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### **Cromarty Firth Port Authority – Oil transfer licence application**

The Scottish Wildlife Trust welcomes the opportunity to comment on the Cromarty Firth Port Authority's application for a ship-to-ship oil transfer licence for anchored vessels in the Moray Firth, under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (as amended).

It is the Scottish Wildlife Trust's firm view that all marine based industrial activity must consider and maintain the quality, health and biodiversity of the waters it occupies, avoiding significant, cumulative, long-term or irreversible damage to the environment. Of principal importance is ensuring that plans and policies are guided by the principles of Sustainable Development and the Ecosystems Approach and are compatible with the Habitats and Birds Regulations, as well as the achievement of Good Environmental and Ecological Status of our marine and coastal waters as required by the Marine Strategy and Water Framework Directives.

In line with the Scottish Wildlife Trust's 25 year vision for *a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas*, marine development and activity must be sited appropriately, within a strategic framework of spatial planning that directs developers toward locations where significant impacts on biodiversity are avoided.

**With this in mind, the Trust wishes to register our objection to the Cromarty Firth Port Authority's ship-to-ship transfer application primarily due to concerns over the significant pollution threat to highly sensitive coastal and marine environments including multiple designated sites.**

#### *Potential for damage caused by oil spill*

The proposed site for ship-to-ship (STS) oil transfers is located in an area with a high concentration of National and European protected sites (Special Area of Conservation, Special Protection Area, Site of Special Scientific Interest, and Ramsar sites) and any oil spill, whether 1000 kg or more, could potentially have a significant impact on the surrounding environment, ecosystems and wildlife, particularly for the resident populations of dolphins and seabirds.

As STS transfers already take place at Nigg Bay terminal in Cromarty Firth, it is unclear from the application why there is a need for additional STS transfers or why the proposed location for these

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transfers is situated in the Moray Firth proper. In the event of an oil spill, mitigating any adverse effects on the surrounding wildlife could be more challenging in the proposed location than from within the more enclosed waters of the Cromarty Firth. Certainly an assessment of the adequacy of the proposed Oil Spill Contingency Plan for dealing with an oil spill in the more open environment of the Moray Firth needs to take place.

The application offers no indication of an assessment of alternative locations nor any justification for the proposed site. For example, a comparison of the costs/risks associated with expanding the Nigg Bay terminal to accommodate four extra vessels per month versus the proposed application. Likewise, no comparative assessment is evident of the risks associated with STS transfers between anchored and docked vessels. A clear assessment of the different options available should be undertaken.

The application documents outline the highly sensitive nature of the surrounding environment and the potential effects on the large number of designated sites in the area. It is our view that a likely significant effect on components of one or more European marine sites cannot be ruled out and therefore prior to consenting the proposal the MCA should conclude, through Appropriate Assessment, that significant risk can be avoided or mitigated.

We recognise that STS transfers already take place within the Cromarty Firth SPA, but it is not clear from this application whether or not these have undergone rigorous environmental assessment or been considered against the requirements of the Habitats Regulations. Our concerns centre around increasing this type of activity within an ecologically sensitive area and also increasing the number of locations where this activity takes place.

### Additional comments

#### *Introduction of non-native species*

Although management measures have been proposed, based on the International Maritime Organisations Ballast Water Management Convention guidance, ballast water will still be released into the Moray Firth and, therefore, the risks associated with non-native species (NNS) introduction still remain. We suggest, in addition to the proposed ballast water management measures, where the risk of NNS introduction is high (e.g. a vessel carrying ballast water from a distant port), visiting vessels should perform a mid-ocean ballast water exchange to replace the potentially 'contaminated' ballast water. Alternatively, on-board ballast water treatments should be considered prior to release.

#### *Increase in oil-carrying vessels*

On page 20 it states:

*'It has been determined that there are, on average, 650 vessel movements per annum within Cromarty Firth harbour waters. Therefore, 48 STS cargo transfers per annum (average of four per calendar month and 2 ships per operation) amount to 13% of ship movements within the Harbour.'*

The proportion of the 650 vessels that carry oil (or other potentially hazardous material) is not stated. The STS oil transfer vessels will increase the amount of vessel activity in the Moray Firth, a concern for the resident dolphin population, but it is not clear by how much the percentage of oil-

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carrying vessels will increase. By increasing the number of oil-carrying vessels, the potential for an oil spill will also increase. Additional information on this issue is required.

### *Vessel anchoring*

The application sets out a designated area for the STS transfers to take place, where the 'daughter' vessel will anchor, to reduce the disturbance impact on the seafloor. Consideration should be made of utilising a fixed mooring line for the daughter vessel to attach to, thus reducing the need to drop anchor for every transfer.

In general, the need for an increase in ship-to-ship oil transfers has not been clearly justified. Certainly the chosen location raises serious concerns regarding environmental protection and conservation, especially when the activity in question relates to the transfer of crude oil. Without assessing the suitability of alternative locations, or being able to rule out adverse effect on protected sites the Scottish Wildlife Trust cannot support this application.

Yours faithfully,

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