

Summary of WDCS concerns regarding the Appropriate Assessment



The Government is currently considering the licensing of oil and gas exploration and production in the bottlenose dolphin Special Areas of Conservation (SAC) in the Moray Firth and Cardigan Bay. Following public concern, the Government examined this matter, by a process called 'Appropriate Assessment'. The results of this process were released in December 2007 and at the same time the Minister for Energy announced that it was likely that oil and gas work would go ahead in the Moray Firth SAC, but not for the moment at least in Cardigan Bay. The following is a summary of WDCS's concerns regarding the Appropriate Assessment.

Whilst we do not know the full extent of the negative impacts of oil and gas exploration and production, WDCS believes that the bottlenose dolphin Special Areas of Conservation (SACs) that have been designated in Cardigan Bay, Wales and the Moray Firth, Scotland should be free from such activities; and so should a sensible buffer zone area around them.

SACs should be designated for a number of species and marine features to fulfill the requirements of European law (the EU Species and Habitats Directive) and these are then implemented by national laws. These sites are internationally significant and activities that take place within them have to demonstrate that they will not affect the 'integrity of the site' – which means the bottlenose dolphins in the cases of Cardigan Bay and the inner Moray Firth SACs. The Conservation Objectives of both these SACs include, amongst other things, that the distribution and extent of habitats supporting bottlenose dolphins are maintained in the long term, including no significant disturbance of the species.

Both populations of bottlenose dolphins in Cardigan Bay and the Moray Firth are small, resident and vulnerable, with estimates in the range of only 150-200 animals in Cardigan Bay and 130 animals in the Moray Firth.

The Appropriate Assessment covers only the exploratory phase of seismic activity and drilling (our concerns extend to the whole life of the activity from 'cradle to grave'). Our primary concerns are as follows:

- Despite many years of dedicated research on these dolphin populations, there remains considerable uncertainty surrounding their status, seasonal habitat needs and ranges.
- The Moray Firth and Cardigan Bay Special Areas of Conservation (SACs) were designated with these Habitats and Species Directive Annex II-listed populations of bottlenose dolphins as their primary features. The importance of these small protected areas for this species in UK waters should not be underestimated.
- There have been no long term studies to assess the extent of the negative impacts of allowing oil and gas exploration and production in small coastal key habitat areas such as the SACs and the likely significance of such impacts are little known.
- The potential cumulative impacts of the oil and gas industry and all the other industries in and around the Moray Firth SAC, including new large coastal developments, expanding numbers of leisure craft and marine renewable energy developments, are not considered to the full extent.

Some particular weaknesses in the Government's Appropriate Assessment document include:

- It does not represent the best science available;

- It does not, and cannot, clearly demonstrate that significant disturbance will not occur to the populations of bottlenose dolphins in Cardigan Bay and the Moray Firth;
- It has not applied the precautionary principle;
- It has not adequately assessed impact predictions, instead relying on unspecified mitigation methods;
- The usage of the Moray Firth block by the bottlenose populations is largely unknown;
- The detail provided on the other European protected species within the SAC is scant (including other cetaceans such as the harbour porpoise, as well as harbour seals and grey seals), and hence potential impacts are not fully considered;
- Whilst the AA points towards mitigation measures, there is no identification of what measures are intended and, anyway, we are not aware of measures that would adequately protect animals from long term impacts, including little documented ones such as stress and displacement; and
- Whilst the risk of a major oil spill in the Moray Firth is suggested to be 'moderate or low', the consequences of a spill could still be significant and contingency planning is not given enough prominence.

This is a summary of a fuller analysis and based on this, we conclude that the AA is inadequate in a number of significant ways. We also conclude that the risk to the 'integrity of the site' (i.e. the dolphins), is significant and that licensing should not be allowed to occur within, or adjacent to, these Special Areas of Conservation (SACs).

More generally, WDCS believes that SACs like other marine protected areas (MPAs) should always be regarded as areas where disturbing or damaging activities are prohibited and where there is doubt about whether the activity is disturbing or damaging, the benefit of that doubt should be given to the natural features that the MPA is established to protect. In the case of the Moray Firth SAC we can reasonably expect oil and gas exploration and development to be disturbing and damaging and as it cannot be proved otherwise, quite simply it should not go ahead.

This is not only a test of the worth of SACs but a test of whether or not the UK means any MPAs to be effective in practice. With new Marine Bills on the horizon for UK and Scottish seas, where we expect MPAs to be a prominent feature, consideration of how effective they might be is a critical matter.