

Cromarty Rising's petition PE1637 called 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, and to enhance the accountability of trust port boards to their stakeholders.

We would invite the committee to consider new information on health impacts on communities, the Freeport initiative and Scottish Ministers lack of control of Trust Ports

Using the Cromarty Firth as an example, many local residents have spent their working lives in oil and gas production, indeed, the oil industry has been in Cromarty's backyard for over 40 years.

However, in the last year or more the noise from work on visiting rigs has taken impacts on the Cromarty community to new levels. This is due to the Port of Cromarty Firth (PoCF), offering the operators of rigs new mooring points close to Cromarty. This has already been the subject of a record number of complaints to Highland Council and to PoCF. Cromarty and District Community Council (CDCC) canvassed local opinion to find some 80% of responses highlighting a shared "hate" of the noise from these structures. CDCC has now formally adopted a position to support action, and comment as necessary, to oppose this noise pollution around Cromarty.

Examples of health impacts on residents include:

- Constant noise vibrations causing sensory invasion for residents with profound hearing loss.
- Sleep deprivation forcing resident to move away for a number of days due to chronic noise exposure.
- Extreme tiredness due to being unable to consider going to bed in one's own home.
- A&E visit resulting in medication and monitoring to reduce blood pressure, reduce stress and aid sleep.
- Exasperation at ineffective complaints system.
- Additional burden of continuous noise & vibration during CV-19 Lock-down.

In a recent letter to Kate Forbes, MSP and Cabinet Secretary for Finance, the CEO of PoCF, claimed that only 6 noise complaints had been recorded and they were working closely with the Local Authority Environmental Health Officers (EHO). However, Highland Council EHO has confirmed that 29 complaints, from 15 different persons, have been received in the last 12 months.

This episode is just one of many which we believe demonstrates the port authority only pays lip service to the principle of accountability, trust and transparency.

Requests were made that noisy rigs be located at anchorages away from populated areas, so the port could continue its business activities and residents could sleep. The suggestion was ignored, undermining the port's responsibility to manage national assets for the benefit of communities as stakeholders.

We believe Scottish Ministers acting within the Harbours Scotland Act intended for all port borrowings to be removed from being recorded as government borrowings, this in exchange for Scottish Ministers relinquishing control over ports. We understand that a government may wish to remove several hundred million pounds from national debt, but communities are bearing the brunt of that swap. Scottish ministers' guidelines for Trust Ports do not have force in law. In a recent letter from Aileen Campbell, Cabinet Secretary for Communities and Local Government, responding to health impacts on communities, residents were told they must take the port to court. However, the Act makes no provision for funding for communities to do so.

We invite the committee to consider several questions and in particular

- how do ministers know trust ports are being run according to guidelines?
- how do ministers know that trust port boards appoint their directors transparently?

It appears that at this time, ministers also gave up their ability to intervene in a trust port's activities while MSPs did not get an opportunity to debate the changes.

In England & Wales, the Secretary of State for Transport still appoints the chairs of the five largest trust ports – Dover, Harwich Haven, Milford Haven, Port of London Authority and Port of Tyne – also some non-executive directors. Crucially, if not satisfied with a trust port's response to a complaint, stakeholders can appeal to the Department for Transport, which still has the power to intervene.

The Freeport initiative raises important points:

- If there is no legal, no fiscal and no governance control of Scotland's ports by Scottish Ministers, then why would there be any requirement for the UK government to hold consultation with the Scottish government on the Freeports initiative?
- Media reports have suggested that Freeports may not have to comply with environmental legislation – this is particularly concerning for the future of the Moray Firth bottlenose dolphin population.

Surely the committee would want to establish how it can be right that statutory bodies created by a UK Act of Parliament, to manage ports which are of significant value to Scotland's GDP, is no longer subject to the democratic accountability its counterparts south of the border face?