

**FINAL REPORT**

**MULTI-AGENCY RESPONSE TO THE SHORELINE  
ASPECTS OF THE GROUNDING OF THE MSC  
NAPOLI**

**DE-BRIEF REPORT**



**Devon, Cornwall and IoS Local Resilience Forum  
Dorset Local Resilience Forum**

**December 2007**

## **CONTENTS**

Executive Summary	3
Background	3
Terms of Reference	5
Pre-Planning & Preparation	5
Response	7
Strategic Response & Communications	8
Wider Issues	9
Successes	10
Recovery Issues	10
Annex A	Attendees at the Multi-Agency de-brief
Annex B	List of Recommendations
Annex C	Command and Control Structure
	12
	13
	17

## **Executive Summary**

To the best of our knowledge, the events which confronted the various agencies as a result of the grounding of the MSC Napoli on the 20<sup>th</sup> January 2007 have not been faced before in the United Kingdom.

As with any major incident, there will always be some areas for improvement identified during the debrief process, but it is also important to note good practice to assist and guide others who may face a similar set of circumstances in the future. This report makes 10 recommendations and identifies 4 areas of good practice for consideration, albeit there is an overlap between the two (see Annex B).

This report has been commissioned jointly by the Devon, Cornwall and Isles of Scilly Local Resilience Forum and the Dorset Local Resilience Forum. It will be referred to both Forums who will have the responsibility to address the recommendations contained in this report. Relevant issues will be referred to Government Office for the South West to bring to the attention of Central Government, if required.

## **Background**

On the 18<sup>th</sup> January 2007, the MSC Napoli, a large container ship owned and operated by the Mediterranean Shipping Company got into difficulties in the English Channel during a period of severe weather. The crew abandoned ship and were rescued from life-rafts by Royal Navy helicopters operating from R.N.A.S. Culdrose in an operation coordinated by the Coastguard Rescue Coordination Centre at Falmouth. The Napoli was then taken in tow. This operation was led by Secretary of State for Transport's Representative (SOSREP) and the Maritime and Coastguard Agency (MCA).

At about 09.00 hours on Saturday 20<sup>th</sup> January 2007, the Napoli was beached approximately 1 km off Beer Head, near Branscombe in East Devon. At the time of her grounding, the Napoli was carrying 2,319 containers, about 800 of which were on deck and the others inside the vessel, and several thousand tonnes of various oils. At about 19.00 hours the same day the vessel listed 35 degrees to starboard and about 100 containers fell off the stern of the ship. Within about half an hour, several of these containers had been washed up on beaches in the Branscombe area, more were to follow.

On Sunday 21<sup>st</sup> January, some members of the public came to Branscombe beach to claim salvage on the items washed ashore. This received significant media coverage, and the numbers of people coming to the beach increased significantly, with evidenced reports of people travelling from across the United Kingdom to Branscombe to retrieve items washed ashore. The initial position taken by the Police was that the activity of those 'salvaging' material from the Napoli was legal provided the procedural aspects in reporting the salvage to the Receiver of Wreck – a function managed by the MCA - were complied with.

The numbers of people grew to such an extent, coupled with the poor behaviour of some, that a significant policing operation had to be put in place at short notice to regain control of the beach. The legal position and procedures for dealing with salvage had to be urgently reviewed. An Operational Coastguard Commander was appointed as an Acting Receiver of Wreck to liaise with Police Gold Commanders and this arrangement worked well once established. However, the local communities were severely disrupted by the influx of people intent on salvaging what they could, and by the consequent policing operation to deal with this conduct.

Initially, news organisation and media coverage of the event – ‘whisky galore’ available at Branscombe – exacerbated the situation. However, once the true extent of the public’s ‘salvaging’ activities became clear – for example, the breaking into the container and the scattering of the personal belongings of a lady from Sweden – the direction taken by the media changed to become critical of the behaviour of some people present. This and the enhanced policing operation significantly reduced the numbers attending the locality and a cordon was established around the affected beaches.

The owners of the MSC Napoli and their insurers appointed a Project Manager (BMT Murray Fenton Ltd), who in turn appointed contractors to clean up the beaches affected. Apart from the containers, which were mainly washed ashore in the Branscombe area of East Devon, beaches in West Dorset became affected by oil being washed up from the Napoli. This led to a complicated recovery operation.

The shoreside response was a complex operation, involving as it did two Local Resilience Forums, two County Councils, two District Councils directly (and others indirectly), Devon & Cornwall Constabulary, Devon Fire & Rescue Service, the Maritime & Coastguard Agency, the landowners (particularly the National Trust) and the Environment Agency. A Command and Control structure was established to cater specifically for this event. An on-shore Strategic Co-ordinating Centre (GOLD) was opened at the Headquarters of the Devon & Cornwall Constabulary at Middlemoor, Exeter, with two Tactical (SILVER) controls opened, one at Sidmouth hosted by East Devon District Council, and the other at Dorchester hosted by Dorset County Council. These linked to the Salvage Control Unit and Marine Response Centre at the Maritime Rescue Co-ordination Centre at Portland who led on the off shore response. Local Authority representatives attended SCU/MRC meetings and made a positive contribution to ensuring a coordinated on-shore and off-shore response.

Assisted by the benign weather conditions throughout February, the work to remove the remaining containers and fuel oil from the MSC Napoli proceeded well, and on the 26<sup>th</sup> February, the last container was lifted from the deck of the vessel. Most of the fuel oil and diesel had also been removed by that date. Work proceeded through the Spring, with the last container being removed from the holds of the vessel on the 17<sup>th</sup> May 2007.

In July the operation to re-float the vessel, which led to the separation of the vessel into two parts, stimulated renewed media interest. In early August the bow and mid

section of the vessel was towed to Belfast to be dismantled. The stern of the vessel is scheduled for removal during 2008.

## **Terms of Reference**

Both the Devon, Cornwall and Isles of Scilly Local Resilience Forum and Dorset Local Resilience Forum have experience in conducting debriefs of major incidents in the recent past. Note was also taken of the debrief process used following the explosion and fire at the Buncefield oil storage depot in Hertfordshire.

Each agency involved in the response to the grounding of the MSC Napoli has been encouraged to conduct their own internal debriefs on the events at times appropriate to their requirements. It was agreed there was a need for a multi agency debrief to identify potential areas for improvement in multi agency policies and procedures, to identify areas of good practice, and in informing national guidance and contingency plans. It should be noted that at the time of the de-brief the Maritime and Coastguard Agency had not had the opportunity to conduct their own internal de-brief, as, for them, the Napoli was a continuing incident.

The process adopted was each agency was asked to identify the issues raised in their internal debriefs which had multi agency implications. It was accepted that each agency has the responsibility to address internal issues in line with their own arrangements for reviewing practices and procedures. The multi agency issues were shared in writing between the agencies prior to the debrief.

The Terms of Reference for the debrief was agreed to review the on shore response to the grounding of the MSC Napoli by all the agencies involved between the dates of the 20<sup>th</sup> January 2007 to 17<sup>th</sup> May 2007.

An independent chairman was invited to chair the debrief, and it was with pleasure that Ian Hault, the County Emergency Planning Manager for Hampshire and Chairman of the Emergency Planning Society accepted the invitation. The Multi Agency debrief was held at Dorset County Council offices at Dorchester on Friday 27<sup>th</sup> July 2007, with attendees as listed in Annex A.

## **PRE-PLANNING & PREPARATION**

The response to incidents of pollution at sea is governed by the National Contingency Plan for Marine Pollution from Shipping and Offshore Installations (NCP). In line with this plan, the Napoli incident was declared by the MCA to be a 'tier 3' pollution incident – i.e. one that requires a national-level response. This led to the establishment of a number of response units, based in the Marine Rescue Coordination Centre in Weymouth (Portland Coastguard):

- Salvage Control Unit (SCU) to control salvage operations
- Marine Response Centre (MRC) to lead the 'at sea' counter-pollution response
- Environment Group (EG) to provide environmental and public health advice to the above units

In addition, consideration was given to establishing a Shoreline Response Centre (SRC). However there were a number of considerations that weighed against this. Firstly, there was the rapid acceptance of liability by the owners and appointment of contractors to lead the shoreline clean up, meaning the role of local authorities was one of monitoring, rather than leading, the clean up. This process was managed overall by the Salvage Control Unit. Secondly, the break down of public order had resulted in the Police establishing their own strategic level command structure, which developed into the Strategic Coordinating Centre described above, duplicating some of the functions of a potential SRC.

It became clear that the NCP is largely focussed on oil pollution, and does not cover sufficiently the other forms of pollution, especially from vessels carrying mixed cargo containers. In addition, the Devon County Council shoreline response plan was in need of updating to reflect current practice. However, the use of the Devon, Cornwall and Isles of Scilly Local Resilience Forum multi agency generic response guidance, the 'Joint Emergency Response Protocol' was a sound foundation to develop a command and control structure specific to this incident.

#### RECOMMENDATION 1

*The Maritime and Coastguard Agency's National Contingency Plan be reviewed and consideration given in the plan to the following issues:*

- *The circumstances for establishing a multi agency Strategic Co-ordination Group, and its operation with or without a Shoreline Response Centre*
- *Terms of Reference for an on shore Strategic Co-ordinating Group,*
- *NCP must reference and reflect the Civil Contingencies Act, subsidiary Regulations and Guidance,*
- *Ensure that sufficient coverage is given to inert pollution, hazardous and noxious substances, as well as oil,*
- *The prompt identification and involvement of Landowners,*
- *The appointment of a Project Manager and contractors by the owners/insurers,*
- *The developing circumstances in the maritime world of larger ships, particularly those carrying mixed cargo containers and gas carriers.*

#### RECOMMENDATION 2

*All relevant Agencies, including the Association of Chief Police Officers, should be consulted during the preparation of the revised NCP*

#### RECOMMENDATION 3

*Local Authorities should review their Shoreline Response Contingency Plans in the light of this incident, to ensure they cover:*

- *Issues identified above for the NCP*
- *The removal and storage of large quantities of pollution waste of all types*
- *Alternatives to booming of rivers, where local geography renders this impractical (eg River Otter).*

#### RECOMMENDATION 4

*All coastal Local Resilience Forums should review their Community Risk Registers to reflect the potential impact of this type of incident and to ensure appropriate control measures and mitigation arrangements are in place.*

#### SUGGESTED GOOD PRACTICE 1

*The existence and use of a LRF wide generic response guidance document was of great use in determining the roles and responsibilities of agencies involved in this incident.*

#### SUGGESTED GOOD PRACTICE 2

*The early establishment of a single Strategic Co-ordination Centre (or GOLD) to co-ordinate the on shore response was acknowledged as instrumental in developing and delivering the tactical response to the incident on the shore line and in affected communities. The links with the Salvage Control Unit and Marine Response Centre worked well to differentiate between the on shore and off shore response, which while both were inextricably linked, required different arrangements. It is vital that there be a single SCC, irrespective of geographic and administrative boundaries. Annex C shows in diagrammatic form the command and control structure established for this incident.*

### **RESPONSE**

The response to the incident on shore was initially not as rapid as the events required. The response was also subsequently seen as lacking clarity in relation to the laws of salvage and the role of the Receiver of Wreck in this large scale incident. The role of the media in encouraging the unprecedented number of people who attended from across the UK to salvage goods (legally and illegally) was exceedingly unhelpful, and was a major contributory factor to the situation becoming difficult to manage.

#### RECOMMENDATION 5

- a. A review is conducted on the enabling legislation, ie the Merchant Shipping Act 1995, to ensure it is fit for purpose to deal with a large scale incident where property is washed ashore from a vessel at sea, or grounded off shore, or one which has sunk off shore.*
- b. Consideration must also be given to the possibility in similar circumstances of a large number of people attending the vicinity where materials perceived as valuable by the public are washed ashore, and how they should be managed.*

However, the key agencies involved responded dynamically to changing circumstances and were inventive in dealing with a situation which has not previously occurred in the United Kingdom, or indeed Western Europe. Wherever possible, recourse was made to existing multi agency guidance and protocols, and these stood the test of this incident. Liaison officers were deployed to the MRC at Portland, which is in a different Police force area to the one where most of the containers came ashore. Initially, the Dorset Police provided the liaison officers until the Devon & Cornwall Constabulary were able to deploy suitable officers to this role. Similarly, liaison officers from local authorities and other agencies fulfilled similar roles on behalf of their own organisations.

### SUGGESTED GOOD PRACTICE 3

*The early deployment of suitably trained and experienced liaison officers to an MRC in the event of a maritime incident which will have a significant impact on shore, with Police Forces and Local Authorities mutually aiding each other in appropriate situations.*

The Environment Group was successful throughout the incident in ensuring that environmental and health implications were considered before major decisions and actions were taken. However, recent national guidance in relation to the creation of a Scientific and Technical Advisory Cell (STAC) needs to be assessed in relation to the impact on a Shoreline Environment Group.

### RECOMMENDATION 6

*A review of the role and constitution of an Environment Group is required to take account of recent guidance on the STAC and to cater for cross border incidents. Any changes should be reflected in an update to the NCP.*

Problems were encountered by the Police and Maritime and Coastguard Agency in relation to the powers of Police Officers and other statutory agencies to define and enforce cordons around non terrorist incidents. This problem was also encountered at Buncefield. The powers in these cases are derived from Common Law, which is based on precedent. It is suggested consideration is given to codifying cordon powers in statute.

### RECOMMENDATION 7

*Consideration is given to reviewing the powers of Police Officers and other emergency service personnel (including the MCA) to establish and enforce cordons.*

It was clear from the response to this incident that the development of strong multi agency networks pays dividends at times of crisis. Most of the key players knew each other – from the local resilience forum and other multi-agency groupings - and this undoubtedly aided the response to this unusual incident.



The establishment of a Multi agency Tactical (SILVER) Control at the offices of East Devon District Council (EDDC) was a positive move. EDDC are to be complimented for their flexible response to this incident and their assistance in opening a SILVER Control within a short period of time. Having suitably trained and experienced personnel available to assist the setting up and then running a SILVER Control is seen as vital in ensuring a successful outcome to an incident of this scale and complexity.

#### RECOMMENDATION 8

*The Local Resilience Forum review their capacity to set up, and run for an extended period of time, a multi agency Tactical (SILVER) Control.*

### **STRATEGIC RESPONSE & COMMUNICATIONS**

Once established, the Strategic Co-ordinating Centre provided clear leadership and direction which is vital to the resolution of any major incident. The Command and Control structure developed as a result of this incident is recommended as a model for other similar incidents in the United Kingdom.

The complexity of the shore-side response and the dynamic nature of the incident quickly underlined the strategic importance of robust stakeholder communications. Local government is well placed to co-ordinate stakeholder communications and that was borne out during the incident. Establishing swift and effective daily e-briefings, underpinned by an accurate database, provided timely reassurance and helped ensure that key stakeholders were always "on message" about the realities of the incident and how it was being managed.

The incident provoked an intense response from the media, both television, radio and newspapers. The early identification of a Media Reception Point where the media can meet and be briefed worked well. Naturally, the visual media congregated at Branscombe beach where the majority of action was taking place. In accordance with standard practice, it was necessary to provide staff on the ground to facilitate the media response. It should be noted this incident attracted international media attention, as well as national and local media. The feedback on the use of the MCA Internet storyboard has been very positive. The MCA also produced a weekly news update sheets for distribution in the local community, this additional initiative worked well for members of the public unable to access the internet. The involvement of the Government News Network is always of use.

#### SUGGESTED GOOD PRACTICE 4

*The early establishment of a media base close to incident – in this case based in the East Devon District Council offices at Sidmouth – is vital in ensuring positive media coverage, with joined-up communications messages agreed by all Agencies.*

## WIDER ISSUES

Various agencies used community messaging systems to attempt to keep the public informed. It was felt appropriate to hold a public meeting with the local community at Branscombe who had suffered the most disruption to their lives as a result of the incident. This meeting was successful in addressing community concerns and amending the response by agencies, an example being the changes to traffic management arrangements for access to and from the village.

The role of a Community Impact Assessment is vital in identifying community issues, which must involve all local stakeholders in such assessments.

It is appropriate to recognise the proactive role played by elected Members and Chief Executives of Devon County Council and East Devon District Council in visiting their communities, listening and addressing their concerns.

The complex relationship between Lead Government Department (Department of Transport) and the Environment Agency worked well at local level, although parallel reporting through both agencies appeared at times to duplicate.

### RECOMMENDATION 9

*The LRF should develop protocols for multi agency involvement in developing Community Impact Assessments to ensure the involvement of local stakeholders.*

## SUCCESSSES

It is the nature of major incidents that there will always be some areas for improvement in the response of the agencies involved. But it is appropriate to also highlight perceived successes as these can help inform others, both in the United Kingdom and internationally, in facing similar incidents.

The outcome of the operation to save the cargo of the Napoli was as 'planned' – ie it was overall judged as successful, despite the early loss of some containers and the continued leakage of small quantities of oil throughout the operation. Contingency plans were drawn up for the total loss of the vessel, with up to 800 containers and significant amounts of fuel oil and diesel being washed up on local beaches. Thankfully, these plans did not need to be implemented.

Whilst not part of the terms of reference of this de-brief, mention must be made of the role of the Salvors (Smit Salvage) in ensuring the removal of the great majority of the containers and the oils from the stricken ship without incident. Their work, coordinated by SOSREP and the SCU, undoubtedly prevented the incident from being worse than it was. Secondly, acknowledgement must be made of the prompt appointment of a Project Manager and contractors to deal with the on shore cleaning

up. The ships owners and insurers are to be complemented for this response, which must be seen as a model for any future events of this nature.

## RECOVERY ISSUES

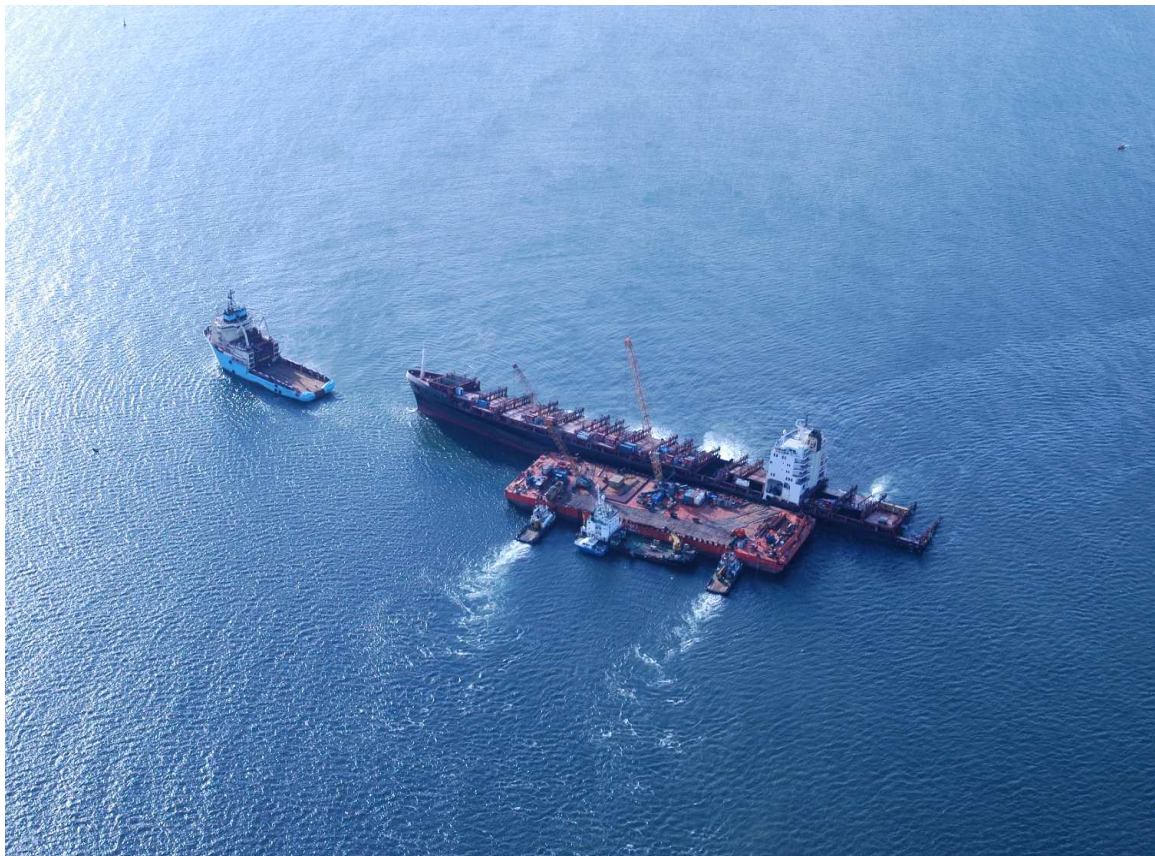
The long term recovery from this incident is continuing. Whilst there were no casualties in the incident itself – again a testament to the skill and resources of the initial responders and the work of the Salvors on the Napoli – the incident did have its impact. Businesses in Branscombe were affected, as were the residents of the village with the initial influx of un-welcome visitors. Initial publicity may well have influenced people away from booking a holiday in the general area. Subsequently there have been incidents of oil coming ashore along the East Devon coast, particularly Seaton.

However, overall, many businesses in the general area have benefited from the presence of the Napoli – eg Sidmouth in January was described as 'busy as a Bank Holiday' with sightseers, and the coastal footpath between Beer and Branscombe experienced unprecedented use for the time of year.

Recovery as a phase in the response to an emergency must, however, be considered from the outset. There is a National Recovery Working Group considering good practice in Recovery from major incidents which has developed a long list of issues to be considered, which are relevant to all incidents of this type.

### RECOMMENDATION 10

*Considerations of Recovery must be addressed by the SCG in the early part of an incident along the lines suggested by the National Recovery Working Group. All recovery work should be conducted under the guidance and direction of the SCG.*



**Annex A**

Attendees at the Multi-Agency De-brief held in Dorchester, 27 July 2007:

Ian Holt	EPO Hampshire CC (Chair)
Simon Parker	Dorset County Council
Richard Horne	Devon County Council
Andrew Borman	Devon County Council
Mark Riley	East Devon District Council
ACC Bob Spencer	Devon & Cornwall Constabulary
Supt Emma Webber	Devon & Cornwall Constabulary
Inspector Bob Palmer	Devon & Cornwall Constabulary
Inspector Nevin Hunter	Devon & Cornwall Constabulary
Simon Wilkins	Devon & Cornwall Constabulary
Chief Inspector Bob Nichols	Dorset Police
Chris Chambers	South Western Ambulance Service
Derek Smith	Maritime and Coastguard Agency
Mark Clarke	MCA
Mark Rodaway	HM Coastguard (MCA)
Nigel Garwood	Environment Agency
Rachel Waldock	Natural England
Sarah O'Brien	National Trust
Helen Mann	National Trust

*In addition it should be noted that Government Office of the South West (GOSW) supported the SCG throughout (attending mainly by teleconference), but were unable to attend the debriefing as it coincided with emergency work relating to the flooding in Gloucestershire.*

## **List of Recommendations**

### RECOMMENDATION 1

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- *The appointment of a Project Manager and contractors by the owners/insurers,*
- *The developing circumstances in the maritime world of larger ships, particularly those carrying mixed cargo containers and gas carriers.*

### RECOMMENDATION 2

*All relevant Agencies, including the Association of Chief Police Officers, should be consulted during the preparation of the revised NCP*

### RECOMMENDATION 3

*Local Authorities should review their Shoreline Response Contingency Plans in the light of this incident, to ensure they cover:*

- *Issues identified above for the NCP*
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- *Alternatives to booming of rivers, where local geography renders this impractical (eg River Otter).*

### RECOMMENDATION 4

*All coastal Local Resilience Forums should review their Community Risk Registers to reflect the potential impact of this type of incident and to ensure appropriate control measures and mitigation arrangements are in place.*

### RECOMMENDATION 5

- c. A review is conducted on the enabling legislation, ie the Merchant Shipping Act 1995, to ensure it is fit for purpose to deal with a large scale incident where property is washed ashore from a vessel at sea, or grounded off shore, or one which has sunk off shore.*

- d. Consideration must also be given to the possibility in similar circumstances of a large number of people attending the vicinity where materials perceived as valuable by the public are washed ashore, and how they should be managed.*

RECOMMENDATION 6

*A review of the role and constitution of an Environment Group is required to take account of recent guidance on the STAC and to cater for cross border incidents. Any changes should be reflected in an update to the NCP.*

RECOMMENDATION 7

*Consideration is given to reviewing the powers of Police Officers and other emergency service personnel (including the MCA) to establish and enforce cordons.*

RECOMMENDATION 8

*The Local Resilience Forum review their capacity to set up, and run for an extended period of time, a multi agency Tactical (SILVER) Control.*

RECOMMENDATION 9

*The LRF should develop protocols for multi agency involvement in developing Community Impact Assessments to ensure the involvement of local stakeholders.*

RECOMMENDATION 10

*Considerations of Recovery must be addressed by the SCG in the early part of an incident along the lines suggested by the National Recovery Working Group. All recovery work should be conducted under the guidance and direction of the SCG.*

## **List of Suggested Good Practice**

### SUGGESTED GOOD PRACTICE 1

*The existence and use of a LRF wide generic response guidance document was of great use in determining the roles and responsibilities of agencies involved in this incident.*

### SUGGESTED GOOD PRACTICE 2

*The early establishment of a single Strategic Co-ordination Centre (or GOLD) to co-ordinate the on shore response was acknowledged as instrumental in developing and delivering the tactical response to the incident on the shore line and in affected communities. The links with the Salvage Control Unit and Marine Response Centre worked well to differentiate between the on shore and off shore response, which while both were inextricably linked, required different arrangements. It is vital that there be a single SCC, irrespective of geographic and administrative boundaries. Annex C shows in diagrammatic form the command and control structure established for this incident.*

### SUGGESTED GOOD PRACTICE 3

*The early deployment of suitably trained and experienced liaison officers to an MRCC in the event of a maritime incident which will have a significant impact on shore, with Police Forces and Local Authorities mutually aiding each other in appropriate situations.*

### SUGGESTED GOOD PRACTICE 4

*The early establishment of a media base close to incident – in this case based in the East Devon District Council offices at Sidmouth – is vital in ensuring positive media coverage, with joined-up communications messages agreed by all Agencies.*





Command and Control Structure

Annex C

