

**AGRICULTURAL DEVELOPMENT AND ADVISORY SERVICE (ADAS):** a consultancy and research organisation to the land-based industries, working throughout the UK and overseas. Consulting, which encompasses Agriculture, Environment and Professional Business Service, Research and Ventures form five independent but closely inter-related business divisions that provide a "One-Stop Shop" organisation for the land-based industries.

**AGENDA 21:** is a programme of action that aims to achieve a more sustainable pattern of development throughout the world by the next century. Agenda 21 is one of the outputs of the UN Conference on Environment and development (The Earth Summit) held in Rio in 1992.

**AREA OF GREAT LANDSCAPE VALUE (AGLV):** a scenic designation with a formal basis, this is one of the many landscape or scenic designations identified by planning authorities in their development plans.

**AREA OF OUTSTANDING NATURAL BEAUTY (AONB):** these are defined and declared by the Countryside Commission. Their aim is to conserve and enhance the natural beauty of the landscape of an area without compromising the needs of those who live and work there. This is achieved through planning controls and practical countryside management guided by the Countryside Agency.

**COUNTRYSIDE AGENCY:** The Countryside Agency is a statutory agency that cares for the countryside of England and helps people to enjoy it. The Agency is an advisory and promotional body working in partnership with others and provides grants and advice for projects that conserve the natural beauty of the countryside and make it more accessible for public enjoyment. The Agency acts as the government's advisor on countryside matters.

**DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA):** formed by the merger of MAFF, DETR and the Home Office. DEFRA aims to achieve sustainable development, including: a better environment at home and internationally and sustainable use of natural resources; economic prosperity through sustainable farming, fishing, food, water and other industries that meet consumers' requirements; thriving economies and communities in rural areas and a countryside for all to enjoy.

**ENGLISH NATURE:** is a government grant-aided body responsible for advising the government and others on nature conservation in England. It promotes, directly and through others, the conservation of England's wildlife and natural features; selects, establishes and manages National Nature Reserves and identifies and notifies Sites of Special Scientific Interest; provides advice and information about nature conservation and supports and conducts research relevant to these functions.

**ENVIRONMENT AGENCY:** is an amalgamation of the National Rivers Authority, Her Majesty's Inspectorate of Pollution, the Waste Regulation Authorities and several small units from the Department of the Environment. The result is a more comprehensive approach to the protection and management of the environment, be it land, air or water. The South West Region is one of eight regional Environment Agency offices in England and Wales, and is sub-divided into four areas (Cornwall, Devon, North and South Wessex). These are the first points of contact for local environmental issues.

**ENVIRONMENTAL RECORDS CENTRE FOR CORNWALL AND THE ISLES OF SCILLY (ERCCIS):** the centre acts as a focus for the collation, management and provision of local biological and geological data and other related information. It builds on the brilliant work of the Cornish Biological Records Unit and the Data Management Unit of the Cornwall Wildlife Trust. It hopes to work with local individuals and organisations that regularly record the species, habitats, and geology in the area, to collate the wealth of information that exists for Cornwall and the Isles of Scilly. The Centre intends to work within the framework of the National Biodiversity Network (NBN) which will lead to a system of national standards and accreditation.

**FARMERS WILDLIFE ADVISORY GROUP (FWAG):** provides farmers, landowners and our other clients with the best opportunity for environmental gain through cost effective, quality solutions. FWAG provides farmers and landowners with practical advice on making adjustments to farm operations and enhancing farm features in order to support wildlife, landscape, archaeology, access and other conservation issues.

**HERITAGE COAST:** stretches of undeveloped coastline designated by the Countryside Commission for protection from future development. Most HC is privately owned, and is managed by landowners and farmers. HC Plans are prepared by local authorities working in partnership with landowners and other interests, and set out management practices.

**JOINT NATURE CONSERVANCY COUNCIL (JNCC):** this is the UK Government's wildlife adviser, undertaking national and international conservation work on behalf of the three country nature conservation agencies English Nature, Scottish Natural Heritage and the Countryside Council for Wales

**LOCAL BIODIVERSITY ACTION PLANS (LBAP's):** there is a local BAP for Cornwall and its primary purpose is to focus resources by means of local partnerships to implement conservation action for the priority habitats and species and locally important wildlife and sites. The contents of the LBAP are informed and guided by national targets so that their implementation is firmly linked to national priorities. However, the plans should seek to reflect the values of local people and provide a focus for local initiatives.

**MANAGEMENT PLAN:** a plan that recommends prescriptive actions and nominates responsible parties and a timetable for action.

**MARINE CONSERVATION SOCIETY (MCS):** the UK's national charity dedicated to the protection of the marine environment and its wildlife, it works to highlight issues of concern and threats to marine wildlife and the wider marine environment, bringing them to the attention of the public, media, politicians and Government agencies alike.

**MARITIME AND COASTGUARD AGENCY (MCA):** a world-class organisation committed to preventing loss of life, continuously improving maritime safety and protecting the marine environment: *safer lives, safer ships, cleaner seas.*

**MARPOL:** The prevention of pollution at sea is controlled under the International Convention for the Protection of Pollution from Ships 1973. Its amending document **MARPOL 73/78** consists of five annexes containing regulations on discharges of oil, noxious liquid substances, packaged dangerous goods, sewage and garbage from ships.

**REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES (RIGS):** designated by locally developed criteria, RIGS are currently the most important places for geology and geomorphology outside statutorily protected land such as Sites of Special Scientific Interest (SSSI). The designation of RIGS is one way of recognising and protecting important Earth science and landscape features for future generations to enjoy.

**ROYAL COMMISSION ON THE HISTORICAL MONUMENTS OF ENGLAND:** is a national body of survey and record. It compiles the 'National Monuments Record', a basic national record of England's historic buildings, ancient monuments and archaeological sites. The RCHME also holds a database of wrecks.

**SEDIMENT CELLS:** lengths of shoreline where the cycle of sediment erosion, transport and deposition are generally self-contained.

**SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI):** these are the finest sites for wildlife and natural features in England, supporting many characteristic, rare and endangered species, habitats and natural features. The purpose of SSSIs is to safeguard for present and future generations a series of sites that are individually of high natural heritage importance.

**SOUTH WEST WATER (SWW):** one of ten publicly owned water service companies in England and Wales and are the successors to the water authorities. They are responsible for the supply of drinking water, maintenance of acceptable quality of drinking water and the removal and treatment/disposal of waste water for those homes connected to its sewerage systems. The company is not responsible for private or industrial discharges that are made directly to the environment

**SUSTAINABLE:** undertaking an activity without diminishing the resource that supports it. Environmentally sustainable activities are those that can take place without reducing the extent or diversity of the natural environment. This may be achieved through mitigation to offset losses, or by selecting practices that are inherently sustainable.

**THE WOODLAND TRUST:** uses its experience and authority in conservation to influence others who are in a position to improve the future of native woodland. This includes Government, other landowners and like-minded organisations. This action takes the form of advocacy at a national level rather than a woodland advisory service for organisations and individuals.

**URBAN WASTE WATER TREATMENT DIRECTIVE (UWWTD):** an EC directive agreed by member states in 1991, requiring all communities above specified population thresholds to be provided with sewerage systems, typically subject to secondary treatment prior to discharge to the environment.

**WESTCOUNTRY RIVERS TRUST (WCRT):** provides land managers with individual holistic management plans that identify opportunities for both economic and environmental improvements using the Ecosystem Approach to land management. The Ecosystem Approach is a strategy for management of land, water and living resources that permits conservation and sustainable use in an equitable way.

**ZOSTERA MARINA (EEL GRASS):** is a marine flowering plant (Angiosperm). Three species are found around the British Isles.

**FOWEY HARBOUR BYELAWS (GENERAL) 1996**

Fowey Harbour Commissioners have the power to make byelaws under Section 83 of the Harbours, Docks and Piers Clauses Act 1847 and Section 46 of the Fowey Harbour Order 1937. The byelaws that apply to the environment are:

**88) Dumping in Waters of the Port Prohibited**

(1) Except with the permission of the Harbour Master and, if necessary, a licence issued by the Ministry of Agriculture, Fisheries and Food under the Environment Protection Act 1985 no person shall deposit, throw, unload, put or suffer to fall any spoil, gravel, ballast, or substance which has been used as ballast, or any stones, earth, mud, ashes or household garden waste or refuse into the waters of the harbour or onto the shores thereof below the level of high water which it is the responsibility of that person to obtain.

(2) No person shall dispose of garbage from a vessel in the harbour except into reception facilities provided by the Commissioners or by terminal operators.

**89) Petrol and Oil not to be Discharged into the Harbour**

No person on board a vessel shall cause petrol, fuel oil or lubricating oils or water mixed with these liquids to be pumped or permitted to run into the waters of the harbour.

**101) Digging Ballast etc.**

No person shall without permission in writing of the Harbour Master first obtained, dig or take from any part of the harbour or from any land belonging to the Commissioners, any ballast, soil, sand or other material whatsoever.

**102) Digging of Bait**

No person shall without permission in writing of the Harbour Master, in any part of the harbour dig for lugworm, ragworm, or any form of fishing bait within 20 feet (6 metres) of any mooring, pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure or on the foreshore between signs indicating areas of no digging.

**ENVIRONMENT AGENCY BYELAWS**

The Environment Agency is the sea fisheries authority for the Fowey Estuary. The following byelaws apply to the estuary above a line drawn between St. Catherine's Point to Punches Cross.

Relating to sea fish (under the Sea Fisheries Regulation Act 1966):

- a. Fishing for sea fish with trawl nets is prohibited;
- b. Fishing for sea fish with trammel nets exceeding 65 fathoms in length is prohibited;
- c. The disposal of any solid or liquid substance detrimental to sea fish or sea fishing is prohibited;
- d. Fishing for sea fish using nets having a mesh of less than six inches is prohibited above a line drawn from Wisemans Stone to the shore end of No. 8 jetty
- e. No person shall use in fishing for sea fish between the expiration of the first hour after sunset and the commencement of the last hour before sunrise any draft or seine net having a mesh of less dimensions than -one-inch-and-a-half from knot to knot, or six inches round measured when wet.

Relating to migratory fish (under part 5 of the Water Resources Act, 1991 and Part 2 of the Salmon and Freshwater Fisheries Act 1975):

- f. (SW10/1) The only fixed engines which may be placed and used in any tidal waters and in discrete waters are traps to which byelaw SW11 applies and fyke nets to which byelaw SW12 applies [N.B. SW11 and SW12 pertain to net shapes, sizes, etc.] (licences required).
- g. (SW10/2) No trap nor fyke net shall be placed in any river or stream upstream of an imaginary line drawn across a) the River Fowey due true west from St. Winnow Church; b) the River Lerryn at the road bridge at Lerryn (licences required).
- h. (SW10/3) The only instruments other than fixed engines of the type referred to in byelaw SW10 which may be used for taking eels are rod and line and dip nets.

Sand Eel seining is controlled by the Environment Agency by a system of permitting.

River Fowey Bass Nursery Area:

Within the bass nursery area from 1 May - 31 December no netting other than:

1. A licensed salmon net
2. A licensed sand eel seine

The minimum size limit for any bass in Cornish estuaries and on the coast out to a six mile limit is 37.5cm. It is an offence to retain any bass under this size from either an estuary (Environment Agency byelaw, 6 November 2002) or from the coast out to six miles (Cornwall Sea Fisheries byelaw, 7 April 1997).

Fishing for bass from **any** vessel is prohibited

## **APPENDIX 3            SUMMARY OF UK LEGISLATION AFFECTING PORTS**

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There are many pieces of local, national and international legislation which apply to ports and harbours, a summary of which is given here.

### **A: National Legislation**

#### **Engineering Works**

**Food and Environment Protection Act, 1985** requires that a licence to dispose of dredged material is obtained from MAFF, who may require sediment analysis prior to approval.

**Coast Protection Act, 1949** requires that the Secretary of State for Transport is consulted over navigational safety during dredging activities.

**Harbour Works (Assessment of Environmental Effects) Regulations, 1988** implements European Council Directive EEC 85/337. The Act requires an EA be done for any works under Annex 1 of the Act and for works, which will have a significant impact (Annex 11). An Environmental Assessment must be done for any works that require Harbour Revision Orders or Harbour Empowerment Orders.

**Harbour Works (Assessment of Environmental Effects) (No.2) Regulations, 1989** requires that Environmental Assessments are undertaken for works proposed below the low water mark not covered by the Town and Country Planning Act or Sections 14 and 16 of the Harbours Act 1964. Consent must be obtained from the Secretary of State for Transport.

**Harbour Works (Assessment of Environmental Effects) Regulations, 1992** aligns Scottish procedures with those already in force in England and Wales with regards to works requiring an Environmental Assessment.

**The Harbours Act, 1964** as amended by the Transport and Works Act, 1992 makes it the responsibility of the Harbour Authority to have regard for and conserve the environment when considering any proposals for the harbour.

**Transport and Works Bill, 1992** requires that the promoter submit Environmental Assessments for construction projects; the Harbour Authority is given the power to take measures to protect areas of 'natural beauty' within and around the port.

**The Wildlife and Countryside Act, 1981** requires that 4 months notice of plans for construction in or near to areas of special scientific interest be given to interested parties. The act also places protection on habitats designated as being of special interest and protects bird species and their habitats. Many of these habitats fall under the jurisdiction of harbour authorities.

## Cargo

**Environmental Protection (Prescribed Processes and Substances) Regulations, 1991** requires that listed cargo have proper authorisation for handling.

**The Transfrontier Shipment of Hazardous Waste Regulations, 1988 and The Control of Pollution (Special Waste) (Amendment) Regulations, 1988** implement the European Communities Act 1972 and prohibit the transfrontier shipment of hazardous waste unless certain requirements are fulfilled.

**The Dangerous Substances in Harbour Areas Regulations, 1987** controls the carriage, loading, unloading and storage of all classes of dangerous substances in harbours and harbour areas and gives power of refusal of entry to the harbour master.

## B: Current and Proposed European Community Legislation (not yet implemented in the UK)

**Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, 1992** will require that port activities are compatible with the requirements of the Directive to protect Special Areas of Conservation and protect habitats and species. 168 habitat types are listed in Annex 1.

**Proposed Directive on the Control of Volatile Organic Compounds (VOC) Emissions Resulting from the Storage of Petrol, 1992** provides for a reduction of emissions of volatile organic compounds (VOC) and involves storage facilities and filling of storage tanks.

**Proposed Directive on the Minimum Requirements for Vessels Entering or Leaving EC Ports carrying Packages of Dangerous or Polluting Goods, 1989** provides for restriction of carrying dangerous wastes in and out of EC ports.

**Council Regulation allowing Voluntary Participation by Companies in the Industrial Sector in a community Eco-management and Audit Scheme, 1993** establishes a scheme for the evaluation and improvement of environmental performance of industrial activity.

## C: International Conventions Affecting Ports

**Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter at Sea (London Dumping Convention) 1972** provides guidelines on the disposal of dredged and other material at sea. Contains annexes which list prohibited substances and substances requiring special action.

**Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention), 1971** requires signatories to designate wetlands of international importance for protection and to ensure wise use of wetlands.

**The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), 1979** provides for the conservation of wildlife and wildlife habitats and for the special protection of certain species.

**Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), 1979** gives protection to migratory species listed in an Appendix and encourages conservation and management of a second list of species.

**Convention of the Marine Environment of the Northeast Atlantic, 1992** replaces the Oslo Convention and Paris Convention and requires that a dumping permit for fish processing wastes and dredging material be obtained. Several groups of compounds and chemicals Originating from land-based sources are subject to control; these include nitrogen, Phosphorus, biocides and organohalogen compounds.

**International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL 73178) [MARPOL]** deals with disposal and discharges of wastes at sea. Regulations for disposal and discharges are contained in five annexes:

- Annex 1 deals with oil pollution, oily water discharge and oil pollution emergency plans; in force; mandatory compliance.
- Annex II deals with noxious liquid substances carried in bulk: discharge of chemical slops and residues only to reception facilities ashore; in force; mandatory compliance.
- Annex 111 provides for the prevention of pollution by harmful substances in packaged form. Harmful substances are those identified as marine pollutants in the International Maritime Dangerous Goods (IMDG) Code; in force; optional compliance.
- Annex IV deals with the discharge of sewage at sea; not yet in force.
- Annex V deals with dumping of garbage; the dumping of plastics is prohibited; in force; optional compliance.

## **Pollution Prevention and Waste Control**

**The Control of Pollution Act, 1974** gives powers to a water authority to make byelaws which prohibit the use of sanitary appliances on vessels. The harbour authority can apply for an order through the Secretary of State and the Department for Environment, Food and Rural Affairs to prohibit the use on restricted waters within the authority's jurisdiction of any vessel provided with a sanitary appliance.

**The Control of Pollution (Amendment) Act, 1989** requires that carriers of controlled waste be registered.

**The Control of Pollution (Landed Ships' Waste) Regulations 1987 and (Amendment) Regulations, 1989** implement annexes I, 11 and V of the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL 73/78) MARPOL: The Regulations require ports to provide reception facilities for oil wastes, tank washings and garbage for vessels of any size using the port.

**Prevention of Pollution (Reception Facilities) Order, 1984** (SI 1984/862), gives effect to regulation 12 of Annex 1 of MARPOL regarding reception facilities for oily wastes and regulation 7 of Annex 11 regarding reception facilities for chemical residues. Under Article 3 of the Order, harbour authorities are required either on their own or in co-operation with others to provide these reception facilities for ships using the harbour for purposes other than the reception facilities.

**Merchant Shipping (Reception Facilities for Garbage) Regulations, 1988** gives effect to the provisions of Annex V of MARPOL 73/78 by empowering harbour authorities to provide reception facilities for garbage disposed of by ships.

**Water Act, 1989** and **Water Resources Act, 1991** make it an offence to cause or knowingly permit any poisonous, noxious or polluting matter to enter any controlled waters.

**Environmental Protection Act, 1990** is the primary legislation from which a number of Regulations follow:

**Part 11, S.34** imposes a Duty of Care on those who produce, import, transport, keep, treat or dispose of controlled wastes. The Duty requires that wastes are managed safely and disposed of correctly to prevent any escape of waste to the environment.

**Part 111** deals with the statutory nuisances, including those from vessels in Territorial Waters, giving Local Authorities power to serve abatement notices.

**Environmental Protection (Prescribed Processes and Substances) Regulations, 1991.** Chapter 5 deals with certain waste disposal and recycling processes.

**Controlled Waste Regulations, 1992.** These give definition of "controlled" wastes.

**Waste Management Licensing Regulations, 1994** set out the requirements for the licensing of waste storage, treatment or disposal facilities. The Environment Agency is the licensing authority.

**Waste Law, 1992** requires that holders of waste exercise a duty of care to ensure that waste safely reaches its ultimate place of disposal.

**Merchant Shipping Act, 1984** (amended 1988) provides for serving a notice on a person considered to be in contravention of the oil pollution statutes.

**Dangerous Vessels Act, 1985** provides for the powers of refusal of entry of vessels which are of potential danger to the port area.

**Prevention of Oil Pollution Act, 1971** as amended by the Environmental Protection Act 1990 gives port or Harbour Authorities power over control of oil discharge in their areas of responsibility.

**Health and Safety at Work Act, 1974** requires harbour authorities to deal with emergencies including oil spills.

**The Planning (Hazardous Substances) Act, 1990** and the Planning (Hazardous Substances) Regulations-1992 require consent to be given by a local authority for the storage of hazardous substances on land.





## APPENDIX 5            BIBLIOGRAPHY

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Burd, F., 1989. Saltmarsh Survey of Great Britain: Regional supplement No. 3 South West England.

Caradon District Council, ?2000. *Local Plan*

Cook, W., Jones, E., Wyn, G. & Sanderson, W. G., 2002. Experimental Studies on the effects of shore crab collection using artificial shelters on an intertidal sandflat habitat. *CCW Contract Science Report No. 511, Countryside Council for Wales.*

Cornwall Biodiversity Initiative 1998. Cornwall's Biodiversity Volume 2: Action Plans. *Cornwall Wildlife Trust, Cornwall.*

Cornwall County Council. An Encouragement to Explore.

Countryside Commission, 1991. Areas of Outstanding Natural Beauty.

Countryside Commission, 1992a. AONB Management Plans

Davies, C. et al., 2000. The Tamar Estuaries Bait Collection; A Voluntary Management Plan. *The Bait Collection Working Group, Kingsbridge.*

Department of the Environment, 1996. *European Marine Sites in England and Wales: A guide to the conservation (Natural Habitats) Regulations 1994 and to the preparation of Management Schemes.*

Department of the Environment, 1995. *Policy Guidelines for the Coast.*

Department of the Environment, 1992a. Planning Policy Guidance: Coastal Planning (PPG20)

Department of Health, 1993. EC Directives on Fish.

Department of Health, 1992. EC Directives on Shellfish.

English Nature, 1993d. Strategy for the sustainable use of England's estuaries.

English Nature, 1993e. Estuary Management Plans: a co-ordinators guide.

Environment Agency, 2001. Local Environment Agency Plan. Bodmin Moor to the Coasts: Review 2001.

European Commission, 1995. Communication from the Commission to the Council & European Parliament: Wise use and conservation of wetlands.

Ford, S., 1992. The National Trust Biological Survey; Fowey and Polruan. *The National Trust, Cirencester.*

Fowey Harbour Commissioners, 1995. Harbour Byelaws.

Fowler, S. L., 1999. Guidelines for managing the collection of bait and other shoreline animals within UK European Marine sites. *UK Marine SACs Project.*

Hemsley, J. H., 1979. Biological Survey; Ethy, Cornwall. *The National Trust, Cirencester*.

Hicks, C. & Neil, C., 1999. Littoral Zone Survey; Pont Pill, south-east Cornwall. *Report Commissioned by The National Trust, Cirencester, and compiled by Spalding Associates (Environmental) Ltd, Truro*.

Hocking, S. & Tompsett, P., 2002. The Location & Conservation of Eelgrass beds in Cornwall & the Isles of Scilly. Vols I & II. *Project Series No. 5. ERCCIS, Cornwall Wildlife Trust, Truro*.

McDonnell, E. J. *et al.*, 2001. Shore Dock *Rumex rupestris*. Report on field work undertaken in 2000. Report number 175. *English Nature, Species Recovery and Plantlife*.

McDonnell, E. J. & King, M., 2000. Shore Dock *Rumex rupestris*. Report on field work undertaken in 1999. Report number 140. *English Nature, Species Recovery and Plantlife*.

Moore, J. & Smith, J., 1996. Fowey Estuary Area Summary.

Murphy, R. J. *et al.*, 1991. Gribbin Head; A report for the National Trust. *Cornish Biological Records Unit, Truro, Cornwall*.

National Coasts and Estuaries Advisory Group, 1993. Coastal Planning and Management: A Good Practice Guide.

National Rivers Authority (NRA), 1996. Seaton, Looe and Fowey Catchment Management Plan Action Plan.

National Rivers Authority (NRA), 1994. Seaton, Looe and Fowey Catchment Management Plan.

Neil, C. J., 1995. Survey of the benthic macroinvertebrate infauna of the Fowey Estuary for the National Rivers Authority. *Cornish Biological Records Unit, Redruth, Cornwall*.

Newport, L., 2003. River Fowey Salmon Action Plan. Environment Agency Report.

Parkes, C., 2000. Fowey Estuary Historic Audit. *Cornwall Archaeological Unit, Cornwall County Council*.

Rennis, D., 1994. Fowey Harbour Environmental Audit and Review

Restormel Borough Council. Local Plan: Deposit Draft.

Scruby, M., Grove, S. & Lister, J., 1990. Biological Survey; Lerryn Creek. *The National Trust, Cirencester*.

South West Water, 1991. Fowey Estuary Environmental Study.

Sports Council, 1993. Sport and Recreation on Heritage Coasts.

Turk, S. M., 1986. The Three Species of Eel grass (*Zostera*) on the Cornish Coast.

Turk, S. M., 1971. Marine Life of the Fowey Foreshore.