

**Questions for the Port Authority arising from the offer made by Ms J Allday at the CDCC public meeting on 29<sup>th</sup> August 2016.**

- This application proposes to conduct industrial volumes of ship to ship transfers of crude oil exactly where the most northerly pod of bottlenose dolphins in Europe live and breed.
- The Port Authority application does not make it clear where the crude oil comes from and where it will go to.
- There is no business case or financial justification given in the application.
- There are navigational errors in the application, bringing things closer to the rocks and skerries.

Representation, objection or expressions of concern with the application have been made by the following

- [Scottish Wildlife Trust](#)
- [Scottish Environmental Protection Agency \(SEPA\)](#)
- [Association for the Protection of Rural Scotland](#)
- [Cromarty & District Community Council](#)
- [Highland Council](#)
- [Scottish Natural Heritage \(SNH\)](#)
- [Royal Society for the Protection of Birds \(RSPB\)](#)
- [Professor Paul Thompson](#)
- [Whale and Dolphin Conservation](#)
- [Fortrose and Rosemarkie Community Council](#)
- [Transition Black Isle](#)
- [National Trust for Scotland](#)
- [Nairn Community Councils](#)

Subject	Question	Remarks
<p><b>The Convention on Biological Diversity, 1994.</b>  <b>European Directive 2008/56/EC, and UK Marine Policy Statement (March 2010)</b></p>	<p>Why does the application fail to meet the requirements of an ecosystem based approach as required?</p>	<p>UK Policy is signed by both HM Government and the Scottish Government.</p>
<p><b>The Highland Wide Development Plan, Inner Moray Firth Development Plan and the Highland Biodiversity Plan</b></p>	<p>Why does the application violate a number of aspects of these plans?  If Stakeholders, communities and local residents abide by these Local Authority requirements why do the CFPA &amp; PoCF not ensure their application complies Licence award requirement <b>AND ALSO</b> with all local Authority requirements like everyone else within a responsible society?</p>	<p>The Cromarty Firth Port Authority Board is appointed by the (Westminster) Government under an Act of parliament 1973. There is a duty of care to comply with local authority requirements as do all other stakeholders.</p>
<p><b>IMO Convention on Ballast Water and Sediment Management.</b>  The global threat of aquatic non-native species such as predatory Killer Shrimp which decimate fish and sea food stocks.</p>	<p>Why does the application violate the objectives of the International maritime organisation on both ballast water and volatile organic compound gaseous releases?</p>	<p>The application for 8.4 million tonnes of crude oil indicates that circa <b>2 million tonnes of untreated ballast water will be dumped into the firths.</b>  Killer shrimp originate in Russian regional water, which is where oil shipments for transfers will originate.</p>
<p><b><i>The Rio Declaration on Environment and Development: Principle 15 – The Precautionary Approach</i></b></p>	<p>Why did the application pre-consolation not involve Aberdeen University Field Station at Cromarty where a vast and globally recognised expertise on bottlenose dolphins exists?  Why will the ship-to-ship transfer at sea anchorages involve circa <b>2500 propeller movements per year cutting through where the dolphins live and not at the safer option of Nigg jetty?</b>  What are the effects of noise, disturbance, hazardous gas vapours and aquatic invasive non-native species of cetaceans and their breeding patterns?</p>	
<p><b>THE EUROPEAN WATER FRAMEWORK DIRECTIVE (2000/60/EC).</b></p>	<p>The directive addresses inland surface waters, transitional waters and coastal waters. It establishes innovative principles</p>	<p>A ballot of Cromarty and District Community residents who attended a</p>

	<p>for water management including public participation in planning and economic approaches?</p> <p>Why was there no public pre-engagement in integrated coastal zone planning as required by this EU directive?</p>	<p>public meeting on 27<sup>th</sup> January 2016 voted 100% opposed to the licence application and its award.</p>
<p>The <b>European Directive 2008/56/EC</b> is the <b>Marine Strategy Framework Directive</b> which introduced Ecosystem Services</p>	<p>Why was no economic business case, which includes all stakeholders, presented as part of the application?</p>	<p>Proper assessment of ecosystem services balances our national economic wealth and individual well-being, it is the basis for informed decision making now and for the future. It is the interaction between living and physical environments, and as such, ecosystem assessment recognises that future stakeholders are the ultimate stakeholders.</p>
<p><b>Cromarty Firth Port Authority Application Main document P1946_RN3783_Rev1 10th December 2015</b></p> <p>Table 5.2 Cultivation of shellfish should be removed from the human food chain.</p>	<p>How can CFPA decide that those who earn their living from Sea food should be impacted in this way? Who gave the CFPA the right to dictate the livelihood of people's income?</p> <p><b>Has this been agreed with the families of sea food fishermen?</b></p>	<p>The risk assessment goes on to describe the removal of sea food from the human food chain as having <b>"No residual impact"</b>.</p>
<p><b>Cromarty Firth Port Authority Application Main document P1946_RN3783_Rev1 10th December 2015</b></p> <p>Sir Allan Massey, Chief Executive of the Maritime Coastguard Agency, in Ministerial Correspondence dated 4<sup>th</sup> April 2016, sent on behalf Secretaries of State of Patrick McLoughlin and David Mundell, describes the application based on 1 tonne maximum credible oil spill volume as wrong. The UK is likely to find fines for damage to European sites</p>	<p>Why does the risk assessment for oil spills only consider oil spills which happen at high tide? How many Mariners have ignored the terrible impacts which will come from an oil spill which happens during rising tides?</p> <p>SNH have described even one tonne as too much for the environmental sensitivity of the marine environment, and the Chief Executive of MCA has said even this damaging figure is wrong, how can CFPA continue to dodge through regulations and qualified commentators in the pursuit economic gain?</p> <p>Why is there a navigational error in the application? <b>Intertek</b> are not familiar with marine operations and someone has failed to ensure important marine controls are in place. Given</p>	

<p>exceeding £75 million pounds. The proposed anchorages are within and surrounded by protected European sites.</p>	<p>a 17,000 tonne rig ran aground in Lewis barely a month ago, how many more errors are people to expect from lax applications and poor control from the regulators?</p> <p>Why have spill volumes calculations of 75 tonnes when pumping at high rates been overlooked?</p> <p>Why have collision risks and grounding of tankers with 180,000 tonnes been ignored, when these could bring catastrophic consequences to the region?</p> <p>Why have Easterly winds not been properly looked at for oil spills?</p> <p>Oil spray by the wind caused severe problems for near-shore fields etc. when Braer crashed and sank, how will such an event affect Castle Stuart, Royal Dornoch, Nairn Championship course and the prized spring source of Glenmorangie?</p> <p>How will oil spill be recovered from cliffs? Or will it be left to weather and pollute coastal water for years?</p> <p>How will oil spill be removed from the historic fossils at Eathie and Cromarty, when leaving oil will cause permanent damage?</p>	
<p><b>Marine Scotland was listed as official Consultees by Right Hon Mr Robert Goodwill Under-Secretary of State for Transport in The House of Commons on 8<sup>th</sup> February 2016, after the consultation period had ended.</b></p>	<p>Why were Marine Scotland not listed as an official Consultee in the CFPA application during the consultation period?</p> <p>Why does Marine Accident Investigation Bureau statistic show that more than 90% of accidents during ships loading happen with foreign flagged ships when they are away from the safety of a jetty in a port?</p> <p>How long will it take for emergency tugs to get down from Shetland if there is a problem, particularly when they were too late to arrive for the Transocean Winner and it ran aground in Lewis?</p>	<p>We note that marine Scotland was not listed in the Orkney Isle ship-to-ship licence application either. Stakeholders were denied the opportunity to engage with all official consultees.</p>
<p>SEPA Consultation response</p>	<p>Why did SEPA oppose the award of the licence and raise 15 points of objection to the application?</p>	
<p>SNH Consultation response</p>	<p>Why did SNH not agree with the CFPA Environmental Statement, describing key elements as having “inadequate analysis”?</p>	

	Why did SNH request that a qualified body re-do the environmental assessment work?	
<b>MCA Notice to Mariners MSN 1829(M) requirement to have equipment at immediate readiness to deal with 300 tonnes fuel spill.</b>	Why does Cromarty Firth Port Authority disregard this notice to mariners for ship-to-ship transfers?	
	Given Transocean Winner had its vessel integrity punctured by rocks, and beached in shallow waters allowing emergency recovery, why is collision and grounding ignored in risk assessments?	There is no shallow beach at the Sutors. A tanker, single or double hull, will rip and sink long before any ERV tug can get on-scene.
	Why does the CFPA oil spill plan list Sea Sentinel oil spill booms which the manufacturer's states are not suitable for the marine environment at the anchorages?	
	Why are <b>Intertek</b> not listed as accredited Oil Spill services consultants by UK SPILL yet they prepared CFPA oil Spill plans?	UK SPILL Is the UK Government recognised oil spill industry standard body.
	Why did CEO Bob Buskie describe Talisman Energy Nigg operations as having "great uncertainty" in correspondence with The Chief Executive of Highland Council on 5 <sup>th</sup> February 2016, yet the CFPA emergency response oil spill plan place significant reliance on Talisman Energy Nigg base for larger oil spill response requirements and on-scene incident command support requirements? Has the Regulator been informed of this significant development in relation to the licence application given that the oil spill response plan received official approval by the Secretary of State office on 12 <sup>th</sup> November 2015?	
The Scottish Government invested of £1.7 million pounds of tax-payers money in Nigg Total Energy Park which has SEPA approved capability to treat ballast water. North Sea oil declines mean these specialised jobs are at threat by this	Why can commercial agreements not be put in place which utilise the Cromarty Firth in a manner which includes all stakeholders in an equitable manner and which protects the estuary for all stakeholders?	

licence taking new business away. CFPA have announced a record cruise liner season in 2016 with 25 % increase and £11 million pounds more for the CFPA and the region.		
Business case justification omission.	What financial impact assessments have been carried out by CFPA and PoCF on their proposed oil transfers operations, in relation to the effect they will have on the communities and businesses of the Cromarty and Moray Firth areas? Who carried these out, when and what were the conclusions and recommendations of these assessments?	
Application Environmental Statement failure.	What environmental impact assessments have been carried out by CFPA and PoCF on their proposed oil transfers operations, regarding all operations to be conducted by CFPA & PoCF on the marine environment and stakeholders of the Cromarty and Moray Firth areas? Who carried these out, when and what were the conclusions and recommendations of these assessments?	
Eco-system Service value	What competent body has been engaged by CFPA & PoCF to verify that the eco-system service value of these important estuaries will be protected?	<b>There is no indication what-so-ever that Intertek are competent to deliver this assessment. Intertek staff indicated on the Licence Application does not appear to have any qualification in this highly important matter.</b>
Corporate Responsibility neglect	How can CFPA & PoCF demonstrate that it is fulfilling its mission statements in annual reviews of 2012, 2013, 2014? Why have a legal firm been engaged by stakeholders if you have safeguarded correctly?	Mission Statement: The Port of Cromarty Firth exists to improve, safeguard and develop the Cromarty Firth as a port for the benefit of all its stakeholders.