

PE1637/R

Petitioner submission of 19 January 2021.

Stakeholders

“PoCF’s duty to operate in a manner which respects the interests of all our stakeholders, not just one group.”

It must be highlighted that more than 105,000 people objected to PoCF plans for crude oil transfers within a protected area for bottlenose dolphins. 25 community councils either opposed the plans outright, or expressed concern and more than 2200 people signed this PPC petition. Describing this level of disapproval of PoCF activities as just one group is a very inaccurate characterisation.

PoCF have one-way communication with stakeholders, as an example - in 2016, the Cromarty & District Community Council wrote to each individual PoCF Board member outlining concerns on ship-to-ship transfer proposals. None replied. PoCF also declined an invitation to deliver their proposals at an open public meeting in Cromarty. PoCF also declined to meet with a delegation from the General Assembly of the Church of Scotland, a first in the 450-year history of the kirk.

With reference to the lack of communication from Cromarty Rising in 2020 - in summer 2020 Cromarty Rising wrote to PoCF, via the office of Kate Forbes MSP, proposing a meeting to heal the relationship between PoCF and the community. PoCF ignored this. Cromarty Rising also proposed that noisy rigs can be moored away from high population areas, where works can proceed safeguarding jobs etc and community impacts from noise reduced. PoCF instead acquired 5 new moorings clustered round Cromarty.

Public Funding

The PoCF submission does finally confirm that £11.75 million of public funding has been given to a Scottish trust port. The myth of zero government involvement in Scottish trust ports is no longer tenable and reinforces the call for review of guidance for port governance which states they receive no funding at all. The Beatrice project is quoted by PoCF with 7000 jobs being created, but the reality is that PoCF only played a small part in the project, providing a laydown area with turbine assembly being undertaken at Nigg. Only a small number of those 7000 jobs actually exist in the Highlands for local people. PoCF themselves it should be noted, only provide 35 full-time jobs.

Freeports

Can PoCF confirm to PPC that if Freeports status is awarded, they will work to all currently existing International conventions, UK primary and secondary legislation, Highland Council Biodiversity plan and Local Development plan? Since Scottish Government declined to submit the Marine Scotland response to PoCF Ship-to-ship (STS) OTL consultation citing it as “a reserved matter” and both SEPA and SNH objections to the Scapa Flow STS licence award were ignored and, the objection of five Local Authorities were ignored in the Firth of Forth STS OTL application, can the Cabinet Secretary for the Environment confirm the level of governance and control

over reserved FreePort activities by the Scottish government, SEPA and NatureScot? Can PoCF categorically state that they will not bring forward a new STS application?

Noise

The **Cromarty Firth Confirmation Order Act 1974** requires PoCF to create Byelaws to prevent nuisance in and around the Cromarty Firth. “No Noise restriction” is advertised at Nigg for potential customers (see below).



The Port of Nigg is one of Scotland's most important energy industry facilities and is recognised for its world class multi-sector capability, offering unique turnkey solutions to customers in the international energy industry.

As the largest port facility in the Moray Firth, the Port of Nigg combines some of the largest construction and assembly shops in Europe, the facility benefits from an unrivalled dry dock and over 900 metres of deepwater quayside, providing clients with the ideal location to carry out major Capex projects, IRM works on mobile drilling rigs, mob/demob of subsea construction vessels and is fast becoming the main hub to support the renewables industry, with storage, laydown and yard logistics support, backed up by a multi-discipline workforce with proven track record.

KEY INFORMATION

Strategic Location:	Direct access to North Sea Oil & Gas fields	Working Restrictions:	No working hour restrictions / No noise restrictions
ISPS Registered Port:	24 hour gate house security supported by CCTV	Working Hours:	Accessible 24/7/365
Harbour Towing:	Modern IACS classed tugs of 65 tonnes bollard pull	VHF Radio Communication:	"Nigg Energy Park" VHF Radio available on channel 72

The Statutory Nuisance Provisions of the Public Health etc. (Scotland) Act 2008 enables Ministers to implement their responsibilities under international Health Regulations. It identifies that each Local Authority (LA) has a duty in law to inspect and detect whether a nuisance exists or is likely to occur or reoccur. The central issue is one of Public Health and establishing if impacts are “Prejudicial to Health”. PoCF state that their noise complaints records do not match Highland Council EHO records. PoCF also state they are unaware of the outcome of EHO noise studies. Highland Council or PoCF staff arrive at a complainant’s house several days after the nuisance complaint, invariably by then the work has been completed, or has otherwise stopped. When asked for an update on complaints received by our local Councillor, the Highland Council EHO counted the number of emails in his inbox. A proper investigation process involving dozens of complaints would surely have created a spreadsheet with severity of personal health assessed and recorded against the categories described in legislation, namely:

- Impact
- Locality
- Time
- Frequency of impacts
- Duration
- Convention

- Importance
- Avoidability.

These communication and investigative failures represent a breakdown of implementation of the regulations and Public Health responsibilities.

We suggest the PPC write to Public Health Scotland and request clarification that given the history of noise complaints listed above and the failure of PoCF to produce Byelaws or identify noise sensitive areas of the Cromarty Firth while at the same time promoting no noise limits on 24/7/365 basis, that Scottish Ministers duties in the implementation of the Public Health Act are actually being met?