

**Minute of the Moray Firth SAC Management Group Meeting  
Inverness Harbour Trust, Harbour Office, Inverness, Tuesday 9th June 2009.**

**Present:**

James McKie (JMck) (Chairman)	Marine Scotland (MS)
Ben Leyshon (BL)	Scottish Natural Heritage (SNH)
Captain Ken Gray (KG)	Cromarty Firth Port Authority (CFPA)
Craig Bloomer (CB)	Joint Nature Conservation Committee (JNCC)
Captain Ken Maclean (KM)	Inverness Harbour Trust (IHT)
Jim Dickson (JD)	Maritime & Coastguard Agency (MCA)
Inger Soderstrom (IS)	Dept of Energy & Climate Change (DECC)
Paul Bancks (PB)	The Crown Estate (TCE)
Martin Latimer (ML)	Whiteness Harbour Authority (WHA)
Michael Middlehurst (MM)	Grampian Police (GP)
Shona Turnbull (ST)	The Highland Council (THC)
Keith Beaton (KB)	Scottish Environment Protection Agency (SEPA)
Donald MacLeod (DM)	Ministry of Defence (MoD)

**In Attendance:**

Kathryn Logan (KL)	Moray Firth Partnership (MFP / Secretariat)
Dominic Shann	Moray Firth Partnership (MFP) Minute taker
Rachel Duncan (RD)	Marine Scotland (MS)

**Apologies:**

Doreen Bell (DB)	Scottish Water (SW)
Colin Craig (CC)	Scottish Environment Protection Agency (SEPA)
Colin Wishart (CW)	The Highland Council (THC)
Paul Thompson (PT)	Aberdeen University (AU)
Sonia Mendes (SM)	Joint Nature Conservation Committee (JNCC)

**1. Welcome and apologies**

The Chairman welcomed everyone and ran introductions around the table for those new representatives present. Martin Latimer, representing Whiteness Harbour Authority, was welcomed as a new member and Donald Macleod welcomed representing the Ministry of Defence. Shona Turnbull, Coastal Planning Officer, The Highland Council was in attendance for Colin Wishart. Craig Bloomer, JNCC, was in attendance for Sonia Mendes. The Group also welcomed Rachel Duncan whose services had been provided through Marine Scotland to carry out the final amendments to the Revision 2 scheme.

Apologies were noted.

Inverness Harbour Trust was thanked for providing the venue and refreshments.

It was noted that the main purpose of this meeting was to finalise Revision 2 of the SAC Management Scheme.

**2. Matters arising from minutes of the last MG meeting 03 March 2009**

(1) Update on Actions from previous meeting:

Members went through the list of actions arising from the last meeting and noted progress, actions completed and those still outstanding.

## **2./**

(2)Corrections to Minute 03/03/09

In the attendance list, DECC was to be corrected to “Dept of Energy and Climate Change”, and on page 6, “under developed” was to be corrected to “undeveloped”.

The minute was otherwise **approved as a correct record**.

Following on from the action agreed at the last meeting to include minutes on the public website, it was noted that the online public record would commence with the minute of the current meeting as soon as that had been formally approved.

### **3. Revision 2 – Update re Completion of Scheme, Actions still required by members and next steps re implementation of the Action Programme.**

The draft Rev. 2 Management Scheme was projected onto a screen and amendments made to the live document as the group went through the text. This led to a number of Actions for members to forward further text for insertion. Concern was raised about the quality of the map of the MF SAC, Appendix A, but it was the best available at that time.

#### **It was agreed that :-**

(1)Marine Scotland should take ownership of this live document and be responsible meantime for updating it. Updates are to be completed annually or more frequently if required. **(090609-AP01)**

(2) all final amendments and comments on the scheme were to be submitted within one week, and be copied to all members for agreement, so that the new scheme would be ready for upload to the website at the end of June 2009. **(090609-AP02)**

(3) SNH should issue a news release re the launch of the Revision 2 Scheme and consider a launch event in July. **(090609-AP03)**

(4) Secretariat to include a future agenda item to discuss the outcomes of the Fisheries Research Services Assessment of the quality of sediment from Guillam Bank. **(090609-AP04)**

### **4. Inverness Harbour Authority – update on recent oil spill exercise**

(1)Inverness Harbour Trust updated the group on its recent oil spill exercise, which was an “Incident Management Exercise” designed to test operational responses and facilities. It was noted that there is a statutory requirement for Harbour Authorities to have an oil spill contingency plan agreed with the Maritime and Coastguard Agency. Plans have to be renewed every five years, and there is a requirement for interim exercises including at least one full-scale “real time” exercise every three years. Plans include a risk assessment, details of resources available and guidelines to determine the action required depending on the nature and scale of the spill. Oil spills can be categorised as Tier 1 (small scale / local spillages within the remit of the harbour authority), Tier 2 (larger incidents requiring a response contractor to assist) or Tier 3 (national scale incidents). The recent exercise was a Tier 2 and was dealt with by the Depute Harbour Master. The harbour was given prior notice of the date of the exercise, but not what was involved, to help simulate a real event. Inverness is a small harbour with relatively few staff and resources and Tier 2 equipment is not held locally, so had to be brought on site. The exercise aimed to deploy as much of the different equipment as possible during the event to test its use, although poor weather on the day proved a hindrance.

The exercise was considered by the inspectors to have been carried out satisfactorily, and lessons learned will be incorporated into the contingency plan.

The scenario presented was an oil spill from a road tanker at Kilmuir – a spill not of the harbour's making but within its area. A feature of Inverness Harbour is that a river runs through it which would carry the spill out into the firth, so the initial focus was on identifying the correct response and on containment. Other priorities included considering whether there were dolphins in the area likely to be affected. (In the event of a real spill, survey boats would identify and log wildlife in the area so that appropriate action can be taken)

The most common spillage is diesel which would not generally be recovered (unless it was within the harbour area) as it disperses quickly. Heavy oil would normally be recovered. The use of dispersants is not the preferred remedy other than in exceptional circumstances requiring immediate action, and they can affect where oil settles, thus posing additional threats to wildlife and protected natural features. An example of when they might be used is if a spill is being sucked into a power station intake which could be hazardous. The use of dispersants would in any case require the consent of Marine Scotland, in conjunction with Scottish Natural Heritage (SNH). Supplies are not held locally and would generally not be available on site for 3 – 4 hours.

When an oil spill incident is notified to Marine Scotland (MS), their first action is to set up an Environment Group at strategic level, including SNH and SEPA (Scottish Environment Protection Agency), who then decide the level of local input required. MS takes on the coordinating role for the group unless or until a Chair is appointed.

The discussion turned to what could be done at the time for the dolphins, such as use of acoustic deterrents. It was thought a licence would be required for this, as with dispersants, but that it might be possible to apply for this retrospectively in an emergency. The use of dispersants was discussed and how this is normally a last resort. The difficulty of balancing the many competing interests was discussed and how many important decisions need to be made in the first half hour that will affect the course of the incident. Members proposed that the group try to identify in advance situations when dispersants could be used, since the more information quantified at the outset the better as situations move fast and lots of decisions need to be made early on.

**4a. Consider implications of oil spills generally for the SAC and whether the group wishes to hold a session on oil spill planning, response or contingency planning. The workshop proposed in 2007 was to consider the types of habitat or species that should be protected as a priority in the event of a major spill.**

It was suggested that the *Guidelines for Dealing with Cetaceans in the Event of an Oil Spill* would be a more useful document if expanded to cover other marine wildlife. There are a number of plans and as it's often difficult to decide which is required, there may be a case for consolidation into one holistic plan.

A potential sensitivity map for the Moray Firth was discussed, possibly using [www.magic.gov.uk](http://www.magic.gov.uk) as a starting point.

It was noted that the MF Shoreline Protection Plan was in the process of being updated. With Inverness Harbour Trust, Cromarty Firth Port Authority and Whiteness also soon to be a harbour authority, a lot of money would be spent in the SAC area on oil spill exercises with an average of one taking place per year.

It was agreed that :-

- (1) Scottish Natural Heritage should progress updating the "Guidelines for dealing with Cetaceans in the event of an oil spill" and circulate details to all members for incorporation into current oil spill contingency plans **(090609-AP05)**
- (2) an agenda item be added for the next meeting to discuss whether these cetacean guidelines should be extended to create a wider Marine Wildlife contingency plan **(090609-AP06)**

- (3) the oil spill contingency planning item for the next SAC MG meeting should include discussion on how best to combine the various contingency plans into one master plan **(090609-AP07)**
- (4) the discussion should also consider whether guidance could be prepared in advance on areas where dispersants could be used. **(090609-AP08)**

## **5. Moray Firth Inshore Fisheries Group – membership of SAC MG**

It was noted that the Executive Committee of the newly formed Moray Firth Inshore Fisheries Group (MF IFG) had met twice and the posts of Project Officer and Chair had been advertised. Once fully operational, the MF IFG could provide fisheries input to the group. It was agreed to keep the MF IFG informed in the short term of SAC work and to review in due course whether the MF IFG should join the SAC MG. **(AP090609-09)**

## **6. Future of Management Group and Chair**

Anticipating that the creation of Marine Scotland and its incorporation of Fisheries Research Services might conflict, or be seen to conflict, with his role as SAC MG Chair, JMCK announced his intention to step down as Chair after the June 2010 meeting. This would allow for a period of transition and “shadowing” by his successor.

The SAC Management Group had no constitution to guide it in such circumstances, which might be something to consider in future. It was noted that the group had scope to do more than just work on the Management Scheme, including looking at the role of science in management decisions. Ways to enhance the added value of the group should be considered. The creation of Scottish Marine Regions may also affect the future role of the SAC MG.

The Chair referred to a paper begun in 2007 by some members that addressed the way forward for the SAC MG.

Members **agreed** to revisit this document at a future meeting. **(SAC090609-AP10)**

## **7. Management Group Member Updates**

### Marine Scotland (MS)

The Chair provided a brief update on the development of Marine Scotland (MS). It was noted that early discussions on options for marine renewables were taking place and MS will be central to renewable decisions in future, excluding oil and gas which remain reserved to Westminster.

### The Crown Estate (TCE)

The group was advised of the ongoing development of MARS (Marine Resource System), an intelligent GIS tool to be used for identifying/planning areas for renewable developments. TCE has a team of computer programmers to prioritise/ score different features in map layers to identify optimum locations / narrow sets of areas that comply with the criteria. The system will be made available to third parties.

Copies of the “Welcome Anchorages” publication were circulated (printing paid for by TCE). This just covers the west coast at the moment but the aim is for a future publication to include the east coast. This publication is well read by boat users nationally and thus could be a good vehicle to promote SAC issues.

### Whiteness Harbour Authority

Harbour Bye Laws had been submitted for approval. The site remediation programme was underway so that the developers can emerge from the recession with a clean site. As part of the Section 75 planning agreement, discussions were ongoing with Scottish Natural Heritage and The Highland Council about planning issues, and management of access to the land and sea.

#### Whiteness Harbour Authority continued

The group was shown the latest draft Marine Advisory Chart (MAC), which Whiteness was developing as required under the S75 agreement, as part of the overall Marine Management Plan. The Chart, which would be given to all boats at Whiteness, would provide boat owners with information about sensitive areas for wildlife, codes of conduct etc. A Sea Ranger would be employed to monitor boat use and help to educate users.

It was suggested that the Marine Advisory Chart, which had so far been well received by boat owners, could usefully be extended to cover the whole Moray Firth SAC area. The overall Marine Management Plan will include inductions for boat owners and visitors to advise about controls and enforcements, statutory and voluntary. A consultation on this was to take place once full scientific and other data was on hand and the SAC Group was invited to input to this. The Management Plan would be revised once a year and the Marine Advisory Chart every three years. The group concurred that having well managed boats could enhance the numbers of boats the firth could accommodate. Concern was expressed by one member re the financial implications for small marinas if producing a Marine Advisory Chart was made a statutory obligation, although it was noted that there could be scope for commercial sponsorship if that was the case.

#### Scottish Environment Protection Agency

The first draft River Basin Management Plans for the Scotland District and supporting Area Management Plans had been published by SEPA and were out to consultation ending 22 June 2009.

A decision was awaited from Scottish Government about the quality standards required for discharges to the Firth from the Fortrose and Rosemarkie waste water treatment plants. SNH considered that the recreational water quality standard should be applied.

#### Ministry of Defence (MoD)

The MoD was considering options for the future of Moray Firth military bases and engaging with Moray Council. All potential future developments will be considered within the planning regime to ensure that any potential impacts on the SAC are identified at the planning stage, appropriate stakeholders consulted and ultimately ensure that informed decisions can be taken by MOD with reference to the SAC.

#### Dept for Energy and Climate Change (DECC)

The Moray Firth seismic research project had started. DECC was discouraging applications for seismic surveys until the first phase of the research was complete and showed the likely effect on the integrity of the SAC, as well as the Inner and Outer Moray Firth. Survey applications in 2008 included 3 seismic surveys, 2 site surveys and 1 site drilling.

#### Inverness Harbour Trust

The official opening of the new Inverness Marina took place on 1<sup>st</sup> June with 200 invited guests, including the Transport Minister. A Marina Open Day was to take place on 11 July to be attended by Dame Ellen McArthur.

#### Scottish Natural Heritage

SNH had commissioned research into how many boats the SAC could accommodate without adversely impacting on the SAC site. The initial results of this work were due at the end of June 2009. SNH confirmed it had provided financial support to the Dolphin Space Programme for a further 2 years and to the Whale and Dolphin Conservation Society for a Moray Firth network of land-based watchers.

### Grampian Police Wildlife Liaison

It was reported that a cockle picking case in Findhorn Bay (which contravened the Conservation (Natural Habitats) Regulations 1994) had resulted in the first successful prosecution in Scotland in relation to cockle picking.

The National Wildlife Crime Unit had developed an "Information Submission" form to encourage non Police sources to provide information to help combat wildlife crime across the Moray Firth. It was **agreed** that a copy of the form would be circulated to all members. It was stressed this should not be used to report ongoing crimes but to report information or historical events. All partner agencies were encouraged to submit the forms with as much detail as they had available. **(090609-AP11)**

### **8. Any Other Business and Date of Next Meeting**

The Chairman thanked all members for their input toward completion of the Rev. 2 document and noted that focus could now turn to implementing the agreed actions.

It was confirmed that the next meeting, scheduled for November 2009, should include a review of oil spill contingency planning arrangements and other science issues.

Scottish Natural Heritage offered to host the next meeting at Great Glen House in November.

The meeting concluded with a formal vote of thanks to Professor Paul Thompson for his invaluable services to the SAC MG over the last 10 years. Paul had intimated he was standing down from the group after completion of Rev 2 document. A small presentation was planned and a card was passed round for members to sign.

There was no other business and the meeting closed at 15.15.