

The Environmental Responsibilities of the Port of London Authority

1. As a harbour authority, regulator and landowner of much of the tidal Thames the Port of London Authority must comply with numerous pieces of environmental legislation, government policy objectives and its own policy initiatives. This paper summarises the various factors that drive the PLA's actions on environmental issues and outlines the work and projects that are presently underway (see Table 1).

2. Attached to this paper are four annexes which set out the legislation/policies with which the PLA must comply and provide a commentary on the measures taken by way of compliance. This information is broken down as follows:

- Annex A Legislation
- Annex B National Government Policy
- Annex C PLA Policy
- Annex D Other Factors

3. As well as illustrating the breadth and scope of the PLA's responsibilities, it can be seen that not only does the PLA comply with the letter of the law, but in many cases goes beyond what is strictly required, for example, the decision to implement ISO 14001 and the consultation on dredging applications via the Dredging Liaison Group.

Table 1 Summary of PLA Environmental Responsibilities

Requirement	Description
Legislation	Port of London Act 1968 Harbours Act 1964 Habitats Directive Countryside and Rights of Way Act 2000 EIA Directive Natural England and Rural Communities Act 2006 Water Framework Directive National Heritage Act 2002
National Government Policy	Sustainable development UK Biodiversity Action Plan Planning Policy Statement
PLA Policy	Mission Statement ISO 14001 Environmental Policy Strategic Framework
Other Factors	Stakeholder expectations Media interest

Annex A: Legislation

Annex A Legislation

Title	Description & Requirement	Summary of PLA Actions
<p>Port Of London Act 1968 & Byelaws (Presently the PLA does not have powers to make byelaws to specifically protect the Thames environment and it is intended that such powers will be included in the next HRO)</p>	<p>Section 200 of the Port of London Act provides that: A person who: (a) puts or causes or suffers to fall into the docks or into the Thames any article or any solid matter; or (b) puts any such thing in a place where it is likely to be carried into the Thames by floods or extraordinary tides; and who cannot show that he has a lawful excuse for so doing, shall be guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale] and to a daily fine not exceeding [£50].</p> <p>Byelaw 47 'Noise & Smoke' seeks to reduce the noise and visible smoke or vapour emissions from vessels.</p>	<p>The PLA Harbour Service Launch crews and/or members of the public may report an offence under Section 200 of the Act (for example, metal being dropped onto the foreshore from scrap metal berths). Where possible, the PLA will write to the offender informing them of their offence. In the case of persistent offenders, the PLA must decide whether it has the evidence (and the resources) to prosecute.</p> <p>If complaints are received the Harbour Masters generally contact the vessel and request that they shut down their engines.</p>
<p>Harbours Act 1964</p>	<p>S. 48(A) of the Harbours Act places general environmental responsibilities on harbour authorities to take account of flora, fauna, archaeology, geology etc in all of their functions. The wording is outdated but the current interpretation includes geomorphology, fish, ecology, biodiversity, sediment & water quality and archaeology.</p>	<p>PLA considers impacts on the natural environment as part of the River Works and Dredging Licensing processes and requests reports and studies from developers as required.</p> <p>Dredging – consultation and environmental assessment as for third party licence applications. Engineering (marine only) – environmental approval form completed by Civil Engineering. Wreck/obstruction removal – form includes a check for whether archaeological advice is required. Environmental conditions relating to the protection of the Thames from pollution are included on mooring licences and for the operation of PLA facilities such as Strand-on-the-Green barge grid.</p>

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Title	Description & Requirement	Summary of PLA Actions
<p>Habitats Directive & implementing legislation Conservation (Natural Habitats & c.) Regulations 1994:</p>	<p>The aim of the Habitats Directive is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora within the European Union. It requires Member States to take measures to maintain at or restore to favourable conservation status, natural habitats and species of European importance.</p> <p>The Directive allows for the designation of Special Areas of Conservation (SAC), Sites of Community Interest and Special Protection Areas (SPA), collectively known as European Sites.</p> <p>Where plans or projects are proposed which may have a significant effect on a European site, an assessment of the impact (Appropriate Assessment) is required. Consent can only be given if it is ascertained that there will be no adverse effect on the integrity of the site, or if there are no alternatives, the project is considered to be of over-riding public interest. This precautionary approach is the fundamental principle underlying the Directive.</p> <p>The PLA as a competent authority must, under Regulation 3(3), exercise its functions so as to comply with the Regulations.</p> <p>The PLA as a landowner must comply with Regulation 19: the owner or occupier of any land within a European site may not carry out or permit to be carried out any potentially damaging operations.</p> <p>The Habitats Directive applies only as far as the limit of territorial waters (12 nautical miles from baseline) but is likely to be extended in the near future.</p>	<p>There are several designated SPAs and one SAC in the Thames Estuary. For River Works or Dredging Licensing it may be necessary to undertake direct consultation with Natural England where a project is considered likely to have a significant effect on a designated site. The PLA prepares Appropriate Assessments that record the impacts on a site and include mitigation measures as licence conditions.</p> <p>To achieve compliance with the Habitats Directive for maintenance dredging, the PLA has prepared a review of the effects of dredging activity near the conservation sites in the Thames Estuary, entitled the 'Dredging Conservation Assessment'. The report, which has been endorsed by the RSPB and Natural England, studies historic morphological changes to the riverbed as well as reviewing the impacts of present day dredging operations. The PLA uses the report as a tool in its management of dredging within the Port.</p> <p>The PLA is developing a management agreement with RSPB, Natural England and Essex Wildlife Trust that will cover the interaction of port operational activities and the conservation interests in the Estuary.</p> <p>Much of the outer Thames Estuary is being considered as a potential offshore SPA for red-throated divers. PLA is monitoring progress with a view to protecting access to the port.</p>

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Title	Description & Requirement	Summary of PLA Actions
<p>Countryside & Rights of Way Act 2000 (CRoW)</p>	<p>The CRoW Act updates the Wildlife and Countryside Act 1981. It protects sites of national importance that are designated as Sites of Special Scientific Interest (SSSIs).</p> <p>The Act gives power to English Nature (now Natural England), enabling them to: enter into management agreements (thereby encouraging positive management of land); refuse consent for damaging operations; and take action where damage is being caused through neglect or inappropriate management.</p> <p>The PLA is a “section 28G” authority under this Act, which requires consultation with Natural England before any activities are carried out which are likely to damage a SSSI. As a regulator the PLA must comply with section 28I: before permitting the carrying out of operations likely to damage the flora, fauna or geological or physiographical features for which a SSSI is of special interest, a section 28G authority shall give notice of the proposed operations to Natural England.</p> <p>As a landowner the PLA must comply with section 28H: the owner or occupier of any land in a SSSI shall not carry out, or cause or permit to be carried out, any operations that Natural England consider likely to damage the flora, fauna or features for which the SSSI is of special interest.</p>	<p>There are 11 SSSIs in the Port of London.</p> <p>For River Works & Dredging or other Licensing it is necessary to consult with Natural England if a project/activity is considered likely to damage a SSSI.</p> <p>For internal marine works, the PLA consults Natural England in relation to any works to be carried out in or near a SSSI.</p> <p>Tenants of terrestrial sites are also monitored to ensure that land is being managed and maintained correctly inline with the associated guidance.</p> <p><u>Rainham Silt Lagoons</u></p> <p>The Rainham Silt Lagoons in Essex have provided a disposal facility for dredged material since the 1960s. The lagoons are sub-let to the PLA from the Ministry of Defence, who in turn licence the operation of the site through Westminster Dredging. The lagoons are designated as part of the Inner Thames Marshes SSSI. In order to fulfil its obligation to manage the SSSI and to manage placement operations of dredged material appropriately, the PLA has prepared an Operational Management Plan, in consultation with the RSPB, Natural England and the Environment Agency. The plan provides an agreed procedure for the operational disposal of dredged material to the lagoons. The PLA adheres to the agreed procedure set out in the plan.</p>

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Title	Description & Requirement	Summary of PLA Actions
<p>EIA Directive and implementing regulations under the Town & Country Planning and Harbour Works EIA Regulations:</p>	<p>This Directive applies to the assessment of the environmental effects of projects which are likely to have significant effects on the environment.</p> <p>For EIA projects, developers are required to produce an Environmental Statement (ES), which sets out the developer's own assessment of a project's likely environmental effects. The ES is submitted by the developer in conjunction with the application for consent.</p>	<p>PLA may have several roles in under the EIA process:</p> <p>As a developer, for example, if consent is required for significant marine or terrestrial works. Where PLA has its own powers, for example, for the dredging of Princes Channel, it carried out a 'shadow EIA'.</p> <p>As a consultee on major projects that are subject to planning consent PLA will provide input on any aspects of the project that may affect its interests or responsibilities including the environment of the Thames.</p> <p>As a regulator of dredging PLA may require a developer to undertake an EIA if a project is considered likely to have significant effects on the environment.</p>
<p>Natural Environment and Rural Communities Act 2006</p>	<p>This Act established Natural England and placed a responsibility on public bodies to have regard to protecting biodiversity.</p>	<p>This is a relatively new Act and PLA is waiting for Defra to issue guidance to public bodies about the extent of the obligation to protect biodiversity. Natural England has recently started to highlight this Act in discussions and responses to consultation.</p>

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Title	Description & Requirement	Summary of PLA Actions
Water Framework Directive	<p>The Water Framework Directive (WFD) aims to protect and enhance the water environment, promote sustainable water consumption, reduce water pollution and lessen the effects of floods and droughts. It aims to achieve designation of all surface waters as having good ecological status by 2015.</p> <p>The WFD updates all existing European legislation (including the Dangerous Substances Regulations and Shellfish Water Directive) and promotes a new approach to water management through River Basin Management Plans, which will be produced for each River Basin District by 2009.</p>	<p>The Chief Executive is representing the ports industry on the Thames River Basin Liaison Panel. PLA is also seeking to influence the implementation process through its representation on the WFD Navigation Sector Group and also the UKMPG/BPA Technical Team.</p> <p>At present, the PLA is not strictly required to take into account the WFD when carrying out its functions as the significant issues are only just being defined and measures are yet to be discussed. The implementing regulations require decision-making to be in accordance with the River Basin Management Plan, which is due for publication in 2009.</p>
National Heritage Act 2002	<p>This Act extended English Heritage's responsibilities into the marine environment. EH should be consulted on the impacts of any projects or activities that may affect the national heritage.</p>	<p>The main requirement for PLA is when planning or licensing capital dredging operations or the removal of wrecks. EH should be consulted for both functions and their agreement sought before any work starts. For wrecks this can involve survey and diving investigations to ascertain the historic interest. For dredging, a desk-based assessment of archaeological potential may be required.</p> <p>As part of the responsibilities associated with raising the Elizabethan wreck from the Princes Channel the PLA is working with UCL, Gresham College, English Heritage and the Museum of London on the Gresham Ship Project, which will take forward the conservation and dissemination of the wreck assemblage. A conference is planned to coincide with the PLA's centenary celebrations.</p>

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Title	Description & Requirement	Summary of PLA Actions
Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998	There is a requirement in the UK for ports, harbours and oil handling facilities, to prepare and submit oil spill response contingency plans to the Maritime and Coastguard Agency (MCA) for approval.	PLA has an approved plan and is a member of the Standing Environment Group for the Thames Estuary.

Annex B National Government Policy

Title	Description & Requirement	Summary of PLA Actions
Sustainable Development	<p>In 1992 at the Rio Earth Summit, governments around the world committed to sustainable development and signed the Convention on Biological Diversity. In response to the summit, the UK Government produced two documents:</p> <ul style="list-style-type: none"> • <u>'Biodiversity: The UK Action Plan'</u> in 1994 (see below); and • <u>'A Better Quality of Life'</u> in 1999, which outlined how the Government proposed to deliver sustainable development. In May 2005 it produced the 'Sustainable Development Strategy', which changed the focus of sustainable development from economic growth to the protection of the environment. 	Sustainable development includes protecting the environment as well as social and economic interests. As a developer and regulator PLA may have to mitigate or require developers to mitigate adverse environmental impacts as part of balanced decision-making.
UK Biodiversity Action Plan & Planning Policy Statement 9 (PPS 9)	<p><u>'Biodiversity: The UK Action Plan'</u> sets out a programme for the conservation of the UK's biodiversity. It led to the production of national, regional and local action plans to achieve the recovery and maintenance of many threatened species and habitats.</p> <p>The 'Tidal Thames Habitat Action Plan' (TTHAP) was produced by the Thames Estuary Partnership January 2002.</p> <p>PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.</p>	<p>The PLA is represented on the Thames Estuary Partnership Biodiversity Action Group, which meets periodically to review, develop and co-ordinate the implementation of the TTHAP.</p> <p>PLA is also engaged with several Local Authorities as a consultee on the development of their own Local BAPs.</p> <p>As a developer and regulator PLA must seek to ensure that UKBAP habitats & species are not damaged unless in the context of sustainable development the project is permitted. In this case compensatory habitat should be provided.</p>

Annex C PLA Policy

Title	Description & Requirement	Summary of PLA Actions
Mission Statement	The Mission Statement requires the PLA to 'respect the environment of the tidal Thames and pursue principles of sustainable development'	<p>In keeping with the Mission Statement, the PLA manages several projects relating to the protection of the environment.</p> <p><u>Personal Watercraft</u> :The PLA receives a number of reports of inappropriate use of personal watercraft (PW) on the Essex side of the Thames and its tributaries. The PLA is working with stakeholders to produce a Guidance Leaflet and Code of Conduct governing the use of PW on the Thames in Essex.</p> <p><u>Research</u>: The PLA undertakes various research projects to inform its decisions relating to the protection of the environment. The PLA is currently in discussions with the Zoological Society of London regarding potential research synergies and has identified the possibility of a PhD or Post-Doc project looking at the relationship between dredging and impacts on fish. This is one of the areas that has been identified as a research need for several years.</p> <p>The PLA has commissioned Royal Haskoning to produce a feasibility study investigating the options for saltmarsh recharge as mitigation for dredging at Smallgains Creek. The results of the study will form the basis of the PLA's discussions with Natural England regarding the consideration of saltmarsh recharge as mitigation for dredging at Smallgains Creek (Island Yacht Club).</p>

Annex C: PLA Policy

Title	Description & Requirement	Summary of PLA Actions
<p>ISO 14001:2004 The international standard for Environmental Management Systems</p>	<p>The PLA places importance on complying with its responsibilities to the natural, human and built environment, and has procedures and measures in place to minimise environmental impacts arising from its activities. These procedures and processes have been drawn together to create a formal Environmental Management System (EMS) based on the principles and requirements of ISO 14001:2004, which was certified by LRQA in March 2006.</p> <p>The EMS includes a suite of environmental objectives that will facilitate continual assessment of the impacts of the port's activities on the environment. It will help the PLA to meet commitments to legal compliance, minimisation of pollution and continual improvement.</p>	<p>A review of the PLA's EMS is carried out bi-annually by LRQA to ensure that standards are maintained and objectives set.</p> <p><u>Environment Week</u> PLA will be marking Environment Week (9-13 July 2007) in future with events and messages to staff about what they can or should be doing. This will parallel its approach taken over many years to the equivalent H&S week which is marked each year by an exhibition in the reception at London River House.</p> <p><u>Carbon Footprint</u> The PLA invited the Carbon Trust to carry out a review and has been working with consultants on looking at ways to reduce its energy usage. It has examined (and is likely to discount) the potential for a wind generator at Denton and is discussing the prospects for other PLA land holdings with the Carbon Trust.</p> <p><u>Environment Report</u> The first dedicated "PLA Environment Report" is in the final stages of compilation and will be published shortly. It brings together a range of information on recent programmes, both marine and terrestrial, and will absorb the TOSCA Annual Report. We have also invited submissions from 2-3 key stakeholders who form part of the Port of London. This report will fulfil a requirement under ISO14001, as well as helping to establish the environmental benefits that result from our work.</p>

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Title	Description & Requirement	Summary of PLA Actions
Environmental Policy	<p>The PLA has environmental duties under the Harbours Act 1964 and is a competent authority under the Conservation (Natural Habitats &c.) Regulations 1994 and the Countryside and Rights of Way Act 2000. The PLA is also required under, “Modern Ports”, to strike an appropriate balance between the long-term protection of the environment and the securing of sustainable economic growth. In discharging its roles, the PLA remains committed to its continuing compliance with all applicable environmental legislation and other relevant requirements in the pursuit of its duties and powers and will take these fully into account in its actions and decisions, alongside its pursuit of the sustainability objectives established by government. These issues have been documented within the Environmental Policy and are an integral part of the PLA’s EMS.</p>	<p>In accordance with the Environmental Policy a commitment to environmental best practice underpins approach to all PLA environmental functions.</p> <p><u>Environmental Management System</u> – see ISO 14001. The ESPO Environmental Code of Practice recommends that ports follow best practice in their operations and introduce an Environmental Management System. PLA has achieved the PERS certificate that was developed by ECOPORTS, an ESPO supported project.</p> <p><u>Terrestrial Sites</u> The PLA is presently examining the environmental impacts and assessment of the land based environmental liabilities associated with Canvey Estates / Rainham Landfill site / Rainham Silt Lagoons / Denton Wharf and London River House.</p> <p><u>Thames21</u> This independent charity brings together PLA, EA, BW, Thames Water and Corporation of London with a range of other financial and volunteer supporters in acting, educating and campaigning for a cleaner Thames (and other waterways in London). It has achieved a high profile politically with GLA, DfT and others. PLA is the main pillar through its administrative support (HR, Accounting, etc), though its main financial contribution is the benefit-in-kind of its Driftwood activity.</p>

Annex C: PLA Policy

Title	Description & Requirement	Summary of PLA Actions
Environmental Policy (cont.)		<p><u>Marine Mammal Monitoring</u> PLA has joined with the Zoological Society of London to assist in a survey of marine mammals in the tidal Thames.</p> <p><u>Environmental Indicators and Marine Environmental GIS</u>: By the end of 2008 the PLA will have established a set of meaningful environmental indicators for the river environment, which will allow staff to monitor the changing environmental status of the river, with a view to identifying possible causes and effects of these changes. To enable the PLA to monitor and analyse its set of environmental indicators, it is developing a new Marine Environmental GIS, into which it will input the various environmental studies and reports in its possession. The data will be interpreted to highlight areas of importance for bird and fish feeding, and areas containing habitats and species of conservation importance. In addition, the PLA and the EA are working together to interpret the EA fisheries datasets and create GIS layers.</p> <p><u>Dredging Liaison Group</u> The Dredging Liaison Group (DLG) was established by the Thames Estuary Partnership in January 2001. It has been shown to provide an effective, neutral and open forum within which the requirements for planning and implementation of maintenance dredging operations on the tidal Thames can be discussed, and any associated concerns can be addressed.</p>

Annex C: PLA Policy

Title	Description & Requirement	Summary of PLA Actions
<p>Environmental Policy (cont.)</p>		<p><u>Dredging Spatial Information System</u> The PLA is developing a new GIS application, the Dredging Spatial Information System (DSIS), which will replace the existing Information Exchange System. The purpose of DSIS is to bring together stakeholders as partners in the decision-making process for dredging licence applications; to share information; and to produce an excellent baseline of relevant environmental data for the Thames. The use of DSIS for public consultation will enable the PLA to comply with its commitment to conducting environmental activities transparently, in line with the Environmental Policy.</p> <p><u>TOSCA and Oil Spill Response GIS</u> In readiness for any pollution incident, the PLA-managed Thames Oil Spill Clearance Association (TOSCA) provides a 24-hour response to oil spills between Tower Bridge and Canvey Island.</p> <p>The PLA has developed the Oil Spill Response GIS application, which divides the Thames into areas and displays each area's level of sensitivity to oil spill events, and recommends clean-up options for each area. The Oil Spill Response GIS should be used by TOSCA staff to assist their response to an oil spill event.</p>

Annex D Other Factors

Title	Description & Requirement	Summary of PLA Actions
Stakeholder Expectations	<p>The PLA's environmental stakeholders include: commercial fishermen; berth operators; commercial vessel operators; yachting, motor boat, sailing and rowing clubs; local authorities; environmental charities; riparian owners; tenants and members of the public.</p> <p>Stakeholder expectations are often conflicting. The PLA must manage expectations through good communication and consultation at all levels.</p>	<p>Stakeholder expectations, requests and queries are very diverse, and are usually dealt with on a case-by-case basis.</p> <p>To give a specific example, the PLA has produced a procedure for dealing with reports of animals in the river (live and dead), which once finalised will be disseminated to all relevant members of PLA staff. This will eliminate the current confusion about responsibility for animals in the river and will allow the PLA to achieve a more coordinated and speedy response to such reports, thus meeting stakeholder expectations of the PLA's role in such events.</p> <p>Low Wash Boats: Chelsea and Richmond took their place in the upper river Harbour Patrol service in late 2006. They were originally conceived primarily as a service to the rowing community by causing far less wash disturbance, but this is also a major contributor to environmental/habitat improvement by greatly reducing the wave energy attacking relatively unprotected river banks in that section of the river, and the flora and fauna they contain, thereby allowing some return to former tranquillity. As the PLA faces repair responsibility for some of those banks, there can be long-term financial and other benefits too.</p>

Annex D: Other Factors

Title	Description & Requirement	Summary of PLA Actions
Stakeholder Expectations (cont.)		Design of Thames Water skimmer boats: Thames Water was asked by its regulators, in view of the delays in authorising the new interceptor sewer, to bring into play two boats that would skim the river for large quantities of sewage-derived litter and other detritus following storm overflows. Thames Water sought the PLA's operational and engineering expertise (which was paid for) during their design and specification of these boats, and the boats have now been delivered to Thames Water by their builder.
Media Interest	There is continuing interest in the environment of the Thames for documentaries and local news features.	PLA has, for example, appeared on Countryfile with John Craven and a documentary called Megacities.