



Report No: **2012** Public Agenda Item: **Yes**

Title: **Tor Bay Harbour - Environmental Policy Statement**

Wards Affected: **All wards in Torbay**

To: **Harbour Committee** On: **17th September 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

1.1 Tor Bay Harbour Authority has an existing Environmental Policy Statement and the Harbour Committee is asked to review and endorse a revised Environmental Policy Statement. Our customers and employees will benefit from a clear and concise Environmental Policy Statement that is regularly reviewed by the Harbour Committee.

2. Recommendation(s) for decision

2.1 That the Environmental Policy Statement shown in Appendix 1 to this report is approved.

3. Key points and reasons for recommendations

3.1 In addition to their operational activities ports and harbours have extensive environmental responsibilities. The designation of more new areas – both land and marine sites – requiring special protection has now resulted in the creation of new management structures for the open coast as well as for estuaries. A harbour's commercial and recreational activity must co-exist with sound environmental practice.

3.2 Torbay Council as the Harbour Authority is bound by law to conserve the Harbour of Tor Bay to a reasonable state for use as a port and in a fit condition for a vessel to resort to. Within the Council's Harbour and Maritime Strategy it is specifically stated that we will fulfil a duty of care to the environment and as such produce and keep under review an Environmental Policy Statement.

- 3.3 Tor Bay Harbour Authority also has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations. There is an obligation, where a Special Protection Area for Birds or a Special Area of Conservation has been designated under the Wild Birds or Habitats Directives, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. A significant inshore area of Tor Bay Harbour is now a candidate Special Area of Conservation in respect of reefs and submerged or partially submerged sea caves. It is therefore increasingly important that the Harbour Committee demonstrates 'accountability' for environmental matters.
- 3.4 Marine Protected Areas (MPAs) are zones of the seas and coasts where wildlife is protected from damage and disturbance. The Government is committed to establishing a well-managed ecologically coherent network of marine protected areas (MPAs) in our seas by 2012. The Marine and Coastal Access Act (2009) created a new type of Marine Protected Area (MPA), called a Marine Conservation Zone (MCZ). MCZs will protect nationally important marine wildlife, habitats, geology and geomorphology. A Marine Conservation Zone has been recommended for most of the inshore area within the limits of Tor Bay Harbour. Public consultation on this recommendation is expected to commence by the end of 2012.
- 3.5 It is therefore essential that Tor Bay Harbour Authority has a fit for purpose Environmental Policy Statement. Keeping such a policy under regular review reflects national best practice.
- 3.6 An Environmental Policy Statement is the first step towards the development of an Environmental Management System. It is important that the Harbour Authority helps to maintain a healthy and safe environment for harbour users, employees and the local community alike.

For more detailed information on this proposal please refer to the supporting information attached.

**Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Tor Bay Harbour Master**

Supporting information to Report

A1. Introduction and history

A1.1 The Council first approved a specific Environmental Policy Statement for Tor Bay Harbour in March 2000.

A1.2 The statement was considered again as part of the Council's Harbour and Maritime Strategy which was approved in 2007. In the strategy it makes it clear that we should undertake responsible stewardship of the marine environment and deliver sustainable development of our coast, which allows both the use and protection of our marine resources.

A1.3 At present the following environmental designations exist within or adjacent to Tor Bay Harbour limits:-

- Area of Outstanding Natural Beauty (AONB)
- Sites of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- National Nature Reserve (NNR)
- Marine Nature Reserve (MNR)
- Special Protection Area (SPA)
- Special Area of Conservation (SAC)
- County Wildlife Sites

A1.4 A policy statement is the start of a process which will look at and identify all operations affecting the environment. These will include:-

- Sewage discharges from pleasure craft
- Anchoring and mooring policy
- Litter control
- Dredging and spoil disposal
- Oil/fuel contamination into the harbour
- Control of fish waste into the harbour
- Use of biocides
- Screening of suppliers
- Recycling
- Recreational disturbance of wildlife
- Management of sub-contractor or lessee activities
- Energy consumption
- Water consumption

A1.5 Statutory plans already exist covering waste reception facilities as well as oil spill response and contingency planning for the Tor Bay Harbour area. In addition, as a resort destination the English Riviera places considerable importance on bathing water quality.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.2 There are no key risks associated with taking this decision.

A2.3 The adoption of a clear Environmental Policy Statement will enhance the Council's reputation for transparency and accountability in respect of its function as Tor Bay Harbour Authority.

A2.4 Remaining risks

A2.5 There are no remaining risks.

A3. Other Options

A3.1 To take no action and continue using the existing Environmental Policy Statement, approved in September 2010, without any further review.

A4. Summary of resource implications

A4.1 There are no resource implications to approve an Environmental Policy Statement. Additional resources would be required to develop an Environmental Management System.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 Adoption of a clear Environmental Policy Statement should help our community to understand our approach to environmental management within the limits of the harbour. The environmental and sustainability implications are self evident within the body of the report.

A6. Consultation and Customer Focus

A6.1 The Environmental Policy Statement is a well-established policy that has been available to the public for many years. It has also been considered by the Harbour Liaison Forums. As the latest amendments are mainly of a clerical nature no further consultation has been undertaken.

A7. Are there any implications for other Business Units?

A7.1 This policy should have no impact on other Business Units.

Appendices

Appendix 1 Environmental Policy Statement – September 2012

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Minutes of the Harbour Sub-Committee – 30th March 2000

Environmental Policy Statement – September 2010

A Tor Bay Harbour and Maritime Strategy 2007 – 2017 ~ 'Catching the Wave'