

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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2 October 2009

SUPPLEMENTARY PACK

BUTE AND COWAL AREA COMMITTEE - TUESDAY, 6 OCTOBER 2009

I enclose herewith an additional report.

Nigel Stewart
Director of Corporate Services

BUSINESS

7. OPERATIONAL SERVICES

(g) Rothesay Harbour (Pages 1 - 30)

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
Councillor Alister McAlister
Councillor James McQueen
Councillor Ron Simon
Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton
Councillor Len Scoullar (Vice-Chair)
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manger

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ARGYLL & BUTE COUNCIL**BUTE & COWAL AREA COMMITTEE****OPERATIONAL SERVICES****6 OCTOBER 2009**

ROTHESAY HARBOUR

1. INTRODUCTION

The purpose of this Report is to ensure that there are safe operations for all marine traffic at Rothesay Harbour.

2. RECOMMENDATIONS

- 2.1 The Area Committee recognises that as Harbour Authority that they have overall responsibility for ensuring the safe operations at Rothesay Harbour under the Port Marine Safety Code.
- 2.2 Acknowledge that a full Risk Assessment and appropriate consultation has taken place with all relevant users of Rothesay Harbour.
- 2.3 Approve the issue of the Notice to Mariners to ensure that the safe working practices continue for all users of Rothesay Harbour.

3. DETAILS

- 3.1 The recent consultation works were undertaken to enhance the facilities for the ferry operator in light of the fact that there are now two new vessels servicing the Isle of Bute.
In tandem with this works were also undertaken in the inner harbour to increase the leisure facilities that were previously only available in the outer harbour.
- 3.2 The impact of opening the inner harbour to leisure craft highlighted the need to implement new safety measures to control the movement of all vessels using the harbour. A new set of International Association of Lighthouse Authorities navigation lights were installed which operate in the manner of traffic lights. These controls are accompanied by other measures undertaken by the harbour staff in order to maintain safe operations in accordance with the principles contained in the Port Marine Safety Code.
- 3.3 It is considered essential that as a responsible harbour authority risk assessment are undertaken to maintain safe operations. An independent risk assessment was commissioned and undertaken by a Master Mariner. The brief was: "To determine

what the dimensions of vessels using Rothesay Outer Harbour should be". The assessment report is enclosed in Appendix 1.

- 3.4 It was agreed that the Council, as Harbour Authority, would consult with other harbour users once the assessment had been completed. Appendix 2 contains these responses.
- 3.5 The recommendations contained within the assessment report are considered appropriate to the harbour authority to maintain safe operations and as a result a new set of rules have been written to reflect the findings and these are in addition to the existing bye-laws originally drafted for Rothesay Harbour. These are contained within Appendix 3.
- 3.6 An independent Risk Assessment has been carried out at Rothesay Harbour Inner Harbour. The Risk Assessment has been reviewed and full consultation has been undertaken. It is imperative that the safety of all users at Rothesay Harbour is not compromised and therefore a replacement Notice to Mariners will be issued following the Area Committee that meets our health and safety requirements under the Port Marine Safety Code and other relevant legislation.

4. IMPLICATIONS

- 4.1 Policy None
- 4.2 Financial None
- 4.3 Personnel None
- 4.4 Equalities Impact Assessment None
- 4.5 Legal Meets Port Marine Safety Code

For further information, please contact Stewart Turner, Head of Roads & Amenity Services, 01546 604611.

Stewart Turner
Head of Roads & Amenity Services
14 August 2009

APPENDIX 1

Risk Assessment of Rothesay Outer Harbour

Outline

My brief from Argyll and Bute Council was to determine what the limiting dimensions of vessels using Rothesay Outer Harbour should be.

To this end, I visited Rothesay Harbour on the morning of Wednesday the 27th of May 2009.

I was provided with the latest Hydrographic Survey Chart by the Harbour Master who also provided me with a copy of the Argyll and Bute Council Risk Assessment Form relating to the Management of Harbour Operations.

Currently, the Outer Harbour is restricted to vessels of 16m LOA and a draught of 2m.

Hazards

The entry into service by Caledonian MacBrayne of the new build Car Ferries Argyll and Bute on the Wemyss Bay/Rothesay route has introduced a level of hazard to small boats using the Outer Harbour that did not previously exist when the Juno, Jupiter and Saturn were on this route.

Firstly, the new walkway constructed on the Pier to support these vessels is a substantial structure that restricts the view from the elevated Harbour Control Office and masks the approach of small vessels to the Outer Harbour.

Secondly, the Argyll and Bute, when berthing, create a great deal of wash from their thrusters/propulsion units which would prove extremely hazardous to any small vessel caught in the wash as they would be very lucky not to find themselves thrown up on the rocky eastern shore north of the Albert Pier.

Control Measures

The Harbour Master has taken an extremely robust approach to applying control measures in order to minimise these hazards for all harbour users.

- a) All commercial vessels are required to contact Rothesay Harbour on VHF Ch:12 prior to arrival or departure from the port. Pleasure craft are required to telephone the Harbour Control Office.
- b) There are a set of Harbour Control Lights which indicate to harbour users whether the inner and outer harbours are open or closed. These are controlled from the Harbour Control Office or from the pier via a remote connection.
- c) A multi-camera CCTV system is in operation and monitored from the Harbour Control Office.
- d) Warning Signs are posted in various prominent locations.
- e) Pier Operatives are equipped with hand held VHF radios and warning whistles.
- f) Rothesay Harbour Notices to Mariners (NTMs) are extensively promulgated.

- g) A visual watch on harbour traffic is maintained by Pier Staff from the Harbour Control Office and the Quayside.
- h) All vessels using Rothesay Harbour are expected to comply with the International Regulations for the Prevention of Collision at Sea.

Despite these control measures, a danger still exists with regard to very small vessels such as kayaks or rowing boats who may not have VHF communications and have ignored all the other warnings. However unlikely, if such a sequence of events were to occur, it would be very easy for a small vessel to be caught by the Ferry wash.

Additional Control Measure

If a small vessel were spotted heading out of the harbour and into the wash of an arriving ferry then it could potentially be stopped verbally or by whistle from the pier.

The main issue is visibility – in order to stop a boat heading into danger, one must first be aware of its presence.

In order to improve visibility from the Harbour Control Office and Pier, the Harbour Master restricted the size of vessels that could use the Outer and Inner Harbours to 16m LOA and 2m draught. This has particular relevance to vessels using the Fish Quay as too large a vessel on this berth will severely restrict visibility from the Harbour Control Office and quayside, particularly at high water.

The great majority of the Clyde Inshore Fishing Fleet are under 15m LOA with an approximate draught of 2m. These vessels often land their catch in Rothesay, take bunkers and occasionally shelter from inclement weather. The size and draught restrictions introduced by the Harbour Master potentially allow 8 16m fishing vessels to berth at the Fish Quay in 4 rafts of 2.

Recommendations

Any risk assessment is inevitably a compromise between the ideal and the practical.

The latest Hydrographic Survey Chart dates from the 23rd of April 2009. This would indicate that siltation has occurred at the west end of the Fish Quay and approaches to the Inner Harbour.

Recommendation – Restrict draughts of vessels using the Outer Harbour Pontoons and most westerly 30m of the Fish Quay to 1.4m to guarantee vessels being always afloat at low tide until dredging is carried out. The most western 10m of the Fish Quay is particularly silted and should be restricted to vessels with a draught of 0.7m. Also, the seabed to the north west of the most western Outer Harbour pontoon arm shows depths that vary from 0.5m to 1m, 1.2m and 1.3m. The Inner Harbour depths are not included in the latest Hydrographic Survey Chart so I am unable to comment on them.

Recommendation – Do not allow double berthing to take place on Fish Quay while Ferry is operating. This will greatly increase the visibility from the Harbour Control Office and quayside.

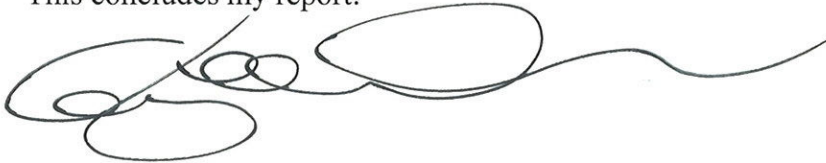
Recommendation – When double berthing at the Fish Quay, the combined beam of the vessels should not exceed 10m. This is the width of the cut and anything wider would cause problems for vessels entering or leaving the Inner Harbour.

Recommendation – Do not allow vessels with a draught of greater than 0.7m to bunker at the extreme west end of the Fish Quay at or near low water.

Recommendation – Maintain 16m LOA and 2m draught restriction for most eastern 30m of the Fish Quay. Larger vessels may be accommodated but only after consultation with the Harbour Master. The deciding factor should be how high the vessels upperworks are and how much she is likely to restrict visibility from the Harbour Control Office and quayside, particularly at high water.

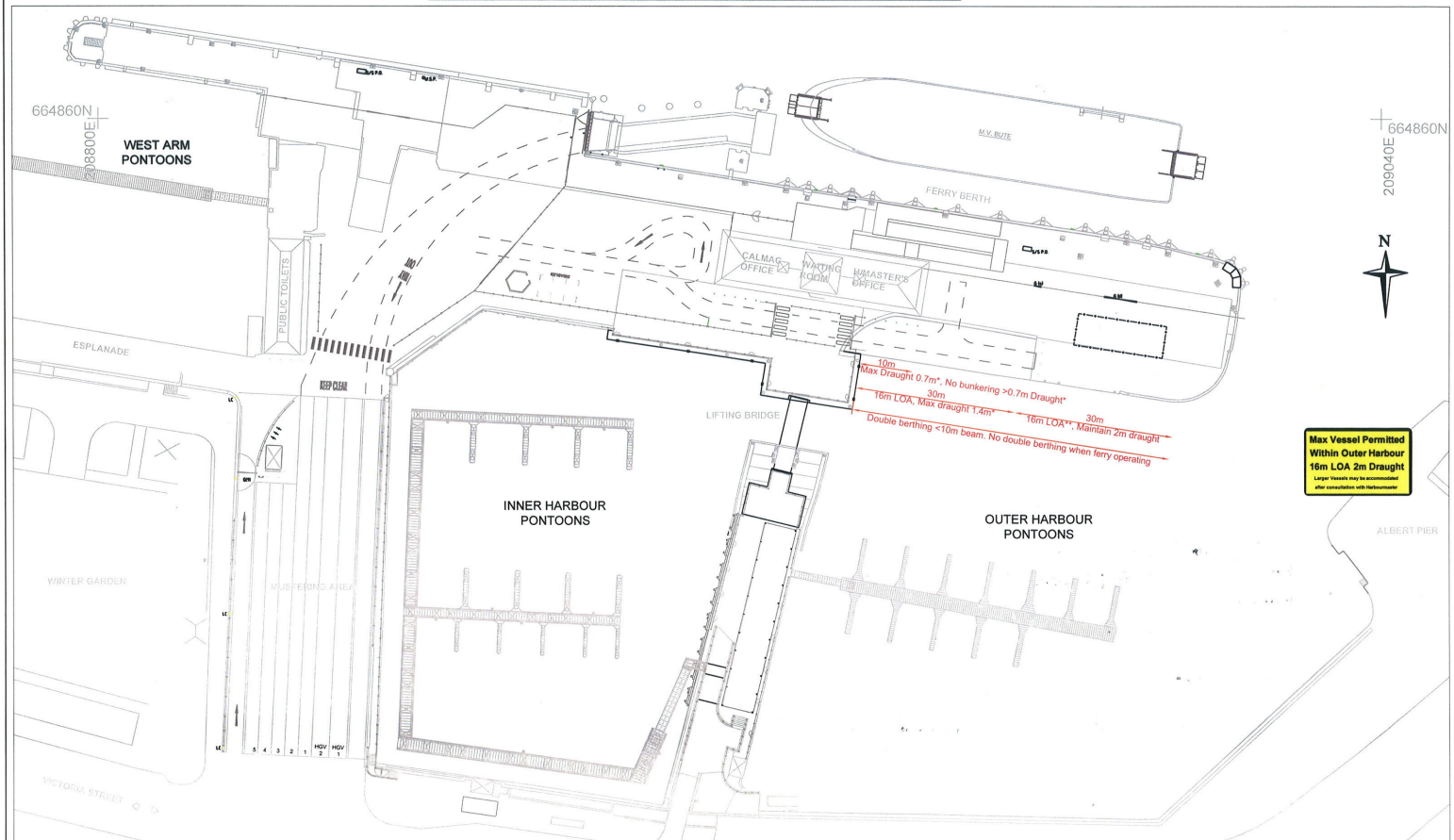
Recommendation – Post a prominent sign on the Albert Pier that clearly states the 16m LOA and 2m draught limit but also that larger vessels may be accommodated after a dynamic risk assessment has been carried out by the Harbour Master.

This concludes my report.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Captain Guy R. Henderson (Master Mariner)
29 Finbraken Drive,
Gourock,
INVERCLYDE
PA19 1BF

ARGYLL & BUTE COUNCIL --- OPERATIONAL SERVICES



NOTES

- * Until dredging is undertaken.
- ** Vessels up to 30m may be accommodated if conditions met.

TITLE		DIRECTOR OF OPERATIONAL SERVICES ANDREW LAW	
ROTHESAY HARBOUR OUTER HARBOUR RISK ASSESSMENT PLAN		DRAWN BY: AF	DRAWING NUMBER: ROTH/RA/001
		TRACED BY: AF	SCALE: N.T.S.
MANSE BRAE, LOCHGILPHEAD, ARGYLL, PA31 8RD		CHECKED BY: AF	DATE ISSUED:
		APPROVED BY: AF	JULY 2009



APPENDIX 2

MacDonald, Linzi

From: Calum McMillan [calum@argyllworkboats.co.uk]
Sent: 18 July 2009 18:41
To: Turner, Stewart
Cc: Donald Reid; Strong, Isobel; Macintyre, Robert; Scoullar, Len; Jim Mather MSP; MinisterforTransportInfrastructureandClimateChange@scotland.gsi.gov.uk; Loudon, Sally
Subject: MV Seahorse II/ Rothesay Harbour
Importance: High

**Argyll Workboats,
6 Ettrickdale Road,
Port Bannatyne
Rothesay
PA20 0QZ.
18th July 09.**

Dear Mr. Turner,

I acknowledge receipt of your recent letter dated 9th July 09 with your enclosed Risk Assessment of Rothesay Harbour.

There are a number of facts and statements contained both in your letter and the Risk Assessment that i believe to be incorrect with anomalies and omissions throughout.

Firstly however, before detailing the erroneous information, I must declare my extreme disappointment at the Risk Assessment which you have commissioned as I was led to understand that this was to be carried out by Clyde Port Authority and that the Assessment was to represent an independent and completely unbiased appraisal of the Harbour facility.

This is clearly not the case as the Assessment has been carried out by a private arrangement with a Clyde Port Authority employee to his own account and has been influenced in content by the Rothesay Harbour Master.

Bearing in mind the declaration which the Rothesay Harbour Master made to me in person prior to temporarily relocating my vessel to Ardrossan, that he as Harbour Master would personally never permit my vessel ever to return again to berth in Rothesay Harbour, I am unable to fully accept the objectiveness of the supplied Risk Assessment which focuses almost exclusively on restricting access to Rothesay Harbour and fails to identify other major safety issues of greater significance and relevance.

Returning to your letter I note that you describe the recent major marine and civil engineering works at Rothesay Pier as, "undertaken to substantially improve the facilities at Rothesay Harbour " and i would from a Commercial Berthing point take issue with that view as Commercial Bathing has been reduced, denied and limited by the recent Development and further more available drafts at the Commercial

Berths has been allowed by the Harbour Authority to diminish to such a degree that the Commercial Berths are largely unusable by commercial Vessels. The failure of the Harbour Authority to maintain available drafts at the Commercial Berths, if not by intention, is mismanagement of the facility and professional negligence of a basic and fundamental requirement.

You further state with reference to the Inner and Outer Harbours, "there has been a substantial improvement which has led to provision of increased berthing for leisure craft and other vessels".

I can agree that there is an increased capacity for leisure craft berthing but as all Commercial Berthing has now been lost from the Inner Harbour, East Side of the Mid Pier along with the Albert Pier and as the berthing capacity at the Commercial Berth on the inside face of the East end of the Pier in the Outer Harbour remains the same apart from restrictions now due to silting I fail to understand and dispute that any increased berthing has been created for "other vessels" which are not already classed as leisure vessels .

I note that you have commissioned a Master Mariner to compile a Risk Assessment and his opinion of operations at Rothesay Harbour and i have already expressed my concerns and disappointment at the proposed Assessment.

It greatly surprises me that you consider that vessels using the outer face of the pier do not require any Risk Assessment due to the sole fact that the development was designed , " in accordance with appropriate standards" .

I would suggest that design criteria is a completely different subject from operational procedure and practice and that no exemption from a formal Risk Assessment is applicable due to design criteria and design standards.

You refer to the new Bascule Bridge at the Inner Harbour and the new pontoons there in , " effectively restrict vessels to a reasonable size".

You will be aware that the Rothesay Harbour Master also controls and allocates berthing alongside the inner walls of the Inner Harbour where no pontoons are present and that Martin Gorringe did formally in writing offer my vessel a berth specifically alongside the West Wall of the Mid Pier in the Inner Harbour and as we agreed that the berthing facility was achievable we accepted his offer.

However Martin Gorringe subsequently reneged and withdrew that berthing offer when the Rothesay Harbour Master objected.

Currently the Rothesay Harbour Master has in force a "Notice to Mariners" in which he denies entry to all vessel with a greater length overall of 16m and 2m in draft.

I have now on numerous occasions, brought to the attention of the Council, that this restriction is being knowingly broken and with the Harbour Master's knowledge and consent on a regular and daily basis.

For example, yet again today Saturday 18th July 09, I visited Rothesay Harbour when at home and doing my daily shopping that Stephen Neilson the Rothesay Harbour Master was on duty and that a yacht by the name of "Cracker" an Elan 42 owned by a Mr. A Fitzgerald, and with a distinctive blue hull which has a declared

draft of 2.3m was berthed in the Inner Harbour contravening the restrictions contained in the current "Notice to Mariners".

Despite my vessel being actively denied access to the Outer Harbour due to the same restriction which the Harbour Master has declared is for safety reasons this restriction is only applied to my vessel and other vessels are being permitted. This further confirms, yet again, the declared intention by the Harbour Master to personally never allow my vessel ever to return again to Rothesay Harbour and if the restriction is also truly for safety reasons displays extreme negligence, a lack of authority and substandard management at Rothesay Harbour by the Harbour Master Stephen Neilson.

You refer to the Risk Assessment of the Outer Harbour and, "especially the fish quay".

Please be advised that you do not have a "fish quay" in the Outer Harbour at Rothesay.

The berth that you refer to is a "Commercial Berth" for all types of Commercial Vessels to use which includes but is not exclusive to fishing vessels.

I specifically had this point established and clarified by Mike Moffat at A&B Council some time ago when I enquired about the funding for the repair works at that specific location.

Another earlier reason given for declining my vessel a berth at the Commercial Berth in the Outer harbour was that it was reserved for vessels sailing only on a daily basis. This was contrary to the established use that we had of the berth over some 6 years or more as unlike the other small local commercial vessels which day sail we sail on extended voyages and return on completion to make preparations for our next tasking.

However it has come to my attention, and been indicated on several occasions A&B Council, that the fishing vessel "Ocean Lady" has been berthed continuously at the Commercial Berth without proceeding to sea for some 8 weeks or more confirming the established practice of Commercial Vessels not sailing on a daily basis from that location.

This yet again confirm the intention of the Rothesay Harbour Master Stephen Neilson for his own personal reason not to permit my vessel ever to return to berth at Rothesay Harbour.

You advise that you propose to further include the following restriction at Rothesay Outer Harbour, "from an Argyll and Bute Council perspective" as part of the management rules for the Harbour; -

" Vessels greater than 16 meters LOA and 2 meters draught shall not be allowed to berth at the most easterly 30 meters of the fish quay. Larger vessels which are up to 30 meters in length with an upper works height not exceeding 1.5 meters over more than 30% of its overall length can be accommodated at this location provided that the available dredged depth is adequate and that the berth is available. "

Apart from being confusing and contradictory and that you don't actually have a, "fish quay", the above paragraph would appear to state that the most Easterly 30 meters of space on the Commercial Berth in the Outer Harbour, i.e., the first 30 meters from the main harbour entrance, is limited to vessels less than 16m length over all and with a maximum draft of 2m .

Larger vessel up to a maximum of 30 meters length over all will be permitted at this location subject to available draft providing that their "upper works" does not exceed 1.5m in height for more than 30% of the vessel's length overall.

In some thirty years of working with Commercial Vessels I cannot recall one vessel at 30m in length which compares in any way to the above criteria.

I would submit that the above proposed limiting criteria , apart from being specifically designed to exclude my current vessel , is totally flawed in all practical respects.

The proposal accepts and acknowledges that the Commercial Berthing Facility in the Outer Harbour is capable of accepting Commercial Vessels up a a maximum length of 30 meters located at he first 30 meters at the Easterly end of the Pier.

My vessel Seahorse II is 25 meters length over all and previously berthed a that exact location where draft is not a limiting factor.

The " upper works" or deck mounted superstructure on my vessel is approximately 4.5 meters in length which represents approximately 18% of the vessel's length overall but is greater in height than 1.5 meters @ 2.5 meters.

Given that your proposal allows for a maximum presented area of superstructure of 15 square meters my vessel only represents the reduced total of 11.25 square meters which is 3.78 square meters less than you propose as a maximum limit.

Your proposal further fails to identify the location on the vessel of the permitted limited "upper works" and the perceived relevance to its restriction to visibility.

Due to the configuration of the superstructure on my vessel Seahorse II, which has all of the superstructure at the forward end of the vessel, and the orientation of the established berthing at the above 30 meter Commercial Berth, which we have used for some 6 years without any practical problems, the presented area of superstructure will be at the most Westerly end of the above berth and with the vessel's reduced area and shorter longitudinal dimension will in fact present less of an obstruction to any perceived observational requirement .

Consequently i can see absolutely no reason , should you wish to establish the above proposal , why my vessel MV Seahorse II should not be permitted to return to the original berth previously occupied forthwith and without delay as no other issues now exist.

It should also be remembered that in December 2008 , you after consulting all parties , including the Rothesay Harbour Master, did agree that no hazards , objections or any other relevant reasons applied to prevent the Seahorse II from berthing at the most Westerly end of the Commercial Berth until such times as it was decided by you that there was insufficient draft at that location and that despite a diving investigation the sea bed was foul.

Berthing was also refused to the Seahorse II at that time by the Harbour Master , after you had given consent to berth and prior to the current restricting Notice to Mariners, due to visiting fishing vessels occupying the berth which on arrival we found to be incorrect as they had sailed.

This again was yet another instance of the Harbour Master Stephen Neilsons efforts to refuse my vessel entry on personal grounds.

Also at that time and solely based on your reliable instruction as the Harbour Authority representative that our vessel could return again to berth at Rothesay we purchased another larger property on the Island and financially fully comitted ourselves to living and running our marine business from Rothesay Harbour.

It should be noted that when a vessel uses a berth with soft bottom sediments that the vessel with the hydraulic action created by the rise and fall of the tide along with the scour effect from the propellers will increase the available draft and further displace soft sediments to help keep the harbour from silting up.

As no material changes have occurred at the Commercial Berth between then and now and the facility remains exactly the same I consider that no new fabricated criteria from the Harbour Master will be tolerated.

To summaries i consider that my vessel MV Seahorse II is well within the limiting criteria of your proposal for vessel in excess of 30 meters to berth at the most Easterly 30 metered of Commercial Berthing in the Outer Harbour and that in practical terms present considerably less of a visual obstruction to the view of the Outer Harbour than you have proposed and that we would be happy and confident to return to our previous berth.

Moving on to the "Risk Assessment of Rothesay Outer Harbour " document that you have enclosed I would like to record my comments as follows;

a) This Assessment is not an independent report by Clyde Port Authority as expected and has been greatly influenced in content by the Rothesay Harbour Master who maintains a bias position.

b) The person who compiled the report only visited the Harbour for a limited period of time and was unable to witness first hand all operational aspects of the Pier and Harbour and consequently has not had the opportunity to develop a comprehensive report covering all activities and all risks and will inevitably have only limited knowledge of all risks .

c) Control Measures.

a) It is not the current practice for all commercial vessels to contact Rothesay Harbour on VHF prior to arrival or departure as stated. This is not the case for all commercial vessels. Commercial vessels will arrive and depart Rothesay Harbour when the Harbour Office is closed and no response will be achieved. Also not all leisure vessels will have a charged mobile phone available and again not all Leisure vessels entering or departing Rothesay Harbour currently call the Harbour Control Office.

It should be noted that clearance for the Ferries to approach or depart the Pier is given to the Ferries by the Harbour Control Office on a private VHF Channel which other Mariners whether Commercial or Leisure are unable to hear. If clearance to the Ferries from Harbour Control was given on a Public Channel and if Harbour Control announced the arrival and departure of the Ferries on VHF to "All Vessels" then much of the Risk and associated incidents would be avoided. This is a common practice in other Commercial Ports.

b) The Harbour Control Traffic Management Lights have been designed to control all marine traffic entering or departing the entire facility at Rothesay and currently are failing to achieve a consistent result.

Due to the location of the Traffic Management Lights a considerable number of inexperienced leisure vessels approaching the Harbour mistake the lights for RED over RED which could normally be expected to indicate the Harbour Entrance which explains their non compliance.

For vessels berthed at the West inside face of the Pier and at the West Pontoons, in front of the Winter Gardens, the lights are obscured and not visible creating a further hazard.

This is confirmed recently by a leisure vessel who departed the West end berth when the lights were at RED and came onto a collision course with the MV Bute on her final approach to the Pier. The MV Bute took avoiding action by turning through 360* and the confrontation has been reported by the Leisure vessel to the MCA MAIB (Marine Accident Investigation Branch)

Due to the swift action taken I am advised no damage or injury was sustained however had the Traffic Management Lights been visible the Leisure Vessel would not have been released by the Harbour Control until the Ferry had berthed and it was safe to depart.

This event also would appear to confirm that not all Leisure Vessels contact the Harbour Control Office by TELEPHONE as is stated in your risk Assessment.

e) "Pier Operatives who are in control of vessels approaching and departing the Pier are equipped with hand held VHF Radios and Warning Whistles." It is the practice for those persons to monitor the Outer Harbour traffic and ferry berthing from the Pier deck and during these times appear not to have any telephone availability.

If indeed this is the case all Leisure Vessel wishing to approach , depart or gain information from the Harbour Control Office are denied communication with the Pier Operative as the Pier Operative when out of the Harbour Control Office has lost control communications with all Leisure Vessels there by creating an unnecessary risk to all Leisure Vessel.

Additional Control Measures.

Visibility of vessels in this section refers to vessels departing the Outer Harbour and vessels which are already berthed in the Outer Harbour.

As vessels in the Inner Harbour are limited to departing only when the Harbour Control lifts the Bridge this cannot conflict with the Ferry and therefore is controlled and not a risk.

The author refers to the "Fish Quay" instead of the correct term Commercial Berth and has been advised by the Harbour Master of only Fishing Vessel requirements and fails to recognise other Commercial Vessel types who are entitled to use this Commercial Facility.

The rationale to restrict Commercial Vessels to 16 meters in length due to a perceived reduction in possible visibility is a flawed and unreliable restriction. I can advise that a Commercial Vessel with a maximum length of 16 meters can present a greater surface area and greater visual obstruction than other much larger vessels .

I have in the past owned a vessel which would currently be permitted to berth at the Commercial Berth and which would have a greater area of superstructure than MV Seahorse II @ 25Meters in length and which would have a greater visual impact.

Although commendable that the Rothesay Harbour Master can accommodate up to 8 in number 16 meter visiting fishing vessels at the Commercial Berth and offer shelter from adverse weather it should be noted that currently there are only 3 in number local under 10 meter fishing vessels using the Commercial Berth and that considerable space exists to accommodate other local Commercial Vessels as well as adhoc visiting commercial vessels but that notwithstanding the above, as is the case in all other Commercial Ports, local vessels who are expected and vessels that have declared their intention to return to berth are given priority.

If this was not the case then any other Commercial Vessel could invoke the same criteria and insist on berthing overnight on the West Ferry Berth on the face of the Pier and shipping in general would arrive at Ports where they were unable to berth as planned and expected.

It should further be noted that local Commercial Vessels pay their berthing charges 6 monthly in advance in return for 24 hour availability 7 days a week for the duration of the 6 month pre payment and it is quite fair and reasonable when paying 6 monthly in advance to expect to be able to request a suitable berth in advance of arrival.

Recommendations.

" Any risk assessment is inevitably a compromise between the ideal and the practical "

I complexly agree with this statement which is a view which can only be confidently gained through experience.

**Perhaps if the Rothesay Harbour Master was to apply an element of the above logic our vessel the MV Seahorse II could have returned to berth at Rothesay again more than 2 years ago and saved all parties considerable time , effort and costs!
Never the less Stephen Neilson is being permitted to carry out his intention never to allow the Seahorse II back into HIS Harbour and continues to adversely influence the vessel's return.**

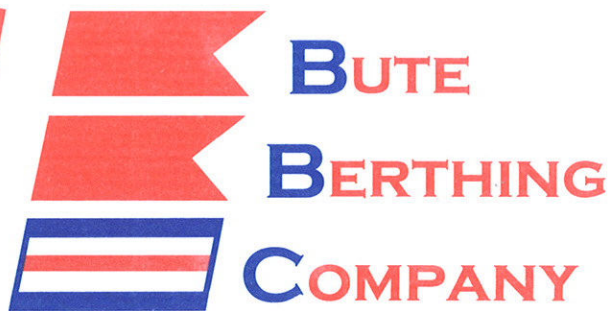
In context and with the application of the above compromise statement most of the recommendations made by the author Captain Henderson are practical examples of how an experienced and prudent professional mariner would command his commercial vessel.

**The development at Rothesay Pier and Harbour has not happened by chance and has been created professionally by a team who would appear to have completely failed in their objective to improve facilities for all.
Commercial berthing availability at Rothesay has been reduced to an unacceptable level and the facility further allowed to silt up to a degree that the local people who depend on the Pier and Harbour for their livelihood and existence on the Island are being driven off or out of business.**

I look forward to receiving your comments.

**Captain Calum McMillan
MV Seahorse II
Owner & Master
Argyll Workboats
Port Bannatyne
Rothesay.
Tel 0777 803 1439.**

(PLEASE EMAIL THE SENDER TO CONFIRM RECEIPT OF THIS E MAIL)



THE WEIGHBRIDGE, ALBERT PLACE, ROTHESAY,
ISLE OF BUTE, PA20 9AG
Telephone: 07799 724225 Fax: 01700 503389
Website: www.buteberthing.com
E-mail: info@buteberthing.com

Your ref: R/PH/2B(b)

21st July 2009

Stewart Turner
Head of Roads & Amenity Services
Argyll and Bute Council
Manse Brae
Lochgilphead
Argyll
PA31 8RD

Dear Mr Turner

ROTHESAY HARBOUR

Thank you for your letter of 9th July 2009, enclosing the Risk Assessment for Rothesay Outer Harbour, which was prepared recently by Captain Guy R Henderson.

The matter was considered at a recent meeting of the Bute Berthing Company board, when it was agreed to note the recommendations made by Captain Henderson, and the additional recommendation set out in your letter with regard to the size of vessels permitted to use the most easterly 30 metres of the fish quay area.

Bute Berthing Company do not consider that any of these recommendations would have any adverse effect on their daily operations.

Yours sincerely

A handwritten signature in black ink, which appears to read 'James Mitchell'. A long horizontal line is drawn below the signature, extending to the right.

For BUTE BERTHING COMPANY LTD
Director





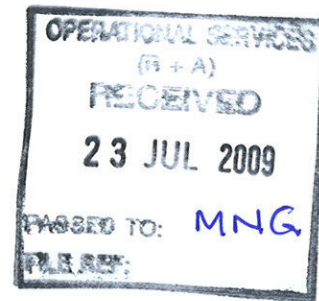
CalMac Ferries Limited
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Our Ref. 221/PGP/AMcC
Direct Telephone No. (01475) 650239
E-mail address phil.preston@calmac.co.uk

22 July 2009

Mr S Turner
Head of Roads & Amenity Services
Argyll & Bute Council
Manse Brae
Lochgilphead
Argyll
PA31 8RD



Dear Stewart

Rothesay Harbour

I acknowledge receipt of your letter dated 9 July enclosing Captain Henderson's risk assessment of Rothesay Outer Harbour.

This has been examined by our Marine Manager and I can confirm that we would have no issues with the control measures included in the risk assessment.

Yours sincerely

P G Preston
Managing Director

220709.A&BC.Risk Assessment

Secretary Upper Clyde Branch
Clyde Fishermens Association
Daisy Cottage, St Ninians Bay,
Isle of Bute, PA20 OQF
Phone 07774 740 670
Email: colin@daisycottage.fslife.co.uk

Date 19.07.09
Your ref: R/PH/2B (b)

Dear Mr Turner

Thank you for the opportunity to comment on the risk assessment of Rothesay Harbour by Captain Guy Henderson, Master Mariner. After consideration the branch members are in agreement with Captain Henderson's observations and recommendations.

We consider that the issue of dredging the western end of the fish quay is a matter of great urgency as this berth is so shallow that none of the Clyde Fishing fleet can use it at low water, thus leaving only two wet berths (4 boats of 2metres draft) and 1 wet berth (2 boats of shallower draft).

The recommendation from Argyll and Bute Council in your letter of 9th July 2009, that vessels of up to 30m may be accommodated at the most easterly end of the fish quay will result in that vessel utilizing the previously mentioned deeper wet berths. This will in effect render half the length of the "Fish Quay" inaccessible to fishermen, a scenario which was highlighted in correspondence of July 2008 between Patrick Stewart, Secretary of the Clyde Fishermens Association and Andrew Law, Director of Operational Services, Argyll and Bute Council. Accommodating vessels of up to 30m in this berth makes the harbour unworkable to fishermen.

This situation is unacceptable especially in the light of landing dues being effectively increased from a flat rate of £4/landing to a rate of 2.5% of gross value of catch. This was done without prior consultation to bring us in line with other council harbours in Argyll and Bute currently paying the 2.5% gross value of catch. The facilities at Rothesay Pier are in fact a strip of quayside with nothing to assist landing and we would welcome consultation and discussion with a view to enhancing what is available.

In summary

We fully support and agree with the recommendations from Captain Henderson and urge you to support the Harbour Master in carrying out his duty to ensure the application of control measures to minimize hazards for all harbour users at Rothesay Pier.

Yours sincerely

Colin McArthur

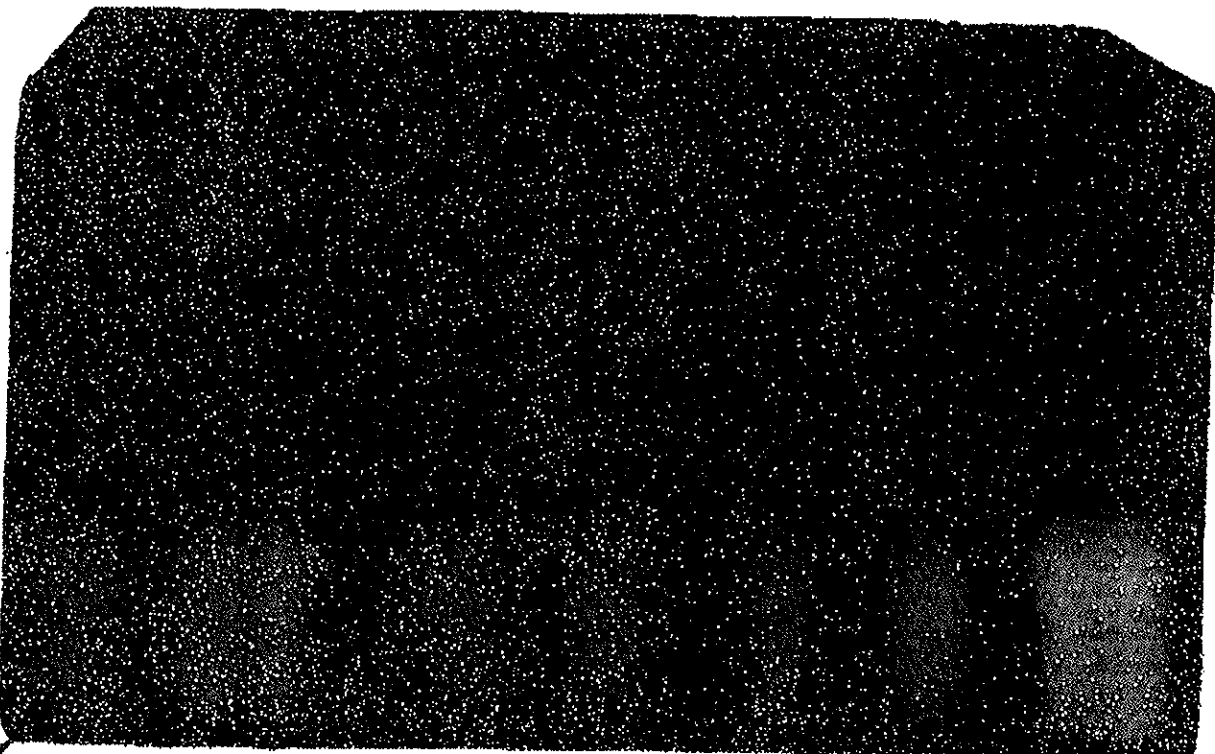
APPENDIX 3

ROTHESAY HARBOUR RULES

West end of the Fish quay and approaches to the inner harbour

1. The Council as Statutory Harbour Authority retains the right to ensure that marine operations are managed in accordance with the principles laid down in the Port Marine Safety Code.
2. The size of vessel permitted to use the berth known as the fish quay in the outer harbour is to be no more than 16m long or with a draught not exceeding 2m or an upperworks height of 1.5m over more than 30% of its overall length provided dredged depth is adequate and the berth is available.
3. Restrict the draught of vessels using the most westerly 30m of the fish quay to 1m until dredging is carried out.
4. Do not permit the combined beam of vessels berthing on the fish quay whilst the ferry is operating to exceed 10m.
5. Do not permit vessels with a draught greater than 1 m to bunker at the west end of the fish quay.
6. The availability of berths can be determined by contacting the harbour staff.
7. In the event that a vessel, which exceeds these restrictions, needs to use the port as a safe refuge, then the Harbour Authority retains the right to permit access.
8. Vessels that are operating in a construction capacity, such as dredgers, or those employed by the emergency services should be granted access after a risk assessment has been completed.
9. Vessels berthing in Rothesay are charged in accordance with their mode of operation as defined in the Council's schedule of maximum rates and dues levied at piers, harbours and ferry slips.

August 2009.



REGULATIONS & BYE-LAWS

ENACTED BY THE

ROTHESAY HARBOUR TRUSTEES

IN VIRTUE OF

**THE ROTHESAY HARBOUR ACT AND
ORDERS, 1831 to 1898**

9TH JULY, 1900, AND 11TH FEBRUARY, 1901

**APPROVED BY BOARD OF TRADE, 19TH
DECEMBER, 1900, AND 22ND FEBRUARY, 1901**

Rothesay:

Printed by Bute Newspapers Limited

ROTHESAY HARBOUR TRUST

REGULATIONS AND BY-LAWS

1.—All Persons having the charge of Vessels, Boats, Steam Vessels, and Steam Boats, entering or using the Harbour, or taking advantage of the Piers or Buoys of the Trustees, shall observe the following Regulations:—

1. They shall moor, unmoor, place or remove their Vessel, and slacken and fasten ends and ropes as directed by the Harbour Master; or, in his absence, by the Police Officer on the Pier, and they shall attend at the time appointed by him for that purpose, and in the event of their refusing to moor, unmoor, place or remove the same according to the directions of the Harbour Master or Police Officer as aforesaid, or if there be no person on board of any such Vessel, Boat, Steam Vessel, or Steam Boat to be moored, unmoored, placed, or removed as he shall think fit, within or at the Harbour, Dock, or Pier within the prescribed limits, and for that purpose the Harbour Master or Police Officer as aforesaid may cast off, unloose, or cut the

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ropes or unsnackle or break the chain by which any such Vessel, Boat, Steam Vessel, or Steam Boat is moored or fastened; and all expenses attending the mooring, unmooring, placing, or removing of such Vessel shall be paid to the undertakers by the Master of such Vessel, Boat, Steam Vessel, or Steam Boat; providing always that before the Harbour Master or Police Officer as aforesaid shall unloose or cut any rope or unsnackle or break any chain by which any Vessel, Boat, Steam Vessel, or Steam Boat without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such Vessel, Boat, Steam Vessel, or Steam Boat for the protection of the same.

2. They shall not allow their vessels to rub on the Piers, but shall, both when coming to and lying at the Piers, keep in use such fenders as the Harbour Master may direct; and those in inside berths shall allow free access over their vessels to those in outside berths; and they shall fend off vessels in outside berths from those in inside berths.

3. They shall not obstruct the free passage of other vessels, by allowing their vessels

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to lie at, or near to, or by having ropes across the entrance to the outer or inner Harbour.

4. They shall not make fast their Vessels to the Piers otherwise than to the rings or Palls direct to their Vessels and not round the corners or any part of the Piers.

5. All goods, ballast, or other thing to be shipped by, or discharged from, any Vessel, shall be laid down upon the Pier, or placed in the Goods Sheds, where the Harbour Master shall direct, and shall be removed therefrom at his desire; and effectual means to the Harbour Master's satisfaction, shall be used to prevent any part of such cargo falling into the Harbour.

6. No Vessel or Boat, Steam Vessel or Steam Boat, shall be moored in the Harbour so as to interfere with the free course of Vessels or Steam Vessels arriving at or leaving the Piers, and the Masters and Owners of all Vessels or Steam Vessels moored in the Harbour shall at all times obey the orders of the Harbour Master.

7. Coals and dross shall not be riddled on the Pier, except at a place specially authorised and pointed out by the Harbour Master, and

all such riddings shall be swept up and removed before night, and effectual means shall be used to the satisfaction of the Harbour Master, for preventing any coals, dross, or riddings falling into the Harbour.

8. All damage done to the Pier, arising from the neglect of any of the foregoing Regulations, or otherwise, shall subject the party offending to the penalty after-mentioned, besides the expense of repairing the damage done.

9. All Steamboat Owners and Masters shall be bound to provide, and keep in good repair, gangways for the use of their passengers, and shall not allow such gangways to be used for horses, cattle or sheep.

II.—PORTERS.

1. Porters plying on the Pier must be licensed by the Magistrates of Rothersey, and have their badges constantly affixed to their breasts.

2. When not otherwise engaged they shall accept the first hire offered, and attend immediately to the instructions of the persons hiring them.

3. They shall not go on board the Steamboats till asked.

4. They must be sober, civil, and obliging.

**III.—HACKNEY COACHMEN,
CABMEN &c.**

1. All Omnibuses, Coaches, Cabs, and other Carriages for hire, shall be ranged at such Stands, and in such number, as the Magistrates of Rothersey or Harbour Trustees may appoint; and they shall not be driven from their stations in search of employment, or remain on any part of the Piers except as aforementioned.

2. The Harbour Stands for Cabs and Carriages shall be the following:—

(1) On the West Pier, from the line of Victoria Street, on the side next the Esplanade, the head of this Stand being at Victoria Street.

(2) On Princess Pier Stand.

3. Drivers of Cabs and Carriages with passengers going to or from a Steamboat shall drive slowly, and when on the causeway on the front Pier shall walk their horses.

7. No fires shall be lighted at or near the Piers or Harbour, for any purpose, without authority from the Harbour Master, whose directions must be obeyed.

Y. All Owners, Masters, and Crews of Steam Vessels, and Steam Boats, and others, shall, in addition to the foregoing, also comply with the following Regulations:—

1. They shall at all times intimate on their respective Boards their hours of sailing, and shall sail at the hour so intimated, as indicated upon the Harbour clock, and no alteration of the hour shall be made without the permission of the Harbour Master.

2. Free access shall, at all times, be given over Steamboats in inside berths to those in outside berths, for all necessary purposes; and hatchways and coal scuttles, when not in immediate use, shall be kept shut.

3. The engines of Steamboats arriving at the Piers shall be showed Four hundred yards from the nearest point of the Pier, so that they may move slowly to their berths.

4. The Master or person in charge of every Steam Vessel or Steam Boat shall, as soon as

it arrives at its berth, cause the furnaces or fires to be so regulated as to prevent the possibility of accidents from fire; and shall, when in the Harbour or lying at the Pier, cause the furnaces or fires to be carefully attended to and managed so as to prevent as far as possible the escape of smoke therefrom.

5. The Belts of Steam Vessels or Steam Boats shall be rung at Five minutes before the hour of sailing, and again immediately before sailing, and at no other time.

6. All Persons shall keep at such a distance from the Gangway as not to obstruct the free ingress or egress of the passengers to or from the Steamboats, or as may be ordered by the Harbour Master or Police Officer on the Pier; and no Cart or Barrow shall be so placed as to cause any such obstruction.

7. All Persons are strictly prohibited from smoking in the Waiting Rooms, Goods Sheds, Lavatories, or covered passages.

8. The Harbour Master, Chief Constable or other Officer of Police may at any time prevent persons from loitering on the Pier or in the Rooms or Sheds, and all persons shall,

when ordered by either of them, leave the works of the Trustees.

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9. Only authorised persons or those having business therein, permitted to be in Goods Sheds.

10. No person shall let any Pleasure Boat for hire, or set up or erect any Boat-hiring Stance, within the Harbour, unless he is licensed by the Trustees, and with their special consent; and no Pleasure Boat shall be let for hire within the Harbour unless it is licensed for such purpose by the Trustees.

11. A persons shall not on any part of the Pier sell or offer or expose for sale any commodity or article unless in pursuance of an agreement with the Harbour Trustees, or otherwise in the exercise of any lawful right or privilege, such persons may be: duly authorised to sell on the pier such commodity or article.

12. The Master or Person in charge of any Steam Vessel or Steam Boat shall not, whilst such Vessel or Boat is lying at any of the Piers, permit Steam from said Vessel or Boat to be blown off under water so as to cause damage to said Piers.

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14. Before any Vessel shall enter the Harbour she shall have her anchors properly stowed. The bowsprit (if a running one) rigged in, or topped up, as well for the safety of such Vessel as for preventing injury to other Vessels and to the Harbour.

15. Stocked anchors shall not be used in the Inner Harbour unless the stock be unshipped so that the anchor may be flat, and no anchor shall be placed in such a position as to interfere with free passage of vessels in or across the Harbour.

16. No persons shall at any time wilfully obstruct, molest, or interrupt the Harbour Master in the execution of his duty or use to him any threatening, abusive, or insulting words, or behaviour, within the limits of the Harbour.

17. During the hours of passenger traffic no persons shall open the bridge without first intimating same to Harbour Master or his Depute, who may signify if same may be done.

18. No person shall ride any bicycle or tricycle on any part of the Pier.

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19. All persons are strictly prohibited from affixing bills against any of the Sheds, Passengers' Waiting Rooms, Barricades, Fences, or Lamp-posts upon or around the Harbour except on the spaces allowed for that purpose, and even on such spaces no bills other than those relating to shipping or connected with the business of the Harbour will be permitted, and all persons are prohibited from writing upon, soiling, defacing, marking, or injuring any of the Sheds, Waiting Rooms, Barricades, Lavatories, Railings, Fences, or Posts, and from hanging thereon ropes, chains, sails, nets, or other articles, without the permission of the Trustees or their Officer, previously obtained.

20. Steamers lying at the quays during the night shall exhibit lights to indicate their position to vessels arriving at or leaving the Harbour or Quays.

21. Wherever the Harbour Master or Chief Constable is mentioned in these Bye-Laws their Deputies, Sergeants, Police Officers, and other Assistants shall be understood to be included.

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22. Every breach of these Regulations shall subject the guilty party to a penalty not exceeding Five Pounds sterling.

Certified by

JAMES CARS,

Clerk to the Harbour Trustees.

WILLIAM MCINTOSH,

Provost and Harbour Trustee.

CHARLES T. HICKS,

Harbour Trustee.

MALCOLM BUCHANAN,

Harbour Trustee.

ROTHESAY, 14th February, 1901.

The above Bye-Laws were allowed by the Board of Trade on the Twenty-Second day of February, 1901.

T. H. W. PEIHAM,

Assistant Secretary.

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BYE-LAWS RELATING TO CARBIDE OF CALCIUM.

1. The Owner or Master of every ship carrying a cargo, any part of which consists of Carbide of Calcium, shall on entering the Harbour immediately give notice of the nature of such cargo to the Harbour Master, and shall place or moor his ship in such place as the Harbour Master may direct; and while any Carbide of Calcium remains on board, shall not, except for the purpose of proceeding to sea, remove his ship without the written permission of the Harbour Master.

2. The hold of every ship carrying Carbide of Calcium shall be efficiently ventilated from the time of entering the Harbour until all the Carbide of Calcium has been discharged, or until the ship has left the Harbour.

3. All Carbide of Calcium landed from any ship shall be removed without unnecessary delay to some duly licensed place of storage, or beyond the limits of the jurisdiction of the Harbour Authority.

4. Carbide of Calcium shall only be brought into the Harbour in hermetically

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closed metal vessels, containing each not more than 140 lbs., and of such strength and construction as not to be liable to be broken or to become defective or insecure in conveyance than by gross negligence or extraordinary accident.

5. No vessel containing Carbide of Calcium shall be opened within the limits of the jurisdiction of the Harbour Authority except in some licensed place of storage or with the written consent of the Harbour Master in such place as he may direct.

6. Every reasonable precaution shall be taken to prevent the contact of water or moisture with the Carbide of Calcium, and where such contact may have occurred, to prevent the gas evolved from being ignited.

7. The names and expressions used in the foregoing Bye-Laws shall have the same meaning as is assigned to the same names and expressions in the Petroleum Act, 1871.

8. Where the ship or cargo is moved, landed, or otherwise dealt with in contravention of these Bye-Laws, the Owner and Master of such ship, or the Owner of such cargo shall each incur a penalty not exceed-

4. No Cabs or Carriages shall be taken further down the West Pier than the West Pier Stand, until hired. A Porter shall not call by word or sign any Cab other than the first on the Stand, unless his name is prior.

5. No Drivers of Cabs and Carriages, and no Cabs and Carriages, shall ply for hire on the Pier unless licensed by the Magistrates of Rotheray.

6. Hackney Coachmen and Cabmen must be sober, active and civil, and must always take the first hire offered.

7. Hackney Coachmen, Cabmen, and Drivers of private or other Carriages, shall at all times obey the instructions of the Harbour Master and Chief Constable, or other Officer of Police.

IV.—GENERAL REGULATIONS.

1. No Wheelbarrow shall be allowed to remain on the Pier except those belonging to licensed Porters or owners of Steam Vessels, or others specially authorised by the Harbour Trust, and having the Owners name legibly

printed thereon, and they shall be arranged and stationed at such places as the Harbour Master may direct.

2. No Cart, Van, Carriage, or other Vehicle, shall be allowed to stand or remain on any part of the Piers, except as before specially authorised.

3. No Cart or Carriage, or other Vehicle, shall be allowed to stand or remain on any part of the Piers nor shall any Barrow be allowed to cross the Drawbridge connecting the Piers.

4. No Cart, Van, Carriage, Barrow, or other vehicle shall be allowed to go on or over the wooden portion of the Pier, without authority from the Harbour Master.

5. All Carts and Lories shall be drawn up or stationed at such places as the Harbour Master or Police Officer on the Pier may appoint; and Carters, or persons in charge of Carts or Lories, are strictly prohibited from obstructing the passage along the Piers.

6. The Reins of every Horse, &c., on the Piers must be held by a person competent to control the animal.