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Kevin O'Carroll  
Environmental Management Team  
Department for Business Enterprise and Regulatory  
Reform  
Energy Development Unit  
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86-88 Guild Street  
Aberdeen, AB11 6AR  
Scotland

14 March 2008

Dear Mr O'Carroll

### **Response to BERR Appropriate Assessment: Block 17/3, Inner Moray Firth**

As convenor, I am writing on behalf of the Scottish Environment LINK Marine Task Force to voice our rejection of the conclusion of the Appropriate Assessment for oil and gas licensing in Block 17/3, which overlaps the Moray Firth European marine Special Area of Conservation (SAC) for bottlenose dolphin and sandbanks. We believe that the Appropriate Assessment fails to meet the tests set under the EU Habitats Directive (92/43/EEC). It fails to demonstrate that there will be no adverse impact on the integrity of relevant Natura 2000 interests or to satisfy the site's Conservation Objectives. These failings include the following:

- Failure to make accurate and full use of 'the best scientific knowledge in the field' as required, including acknowledgement of significant knowledge gaps
- Failure to take adequate account of cumulative and in-combination effects
- Failure to support the conclusion that mitigation measures can exclude adverse impacts to site integrity
- Resulting failure to reach the correct conclusion under the terms of the EU Habitats Directive
- Failure to consider all the necessary licensing blocks to meet EU Habitats Directive obligations

Based on these failings and the requirements after the European Court of Justice Waddenzee judgment clarifying the need for certainty (paragraph 61), we believe that the proposal to allow licensing of oil and gas/

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exploration in the Moray Firth SAC should not be authorised on the basis of this Appropriate Assessment.

The Scottish Environment LINK Marine Task Force member bodies below also support the detailed submissions provided by Whale and Dolphin Conservation Society (WDCS, co-signed by Friends of the Earth Scotland, MCS, Care for the Wild and WWF) and the Scottish Wildlife Trust in addition to those submitted by Professor Paul Thompson of the University of Aberdeen.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum Duncan'. The signature is fluid and cursive, with a large initial 'C' and 'D'.

Calum Duncan  
Convenor, Scottish Environment LINK Marine Task Force  
Scottish Conservation Manager, Marine Conservation Society

cc Richard Lochhead MSP

The following organisations are signatories to this letter:

Hebridean Whale and Dolphin Trust  
Marine Conservation Society  
Scottish Wildlife Trust  
Whale and Dolphin Conservation Society  
WWF Scotland