

Environmental Aspects

3.1 REGISTER OF LEGISLATION AND REGULATIONS

The Harbour Master is responsible for maintaining this register and electronically recording the information in the EMS spreadsheet in the format shown in table 3.1.

Legislation will be identified through advance notification received from trade associations such as the British Ports Association, British Marine Federation, along with Government Agencies and Departments such as Defra, Natural England, MMO, AONB and Maritime & Coastguard Agency (MCA) together with colleagues from within the Council.

Proposed and statutory legislation will be noted on the register as the legislation is issued, and the register reviewed at intervals of no more than 6 months. The legislation and regulations will be held in the Harbour Master's office.

3.2 LEGISLATION COMPLIANCE EVALUATION

The Harbour Master shall periodically evaluate compliance with relevant environmental legislation as detailed in the Aspects Register. This shall be undertaken via an audit process, interviews with relevant staff or by training and awareness events.

Where legal non-compliance is identified the Harbour Master shall raise a non-conformity report and seek proposals to address the non-compliance.

Legal compliance evaluation may also identify where practices do not comply with Environment Agency pollution prevention guidance (although not a strict legislative non-compliance. Where such situations are identified the Harbour Master may raise a preventative action and seek proposals to improve the practice.

LEGISLATION CURRENTLY AFFECTING PORTS

- Clean Air Act 1993
- Conservation (Natural Habitats &c) Regulations 1994
- Control of Pollution (Amendment) Act 1989
- Control of Pollution (Landed Ships' Waste) Regulations 1987
- Control of Pollution (Landed Ships' Waste) (Amendment) Regulations 1989
- Control of Pollution (Oil Storage)(England) Regulations SI2001/2954
- Control of Pollution (Special Waste) (Amendment) Regulations 1988
- Countryside and Rights of Way Act 2000
- Dangerous Substances in Harbour Areas Regulations 1987
- Dangerous Vessels Act 1985
- Diving at Work Regulations 1997
- Environmental Protection Act 1990
- Environmental Protection (Prescribed Processes and Substances) Regulations 1991
- Food and Environment Protection Act 1985
- Harbours Docks and Piers Clauses Act 1847
- Harbour Works (Assessment of Environmental Effects) Regulations 1988
- Harbour Works (Assessment of Environmental Effects) (no.2) Regulations 1989
- Harbours Act 1964
- Hazardous Waste (England & Wales) Regulations SI 2005
- International Ship and Port Facility Security Code
- List of Wastes (England) Regulations SI 2005
- Marine and Coastal Access Act 2009
- Marine and Coastal Access Act 2009 Chapter 23
- Marine Safety Act 2003
- Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1988 (As Amended)
- Merchant Shipping Act 1984 amended 1988
- Merchant Shipping (Reception Facilities for Garbage) Regulations 1988
- Merchant Shipping Act 1995
- Merchant Shipping (Port State Control) Regulations 1995
- Merchant Shipping (Prevention of Pollution)(Limits)(Revocation) Regulations SI 2013/3042
- Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995
- Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) (Amendment) Regulations 1999
- Merchant Shipping and Maritime Security Act 1997
- Merchant Shipping (Oil Preparedness, Response and Co-operation Convention) Regulations 1998
- Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003
- Merchant Shipping (Accident Reporting and Investigation) Regulations 2005

- Merchant Shipping (Accident Reporting and Investigation)(Amendment) Regulations SI 2013/2882
- Natural Environment and Rural Communities Act 2006
- Pilotage Act 1987
- Planning (Hazardous Substances) Act 1990
- Planning (Hazardous Substances) Regulations 1992
- Prevention of Oil Pollution Act 1971
- Prevention of Pollution (Reception Facilities) Order 1984
- Public Health Act (Amendment) Act 1907
- Sea Fisheries (Shellfish) Act 1967
- Transfrontier Shipment of Hazardous Waste Regulations 1988
- Transport and Works Act 1992
- Waste Electrical and Electronic Equipment Regulations SI 2013/3113
- Waste (England & Wales) Regulations SI 2011/988
- Water Resources Act 1991
- Wildlife and Countryside Act 1981

Legislation, new and updated will be electronically recorded in the EMS spreadsheet in the format given in table F3.1

Ref	Title	Summary	Relevance	How evaluated?

Table 3. 1: Register of Legislation and Regulations

3.2 ENVIRONMENT COMMUNICATIONS REGISTER

Information recorded in the Harbour Log may include environmental complaints and correspondence. This will be recorded in the electronic Harbour Log.

Responsibility for answering complaints will lie with the appropriate AHM/HM depending upon the level and nature of the complaint. If it is not satisfactorily resolved then it should be escalated using the Council's complaints procedure. The Harbour Master will ensure that the complaint is being dealt with adequately and will follow up if necessary having sought further information/advice.

The Harbour Log will be completed by the Harbour Master/AHM/Administrative staff and kept for a minimum period of 2 years.

The Harbour Master will review the communications register at least every month in order to ensure its correct compilation, recording process and accuracy.

3.3 KEY ENVIRONMENTAL ASPECTS AND IMPACTS

3.3.1 Definitions

An environmental **aspect** is an element of an organisation's undertakings, products and services that do (or could) interact with the environment (eg air & water emissions, energy consumption, waste management etc).

An environmental **impact** is the harmful or beneficial alteration to the environment (eg air pollution, natural resource depletion).

Significant environmental aspects should be identified and a **risk category** allocated to their impacts using the following matrix:

Certain <i>Constantly in normal conditions</i>	4				
Likely <i>Intermittent in normal conditions eg monthly or weekly</i>	3				
Occasional <i>Infrequent in normal conditions or due to defect etc</i>	2				
Unlikely <i>Unusual or emergency situations only</i>	1				
		A	B	C	D
	Scale and Impact	Minimal pollution; reversible <1 mnth	Minor pollution; short term, localised; reversible <1 yr	Moderate pollution; not reversible <1 yr; complaints	Major pollution; not reversible >1 yr; legacy health/toxicity issues
	Legal/Policy/Other	None	Potential or near miss	Minor breach	Actual breach of regulations
	Business issues/costs	None	Potential for minor loss £	Potential for moderate loss £	Potential for major loss £
	Reputation	None	Potential for internal complaint/ non conformance	Potential for external complaint	Reputation or trust diminished; PR issue

Figure 1: Environmental Aspects Register Risk Assessment Matrix

3.3.2 Identification

Key issues will be identified and evaluated by the Harbour Master. Assessment of these initial key issues will include, but not be limited to:

- controlled and uncontrolled discharges to water from port activities or from vessels within the harbour;
- controlled and uncontrolled emissions to atmosphere from port activities or from vessels within the harbour;
- solid and other wastes originating in the harbour or from port activities;

- (d) consumption of land, water, fuels and energy and other natural resources by the port for their own use or to provide services to port users;
- (e) noise, odour, light spill, dust and vibration resulting from port activities or from users of the port; and,
- (f) disturbance of wildlife or their habitats from port or port controlled activities e.g. (f), excessive wake, harassment of wildlife
- (g) effects on specific parts of the environment including ecosystems resulting from port activities under the following conditions:
 - (1) **normal** operating conditions;
 - (2) **unusual** operating conditions (eg flood or storm); and
 - (3) **emergency** incidents and accidents (eg fuel spill, fire, explosion).

3.3.3 Maintenance of Register

The key issues will be compiled by the Harbour Master and recorded within the Aspects Register contained within the EMS spreadsheet to the format shown in table 3.3. Source(s) of information, date of assessment, issue, effect and required compliance will be included in the compilation.

Aspect	Control	Influence	Direct or indirect	Impact	Situation			Responsibility	Significance			Risk Rating	Control measure & relevant legislation (if applicable)
					Normal	Unusual	Emergency		Policy	Legal	Other		

Table 3.2: Key Aspects Register (contained within EMS spreadsheet)

3.3.3 Re-evaluation

Key issues will be re-evaluated by amongst other things, reference to the complaints register, new legislation, new codes of practise and other appropriate environmental initiatives. This re-evaluation will be made by the Harbour Master in consultation with the AONB's Estuaries Officer, Natural England and other appropriate environmental groups.

3.3.4 Review

There will be an annual in-house and a full review every 5 years of the key aspects. The date of the in-house and full review will be electronically recorded in the Key Aspects Register. The Harbour Master is be responsible for maintaining the register.