



PUBLIC PETITION NO.

PE01637

Name of petitioner

Greg Fullarton on behalf of Cromarty Rising

Petition title

Ship-to-ship oil transfers and trust port accountability

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure that environmental legislation in Scotland is sufficient to prevent ship-to-ship transfers of crude oil in environmentally sensitive locations, such as the Inner Moray Firth, and to enhance the accountability of trust port boards to their stakeholders.

Action taken to resolve issues of concern before submitting the petition

We have raised the issue with MSPs and MPs including John Finnie MSP, Mark Ruskell MSP, Kate Forbes MSP, Gail Ross MSP, Drew Hendry MP and Ian Blackford MP.

In addition, since a specific proposal for ship to ship transfers of crude oil at anchorages in the Inner Moray Firth within the boundary of the Cromarty Firth Port Authority was announced we have undertaken a wide variety of actions to oppose the proposal. This has included, but is not limited to,—

- Formation of a pressure group
- Organisation of public meetings in communities around the Inner Moray Firth
- Raising the issue through local media and online campaigning
- Responding to consultations
- Lobbying the Cromarty Firth Port Authority, and
- Engaging in discussions with relevant bodies and individuals such as SEPA, SNH, The Highland Council, Scottish Wildlife Trust, Whale and Dolphin Conservation, Prof Paul Thompson and RSPB Scotland.

Petition background information

We are calling for the safeguards highlighted in this petition, to be delivered on a national basis in light of our experiences in relation to the Inner Moray Firth proposal.

Specifically - the Cromarty Firth Port Authority (CFPA) has applied for a licence to undertake ship to ship transfers of 8.6 million tonnes of crude oil at sea anchorages in the inner Moray Firth. The CFPA previously undertook these transfers while tied up at a jetty at Nigg oil terminal, however they are currently unable to reach an agreement with the owners to continue this process. The current application represents an 800%

the owners to continue the process. The current application represents an 80% increase in oil transfers when compared to historic transfers at Nigg Jetty. The CFPA say these transfers are an essential business stream which will generate £500,000 in income and fund interest payments on a loan to expand facilities for cruise ships. There will be no new jobs created by this proposal. The ecosystem service value of the Inner Moray Firth is some £464 million and supports an estimated 5,000 jobs. The new anchorages are wholly within a highly environmentally sensitive area, namely the Moray Firth Special Area of Conservation (SAC) and the proposed Moray Firth Special Protection Area (SPA).

We contend that there is a proven, safe alternative at Nigg Terminal which allows all communities to prosper and minimises the risk to the environment. The disregarding of communities and environment for short term commercial gain brings a very real threat to the region and it is incumbent on the Scottish Government to resolve the commercial discord the public have witnessed within the Cromarty Firth.

The award of the licence is the role of the Maritime and Coastguard Agency in Southampton. It is not subject to the rigours of the planning system. An initial consultation closed in February 2016 and 340 representations were made. The points raised have been used to refine the application which is due for resubmission in January 2017. There will be no further public consultation - we consider this to be wrong. Indeed an Appropriate Assessment will be required and we consider that, at the very least, the content of the Appropriate Assessment must be made available for public consultation. Statutory consultees – Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), RSPB, the Highland Council and Marine Scotland will however be given the opportunity to respond. Marine Scotland however failed to reply to the first consultation.

Communities along the Moray Firth and Cromarty Firth are furious about these proposals having had little or no meaningful consultation. The CFPA have met Cromarty and District CC behind closed door but have consistently refused to attend a public meeting to put their case forward. The CFPA refuse to recognise the Nairn and Moray coastal communities as stakeholders, even though they will be in closer proximity to the transfers that the Port Authority will be at their Invergordon HQ. Cromarty and District Community Council undertook a survey of community councils with a marine border within the Cromarty, Moray and Dornoch Firths - 24 community councils are now opposed with 1 (Invergordon) in favour. A number of government agencies and NGO's have either opposed or raised serious concerns. These include SEPA, SNH, Whale and Dolphin Conservation, WWF Scotland, National Trust for Scotland, RSPB Scotland, Scottish Wildlife Trust, Marine Conservation Society and Marine Connection.

These concerns relate to the potential impact on the European designated nature conservation sites protected for bottlenose dolphins, sub-tidal sandbank (important for juvenile fish stocks) and birds. Prof Paul Thompson who has studied the Moray Firth dolphin population for that past 25 years comments "If you were trying to find a place in Europe that posed the maximum risk to a protected dolphin population, this would probably be it" Concerns relate to the potential for an oil spill or catastrophic event – the nearest transfer location is only 1km from a rocky coastline and in relatively shallow water. Further and equally valid concerns relate to the potential for operational impact on protected species, local communities and tourist related businesses. This includes noise, emissions of carcinogenic Volatile Organic Compounds, ballast water discharge with the potential to introduce non-native species and disease as well as visual impact within an important area for tourism. Significant concerns also exist with regard to Highland Council's role in a spill - it is feared a large event could bankrupt the already stretch local authority.

On the issue of trust port governance - this should apply equally to all Scottish Trust Ports, however, we cite the CFPA as an example. The CFPA were established by statute in 1973 and became a Scottish Trust Port in 2003. They appoint their own board and they are responsible only to that board and their stakeholders. Stakeholders include local communities, businesses, local and regional government and the

include local communities, businesses, local and regional government and the environment. Local communities feel that they are not being listened to by an autocratic port authority that is out of step with the views of their stakeholders. The port is not answerable to the Scottish or UK Government, there is no oversight and if stakeholders feel aggrieved and they have complained unsuccessfully to the board, their only recourse is to take legal action.

A community pressure group, Cromarty Rising has been formed – they are currently fundraising to take the UK government to court via judicial review, should this licence be awarded. Several public meetings have been undertaken which the CFPA have refused to attend. Nairn and Moray communities have also formed a coalition to fight the application. A petition has now attracted close to 20,000 signatures and media coverage has been widespread at local and Scotland-wide levels.

This issue cuts across environment, tourism and economic development and transport - they are all devolved issues and feel strongly that the Scottish Parliament should take a strong stance on this issue given the level of opposition shown to the Firth of Forth proposal in 2007 and ensure that the necessary legislation is in place to ensure environmental protection of our sea, protection of tourism industry as well as ensuring there is an independent check and balance on the operation of our Trust Ports. We wish to highlight that this issue was debated in the Scottish Parliament in 2006 and was also the subject of the maiden speech by Richard Lochhead MSP as well as being scrutinised by the environment committee. We feel this has set a precedent for examination of the issue however, a decade on, we appear to be dealing with a very similar issue arguably in a more environmentally sensitive area. We feel it is for the good of all of Scotland that these issues are dealt with once and for to prevent a repeat occurrence in the future.

Unique web address

<http://www.parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers>

Related information for petition

Cromarty Rising Website - www.cromartyrising.com

Twitter - <https://twitter.com/cromartyrising>

38 Degrees Petition - <https://you.38degrees.org.uk/petitions/danger-to-sea-life-from-oil-spills?bucket=blast>

Facebook - <https://www.facebook.com/saveourhighlanddolphins/>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

43

Closing date for collecting signatures online

17 / 02 / 2017

Comments to stimulate online discussion

- Do you believe that environmental legislation should prevent ship-to-ship oil transfers in environmentally sensitive locations?
- Have you been involved in campaigning against a proposed transfer or seeking to hold a trust port board to account? What are your experiences of these things?
- Do you agree that ship-to-ship oil transfers pose risks to wildlife and local economies?