

PE1637/C

Maritime and Coastguard Agency (MCA) submission of 22 May 2017

Thank you for your letter of 20 March inviting comment from the Maritime and Coastguard Agency (MCA) on the petition PE 01637 placed before the Public Petitions Committee on 16 March concerning the Cromarty Firth Port Authorities (CFPA) application for a Ship-to-Ship Oil Transfer Licence (StS OTL). The MCA is fully aware of the claims and concerns voiced by the group 'Cromarty Rising' and has responded to issues raised by them on a number of occasions.

The petition presented covers two distinct areas, the CFPA's application for the ship-to-ship transfer of oil products whilst at anchor off the Cromarty Firth and the governance, operation and accountability of Trust Port Boards. My response will only cover the former of these two areas as the MCA has no jurisdiction over the latter.

Firstly, I want to assure you that safety and protecting the marine environment off the coast of Scotland and the wider United Kingdom are our top priorities. The careful, considered and balanced management of the ship-to-ship application and decision-making process is a matter over which the MCA takes great care, and the Agency welcomes and appreciates the expertise and contributions of all those involved in the consultation process.

The MCA undertook an initial assessment of CFPA's StS OTL application dated December 2015 taking heed of all public representation and those received from Scottish Environmental Agencies, Local Government Authorities and Wildlife NGOs. Notwithstanding the closure of the public consultation on the 8 February 2016, public representations have been received and accepted via a number of routes since. Concerns with the potential impacts that may emerge if the application is approved have been acknowledged and, in concert with all other representations received, thoroughly considered.

Following the MCA's assessment a number of areas within the application were identified as needing additional thought. As a result of this, a package of work was agreed with CFPA, the outcome of which was due to deliver a more refined and comprehensive application in the first quarter of 2017. Given the extent of the work being undertaken the MCA also determined that the revised application will be subject to a new 42 day public consultation.

As the CFPA's revised application is still being finalised, and given the need to observe the necessary four-week period of purdah, prior to Local Government elections, the new application will not be issued for government, agency or public comment until after 4 May 2017.

We will, in addition, seek further engagement with subject matter experts within UK Government, with Scottish Government officials and environmental agencies, and relevant wildlife NGOs. I can assure you that the forthcoming assessment will take full cognisance of all environmental, economic and social implications that may emerge and that the Scottish Government will be informed of the final determination before it is made public.

The UK Government has recently conducted a post-implementation review of the Merchant Shipping (Ship to Ship Transfers) Regulations and is considering what improvements should be made to the oil transfer licencing arrangements, including guidance on applications and their assessment. As part of this exercise, the UK Government will seek views from all the devolved administrations on how the effectiveness of this process can be enhanced.