

## **Environmental Appraisal Procedures**

### Introduction

As both a statutory Harbour Authority and as an operator, GHT has various responsibilities under environmental legislation. In order to ensure that both its own activities and its decision making on third party activities take account of these responsibilities, GHT has prepared an overview of relevant environmental legislation and has developed a checklist-based environmental appraisal procedure to guide decision-making.

### Environmental Responsibilities

In common with other UK ports and harbours, GHT has a variety of environmental duties under a number of Acts and regulations. Of particular importance amongst these are:

- The Harbours Act 1964 (Section 48A), as amended by the 1992 Transport and Works Act, which places a general duty on harbour authorities to exercise their functions with regard to environmental (nature conservation, geological, physiographical, access and heritage) considerations.
- Various regulations implementing the EU Habitats (92/43/EC) and Birds (79/409/EC) Directives, which require an 'appropriate assessment' to be carried out where it is likely that a proposed plan or project will have a significant effect on a European site (Special Protection Area (SPA) for birds or Special Area of Conservation (SAC) for habitats), including in the offshore environment.
- Various regulations implementing the EU Environmental Impact Assessment (EIA) Directive (97/11/EC), which require an EIA to be carried out and a report known as an Environmental Statement to be prepared for certain projects likely to have a significant environmental impact.
- The Countryside and Rights of Way (CRoW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, which require GHT as a Section 28g and 28i authority to further the conservation and enhancement of a Site of Special Scientific Interest (SSSI); to notify English Nature and/or Countryside Council for Wales prior to authorising or carrying out any operation likely to damage the interest of such sites; and to have regard to wider biodiversity interests
- The regulations implementing the EU Water Framework Directive (2000/60/EC), which require GHT as a public body to have regard to the objectives set out in the Severn River Basin Management Plan, including preventing deterioration and aiming to improve the ecological and chemical status of relevant water bodies

- The Marine and Coastal Access Act (MCAA) 2009 which introduces a new marine planning regime including a Marine Policy Statement (the high level policy framework to guide decision-making affecting the marine environment prior to the publication of the relevant marine plan); and a new licensing regime with certain exemptions.

In addition, the Waste (England and Wales) Regulations 2011 may apply insofar as it must be demonstrated that any dredged material to be disposed at sea is not hazardous waste.

In early 2014, several ongoing or forthcoming initiatives could also have implications for GHT. These include the preparation of the Environment (Wales) Bill, and (in both England and Wales) the evolving marine licensing regime; the process of identifying and designating marine conservation zones (MCZ); the preparation of the Wales Marine Plan (due in 2015) and the future preparation of a Marine Plan for the South West Inshore area.

### Checklist

On receiving an application from a third party, or in assessing a planned activity or development, a simple checklist-based approach is applied. This enables GHT to demonstrate that they are both aware of and dealing with their environmental responsibilities in a proportionate way, commensurate with the nature and scale of activities for which they are typically responsible.

By working through the topics on the checklist, any issues which require attention can be identified and a route to their resolution determined. Further, by completing a checklist, GHT are able to demonstrate how environmental considerations are being taken into account and will have an 'audit trail' should this be required.

GHT may also choose to refer to the environmental checklist when they are consulted on issues or requests/applications, etc. by other regulators, or when other organisations are carrying out operations which may have consequences for the waters over which GHT have jurisdiction.

Examples to which the checklist approach might apply include:

- Licensing/placing moorings, buoys or similar
- Licensing/installing slipways and landing places
- Dredging (any aggregates dredging, navigation dredging or maintenance dredging which require a licence or other decision from GHT)
- Other minor or maintenance 'works'
- New developments (capital projects)

Similarly, reference to the checklist might be made if policy decisions are needed on day-to-day activities or operations, or if GHT's views are sought by third parties on a proposal or application, in respect of:

- Water-based recreational activities including regattas or races
- Navigation; anchoring
- Effluent discharge; discharge or exchange of ballast waters
- Water abstraction
- Flood defence management
- Emergency planning
- Events and festivals
- etc.

In many cases the completion of a checklist, including any consultation and follow up action identified as being advisable will be all that is required. Occasionally, however, the completion of the checklist might identify that further work (an environmental appraisal, an EIA (Section 10) a Water Framework Directive compliance assessment (Section 7) and/or an appropriate assessment (Section 6)) is required. The completed checklist will then form a 'scoping' tool – identifying the issues on which further investigations should focus, and hence ensuring efficient use of resources.

#### Update and Review of Procedures

Environmental legislation has developed rapidly over recent decades and will continue to develop. As indicated above, the Environmental Appraisal Procedures have been developed to ensure that GHT can demonstrate it is taking into account environmental legislation which is current as of December 2013. In order to ensure the continued applicability of these procedures, occasional reviews will be carried out at such times as new regulations are introduced and otherwise at five yearly intervals.