

Fol/18/00631

All names, numbers and email addresses that could identify private individuals, officials below Director level, parliamentary/constituency staff, and junior staff in external organisations, NDPBs and agencies, have been redacted, to protect their privacy. Director level staff, as well as the names and contact details of public figures have been included.

Where communications refer to attachments, these documents can be found in the accompanying document library where it states [REFER TO <NAME OF DOCUMENT>]

Hatched lines denote breaks between conversations:-----

Solid lines indicate breaks within an email conversation: _____

From: [REDACTED]
Sent: 11 January 2017 10:22
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Port of Cromarty Firth Oil Transfer Licence

Hi [REDACTED],

[REDACTED] I agree that I will be righting that statement about the original application we were not invited to respond to and which I certainly did not respond to!

[REDACTED] do you have any indication of what the revised application is going to look like?

Cheers,

From: [REDACTED]
Sent: 10 January 2017 18:15
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Port of Cromarty Firth Oil Transfer Licence

Thanks [REDACTED]

We need someone senior in the MCA to invite us to respond formally as a consultation body. Not by a consultant being used by the port authority.

[REDACTED]

Best Wishes

[REDACTED]
Marine Scotland – Marine Planning and Policy
Scottish Government | Area 1A South | Victoria Quay | Edinburgh | EH6 6QQ

Tel: +[REDACTED]
Mob: [REDACTED] **(please note my new number as of 01 May 2016)**
e: [REDACTED].@gov.scot
w: www.gov.scot/Topics/marine

From: [REDACTED]
Sent: 09 January 2017 12:24
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Port of Cromarty Firth Oil Transfer Licence

Hi folks,

As you can see below Intertek are going to send their revised application by the end of January. For some reason they have sent this to me.

I am a bit confused by this seeing as we did not respond: "As you responded on the original application released for consultation in December 2015 please confirm if the consultation documents should be sent to you"

We have already said we will respond to this next one, but should I be going back to say we would need a formal request of a role of statutory consultee from SoS before we would respond to avoid any confusion?

[REDACTED]

Best wishes,
[REDACTED]

From: [REDACTED]Intertek
Sent: 28 December 2016 10:02
To: [REDACTED]
Subject: Port of Cromarty Firth Oil Transfer Licence

Dear [REDACTED]

,

The Port of Cromarty Firth (PoCF) is in the process of reviewing its application for an Oil Transfer Licence to carry out Ship-to-Ship Transfers as per the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 and amendments within their Harbour Justifications.

Intertek has been appointed by PoCF as Consultants to revise the Environmental Statement and supporting documentations to address comments submitted by the Maritime and Coastguard Agency (MCA) and to support the provision of the Appropriate Assessment (AA) for the project.

PoCF have recently published a document which provides background information on the application. You can view the document at http://www.cfpa.co.uk//Ship-to-Ship/2065EV_PCF_STS_AW_15NOV16_LR-Final.aspx This document has been sent out to local Community Councils, local Councillors, MPs and MSPs.

The revised application will be released towards the end of January to an agreed list of consultees requested by the MCA. This includes Marine Scotland. As you responded on the original application released for consultation in December 2015 please confirm if the consultation documents should be sent to you? If not please provide the relevant contact we should submit the documents to.

Kind regards,
[REDACTED]

Energy & Water Consultancy Services
+[REDACTED]
[REDACTED]

Intertek
Exchange House, Station Road
Liphook, Hampshire, GU30 7DW
Skype – [REDACTED]

Visit our web pages: <http://www.intertek.com/energy-water/>

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From: [REDACTED]
Sent: 12 January 2017 14:10
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Ship to Ship PQ query

Hi [REDACTED]

Many thanks for the swift response.

Best wishes,
[REDACTED]

From: [REDACTED]
Sent: 12 January 2017 12:47
To: [REDACTED] SNHGOVERNMENT_RELATIONS
Cc: [REDACTED];
Subject: RE: Ship to Ship PQ query

Hi [REDACTED]

Interek (the consultancy working to PoCF on the STS case) contacted us on 18th November 2016 to request our advice on the scope of the appropriate assessment for the proposal. There was an error in their letter requesting and so Interek re-issued the letter on 30th November 2016. We provided our scoping advice on the appropriate assessment to Interek on 9th December 2016.

[REDACTED]

Best wishes,

[REDACTED]
Team Leader
Inner Moray Firth Team
Scottish Natural Heritage
Fodderty Way
Dingwall Business Park
Dingwall
IV15 9XB

[REDACTED]
e-mail [REDACTED]

www.snh.org.uk

From: [REDACTED]
Sent: 12 January 2017 12:04
To: SNHGOVERNMENT_RELATIONS
Cc: [REDACTED]

Subject: Ship to Ship PQ query
Importance: High

Hi,

Please can I have a response to this asap for a parliamentary question. I do not need your response, but just confirmation of POCF or their representative approaching SNH and ideally the dates requested and responded to:

“To ask the Scottish Government whether the Cromarty Firth Port Authority has consulted Scottish Natural Heritage for the purpose of carrying out an appropriate assessment of a plan or project under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for ship-to-ship transfers of oil in the Moray Firth.”

Many thanks,
[REDACTED]

From: [REDACTED]
Sent: 20 January 2017 10:58
To: [REDACTED]
Subject: RE: ship to ship briefing - SPICe - Jan 2017

Thanks [REDACTED]

[REDACTED]

Senior Researcher
Health, Environment & Europe Research Unit
Scottish Parliament Information Centre
Edinburgh
EH99 1SP
[REDACTED]
E-mail: [REDACTED]

 SAVE PAPER - Please do not print this e-mail unless absolutely necessary

From: [REDACTED]
Sent: 20 January 2017 10:56
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: ship to ship briefing - SPICe - Jan 2017

Hi [REDACTED]

([REDACTED])

Please see below:

Legal position:

- Applications for ship to ship oil transfer licences are a reserved matter, and are the responsibility of the Secretary of State for Transport.
- The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) do not apply to reserved matters.
- The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 set out the process for consideration of applications, including compliance with Article 6 of the Habitats Directive.
- The Secretary of State for transport is the Competent Authority who must ensure compliance.

Scottish Government policy position:

- As stated in Parliament by the First Minister on the 12th January 2017, on the basis of the current information, the Scottish Government is unconvinced that ship-to-ship oil transfers can, or should, take place at anchor in the Cromarty Firth without unacceptable risk to the marine environment.
- The Cromarty Firth Port Authority must address the important concerns and gaps in information raised by Scottish Natural Heritage and the Scottish Environment Protection Agency before submitting a revised application.
- We expect to be invited by the UK Government to respond on a revised application, and our response to the UK Government will reflect the strong views expressed by local communities.
- The Secretary of State for Transport must also take account of all representations made by public bodies and the general public before making a final decision on the revised application.

[REDACTED]

Latest communications from Port of Cromarty Firth:

- The Port of Cromarty Firth have produced a recent update outlining their rationale for this application and it is available on their website: <http://www.cfpa.co.uk/Ship-to-Ship.aspx>

Have a good weekend.

Best wishes,
[REDACTED]

From: [REDACTED]
Sent: 17 January 2017 11:44
To: [REDACTED]
Subject: ship to ship briefing

Hi [REDACTED],

Thanks for your time.

As discussed, I'm trying to put together some briefing material on the STS proposal in the Moray Firth, and would be grateful for anything that you can provide that sets out key responsibilities and the relevant process.

[REDACTED]

Also, I'm interested in the statutory consultees, I note that the original application ([2015](#)) cites the local authority, SEPA, SNH and appropriate wildlife NGOs as the key consultees, but not Marine Scotland, even though the Regulations [state](#) in 2(b) that the SoS can specify "any authority or other body the Secretary of State considers likely to have an interest in an application (whether by virtue of having specific environmental responsibilities under any enactment or otherwise" for consultation.

I look forward to hearing from you.

Kind regards

[REDACTED]

Senior Researcher
Health, Environment & Europe Research Unit
Scottish Parliament Information Centre
Edinburgh
EH99 1SP
[REDACTED]
E-mail: [REDACTED]

From: [REDACTED]
Sent: 08 February 2017 13:49
To: [REDACTED];
Subject: Fw: Ship to Ship Application, latest media

For info.

Sent from my BlackBerry 10 smartphone.

From: [REDACTED] [@cfpa.co.uk](mailto:[REDACTED]@cfpa.co.uk)>
Sent: Wednesday, 8 February 2017 12:00
To: [REDACTED]
Cc: Bob Buskie
Subject: Ship to Ship Application, latest media

Good morning [REDACTED],

Bob has asked me to keep you apprised of the latest media request regarding the Port's ship to ship application.

I have been advised this morning that the protest group Cromarty Rising is proposing that the Port holds a referendum on the ship to ship application. (Please see the email below from the editor of the North Star.)

Our response is as follows:

“The Regulations are very specific in the level of consultation the Port must undertake with regards to the ship to ship application. The application must be submitted to the statutory consultees (the Scottish Environment Protection Agency, Scottish Natural Heritage, Marine Scotland, Highland Council and the RSPB) and the application must be publicised in local newspapers, as deemed appropriate by the Secretary of State.

The Port has gone far beyond these levels of consultation in the past twelve months, including meeting representatives of the community of Cromarty on four separate occasions (in addition to the Port’s Annual Public Meeting). The Port has also committed to further consultation when the refined application is complete. The Regulations do not require us to undertake this level of consultation, but the Port’s Management has taken a best practice approach in response to the level of public interest surrounding the initial application.

The local community is one of seven stakeholder groups with whom the Port must consult. Best practice consultation calls for us to engage with everyone, and most specifically to the least listened to groups of stakeholders. We fundamentally believe that everyone has the right to protest and we are continuing to listen to opinions and to address concerns raised in the refined application. We will continue to listen and continue to consult, but the protesters must recognise that, whilst they can continue to protest, not everyone agrees with their opinions.”

This is purely for your information. No action is required.

If you have any questions, or would like any further information, please let us know.

Many thanks,
[REDACTED]

From: editor@north-star-news.co.uk [<mailto:editor@north-star-news.co.uk>]
Sent: 08 February 2017 09:21
To: ([REDACTED]) <([REDACTED])@cfpa.co.uk>
Subject: RE: Thank You

Great ([REDACTED]).

Yes, just wondering if the port wants to comment on a proposal by Cromarty Rising to hold a referendum into the ship to ship plan? [REDACTED]

All best
[REDACTED]

Subject	RE: PE1637: Request for SG views on petition - ship to ship transfer of crude oil.
From	[REDACTED]

To	[REDACTED]
Cc	Minister for Business, Innovation and Energy; Director of Marine Scotland Mailbox; Director of Environment & Forestry; [REDACTED]
Sent	13 April 2017 16:30

Hi [REDACTED],

Please find attached the letter which I have just issued this afternoon.

[REDACTED]

[Letter published on Scottish Parliament website]

Much appreciated,

[REDACTED] Assistant Private Secretary
Roseanna Cunningham, MSP Cabinet Secretary for Environment, Climate Change and Land Reform
2N.08 - St Andrews House - Regent Road – Edinburgh - EH1 3DG

Tel: [REDACTED]

Email: CabsecECCLR@gov.scot



From: [REDACTED]

Sent: 07 April 2017 15:22

To: Cabinet Secretary for the Environment, Climate Change and Land Reform

Cc: Minister for Business, Innovation and Energy; Director of Marine Scotland Mailbox; Director of Environment & Forestry; [REDACTED];

Subject: PE1637: Request for SG views on petition - ship to ship transfer of crude oil.

Hi [REDACTED],

[REDACTED]

Best wishes,
[REDACTED]

From: Petitions [<mailto:Petitions@parliament.scot>]

Sent: 20 March 2017 15:42

To: [REDACTED]

Cc: [REDACTED]

Subject: PE1637: Request for SG views on petition

Dear [REDACTED] (cc AI),

CONSIDERATION OF PETITION [PE1637](#)

Calling on the Scottish Parliament to urge the Scottish Government to ensure that environmental legislation in Scotland is sufficient to prevent ship-to-ship transfers of crude oil in environmentally sensitive locations, such as the Inner Moray Firth, [REDACTED]

The Public Petitions Committee considered the above petition at its meeting on Thursday 16 March 2017 and agreed to seek the views of the Scottish Government on the action called for in the petition, and in particular, for clarification of the extent of the Scottish Government's authority in relation to the action called for in the petition.

[REDACTED]

On behalf of the Committee, thank you for your assistance.

Kind regards,
[REDACTED]
Clerk
Public Petitions Committee
The Scottish Parliament
EH99 1SP
Tel: [REDACTED]

From: [REDACTED]
Sent: 05 April 2017 11:27
To: Director of Marine Scotland Mailbox
Cc: [REDACTED];
Subject: RE: Media query - Ship to Ship oil transfers Cromarty Firth

Hi [REDACTED],

No we did not, we simply noted that Intertek had said to us that they had not received any response from us.

Best wishes,
[REDACTED]

From: Director of Marine Scotland Mailbox
Sent: 05 April 2017 11:21
To: [REDACTED]
Cc: ([REDACTED])
Subject: RE: Media query - Ship to Ship oil transfers Cromarty Firth

[REDACTED]

Did SG respond to the consultation having been alerted to it by Intertek?

[REDACTED]

email: Directormarinescotland@gov.scot
w: <http://www.gov.scot/marinescotland>

From: [REDACTED]
Sent: 05 April 2017 10:18
To: Director of Marine Scotland Mailbox
Cc: [REDACTED] (MARLAB)
Subject: RE: Media query - Ship to Ship oil transfers Cromarty Firth

Hi [REDACTED],

This refers to emails from Intertek to LOT; there were not any from MCA. Intertek are the agents acting on behalf of the port.

The trail is in the comms for release document part 1 and is copied below. [REDACTED]

This email was also released in an FOI at the start of the year.

[Emails contained already published: <http://www.gov.scot/Topics/marine/marine-environment/Conservationstrategy/STS/STSFOI>]

From: Director of Marine Scotland Mailbox
Sent: 05 April 2017 09:30
To: [REDACTED]
Cc: [REDACTED] (MARLAB)
Subject: FW: Media query - Ship to Ship oil transfers Cromarty Firth
Importance: High

[REDACTED]

I note the journalist refers to one particular contact from the MCA on 9 Dec 2015. Can you please check the documentation on that to see what it says?

Many thanks.

[REDACTED]

[REDACTED]

email: Directormarinescotland@gov.scot
w: <http://www.gov.scot/marinescotland>

[REDACTED]

From: [REDACTED]@heraldandtimes.co.uk]
Sent: 04 April 2017 13:16
To: [REDACTED]
Subject: Cromarty Firth

Hi [REDACTED]as just discussed.

The Cromarty Rising group leaders are claiming documents released to them under FOI show Scottish Government officials misled ministers and the public over controversial plans to ship to ship oil transfers at the mouth of the Cromarty Firth.

In particular they show Marine Scotland was contacted by the MCA on December 9 2015, specifically seeking its views, despite ministers saying Scottish Government hadn't been officially consulted.

Also that they show an early prejudice in favour of the Cromarty Firth Port Authority's application to the MCA, by advising it was a continuation of previous practice when it demonstrably wasn't – transfers have been conducted safely between vessels tied up at Nigg jetty, but CPPA was/is proposing major departure in doing it in open water.

Would Scot Gov like to respond?

Best wishes [REDACTED], Highland Correspondent of the Herald (part-time[REDACTED])

[REDACTED]

From: [REDACTED]
Sent: 20 April 2017 14:18
To: [REDACTED]
Cc: [REDACTED]
Subject: Ship to Ship

Hi [REDACTED],

This is all I have that is fairly recent. [REDACTED]

Overview

- In December 2015 the Port of Cromarty Firth submitted a proposal to the Secretary of State for Transport to undertake ship to ship oil transfer at anchor in the outer harbour area. Local groups as well as some Highland Councillors, MSPs, and MPs have expressed strong views on this.
- They have criticised the Scottish Government for not intervening in the process.
[REDACTED]

[REDACTED]
Marine Conservation
[marinescotland](#) Scottish Government | 1A-South | Victoria Quay | Edinburgh EH6 6QQ
Tel: [REDACTED]
[REDACTED]

From: [REDACTED] ([REDACTED])
Sent: 01 May 2017 11:38
To: [REDACTED]
Cc: Minister for Business, Innovation and Energy
Subject: FW: Dolphin euthanasia and explosives

[Attachments already published: <http://www.gov.scot/Topics/marine/marine-environment/Conservationstrategy/STS/STSF0I>]

[REDACTED]

Dear MSPs,

[REDACTED]

<http://www.divernet.com/wreck-tours/p301726-wrecktour:94the-san-tiburcio.html>

New Scottish Government website information

Information on STS has recently been posted on the Scottish Government website, however this is incomplete and a number of important items which show invitation to consultation need to be added, these are listed here:

Attachment 1. Consultation invitation from PoCF and their agent. We have been informed the invitation follows a legally correct consultation invitation under the STS regulations 2010.

Attachment 2. Signed STS consultation invitation by PoCF Harbour Master (authorised by the Cromarty Firth Port Authority Order Confirmation Act 1973).

We also note the following statement:

- *The Scottish Government is not a formal consultation body for Ship-to-Ship Oil Transfer Licence applications under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010. Therefore Scottish Government does not respond to consultations on ship-to-ship oil transfer licence applications, unless formally requested to do so by the Secretary of State for Transport.*

We find this statement to be inconsistent. As can be seen from attachments 3 and 4 below, Scottish Government officials responded to an almost identical consultation (which was not formally requested by the Secretary of State for Transport) on PoCF oil spill contingency plans immediately before, and an integral part of, the STS licence application. The Merchant Shipping (Ship to ship Transfer) Regulations 2010 Explanatory Memorandum (attached) is clear that an STS licence can **only** be awarded if a valid oil spill contingency plan is in place. Clarification is required to establish a consistent Scottish Government response to consultation matters.

Attachment 3. Consultation invitation from PoCF (almost identical to the PoCF STS invitation)

Attachment 4. Formal response from the Scottish Government.

We also note recent STS information on the Scottish Government website:

- *Scottish Natural Heritage is the named consultation body under Section 2 of the Regulations on these matters in Scottish waters*

This statement requires clarification. An FOI response (attached) shows that SNH were not consulted by the Secretary of State (or by MCA, PoCF, or an appointed agent) in the 2012 PoCF STS licence application for Nigg Terminal. There was no Appropriate Assessment made and sent to those with environmental responsibilities. SEPA, the Scottish Government via Marine Scotland, Highland Council have all stated that they were not consulted either.

Cromarty Rising regards the involvement of unelected Scottish Government Officials in the 2015 STS consultation to be wholly unsatisfactory. We request that Scottish Government Ministers now assure themselves on these environmental and public safety matters. A decision to submit a new application is for a Scottish Trust Port, under the control of the Scottish Government and therefore such a decision is not a "Reserved" matter.

The Scottish Government have "Devolved" controls under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations 1994 as a European Protected Species (EPS) licence will be required. Cromarty Rising request that Scottish Ministers announce that this licence will not be awarded.

The PoCF publication "Ship to Ship Update" of November 2016 indicates a projected gain of £577,000 gross from STS at anchorages, however no net gain is given. No job losses at Nigg Terminal and surrounding marine ecotourism enterprises, aquaculture nor tourism impacts are considered. An alternative funding source which supports PoCF development plans is surely a reasonable solution for all concerned.

We hope to address matters further via the Public Petitions Committee.

With regards from Cromarty Rising

"Cromarty Rising is a group of residents who care about the place they live and the unique natural environment around them. We are committed to efforts to protect and enhance the marine environment and to strengthen the regional economy which is so heavily dependent on tourism and the sea. We would always fully support responsible, sustainable development."

From: [REDACTED]
Sent: 02 May 2017 13:02
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Another Cromarty Rising question

Hi [REDACTED]

We have no powers over the regulations under which an application would be made. POCF is not acting in a unlawful manner by making such an application. No other marine legislation provides a power to prevent ports making such applications under the ship-to-ship regulations. Similarly there is no power under Ports legislation to prevent a trust port making an application under the ship-to-ship regulations.

Best Wishes

[REDACTED]
Marine Scotland – Marine Planning and Policy
Scottish Government | Area 1A South | Victoria Quay | Edinburgh | EH6 6QQ
Tel: +[REDACTED] | Mob: [REDACTED]
e: [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot) | w: www.gov.scot/Topics/marine

From: [REDACTED] ([REDACTED])
Sent: 02 May 2017 12:31
To: [REDACTED]
Subject: Another Cromarty Rising question
Importance: High

[REDACTED]

I am being asked to provide an answer to the following question re Cromarty Rising's claims. Could I have a couple of lines please?

What about the specific claim that the Scottish Government have locus over whether the application is lodged or not?

[REDACTED]
Special adviser to the First Minister
Energy, Environment, Climate Change and Land Reform
Room 4N.05, St Andrew's House, Regent Road, Edinburgh EH1 3DG
Tel: [REDACTED] | Mob: [REDACTED] | e-mail: [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 31 May 2017 12:10
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: E - Bid to block ship to ship transfers - [REDACTED]

Dear [REDACTED]

Thank you for your email regarding ship to ship transfers in the Moray Firth.

Based on the previous application, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without unacceptable risk to the marine environment. The determination of ship to ship oil transfer licence applications is however a matter reserved to the UK Government.

[REDACTED]

I trust this provides you with helpful information and thanks again for your query.

Yours sincerely,

[REDACTED]
Policy Adviser

From: [REDACTED]
Sent: 01 May 2017 13:10
To: Central Enquiry Unit
Subject: Re: Bid to block ship to ship transfers

-----Original message-----

From : [REDACTED]
Date : 01/05/2017 - 13:09 (GMTST)
To : [\[REDACTED\]@cfpa.co.uk](mailto:[REDACTED]@cfpa.co.uk)
Subject : Fwd: Bid to block ship to ship transfers

-----Original message-----

From [REDACTED]
Date : 01/05/2017 - 13:06 (GMTST)

To : pj.editor@ajl.co.uk
Subject : Bid to block ship to ship transfers

01st May 2017,

I have read with interest again that campaigners are calling on the Scottish Government to reject a fresh application to carry out ship to ship transfers of oil in the area of the Cromarty Firth area. From what I understand the transfers will be mainly North Sea Crude, the income from will be coming into the UK, and will help the local economy. I could understand these campaigners being worried about the transfers of LPG or LNG I would be worried.

[REDACTED]

From: [REDACTED]
Sent: 15 May 2017 12:07
To: [REDACTED]
Subject: Re: Ship to Ship - ([REDACTED])

Very helpful, many thanks [REDACTED].

Kind Regards

[REDACTED]

Chairman

North & East Coast Region, Inshore Fisheries Group

[REDACTED]

http://ifgs.org.uk/rifg_nec/

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On 15 May 2017 at 11:24, <[REDACTED]@gov.scot> wrote:

From: [REDACTED]
Sent: 15 May 2017 11:24
To: [REDACTED]
Subject: Ship to Ship -([REDACTED])

Dear Mr [REDACTED],

Thank you for your correspondence. Please see the attached reply which includes a reference number for future use.

[REFER TO Correspondence F20170015596]

Kind regards,

[REDACTED]

From: [REDACTED]
Sent: 15 May 2017 11:18
To: [REDACTED]
Subject: Ship to ship - MFIFA

Dear Mr [REDACTED],

Thank you for your correspondence. Please see the attached reply which includes a reference number for future use.

[REFER TO Correspondence F20170014878]

Kind regards,

[REDACTED]

Subject	FW: Cromarty Rising Reveals Parliamentary Misinformation
From	([REDACTED])
To	[REDACTED]
Cc	Communications Rural Economy & Environment; REDACTED]; Minister for Business, Innovation and Energy
Sent	13 June 2017 09:27

[Attachments already published: <http://www.gov.scot/Topics/marine/marine-environment/Conservationstrategy/STS/STSFOI>]

Please see below a further communication from Cromarty Rising – there are also several papers attached.

[REDACTED]

Thanks,

[REDACTED]

[REDACTED] | PS to Cabinet Secretary for Environment, Land Reform and Climate Change | 2N.08 | St Andrews House | Edinburgh | EH3 1DG | T: [REDACTED] cabsecECCLR@gov.scot

Subject: Cromarty Rising Reveals Parliamentary Misinformation

On 5th June 2017 after hearing updated election predictions Cromarty Rising made a decision not to issue a planned press statement at that time.

Ignoring the will of the people.

Information shows that on or before 26th January 2016, in the unseen corridors of power of Holyrood, the Scottish Government had already decided not to respond to ship to ship consultation. This was one full day before the first public meeting where the entire turn-out of the community of Cromarty voted 100% against the ship to ship application, this was the first of many public meetings to do the same. The die was cast even before people and coastal communities could effectively voice concerns in the consultation

process. Every comment and decision the Scottish Government has made since has facilitated the award of that licence and ignored the ever growing will of the people.

[REDACTED]

Dishonesty.

With specialist Marine Scotland reports containing scientific and socioeconomic concerns - such as salmon conservation and the iconic attraction of rod fishing on the Spey - concealed from sight, a level of dishonesty emerged which culminated in both Parliaments being misled. The Scottish Government issued the following press statement;

“The Scottish Government is not aware of being directly approached by the UK Government during the consultation on the Cromarty Firth Oil Transfers. Scottish Natural Heritage and the Scottish Environment Protection Agency formally responded to the consultation, while Marine Scotland was made aware of the proposal through informal contact by the Port of Cromarty Firth. The views of SNH and SEPA are currently being carefully considered.”

Yet the Harbour Master of a Scottish trust port had made a formal consultation invitation to the Head of marine licencing in the Scottish Government, **exactly** as regulations required with full supporting documentation.

Transport Scotland Ports and Harbours staff were so focused that Marine Scotland should not to reply to consultation they overlooked their own responsibility for public and navigational safety. They ignored the risks of anchors penetrating a seabed which contains the hazards of UXO in a heavily mined former naval base. The recent UXO on Rosemarkie beach a clear warning sign. <http://www.divernet.com/wreck-tours/p301726-wrecktour:94the-san-tiburcio.html>

[REDACTED]

**With regards from
Cromarty Rising**

" Cromarty Rising is a group of residents who care about the place they live and the unique natural environment around them. We are committed to efforts to protect and enhance the marine environment and to strengthen the regional economy which is so heavily dependent on tourism and the sea. We would always fully support responsible, sustainable development."

From: [REDACTED] **On Behalf Of** Minister for Transport and the Islands

Sent: 30 May 2017 17:03

To: [REDACTED]

Cc: Minister for Transport and the Islands

Subject: FW: FW: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license - Another question

[REDACTED]

Please find the below email for your awareness. [REDACTED]

Thanks

[REDACTED]

Assistant Private Secretary and Correspondence Secretary to Humza Yousaf MSP
Minister for Transport and the Islands
The Scottish Government

Ext[REDACTED]

Tel [REDACTED]

Blackberry [REDACTED]

transportminister@gov.scot

www.gov.scot

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments. Thank you.



Please do not print this e-mail unless you really need to.

From: Craig Fraser - Member [<mailto:Craig.Fraser.cllr@highland.gov.uk>]

Sent: 26 May 2017 14:44

To: Minister for Transport and the Islands

Subject: RE: FW: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license - Another question

Dear Mr [REDACTED]

[REDACTED]

The Cromarty residents found out about the CFPA - STS (at sea) OTL application on the 18th December 2015. Why was the application not stopped at this point? As the application would fail all 3 tests set out on page 3 of the Marine Scotland guidance?

From: [REDACTED] **On Behalf Of** transportminister@gov.scot

Sent: 26 May 2017 13:24

To: Craig Fraser - Member

Cc: transportminister@gov.scot; Ministerbie@gov.scot

Subject: GSX: FW: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license - Another question

Importance: High

Dear Councillor

[REDACTED]

Kind regards

[REDACTED]

Assistant Private Secretary and Correspondence Secretary to Humza Yousaf MSP
Minister for Transport and the Islands
The Scottish Government

Ext [REDACTED]
Tel [REDACTED]
Blackberry [REDACTED]
transportminister@gov.scot
www.gov.scot

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Please do not print this e-mail unless you really need to.

From: Craig Fraser - Member [<mailto:Craig.Fraser.cllr@highland.gov.uk>]
Sent: 24 May 2017 10:40
To: Yousaf H (Humza), MSP <Humza.Yousaf.msp@parliament.scot>
Subject: FW: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license - Another question
Importance: High

Dear Humza,

[REDACTED]

The Cromarty residents found out about the CFP - STS (at sea) OTL application on the 18th December 2015. Why was the application not stopped at this point? As the application would fail all 3 tests set out on page 3 of the Marine Scotland guidance?

Regards

Craig
Highland Council
Black Isle
Ward 9

craig.fraser.cllr@highland.gov.uk

[REDACTED]

Cognosce veritate - ecce libertas

From: Craig Fraser - Member
Sent: 11 December 2016 17:42
To: 'humza.yousaf.msp@parliament.scot'
Cc: Nicola.Sturgeon.msp@parliament.scot; robertsona@parliament.uk; HENDRY, Drew

drew.hendry.mp@parliament.uk); Paul.Wheelhouse.msp@parliament.scot;
kate.forbes.msp@parliament.scot; fergus.ewing.msp@scottish.parliament.uk;
Roseanna.Cunningham.msp@parliament.scot; 'maree.todd.msp@parliament.scot'; Ross G
(Gail), MSP (Gail.Ross.msp@parliament.scot); [REDACTED]; ian.blackford.mp@parliament.uk

Subject: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license - Another question

Importance: High

Subject: Cromarty Firth Port Authority - Port of Cromarty Firth Ship - to - ship (at sea) oil transfer license – Beach Protest Nairn

Dear Humza,

I attended the Nairn Beach Protest held today by the Nairn and surrounding Moray Firth area residents to show strength of opposition to the Port of Cromarty Firth ship to ship (at sea) oil transfer license. It was extremely well attend with residents of all ages and walks of live. I was astounded by the feeling of resentment to the PoCF the Moray Firth community are feeling completely disenfranchised by the attitude of the PoCF. I was asked by some attendees at the protest “what devolved powers the Scottish Government can use to stop this application similar to decisions on fracking and nuclear, power, energy and weapons”? I would be grateful if this can be answered?

Craig
Highland Council
Black Isle
Ward 10

craig.fraser.cllr@highland.gov.uk

www.craig-fraser-snp.com

[REDACTED]

Cognosce veritate - ecce libertas

From: [REDACTED]

Sent: 19 June 2017 16:06

To: [REDACTED]

Cc: Director of Marine Scotland Mailbox; Corporate Communications; Permanent Secretary; [REDACTED];

Subject: RE: Update required for the Permanent Secretary - media coverage - 'Ministers 'misled Parliament' on oil transfers at prime dolphin site'

Hi,

[REDACTED] there is no live application [REDACTED]

Best wishes,
[REDACTED]

From: [REDACTED]
Sent: 19 June 2017 13:32
To: ([REDACTED])
Cc: Director of Marine Scotland Mailbox; Corporate Communications; ([REDACTED])Permanent Secretary
Subject: Update required for the Permanent Secretary - media coverage - 'Ministers 'misled Parliament' on oil transfers at prime dolphin site'

Hi [REDACTED],

[REDACTED]

Press coverage: Ministers 'misled Parliament' on oil transfers at prime dolphin site Campaigners have accused Scottish ministers and the SNP's new Westminster leader of misleading Parliament over plans to transfer crude oil between tankers at the mouth of the Cromarty Firth. H11.

[REDACTED]

[REDACTED] Communications Manager | Corporate Communications | [REDACTED]
Scottish Government | www.gov.scot | Twitter | Facebook

From: Public Engagement Unit
Sent: 22 August 2017 10:49
To: [REDACTED]
Subject: FW: Proposed Ship to Ship Oil transfers in the Moray Firth SAC - campaign

[REDACTED],

I have attached the correspondence below.

[REFER TO Correspondence 20170822103452555 – campaign text (of multiple letters)]

Kind regards,

[REDACTED]Public Engagement Officer | Ext: [REDACTED] | ✉ [REDACTED]@gov.scot
ST.ANDREWS HOUSE | REGENT ROAD | EDINBURGH | EH1 3DG |



The Scottish Government
Riaghaltas na h-Alba

Public Engagement Unit
Ministerial Private Office

From: Public Engagement Unit
Sent: 22 August 2017 10:42
To: [REDACTED]
Subject: Proposed Ship to Ship Oil transfers in the Moray Firth SAC - campaign

Hi [REDACTED],

[REDACTED]

Please find attached a copy of correspondence we have received from the First Minister's office.

There is roughly 50 of the exact same letter, just signed by different correspondents.

[REDACTED]

Thanks

[REDACTED]Public Engagement Officer | Ext: [REDACTED] | ✉ [REDACTED]@gov.scot
ST.ANDREWS HOUSE | REGENT ROAD | EDINBURGH | EH1 3DG |



The Scottish Government
Riaghaltas na h-Alba

Public Engagement Unit
Ministerial Private Office

Subject	RE: Lines for clearance - Cromarty / Nairnshire Rising News releases
From	([REDACTED])
To	([REDACTED])
Cc	Cabinet Secretary for the Environment, Climate Change and Land Reform; []; News Desk; Communications Rural Economy & Environment; [REDACTED] Minister for Business, Innovation and Energy
Sent	16 October 2017 12:18

[REDACTED]

We have repeatedly requested that decisions of this nature are devolved to Scotland as Scottish Parliament had responsibility for Scotland's environment.

[REDACTED]

Kind Regards
[REDACTED]

Private Secretary / Minister for Business, Innovation and Energy
([REDACTED] | Mobile: [REDACTED] | Email: HYPERLINK "<mailto:ministerbie@gov.scot>"
ministerbie@gov.scot | [REDACTED]2N.08 St Andrew's House | Regent Road | Edinburgh | EH1 3DG
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From: [REDACTED]
Sent: 12 October 2017 14:17
To: Minister for Business, Innovation and Energy
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform; []; News Desk;
Communications Rural Economy & Environment; [REDACTED]; Minister for Business, Innovation and Energy
Subject: Lines for clearance - Cromarty / Nairnshire Rising News releases

[REDACTED]

[REDACTED] | Economy, Finance, Environment and Rural Economy comms Scottish Government |
[REDACTED] | [REDACTED] | For information out of hours call [REDACTED]

Subject	Re: Urgent Lines Required - Cromarty / Nairnshire Rising News Releases
From	([REDACTED])
To	[REDACTED]
Cc	[REDACTED]; Director of Marine Scotland Mailbox;
Sent	12 October 2017 08:09

Could we make it clear there is no application at present otherwise happy with the proposed line,
[REDACTED]

Sent from my BlackBerry 10 smartphone.
[REDACTED]

“We have made our position in this matter abundantly clear. We believe powers over ship to ship oil transfer licensing should be devolved to the Scottish Parliament. **This process is wholly reserved to the UK Government which means that Scottish Ministers have no powers in relation to this matter.**

“Until such time as the powers are devolved, we expect the UK Government to both ensure the concerns of local interests are fully considered and to formally invite Scottish Ministers to respond to any future ship to ship oil transfer applications.”

[REDACTED]