

Fortrose and Rosemarkie Community Council



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Cromarty Forth Port Authority - Oil Transfer Licence Application

Fortrose and Rosemarkie Community Council object to the application by Cromarty Firth Port Authority (CFPA) for a ship to ship oil transfer license for a range of locations to the east of the Cromarty Sutors.

We represent the communities of Fortrose and Rosemarkie. Our area is situated SW of the Cromarty Community Council area and is 7.5km SW of the nearest proposed anchorages. This application has implications for all the communities around the Inner Moray Firth, but we will limit our remarks to those matters that are of direct relevance to the communities we represent.

It is our understanding that ship to ship transfer of oil (STS) is considered to be such a high risk activity that it is banned from being carried out in UK Territorial Waters (to the 12 mile limit) except in strictly controlled areas within harbours and one single location off the coast of Suffolk.

This area is of such high EU conservation value and delivers significant economic benefits to our communities that this application should be rejected by the Maritime and Coastguard Agency (MCA).

We object on the following grounds:

- **Under-Estimation of the Scale of Oil Spillage**

The application submission is inadequate and glaringly inaccurate in addressing the potential impacts of this activity. The risk assessment undertaken for oil spillage is wholly unrealistic based on a spillage of 1 tonne. This would assume that in the event of a pipe rupture between the vessels undertaking a STS transfer that pumping would cease immediately. This assertion is unbelievable and it is estimated that at least 80x this amount would be discharged into the sea before any shutdown was possible.

Estimates of the small spillage amounts were assessed only for high tide conditions and without taking into account the very strong currents in this area. Whilst it is accepted that prevailing winds are from the SW there are many lengthy spells when the wind is in the east or north east. In this scenario any spillage would directly impact upon our area.

In the event of a spill washing ashore, the application states that there is no provision for cleaning it up; it will be left to degrade naturally. This is unacceptable on environmental grounds (see below).

The Oil Spill Contingency Plan provided (v7) states that the Tier 1 level response has sufficient resources to immediately engage with a maximum spill of 10 tonnes of medium crude oil and 6 tonnes of MGO. The MCA Regulations state that there must be an immediate sufficient response resource ability for a spill of 300 tonnes. The necessary equipment for immediate deployment is not available and the projected deployment time has been omitted from the response time. The failure to address this is unacceptable.

It is unclear who will be responsible for suspending ship to ship, STS, operations when weather maxima are exceeded. During prolonged periods of severe weather we believe that those responsible for this decision will be under considerable commercial pressure to continue /resume operating. An independent authority such as HM Coastguard should be able to request the suspension of STS activities when upper weather limits are exceeded. It is recognized that their ability to deliver this function is greatly constrained. We are unconvinced at the adequacy of mitigation measures to prevent oil impacting along the Moray Firth coast in the event of a potential oil spill arising from one of the causes described.

- **Inaccurate data**

Confidence in the contents of the application is inevitably reduced due to the number of inaccuracies, the most significant of which is the statement that the anchorage sites are 2 km from the nearest shoreline. This figure is actually just under 1.4km for Anchorage 14 and a similar figure for Anchorage 15 from the buoy marking the southern extension of the Cromarty Bank. Any assessment of spillage impacts on the shore have to be taken on the basis of at least 80x the quantity of oil reaching a shoreline which is 30% closer than stated.

- **Potential for Collision**

The application takes no account of the potential for collision between the transfer vessels or with other vessels in the area. This is unrealistic and the implications of it occurring could have catastrophic implications for the area.

2016 will see the arrival of 62 cruise ship visits entering the Firth through the Sutors. 26% of these visits are vessels over 100,000 tonnes. These visits are over a 5 month period from late April, which is also assumed to be the busiest time for STS transfers. Anchorages 14 and 15 will inevitably restrict access to the Firth for these vessels. Prevailing SW winds will result in the STS transfer vessels lying across the southern half of the main channel when vessel length, anchor cable length and the 500m exclusion zone are factored in. There are no tugs in the area that are capable of hauling a vessel in the case of running aground. The nearest is thought to be in Orkney – 8 hours away. The proposed area is so close to a complex shoreline of cliffs, beaches, reefs and rocks that the risk of collision is not an acceptable one. The absence of addressing this issue in the application is an unacceptable oversight and a risk of a significant order.

- **Ballast Water**

Ballast water from vessels using Nigg Pier is currently taken ashore and treated. This will not be possible for offshore transfers, which will involve the transfer of an estimated 8 fold increase in oil and a similar increase in ballast water. It is to be expected that many of the vessels engaging in the transfers will be coming from ports outside the EU and from jurisdictions that are largely beyond the scope of EU law. There are international protocols for this practice but it is unlikely that all vessels can be adequately monitored, or penalized in the event of a breach. Ballast water will inevitably pollute the Inner Moray Firth and introduce organisms and pollutants that are currently not present.

Enforcement, through the Coastguard, despite the recent purchase of a new aircraft, would be inadequate as this resource would be used mainly to police fishermen, even though they also have duty to police ballast discharges. Satellite tracking and cross checks with a ship's log can also be used but with the Coastguard only having a presence in Aberdeen this is unlikely. The process is largely reactive and this causes great concern as by then the damage will have been done. We consider that the resources and the legislation to police this process adequately is lacking and pollution will occur to the long term detriment of the range of environmental interests in the seas and along the coastline.

Environmental Impacts

The potential for oil spillage, collision and discharge of polluted ballast water have all been understated and should any one of those occur the consequences would be potentially catastrophic to the following interests.

- **Bottlenose dolphins**

Of great significance is the designation of the area as the Moray Firth Special Area of Conservation (SAC) for bottlenose dolphins. This much studied and loved population is directly threatened by this proposal. The location of the proposed anchorages could not be in a worse location for this EU protected species. The entrance to the Firth along with the Chanonry Narrows are recognized as the two most important locations for this highly mobile population. These locations are critical to sustaining the long term presence of the population. The application does not recognize the fact that the proposed transfer site is within the Special Areas of Conservation, SAC. What is proposed will impact this in several ways:

- Increased shipping movement leading to disturbance in a key location
- Increased noise resulting in impacts on dolphin sonar
- Potential for oil spillage
- Potential impacts from ballast water discharge

This population is already the most northerly in the world, and is likely to be surviving close to its ecological limit; consequently the impact of what is proposed in the application is inadequately addressed and under estimated. The precautionary principle should be applied in this situation and the application rejected purely on the impacts on the dolphins.

- **Other Large Marine life**

The area is also home to porpoises, occasional minke whale and basking shark, common and grey seals and a healthy coastal otter population. As with the dolphins, any of the potential impacts listed above could have a catastrophic impact on these animals. The environmental assessment is inadequate in addressing the potential damage to these species

- **Birds**

The area covered by the application is part of the Inner Moray Firth Special Protection Area (SPA), which has been designated for a range of bird species occurring at a significant level to be of value at the UK scale. Of specific relevance to this application is the fact that during the breeding season the area regularly supports:

- *Pandion haliaetus* (osprey) at least 2% of the GB breeding population
- *Sterna hirundo* (common tern) 2% of the GB breeding population

Both these species would be directly impacted by an oil spillage. There are seabird colonies of regional importance on the North Sutor and SE shore of Black Isle. In the event of an oil spill these would be devastated, with no opportunity to remedy the situation.

Impacts on Economy and Local Businesses

Fortrose and Rosemarkie are popular destinations for visitors both local, regional and international. The area is renowned for its good climate, clean environment, good beaches and outstanding wildlife. Chanonry Point is globally recognized as one of the best locations to watch the world's largest dolphins from the shore. It is estimated that up to 150,000 visitors come to the Point each year and this has resulted in an ongoing investment by the Highland Council of over £400,000 in a new car park for the site.

A study by the Aberdeen Centre for Environmental Sustainability, part of the Aberdeen University Business School¹, produced in 2010 revealed that:

'total direct expenditure currently related to the bottlenose dolphin population is estimated to be at least £10.4 million, but around one third of these would potentially be spent elsewhere in Scotland even in the absence of opportunities to see these dolphins. On an indicative estimate adjusting for additionality, the total income from direct tourism expenditure in Scotland reliant solely on the presence of the east of Scotland bottlenose dolphin population is therefore considered to be at least £4 million, providing approximately 202 FTE jobs.'

Whilst the proposed anchorages are 12 km to the NE the importance of the two sites cannot be separated as they are both integral parts of the home range for these impressive creatures. Impacts at the anchorage site would have direct and negative consequence on the same individuals at the Point. This would reduce the number of visitors and result in a downturn in the local tourism economy.

Much of our local economy is sustained by tourism, and this is not just based on the presence of the dolphins, but on the clean, green image that the area possesses. The reputational risk to the area of any spillage, collision or ballast water incident is of far greater concern than any small scale economic benefits that would accrue to the area through this application going ahead. The sole beneficiaries are one oil company and the CFPA. For our communities reputational damage is irreversible.

Either side of the village of Rosemarkie there are 5 km of clean beach, providing the closest such asset to the city of Inverness. Any kind of oil spillage, collision or ballast water incident would be disastrous for this coastline and a local economy sustained by tourism. Most of our visitors cherish our environment and the presence of large oil tankers undertaking potential

¹ The Value of Tourism Expenditure related to the East of Scotland Bottlenose Dolphin Population; August 2010; Ben Davies, Cristina Pita and David Lusseau with Colin Hunter

hazardous activities at the heart of key conservation areas of European importance would lead visitors to consider that we do not care.

Fortrose and Rosemarkie Community Council consider this application and the assessment undertaken by the applicant are deficient and ask the Maritime and Coastguard Agency to reject this license application.

Signed

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Chairman

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