



The Impact of Marine Designations on Port Operations

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ARUP



ARUP

Future of Ports

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“LEADERSHIP DRIVES!”

LONDON
INTERNATIONAL
SHIPPING WEEK
2015



RETHINKING
POWER

“MANY YEARS AGO.....”
COLD IRONING

ENVIRONMENTAL RESTRICTIONS



*Ports are under greater pressure
than ever from increasingly tight
statutory controls on operations*

British
Ports Association
Futures Programme



INVEST IN ARUP



Introduction

- **Aims:**
 - Provide some clarity on marine designation processes, stakeholders and opportunities for engagement
 - Draw some foresight from port experience
- **Contents:**
 - Recap on legislation and stakeholders
 - Port interviews
 - Some thoughts
 - Summary and next steps

Legislation and Stakeholders

Mapping the legislation

Creation of coherent and representative networks of marine protected areas

*International and
EU legislation*

European Marine Strategy Framework Directive 2008
good environmental status in the marine environment by 2020

Ramsar convention
Ramsar Sites
(Internationally Important Wetlands)

Birds Directive 2009 and Habitats Directive 1992
protection of species of European importance and the habitats which support them

*Domestic / UK
legislation*

Marine and Coastal Access Act (MCAA) 2009

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)

MCZs

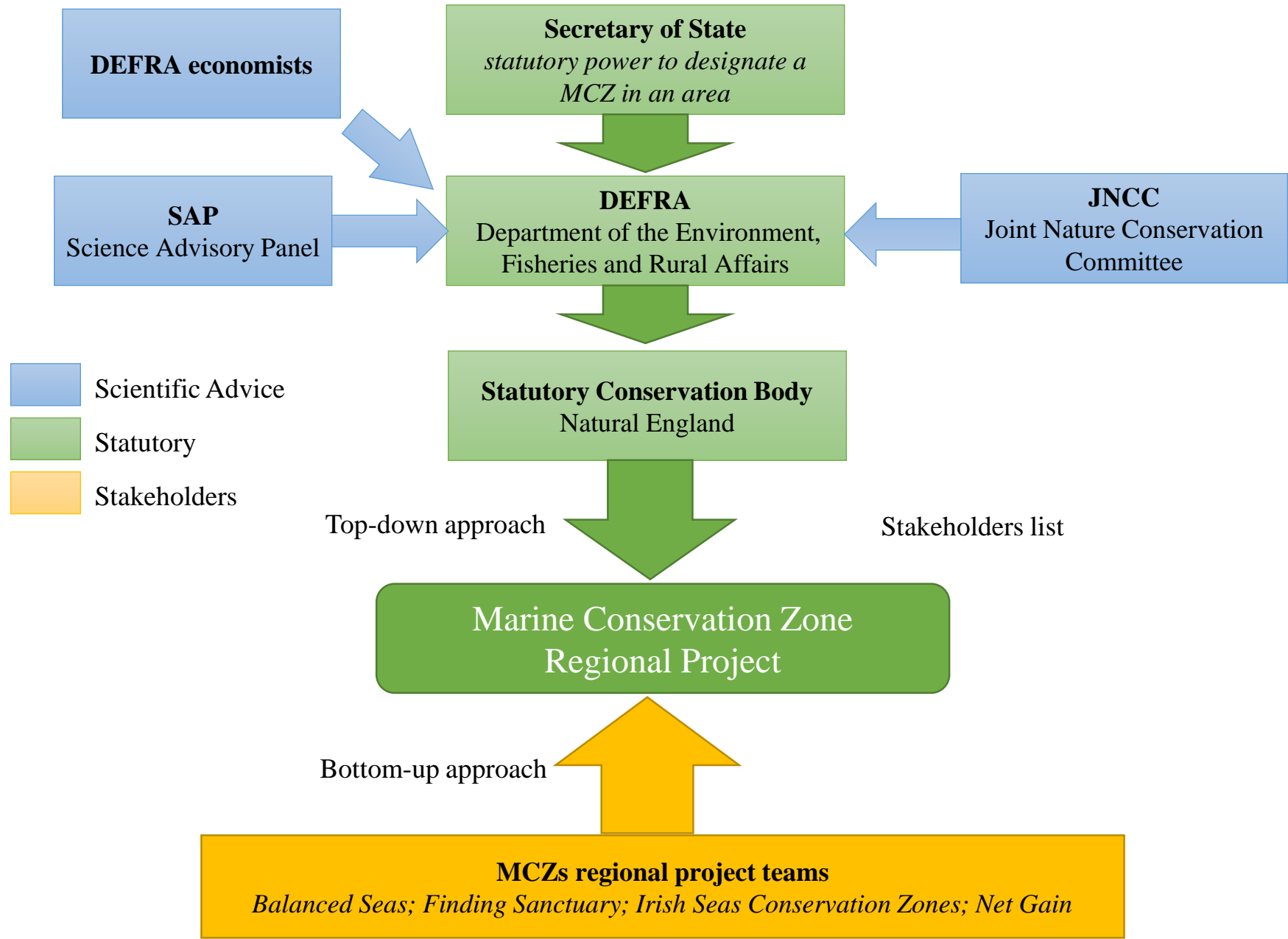
MPAs

SSSIs

SPAs

SACs

“Environment is a devolved matter”—the example of MCZs in England

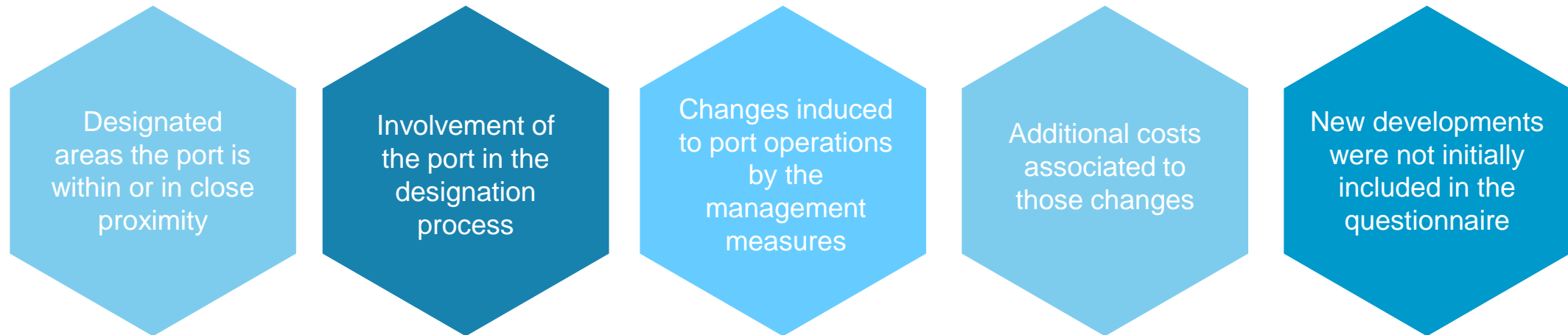


Port interviews

Interviews with BPA port members

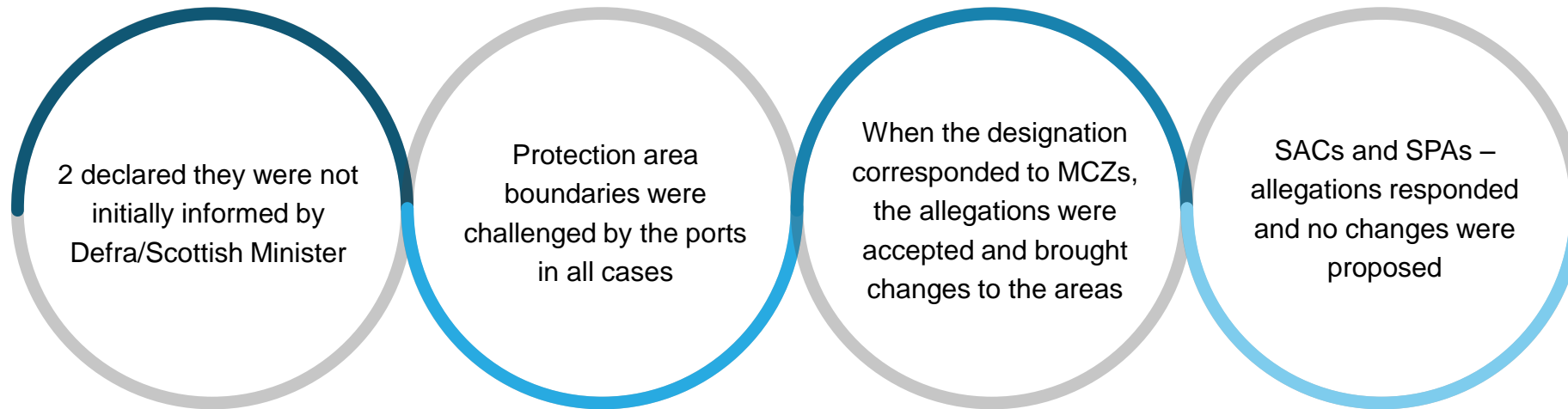
- We interviewed representatives of five ports members of BPA
- Three English, one Scottish and one Welsh
- Managing 10 ports in total

15 questions related to:



Interviews with BPA ports

4 ports confirmed their participation in the designation process up to different extents

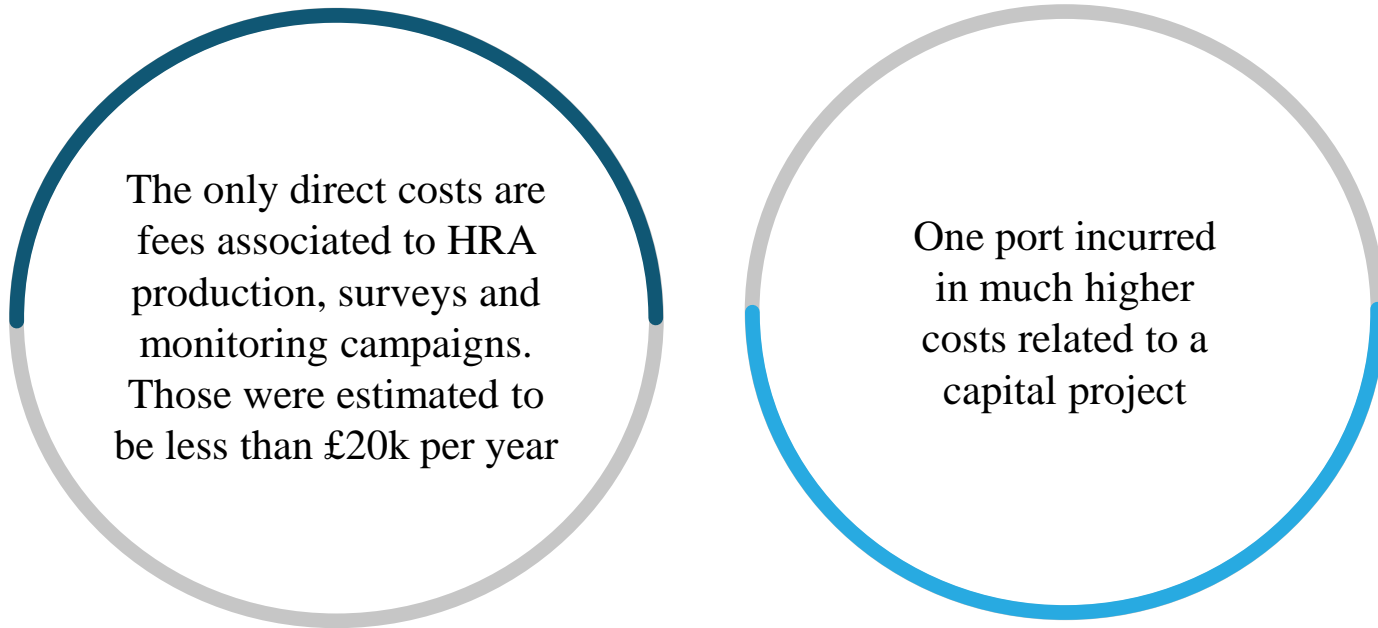


The main operation activities that have changed are related to dredging and disposal in all 5 cases

The second most mentioned activities are related to construction and repair works

Interviews with BPA ports

All representative expressed the difficulty to quantify costs associated to management measures



Other costs mentioned are staff time, delays in activities, loss of opportunity

Some thoughts

Advice from our experienced environmental consultants

Areas for improvement:

- 1. Check out the economic impact assessments on ports**
2. Check out how the designations are implemented – their practical application

Economic impact assessments – SACs and SPAs



Currently 108 marine SACs in UK waters covering approximately 67,000km²
No room to consider socio economic impact on setting designated zones

European ruling that applies to SACs and SPAs

Article 4 and Annex III of the Habitats Directive

Selection of sites in purely scientific (environmental) basis

No room to consider socio economic impact

Academia play key role

European Commission Intention: Socio economic impact should be a fundamental consideration for how Sites are protected and managed

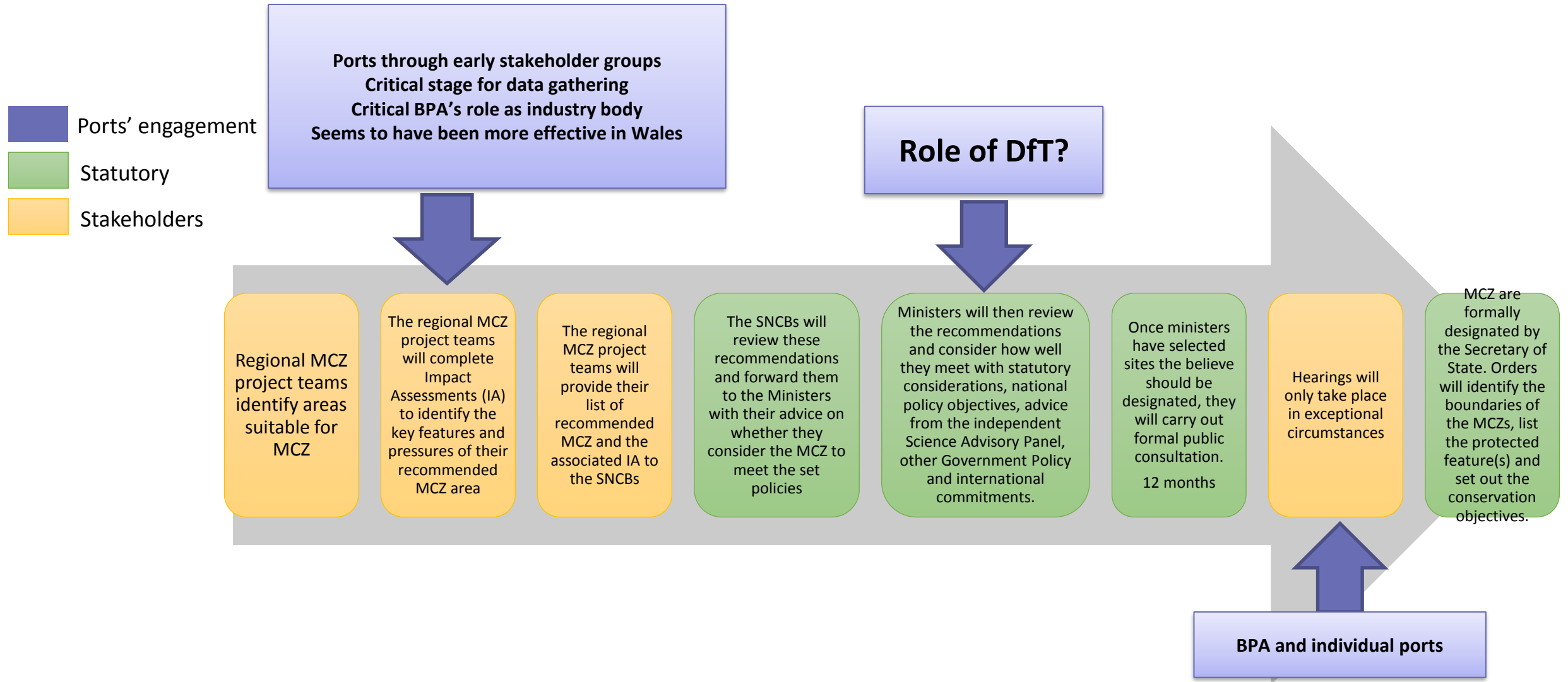
Marine Management Organisation role comes into play

Challenge 1: Scientists admit uncertainty around benthic habitats and marine species – where are they exactly? How are these gaps being bridged?

Challenge 2: Over-riding public interest imperative reasons, no feasible alternatives, and compensation forms only basis for challenge

Challenge 3: On protection and management: MMO looks at industry to prove NO likely significant impact on Habitat

Economic impact assessment - MCZs



Advice from our experienced environmental consultants

- Check out the impact assessment on ports when maritime designations are being set
- **Check out how the designations are implemented – their practical application**

Challenge 3:

Precautionary Principle Origins

From an engineering
perspective:

On protection and
management:
MMO looks at
industry to prove
NO likely
significant impact
on Habitat

World Charter for Nature
was adopted by United
Nations member nation-
states on October 28, 1982.
It proclaims five "principles
of conservation by which all
human conduct affecting
nature is to be guided and
judged."

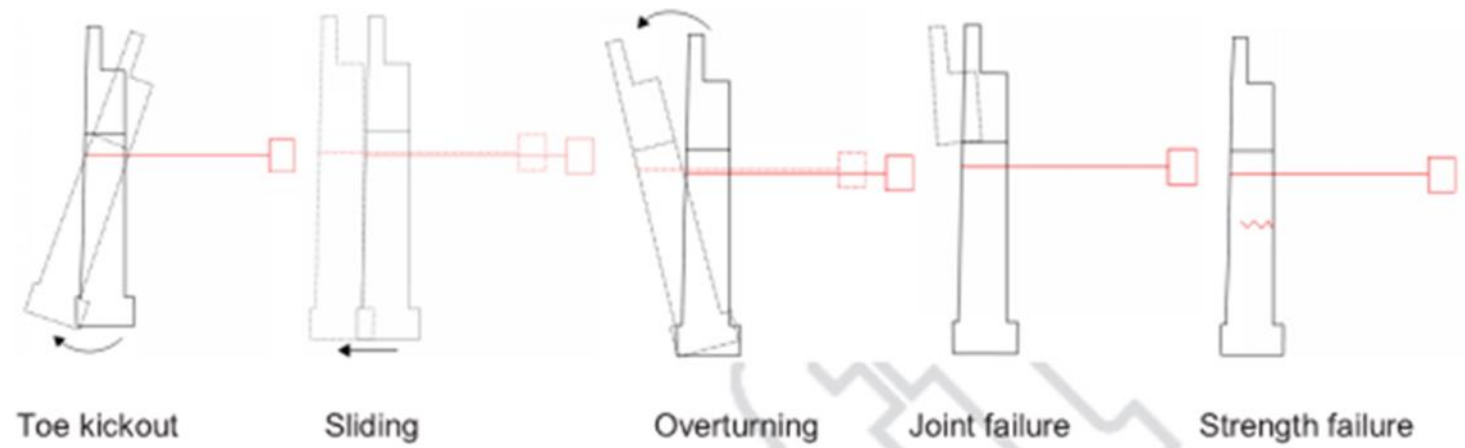
*Ecosystems and organisms,
as well as the land, marine
and atmospheric resources
that are utilized by man,
shall be managed to achieve
and maintain optimum
sustainable productivity, but
not in such a way as to
endanger the integrity of
those other ecosystems or
species with which they
coexist.*

The definition of
significant is something
we dwell on



Tideway – Impact on flood defences

- Environment Agency:
 - ***Likely significant impact*** from ground movement of construction activities on flood defences including shafts and tunnels
 - Structural integrity and stability
 - Factors of Safety



We ask our environmental consultants... same question?

Marine designations – impact on habitat

- What does likely significant impact mean?
 - EU Case Law
 - Extent of impact on habitat – 50% or 5% ??
 - Impetus on mitigation measures instead followed by negotiation
 - Sometimes can revert to what is considered best practice e.g. noise levels guidance or need for ornithologist presence monitoring impact on Birds
 - Others we are starting a negotiation from scratch with no evidence basis

Challenge 4:

Void of guidance around what is acceptable before we embark on costly research, monitoring, testing...

Summary and next steps ...

Challenges to continue pondering...

- **Challenge 1:** Scientists admit uncertainty around benthic habitats and marine species – where are they exactly? How are these gaps being bridged? Who invests in capturing this data and how is data shared
 - Some examples where Ports actively engage in data capture has strengthened relationships with Regulators
 - DEFRA and MMO evidence teams stretched – under resourced
 - MMO sharing evidence gaps with Academia
-
- **Challenge 2:** How to demonstrate over-riding public interest to challenge EU sites.
 - Industry bodies play a critical role in other sectors
 - National Transport Strategy and more robust economic impact models
 - Better integration of policy – DEFRA - DfT

Challenges to continue pondering...

- **Challenge 3:** Proving the non impact
 - We will consider MCZs in more detail
- **Challenge 4:**
Void of guidance around what is acceptable before we embark on costly research, monitoring, testing...
 - Data gathering around significance
 - e.g. some have been able to challenge construction impacts
 - Clearer Policy at least for MCZs and MPAs
 - Opportunity with BREXIT to reconsider approach to SPAs and SACs – EU Case law??

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