

The Highland Council
Planning, Development and Infrastructure Committee

Agenda Item	15
Report No	PDI 13/16

17 February 2016

Cromarty Firth Port Authority – Ship to Ship Oil Transfer Application

Report by Director of Development and Infrastructure

Summary

This report introduces an application made by the Port of Cromarty Firth to permit ship to ship oil transfers from moorings close by the Sutors of Cromarty, within the Port Authority area (**Appendix 1**). The report supporting the application is available via the link below. Intertek consulted us on the application and a response, submitted on behalf of Highland Council, is included at **Appendix 2**. Committee is invited to consider the application made by the Port of Cromarty Firth and to homologate the response submitted. Any additional comments will be forwarded to the Maritime and Coastguard Agency following Committee consideration, if required.

1. Background

- 1.1 The Highland Council was consulted via email on 9 December 2015 by a company called 'Intertek', on the behalf of the Port of Cromarty Firth, in relation to an application to the Maritime and Coastguard Agency (MCA) (Port of Cromarty Firth is the trading name of the Cromarty Firth Port Authority). The consultation was in regard to an application to the MCA for a Ship-to-Ship Oil Transfer Licence. Transfers would be located at five sites just east of the Sutors, Cromarty (**Appendix 1**). Oil transfers would occur around four times a month at one of these five sites at any one time. They would be of around 180,000 tonnes per transfer. There are currently on average 1.3 transfers per month, which take place between ships moored at Nigg. The MCA will assess the application in a similar way to a planning application in that they will consider all information received from consultees before reaching a decision.
- 1.2 There has been considerable local community and media interest in this application. The local community has prepared assessments of the proposals and the potential impacts of an incident involving oil spillage into the marine environment. In addition, Professor Paul Thompson has detailed information outlining his key concerns with the application, particularly in relation to the local cetacean population. The Council has these assessments and has taken them into account in preparing the response submitted. These assessments are available in the Members' library for reference.

2. Potential considerations and response

- 2.1 Responding to the consultation the Council needs to be aware that there could be potentially significant implications for the local marine environment as well as social and economic assets should an incident occur involving the spillage of oil into the Cromarty and/or Moray Firth. Although the Council has limited jurisdiction below Mean Low Water Springs it actively supports integrated marine planning and is responsible for land use planning. The Council is an important partner in the delivery of the National Marine Plan and on marine licensing applications.
- 2.2 Local Members are also keenly aware of the significant concerns raised by local residents and Community Councils, particularly the Cromarty Community Council.
- 2.3 The Council's response (**Appendix 2**) takes the above into consideration alongside advice from other key agencies (e.g. SNH). The response submitted raises the following points:
- the importance of adherence to ballast water procedures to prevent the spread of marine invasive non-native species;
 - in the event of a collision, the proximity and limited availability of emergency towing vessels and tugs requires careful consideration;
 - in the event of a spill or collision, the Council's Emergency Response Team and Environmental Health officers will be required to assist with clean-up operations;
 - there are no marine fin-fish farms within in the Firth that have planning permission. The application report produced by the Cromarty Firth Port Authority states that there are fin-fish sites within the Cromarty Firth;
 - the application report appears to have taken no account of mitigation measure required in the event of a large scale oil spill. Only small scale spills are considered; and
 - there appears to be little evidence of local community consultation or how local concerns have been addressed by the applicant. Measures to address wide spread local concerns will be an important consideration in the MCA's determining the application.
- 2.4 The closing date for responses had been extended from 29 January to Monday 8 February 2016. Any additional comments arising from Committee consideration will be submitted to the MCA.

3. Legal, Resource, Equality, Climate Change/Carbon Clever, Risk, Rural and Gaelic Implications

- 3.1 There are no implications arising from this report.

Recommendation

Committee is invited to consider the Port of Cromarty Firth ship to ship oil transfer application and to homologate the response submitted on behalf of Highland Council. Any additional comments will be forwarded to the MCA following Committee consideration.

Designation: Director of Development and Infrastructure

Date: 03 Feb 2016

Author: Shona Turnbull (Ext: 2220)

Background Papers:

- a) Cromarty Firth Port Authority – Application for a Ship to Ship Oil Transfer Licence – P1946_RN3783_Rev1 – 10th December 2015. Available at:
http://www.cfpa.co.uk/Cromarty_Firth_Port_Authority/media/Document-Library/Oil%20Transfer%20Licence%20Application%20Documents/Main-Report.pdf
- b) Objections to proposed Ship to Ship Oil Transfer in the Port of Cromarty Firth – Public concern over potential environmental damage and severe adverse effects on the local tourist industry, local amenities, and flora and fauna. Prepared for the Cromarty Community Council – December 2015.
- c) Prof. Paul Thompson’s submission

Available in the Members’ library for information.

Appendix 1

Chart indicating proposed Ship to Ship transfer mooring positions.



Intertek
Exchange House
33 Station Road
Liphook
Hampshire
GU30 1EG

Please ask for: George Hamilton
Direct Dial: 01463 702252
E-mail: george.hamilton@highland.gov.uk
Date: 8 February 2016

Dear Madam/Sir

CROMARTY FIRTH PORT AUTHORITY: APPLICATION FOR LICENCE TO CONDUCT SHIP TO SHIP OIL TRANSFERS

In response to your email of 9 December 2015, thank you for the opportunity to comment regarding the above. The application for proposed cargo transfers at five locations within the Cromarty Firth Harbour waters is located within the Moray Firth Special Area of Conservation. The Highland Council offers the following comments for consideration.

The Highland wide Local Development Plan and the Inner Moray Firth Local Development Plan, along with the recent Highland-wide Main Issues Report, outlines the Council's commitment to supporting sustainable development and the integration of coastal and marine planning.

The increase in marine traffic and related ship to ship transfers as a result of the proposed activity has the potential to have significant negative environmental and biodiversity effects due to the increased risk of ballast water issues, collision, oil spills and noise. These effects therefore require careful consideration as they could in turn have a significant impact on coastal and terrestrial assets, along with economic and social impacts.

Some of the assumptions made in the report supporting the application (Table 5-2) regarding the residual environmental effects, after mitigation, would appear to be unsupported. For example, the oil spill modelling: this is based on 1,000 kg released over 10 minutes. This would appear to be unrealistic given that oil would likely be pumped at around 2 tonnes per second. However, the Council defers to SNH, SEPA and MS and MSS to provide expert guidance and an assessment of the potential impacts of an incident arising.

The Council provides the following further comments for consideration:

- the proposal should adhere to stringent ballast water procedures in accordance with the IMO International Convention for the Control and Management of Ships' Ballast Water and Sediments (pre and post ratification) to prevent the spread of invasive non-native species;
- in the event of a collision, the proximity of emergency towing vessels tugs requires careful consideration. In this case you may be aware of the Council's commitment to work with the Scottish Government to press the UK Government for the same level of protection as previously provided by two emergency towing vessels with fire-fighting capability covering the


Minch and Northern Isles. This type of activity in close proximity to the Highland coastline demonstrates the need for such provision, and we ask that significant efforts are made to ensure that such cover is available should any incident occur;

- whilst it is unlikely that noise nuisance effects on local communities will be a material issue due to the separation distances involved, in the event of complaints arising, this Council has powers to investigate under the Statutory Nuisance provisions of the Environmental Protection Act 1990;
- in the event of a spill or collision, the Council's Emergency Response Team and Environmental Health officers may be called to assist;
- table 5-2 of the supporting report refers to fin fish farms in the Cromarty Firth; there are no marine fin fish farms within the firth that have planning permission. There is a continuing presumption against further marine fin fish farm developments on the north and east coasts to help safeguard migratory fish species. There are a number of currently undeveloped shellfish sites that have planning permission;
- table 5-2 does not appear to consider the potential mitigation if there was a large scale oil spill; and
- evidence of local community consultation measures is lacking in the report and the Council would wish to be assured that community consultation has taken place. Evidence that local concerns have been addressed will be an important factor in the MCA's determining the application.

Highland Council's Planning, Development and Infrastructure Committee will consider the transfer application on 17 February. Additional comments may arise and these will be submitted for your consideration.

I trust you find these comments helpful. Please contact me if you require any further information.

Yours faithfully



J Stuart Black
Director