in the adjacent waters of the Bristol Channel or Irish Sea to assist with the alignment of plans and policies at a regional seas scale. As a sector with long standing licensed interests in both Welsh and English waters of these regional seas (several of which have in fact straddled the median line between the two), consistency of approach to both marine planning and licensing will be very important if we are to realise sustainable marine management at a regional scale.

## Marine licensing in Wales

14. In many ways the Welsh Government's Marine Consents Unit represents a good news story for marine management, and an illustration of how good governance can effectively support sustainable development. The marine aggregate sector has been operating under a full cost recovery regime since 2007 – in which applicants are required to pay significant fees to cover the costs incurred by regulators and their scientific advisors to process a licence application. Because this fee covers the whole life cost of the application process, it means that the regulator is able to put in place sufficient resource to process applications in a timely and efficient manner. Coupled to this is the relative stability of the personnel in the team – who over time have developed into experienced and highly competent marine regulators able to deliver a high quality service. However, it is important to stress that this service is only as good as the quality of personnel that deliver it (competence) – not just the number of individuals involved (capacity).

15. We have previously expressed concerns over the proposals to consider transferring the marine licensing function from the Welsh Government to the new Single Environment Body (SEB). While the agencies that would form the SEB currently deliver a range of operational environmental regulatory functions for terrestrial activities, this is against the backdrop of a well established and developed system of planning and development control. The process of planning and development control is delivered through terrestrial planning authorities, who in delivering this draw on responses and advice from the agencies that would form the SEB through their various advisory and statutory functions.

16. The marine licensing function currently delivered by the Welsh Government is more akin to the primary development control function delivered by terrestrial planning authorities. We are therefore unclear how this could be independently, objectively and transparently delivered through the SEB given the anticipated statutory advisory functions that would be retained (particularly those fulfilling the requirements of various European Directives), and the wider objectives and functions of the proposed organisation which are to be rightly founded in environmental management and protection.

17. The need for functional separation was briefly discussed in the initial consultation, to separate permitting from operational/advisory activity. However, we remain to be convinced how this can be practically achieved given the need for both the licensing function and the advisory function to retain their own autonomy and independence against the very different and potentially conflicting objectives of each. In terms of conservation advice, it is worth noting that given the high proportion of the Welsh marine area already subject to some form of protection under European Directives, the number of marine licence decisions that will require statutory nature conservation advice is likely to be high. This is a factor which significantly increases the risk of tension between these functions.

18. Building on the comments above, with the potential inclusion of the marine licensing function, the aim and strategic outcome of the new organisation remains somewhat confusing. On the one hand the consultation refers to it having a sustainable development remit '*...supporting economic development*' and with '*...sustainable development as its central organising principle*'. On the other, the focus is presented as '*...delivering better outcomes for, and from, the environment*' and having '*...a clear remit to protect the environment*'. It is therefore not clear whether the wider social and economic policy drivers that exist will be given equivalent weight to the well established environmental protection provisions. In the context of the current functions of the Environment Agency Wales and CCW, the tensions that can arise between environmental protection and sustainable development in its widest sense are mitigated by the fact both agencies currently provide independent, expert advice to the licensing authority, who take the advice received into account when making their decisions. Given the wider policy and planning context against which decisions have to be balanced, this can result in outcomes which may not necessarily align with the advice provided.

19. If the SEB proposals were simply to consolidate existing statutory advisory/operational regulation functions within a single body with a remit to ensure environmental protection as a contribution to the achievement of sustainable development these underlying concerns over delivery conflicts would not arise. However, the proposal for the new organisation to deliver the marine licensing function alongside its statutory environmental duties and wider environmental protection obligations sends out a very confusing message to those who require marine licences and indeed to wider stakeholders required to interact with the licensing process. We would suggest that the benchmark for this separation of delivery from advice should be the very clear and distinct functions that are defined for other UK national marine licensing authorities and the separate statutory bodies that advise them.

#### Resourcing of the marine function in Wales

20. In general, the marine planning, regulatory, management and advisory functions are not particularly well resourced at present in Wales, despite the fact that in spatial terms it extends to some 15,000km<sup>2</sup>. The implementation of the various facets of the Marine Act, alongside delivery of the requirements of the Marine Strategy Framework Directive will result in rapidly growing demands on resources within the Welsh Government and their statutory advisors. These national and international pressures should represent an opportunity for the capacity and capability of the marine function to be adequately resourced and developed.

21. However, the limited reference and apparent lack of understanding of the needs and requirements of these functions in both the recent SEB and associated natural resource management consultations, suggests that this opportunity will be missed. This is likely to result in a mismatch between the aspiration and ambition for sustainably managing Wales' marine environment versus what can realistically be delivered in practice given the budget and resources available. Unless additional resources and budget are made available, it may be necessary to prioritise delivery of marine policy to ensure that those components that are initially taken forward are able to be delivered well.

22. As an industry sector that interacts extensively with other UK marine delivery administrations we would offer the following observations. At a time when most national administrations are actively centralising their marine delivery functions (as distinct from statutory advisory functions, as proposed by the SEB) – most notably planning, regulation and management – in order to make best use of limited resources and expertise, it would seem a backwards step to further fragment the marine delivery function in Wales by detaching licensing from fisheries management and marine planning. A more practical option could be to establish a marine delivery department/agency within Welsh Government (Marine Wales or similar). Given the relatively small number of functions and associated personnel, this could provide the necessary independent focus for the consolidated national marine delivery functions, and provide the necessary separation from policy.

23. Finally, when considering any changes to the way in which marine management is delivered in Wales, we would underline the importance of retaining key knowledge/expertise and experience for all aspects of the marine delivery function. There is a risk that with the function or parts thereof potentially transferring to another body this expert knowledge and experience could be lost - particularly if the geographical location where the function is to be delivered changes. In this respect, maintaining the ongoing delivery of an effective, efficient and proportionate marine licensing system and the planning and management functions that support this remains central to the successful delivery of sustainable development in Welsh waters.

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