



The Scottish Parliament  
Pàrlamaid na h-Alba

Virginia McVea  
Chief Executive  
Maritime and Coastguard Agency  
By email only

**Net Zero, Energy and Transport  
Committee**  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
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Thursday 16 November 2023

Dear Virginia,

**Approvals process for Hull 801 (Glen Sannox)**

Thank you for your [letter](#) of 23 October 2023. This set out the Maritime and Coastguard Agency's view on how the International Code for Fire Safety Systems, and associated EU and UK regulations, applied to the design of Hull 801 being built by Ferguson Marine (Port Glasgow) (FMPG).

The Committee took evidence from David Tydeman, Chief Executive, and Andrew Miller, Chairman, of FMPG at its [meeting on 24 October](#). At this meeting, David Tydeman outlined his perspective on discussions with the MCA on issues with the vessels.

Mr Tydeman suggested his earlier references to the MCA having "reassessed the application of 'cargo ship' rules" were based on conversations he had had with local MCA personnel on how these compliance issues would be handled.

An extract from the Official Report is available in the Annexe to this letter.

In view of the additional costs and delays to the public purse that may have been incurred as a result of these issues arising at a relatively late stage of the vessel's design and construction, I am writing to seek your views on the statements made in the extract in the Annexe and on whether they represent a shared understanding of events.

Yours sincerely,

Edward Mountain MSP  
Convener

## Net Zero, Energy and Transport Committee

## **Annexe**

In [June 2022](#), he told the Committee—

“In the last 2 weeks the senior management of Lloyds Register of Shipping and the Maritime and Coastguard Agency have attended site and from these meetings I am now assured we can satisfy all Class and Flag issues, ultimately leading to a Passenger Certificate.”

On 24 October, the following exchange on the MCA letter of 23 October took place—

### **The Convener:**

I have one or two questions on the reasons for the delay that you have given. Who within your operation speaks to the Maritime and Coastguard Agency regarding approvals? Is it you or somebody else?

### **David Tydeman:**

It is a combination. I have been involved personally. As I mentioned, within my first three months, I realised that there were design gaps, one of which was an MCA issue. I was shown drawings dating back to 2016-17 that had red-line marks from the MCA highlighting that cargo rules had been used for some of the crew spaces and that there were non-compliance issues on stair widths and other aspects.

The earliest that I could get the MCA to come and see me was 15 June 2022. The regional director, the principal surveyor from the Glasgow office and the technical manager came for a meeting with me and two of my senior management team—the engineering director and the compliance director. We went through the issues, saying that the drawings clearly showed that the design, which was produced years ago, had structural limitations on escape shafts and on stairwells up from the car deck to the passenger decks. There were also assumptions on the routing and corridor widths for the evacuation of passengers from, let us say, the observation lounge, on deck 6, through crew spaces to get to the muster stations on deck 5.

We had a fairly lengthy conversation 18 months ago. My key question to them was whether there were any red-line issues that we would not be able to solve, because that was high on my radar. Identifying and designing evacuation routes and escape routes is normally one of the first things that you do with a ship, and that should have been sorted out long ago, in 2015-16. The surveyors in that meeting assured me that we would find a solution, although they used the term “equivalence in compliance” rather than “exemptions”.

The MCA never acts as a consultancy. It will not give advice on how to solve a problem; you have to come up with the answers yourself. However, the output of that conversation was that we should do some three-dimensional computer modelling for evacuation routes. We employed Lloyd’s Register to use its sophisticated modelling to do that and to show that we could get rule compliance, which means getting everybody on the ship to the muster stations and off down through the slides within an hour. That is the allowed maximum time.

The modelling showed that we could get everybody out in 29 minutes, which led to a feeling that we would get compliance, or equivalence—the form that gives you an exemption or equivalence approval is called a 1261 form. The first 1261 form was issued in November 2022, after we had done the evacuation modelling. That led to the submissions down to head office in January this year, 2023, but it was not until April 2023 that we realised that head office had a stricter approach to the application of rules, decisions that had been made a long time ago and the modelling, and we had to do some rethinking between April and June. I have been closely involved with the MCA over the last few months.

**The Convener:**

Is the compliance director the same person who has run through the whole project or did the compliance director change when the issue went to the MCA?

**David Tydeman:**

He was originally an employee of FMEL and transferred across under the Transfer of Undertakings (Protection of Employment) Regulations in nationalisation. He was the one who highlighted to me the early drawings from 2017.

We were perhaps overconfident that we would get all these exemptions, based on the modelling and the conversations last year, and it was a bit of a surprise that we had to do the design changes that we have done over the past few months.

**The Convener:**

I wrote to you in August asking when you approached the MCA regarding the escape hatches and routes. You said that the first 1261 application was submitted in July this year, and that it was for just one escape route. You are telling me that you submitted it in July, when you actually identified the problem nearly two years ago.

**David Tydeman:**

They were separate issues. I am sorry if my letter to you was not clear, but the 1261 exemption that was issued in November 2022 related to the main stairwells that come up through the casing from the car decks. As you park your car, get out and walk up the stairs either side into the passenger areas, the tread width for those stairwells is 800mm, and it should be 900mm. Given that you come up single file and the modelling allows for a person to be roughly 500mm wide, the fact that it was 800mm instead of 900mm was deemed not to be a serious issue, because there was plenty of width for the handrailing and access for staff. That 1261 exemption was issued for both ships in November 2022.

The application that we submitted in July this year related to the assumptions that we had made in the modelling that, for passengers on deck 6 in the forward area observation lounge, there is only a single staircase down to the evacuation areas on deck 5. The only alternative to that is to go through the crew spaces—the crew cabins and corridors—to the two staircases at the rear of deck 6. In the latest update that we got in April or May, that was deemed to

be unacceptable. As I said, the MCA does not give you a solution, it just says that the design is not accepted and that we cannot rely on passengers going out through crew spaces.

**The Convener:**

I understand that and I understand that revisions 4 and 5 were done in November last year. However, revisions 7, 8 and 9, which I suspect are the ones that you are talking about at the moment, were submitted only in July this year. We have had a letter from the MCA, which is clear that, exactly as you have just said, it is not up to it to design out the problem; it is for you to work with it. The letter goes on to say that the regulations that it is referring to have been extant and in force since 2009. It says that there were amendments but that they made no difference. Therefore, the MCA is unclear why you are citing this as a problem—it says that it has been fully consistent on the requirements since 2009.

There seems to be a discrepancy. The MCA says that it is your fault, and you say that it is the MCA's fault because it is interpreting in a different way. You cannot both be right; one of you has to be wrong.

**David Tydeman:**

In the meeting that I had with the local surveyors from the Glasgow office and the regional director in June 2022, and the modelling that we did after that, we were fully aware that FMEL and Holder Marine, back in 2015-16, had made some assumptions that the cargo rules could be used for the crew areas, and the ship had been designed with that in mind.

To put that into context for the committee, if you have professional crew, you assume that they will not panic in the same way that passengers might and you are allowed narrower doorways and corridors for circulation within the crew spaces. The ship was designed with those assumptions in mind, and the conversations on how we would get approval for the ship have been going on with the local office. In April this year, that was finally overruled by the head office, which wrote you that letter that I saw last night. There was a disconnect between the local conversations that we were having with the MCA in Glasgow and the final decisions from the head office in Southampton.

**The Convener:**

Really? The committee will, I would suggest, have to consider that further, because you are saying that there is a discrepancy in somebody else's offices, whereas the MCA is quite clearly saying that it is down to you.

**David Tydeman:**

The responsibility had to rest with Ferguson for, first, producing a design with the wrong assumptions, as the MCA very clearly set out. There are precedents of other ships out there with crew spaces on ferries that are designed with narrower corridors compared to the passenger spaces. That is not allowed any more. I know that the principal surveyor from the Glasgow office flew out to Turkey to look at the four ships that CMAL is having built there to check that there was no issue with those ships after this clarification was issued in April.

We have come up with a solution of producing extra staircases so that the passengers do not have to go through the crew areas. We have also bought 17 new doors to make them wider in the crew spaces to get as close to compliance as we can there. The work on those areas—the staircases and the extra doors—has cost about £1 million, through the design, buying the equipment and the disruption costs. We have come up with a solution—we have found a compliant solution. Yes, it is Ferguson’s responsibility to get that right, and we did not get it right in the past.

**The Convener:**

Is it not disingenuous to put it in the report that you gave to Parliament that that was one of the reasons for the delay, when the delay should have been identified, or was identified, over 18 months ago? I humbly suggest that, if you had started addressing it 18 months ago, the delay might not have existed.

**David Tydeman:**

There are two aspects. First, it has not caused a delay to the handover. We have been able to come up with a solution. The staircases are in place and are being finished off now. We are waiting for the doors to be delivered—they are due in December and will be fitted within the trials period. The extension to the time that I referred to in my letter at the end of September is mainly down to electrical and piping work and finishing off the rest of the ship. We have been able to cope with the MCA changes that we have had to make within the programme.

Yes, when I wrote to you in June and August, I believed that the issue would cause a risk of delay to the ship. However, with hindsight, as I clarified in the letter at the end of September, we have been able to cope with the escape route changes within the programme, and the programme has slipped for other reasons.

**The Convener:**

What concerns me is that the MCA letter clearly says that

“there has been no reassessment”

of the application of the regulations. They have not changed. You are saying that they have changed, and the MCA is saying they have not, so it is your word against the MCA’s.

**David Tydeman:**

We should not get into that position. The conversations that we have been having on-ship in the shipyard with the local surveyors led us to believe that we would get exemptions, without having to change the doors in the crew space and without having to put in new staircases. As I said a moment ago, maybe we were overconfident in those assumptions from the conversation with the local surveyor. The issue has been very clearly and finally clarified by that letter that I saw last night.