

Ms. Nicola Sturgeon, MSP  
First Minister of Scotland  
EDINBURGH  
EH1 3DG

Date: 4.8.17.

Dear Ms. Sturgeon

**Proposed Ship to Ship Oil transfers in the Moray Firth SAC**

As the Leader of our Government, it is your responsibility to ensure Scotland's beautiful land and seascapes are protected for future generations. Marine and socio-economic reports prepared by your Departments, explicitly state that "ship to ship" transfers of crude oil will have serious detrimental effects on our onshore and marine environments.

Indeed you stated in the Scottish Parliament (12/1/16) –

"On the basis of the evidence so far the Scottish Government is unconvinced that ship-to-ship oil transfers can or should take place, without causing risk to the environment, particularly to bottlenose dolphins" "

You also stated that –

"The Scottish Government hears the concerns of these communities and will do anything we can to make sure they are heard by the Marine Coastguard Agency, while campaigning for the issue to be devolved."

You DO have the ability and the lawful mechanism to prevent such potentially devastating operations in our inshore waters by denying the issuance of a licence to disturb European Protected Species.

The nation requires action not administrative sleight of words, political rhetoric or point scoring. Your government is accountable for protecting the nation's assets, including those managed by the Port of Cromarty Firth, a Trust Port under your control.

I respectfully demand that you prevent any further licence applications for "ship to ship" oil transfers in the Moray Firth.

Yours sincerely,

Signature: 

Name: 

Address: 

Postcode: 

T: [REDACTED]  
E: [REDACTED]

Ms [REDACTED]

By email: [REDACTED]@gmail.com

Our ref: 2017/0002167  
14 February 2017

Dear Ms [REDACTED],

Thank you for your email of 14 January to Scottish Ministers regarding concerns over the Port of Cromarty Firth Oil Transfer Licence application. I have been asked to respond on their behalf.

The Regulations for ship-to-ship oil transfer applications are made under section 130 of the Merchant Shipping Act 1995 and the subject matter of that Act is currently reserved to the UK Government. The decision on whether to issue an oil transfer licence in Scottish waters is therefore for the UK Government's Secretary of State for Transport. In making these decisions, we expect the Secretary of State for Transport to take full account of the advice given by Scottish Natural Heritage and Scottish Environment Protection Agency regarding risk to the environment.

The Maritime and Coastguard Agency has asked the Cromarty Firth Port Authority to undertake additional work on its application. We believe the requirement for this additional work provides an opportunity to begin a dialogue about both the Cromarty Firth Port Authority application and the handling of oil transfer licence applications generally.

On the basis of current information, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin. Scottish Government will continue to press the UK Government for devolution of this reserved function to protect our marine environment.

Yours sincerely

[REDACTED]  
**Policy Adviser**

T: [REDACTED]  
E: [REDACTED]



Our ref: 2017/0014878  
15 May 2017

Dear Mr [REDACTED]

Thank you for your email of 15 April to the Cabinet Secretary for Environment, Climate Change and Land Reform. I have been asked to respond on her behalf.

Scottish Ministers have no regulatory or legislative powers over the process for determining whether a ship to ship oil transfer licence should be granted or not. That is why the Scottish Government continues to press for devolution of this function. Devolution would allow decisions to be taken by the administration with responsibility for protecting the environment.

Applications for ship to ship oil transfer licences are considered under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. The subject matter of these regulations is wholly reserved to the UK Government, and therefore the Scottish Government has no power to amend the application process provided by them. With regards to navigational hazards and safety, this matter too is reserved to the UK Government in relation to oil transfer licence applications in Scottish waters.

The decision on whether to issue an oil transfer licence in Scottish waters is therefore for the UK Government's Secretary of State for Transport. In making these decisions, the Scottish Government expects the Secretary of State for Transport to take full account of the advice given by Scottish Natural Heritage and Scottish Environment Protection Agency regarding risk to the environment, such as those you have identified that may affect your members.

That said, on the basis of current information, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin.

At present there is no live application and we have not received a clear indication from either the Port or the UK Government if or when a revised application will be submitted to the MCA. If or when a revised application is submitted, we expect all relevant stakeholders to be consulted this time, and local communities, such as your interests, given another chance to respond.

I trust you find this response helpful.

Yours sincerely,



**Policy Adviser**



T: [REDACTED]  
E: [REDACTED]

Mr [REDACTED]  
North & East Coast Region, Inshore Fisheries  
Group

[REDACTED]@gmail.com

Our ref: 2017/0015596  
15 May 2017

Dear Mr [REDACTED]

Thank you for your email of 24 April to the Minister for Business, Innovation and Energy regarding Ship to Ship transfers. I have been asked to respond on his behalf.

At present there is no live application for the Port of Cromarty Firth, and we have not received a clear indication from either the Port or the UK Government if or when a revised application will be submitted to the MCA.

If or when a revised application is submitted, we expect all relevant stakeholders to be consulted this time, and local communities, such as your members, given another chance to respond.

I trust this clarifies the current position.

Yours sincerely,  
[REDACTED]

T: [REDACTED]  
E: [REDACTED]

Ms [REDACTED]

By email - [REDACTED]@hotmail.co.uk

Our ref: 2017/0019887  
3<sup>rd</sup> July 2017

Dear Ms [REDACTED],

Thank you for your email of the 31 May to Scottish Ministers regarding Ship to Ship Oil Transfer Licence application from Port of Cromarty Firth. I have been asked to respond on their behalf.

The Scottish Government recognises the concerns of the communities who live around the Moray and Cromarty Firths, related to the application from the Cromarty Firth Port Authority to undertake ship to ship transfers of crude oil at sea in the inner Moray Firth.

Scottish Ministers have no regulatory or legislative powers over the process for determining whether a ship to ship oil transfer licence should be granted or not. That is why the Scottish Government continues to press for devolution of this function. Devolution would allow decisions to be taken by the administration with responsibility for protecting the environment.

On the basis of current information, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin.

Applications for ship to ship oil transfer licences are considered under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. The subject matter of these regulations is wholly reserved to the UK Government, and therefore the Scottish Government has no power to amend the application process provided by them. The regulations do include provisions to ensure that the licensing process complies with Environmental Impact Assessment requirements and the EU Habitats Directive. Ensuring adherence to the proper process is a matter for the Competent Authority, which in this case is the Secretary of State for Transport.

I trust this addresses your concerns, and I thank you for your interest in this environmentally sensitive matter.

Yours sincerely,

[REDACTED]  
**Policy Adviser**





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Mr Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Our ref: 2017/0001682

6 March 2017

Dear Fergus

Thank you for your correspondence to Ms Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, dated 12 January 2017 regarding ship-to-ship oil transfers in the Moray Firth. I am responding to your letter as this matter relates to my portfolio as Minister for Business, Innovation and Energy.

The Cromarty Firth Port Authority have not yet submitted a revised oil transfer licence application to the Maritime and Coastguard Agency. Therefore I am currently unable to comment on our position.

On the basis of current information for the original application, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin.

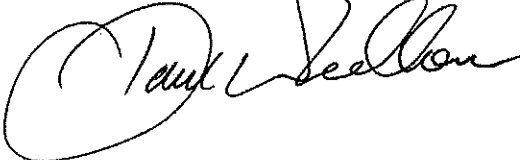
I would like to reiterate that the decision on whether to issue an oil transfer licence in Scottish waters is, I regret, as a result of Westminster reserving powers in this area, for the UK Government's Secretary of State for Transport. As a minimum, given its importance of our marine environment and the economic significance of the oil and gas sector to Scotland's economy, 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 on the issue. It is crucial that the UK Secretary of State for Transport must take account of all representations made by Scottish Government, public bodies and the communities and local stakeholders affected before making a final decision on the revised application.





It is an extraordinary state of affairs that the Scottish Government is not a statutory consultee under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, however work is being undertaken to ensure a formal role in future consultations and the revised Cromarty Firth application.

In the absence of a direct role in engagement of Scottish Ministers on the matter by UK Ministers, we will do all we can to ensure the concerns of local communities are heard by the UK authorities, while I must stress that the Scottish Government will continue to seek devolution of this important function, so that decisions are made by Scottish Ministers who have responsibility to protect the environment.

*Kindest regards*  


**Paul Wheelhouse**



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Ms Eilidh Whiteford MP  
House Of Commons  
LONDON  
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Email: [eilidh.whiteford.mp@parliament.uk](mailto:eilidh.whiteford.mp@parliament.uk)

Your ref: EMW/rjm  
Our ref: 2017/0002328

21 February 2017

Dear Eilidh

Thank you for your correspondence dated 13 January 2017 to Mr Ewing, Cabinet Secretary for Rural Affairs and Connectivity, detailing your constituents concerns regarding ship to ship oil transfer in the Moray Firth. I am responding to your letter as this matter relates to my portfolio as Minister for Business, Innovation and Energy.


The decision on whether to issue an oil transfer licence in Scottish waters, because as you rightly identify this responsibility currently remains reserved to Westminster, is for the UK Government's Secretary of State for Transport under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010. In making these decisions, I, on behalf of the Scottish Government, expect the Secretary of State for Transport to take full account of the advice given by Scottish Natural Heritage and Scottish Environment Protection Agency regarding risk to the environment. Regrettably, the Scottish Government, currently, has no formal role in the process despite having responsibility to protect Scotland's marine environment.

The Maritime and Coastguard Agency has asked the Cromarty Firth Port Authority to undertake additional work on its application. I believe the requirement for this additional work provides an opportunity to begin a dialogue about both the Cromarty Firth Port Authority application and the handling of Ship-to-Ship oil transfer licence applications generally.

We believe that the Scottish Government should be formally consulted on every application for Scottish Waters, and both myself and Mr Lochhead, in his previous role of Cabinet Secretary for Rural Affairs, Food and the Environment, have written requesting devolution of the powers to Holyrood. We await a response though have received some assurances we will be asked to respond to the revised application this time. In addition discussions with the MCA at an operational level are taking place to ensure Marine Scotland are more closely involved in the consultation process in future.

On the basis of the most recent information available to me in relation to the current application, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin. I expect the Secretary of State for Transport to take full account of the advice given by Scottish Natural Heritage and Scottish Environment Protection Agency regarding risk to the environment.

I will ensure the concerns of local communities are heard by the UK authorities, while continuing to press for the relevant powers to be devolved so that Scotland's Parliament and its elected Scottish Government can take a responsibility in this area .

*Kindest regards*  


**Paul Wheelhouse**

Minister for Business, Innovation and Energy  
Paul Wheelhouse MSP



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Mr Richard Lochhead MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Our ref: 2017/0002814

27 February 2017

*Dear Richard,*

Thank you for your correspondence dated 12 January 2017 expressing the concerns of your constituents to Ms Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform. This matter is more closely related to my portfolio and as such I am responding as Minister for Business, Innovation and Energy.

I am aware that you wrote to the UK Government in February 2016 requesting the devolution of the relevant powers to the Scottish Government. Be assured that I am continuing your work to push for these powers to be devolved to Scotland.

I would like to reiterate that the decision on whether to issue an oil transfer licence in Scottish waters is currently for the UK Government's Secretary of State for Transport. In making these decisions, I expect the Secretary of State for Transport to take full account of the advice given by Scottish Natural Heritage and Scottish Environment Protection Agency regarding risk to the environment.

On the basis of current information, the Scottish Government is unconvinced that ship to ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable risk to the marine environment, in particular a European designated area for bottlenose dolphin.

I will of course ensure the concerns of local communities are heard by the UK authorities, including the MCA.

*Kindest regards*

Paul Wheelhouse

Minister for Business, Innovation and Energy  
Paul Wheelhouse MSP



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Mr Stewart Stevenson MSP  
The Scottish Parliament  
EDINBURGH  
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Our ref: 2017/0046096

14 January 2018

Thank you for your correspondence of the 11th December 2017 from your constituent regarding Ship-to-Ship Oil Transfer Licences in the Cromarty Firth to Roseanna Cunningham MSP, Cabinet Secretary for Environment, Climate Change & Land Reform. As this matter falls within my portfolio it is more appropriate that I respond.

The Scottish Government recognises the significant level of concern expressed by communities who live around the Moray and Cromarty Firths, related to the application from the Cromarty Firth Port Authority to undertake ship-to-ship transfers of crude oil at sea in the inner Moray Firth.

Ship-to-Ship Oil Transfers have always been and, for the present time, continue to be an area of policy where both legislative and regulatory powers are fully reserved to the UK Government. As such, Scottish Ministers have no direct power to intervene. However, this is an issue in which we take a great interest given our interests in energy issues and environmental protection. I continue to develop the Scottish Government's policy on this issue, and I expect to have a considered response for outstanding items in the near future.

Therefore, Scottish Ministers have no regulatory or legislative powers over the process for determining whether a ship-to-ship oil transfer licence should be granted or not. The Scottish Government continues to seek devolution of this function, having already written four times to the UK Government since 2014 requesting this - indeed I have done so in two Ministerial portfolios myself. Devolution of the powers in respect of consenting decisions for ship-to-ship transfers would allow the key decisions to be taken by the Scottish Government in tandem with our responsibility for protecting the marine and terrestrial environments.

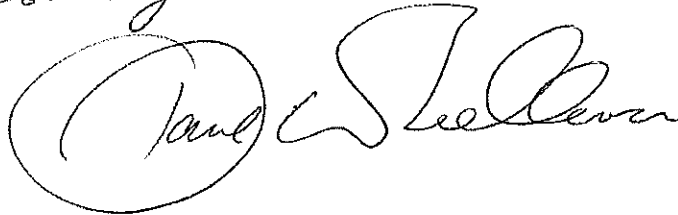


Applications for ship-to-ship oil transfer licences are currently considered under The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. The subject matter of these regulations is wholly reserved to the UK Government, and therefore the Scottish Government has no power to amend the application process provided by them. Despite these regulations arising from pressure from the Scottish Government over a similar issue in the Firth of Forth, UK Ministers chose to exclude Scottish Ministers from the list of statutory consultation bodies in the legislation. Ensuring adherence to the proper process is a matter for the Competent Authority, which in this case is the UK Government's Secretary of State for Transport.

As previously stated, although recognising such activities can be done safely, on the basis of current information, the Scottish Government is unconvinced that ship-to-ship oil transfers can take place at anchor in the Cromarty Firth without resulting in an unacceptable combination of risk and impact to the marine environment; in particular a European designated area for bottlenose dolphin would be at risk. However if the Port decides to submit a new application, we will apply pressure to ensure the Secretary of State for Transport formally invites us to respond this time and will make sure our views are heard. Ultimately, however, until such time as powers in this area are devolved, decisions still rest with the MCA and UK Ministers.

I trust this reassures you and your constituent of the seriousness with which we take this matter and explains the context within which the issue sits in terms of the constraints on Scottish Ministers in the process.

*Kindest regards*



**PAUL WHEELHOUSE**