



10 May 2018

The Rt Hon Michael Gove MP
Secretary of State for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London
SW1P 3JR

Dear Secretary of State

MARINE DESIGNATIONS AND POTENTIAL IMPACT ON UK PORT OPERATIONS

We understand that you are currently considering advice packages for the third and final tranche of Marine Conservation Zones (MCZs). The British Ports Association wrote to your predecessor in December 2016 regarding the growing level of concern that the industry has regarding the level of understanding of the role ports play in the marine environment in these considerations generally, and regarding one draft proposal specifically which could have grave consequences for coastal communities close to that particular designation.

Ports are economic areas and most of them have been in existence supporting jobs in their area and far beyond for hundreds of years. They are often at the heart of their communities supporting fishing, leisure, trade as well as being a vital transport link. As an industry we provide over 101,000 jobs and support many thousands more, but there is a growing feeling in the industry that the economic and other benefits that ports provide are taken for granted.

Marine designations are designed for positive reasons to protect and maintain the marine environment however they can have a number of unintended consequences for economic activities. Under regulations stemming from the Habitats Directive, designations can introduce major monitoring and assessment burdens on ports and developers operating in the marine environment. Designations can also introduce new restrictive and expensive conditions on consents and limit the use of permitted development rights which many ports have used previously.

One example of this in the third and final tranche of MCZ proposals is that the entirety of Tor Bay harbour be designated to protect subtidal mud. Subtidal mud is widespread in UK and European waters and a habitat which the JNCC have not identified as a feature of conservation interest. The proposed area covers a historic place of refuge and anchorage for international shipping as well as a very large part of Torbay's Statutory Harbour Authority's boundary. Torbay Harbour Authority has a statutory duty to conserve safe navigation channels within its limits, which contains three ports administered by the local authority, supporting commercial fishing at one of England's busiest fishing ports, and recreational leisure activity as well as an emerging cruise industry. The designation would also cover a

number of deep water anchorages used by large commercial vessels seeking shelter and resupply, including in the recent high-profile storms. Ironically these storms are likely to do more damage to the seabed over a much wider area than anchoring or other regulated marine activities.

This is one example and there are other existing designations around the coast which have led to considerable issues for port operators. While the ports industry is supportive of efforts to protect the marine environment, many of our members are finding the restrictions and conditions is leading to significant extra cost burdens. We have previously called for all statutory port areas to be exempt from future designations so as to avoid any conflicts. Ahead of the MCZ announcement we would welcome a review of all existing management measures in respect of port operations and we would also urge you to urgently consider the implications of the Tor Bay designation in particular.

We welcome your attention and would of course be pleased to meet to discuss these issues with you in person.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. Ballantyne', with a long horizontal flourish extending to the right.

Richard Ballantyne
Chief Executive

Cc: Nusrat Ghani MP, Parliamentary Under Secretary of State for Transport