



Environmental Duties and Legal Obligations **Summary**



Contents

- 1.0 Introduction
- 2.0 Water Framework Directive (2000/60/EC)
- 3.0 Water Resources Act 1991
- 4.0 Bathing Water Directive (2006/7/EC)
- 5.0 Environmental Impact Assessment (EIA) Directive (97/11/EC)
- 6.0 Merchant Shipping (Port Waste Reception Facilities) Regulations 2003
(SI2003/1809)
- 7.0 Merchant Shipping Act 1995
- 8.0 MARPOL (73/78)
- 9.0 Marine and Coastal Access Act 2009
- 10.0 The Conservation of Habitats and Species Regulations 2017 (SI2017/1012)
- 11.0 Wildlife and Countryside Act 1981



Environmental Duties and Legal Obligations Summary

1.0 Introduction

The Port of Dover is a trust port owned and operated by Dover Harbour Board, a body that is established and governed by its own local legislation collectively known as the 'Dover Harbour Acts and Orders'. Dover Harbour Board, as the statutory Harbour Authority for Dover Harbour, has environmental duties under the Harbour Act 1964 (Section 48A) specifically to have due respect to;

- The conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest;
- The desirability of preserving for the public any freedom of access to places of natural beauty; and
- The desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest;

Dover Harbour Board must adhere to these requirements when considering new proposals for any of its own activities and functions.

A non-exhaustive list of the key environmental legislation relevant to the Port of Dover can be found below:

2.0 Water Framework Directive (2000/60/EC)

The Water Framework Directive was transposed into national law through the Water Environment (Water Framework Directive (WFD)) (England and Wales) Regulations, 2003. The directive designates all surface waters as water bodies and aims for all water bodies to reach 'good status'. It covers water protection, improvement and sustainable use and applies to all water bodies, even those man made.

The Directive splits the UK into districts and catchments, each with a river basin management plan. Dover Harbour is in the South East River Basin District, Coastal Catchment 1 (GB640704540001, Kent South). The designation for this catchment is 'Heavily modified'. A WFD assessment is required for any project or licenced activity that could affect water quality, including dredging activities.

3.0 Water Resources Act 1991

This act states that it is an offence to cause or knowingly permit any polluting matter into controlled waters (out to 3 miles). This is regulated by the Environment Agency as well as other organisations.

4.0 Bathing Water Directive (2006/7/EC)

This Directive requires monitoring of microbiological and physical parameters in all designated bathing water beaches during bathing season (May to September). The regulations set out mandatory and guideline standards for total coliforms and faecal coliforms per 100ml of water

	Total coliforms	Faecal coliforms	Faecal streptococci
Mandatory	10,000	2,000	n/a
Guideline	500	100	100

For a water body to comply with the Directive, 95% of samples collected within a bathing season must meet these requirements.



Environmental Duties and Legal Obligations Summary

Dover Harbour beach is not a designated bathing water beach, however the Port voluntarily conducts bathing water sampling during the bathing season. The results can be viewed under Dover Harbour beach in the Marine Conservation Society's good beach guide (www.mcsuk.org).



5.0 Environmental Impact Assessment (EIA) Directive (97/11/EC)

The EIA Directive requires an Environmental Impact Assessment (EIA) for certain projects. An EIA assesses the effects of projects on the environment, and recommends ways to mitigate these effects before a decision is made to move forward with the proposed action.

6.0 Merchant Shipping (Port Waste Reception Facilities) Regulations 2003 (SI2003/1809)

These regulations aim to prevent the dumping of waste at sea and require all ports to have a waste management plan, and provide port facilities for ships' waste. The regulations require all commercial vessels to notify what waste they are carrying and will be offloading in port, prior to their arrival.

7.0 Merchant Shipping Act 1995

This act gives harbour authorities the power to prosecute vessels who are responsible for pollution. It also gives the power to enforce regulations from international treaties such as MARPOL.

8.0 MARPOL (73/78)

MARPOL includes regulations aimed at preventing both accidental and operational pollution from ships through six annexes:

- Annex I: Regulations for the Prevention of Pollution by Oil
- Annex II: Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk
- Annex III: Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
- Annex IV: Prevention of Pollution by Sewage from Ships
- Annex V: Prevention of Pollution by Garbage from Ships
- Annex VI: Prevention of Air Pollution from Ships

Annex VI defines sea areas with stricter controls as Sulphur Emission Control Areas (SECA) to minimise airborne emissions from ships, the Port of Dover is in the North Sea SECA. As of 1st January 2015 the sulphur limit for fuel in a SECA is 0.1% m/m.



Environmental Duties and Legal Obligations Summary

9.0 Marine and Coastal Access Act 2009

This act establishes and appoints legal duties to the Marine Management Organisation (MMO) to manage all marine areas around England. Licenses are required for marine activities within the MMO's area of jurisdiction, including the disposal of dredged material.

10.0 The Conservation of Habitats and Species Regulations 2017 (SI2017/1012)

These regulations implement the 'Habitats and Birds Directive' and ensure that Special Areas of Conservation, habitats and natural species are protected. These regulations make it an offence to deliberately capture, injure, kill, disturb, and destroy eggs or a breeding site of any protected species. Schedule 2 and 5 of the Directive lists the protected species of plants and animals.

11.0 Wildlife and Countryside Act 1981

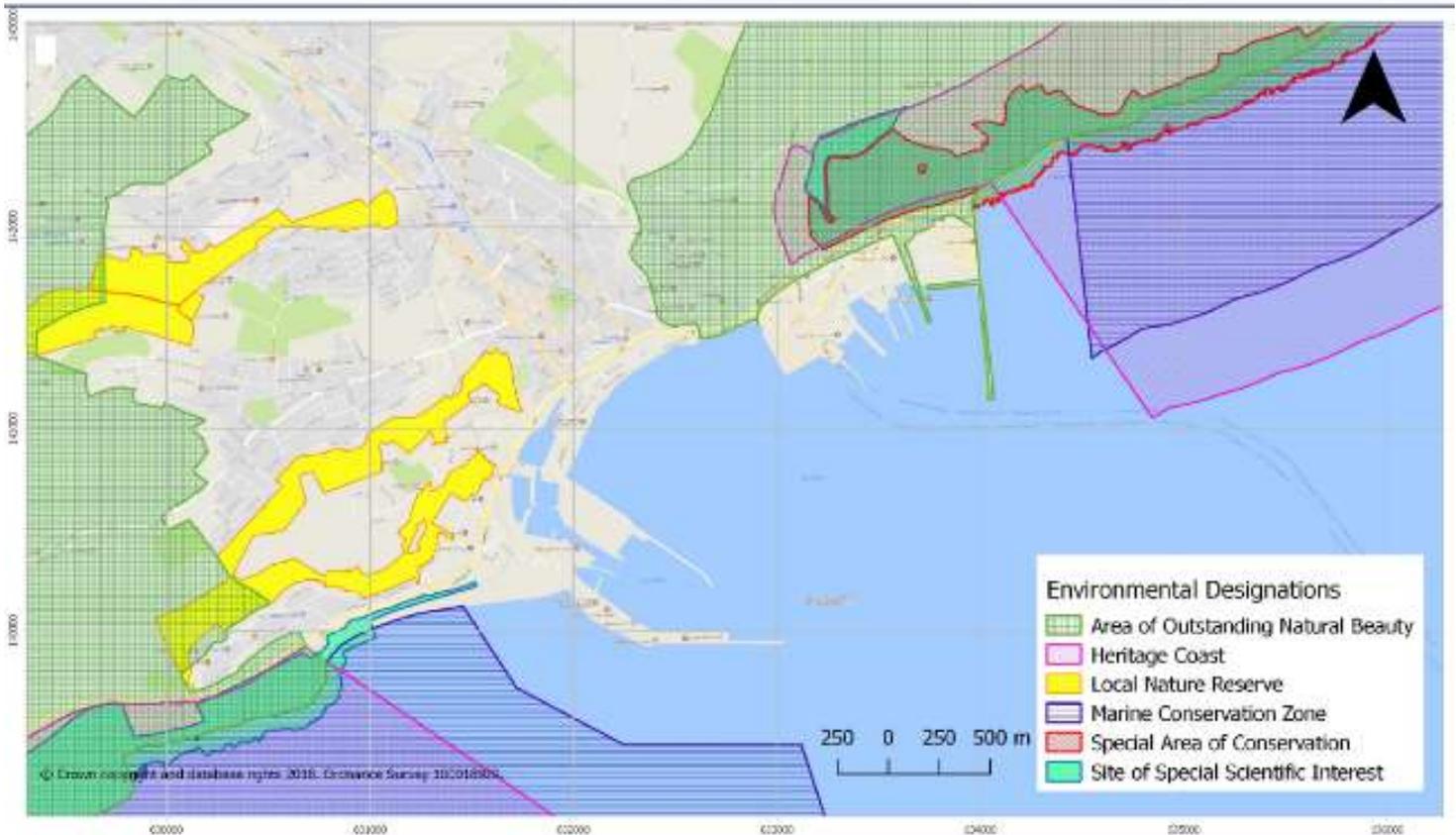
Under this act it is an offence to kill, injure, capture and destroy eggs or breeding sites of any wild birds. Schedules 5 and 8 of the act list, other wild animals and plants that are similarly protected. It is also an offence to carry out a potentially damaging operation on a Site of Special Scientific Interest.

Below is a map of all designated conservation areas around the Port of Dover.



Map Name: Environmental Designated Areas

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