

DEVELOPMENT OF OBAN BAY HARBOUR MANAGEMENT PLAN

REFERENCE: CMAL/0014

PHASE 1 FINAL REPORT: 14TH JULY 2014

Fisher Assoc. Ltd (t/a Fisher Associates)

Fisher Associates, April House, Rowes Lane, East End, Lymington, SO41 5SU, UK

Tel: 44 1590 626 220 www.fisherassoc.co.uk

Company Number: UK 7449155



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1.0) Introduction

Caledonian Maritime Assets Ltd (CMAL), working in partnership with other members of the Oban Harbour Development Group (OHDG), Argyll & Bute Council (A&BC) and the Northern Lighthouse Board (NLB), appointed Fisher Associates to develop a Harbour Management Plan for Oban Bay Harbour.

The assignment was split into two phases:

- Phase 1: Identification and appraisal of short term measures and longer term options (the subject of this Report).
- Phase 2: Finalisation of the Management Plan and implementation of measures.

1.1) Scope of work

Phase 1 commenced in February 2014 and comprised the following tasks.

- Stakeholder consultation.
- Situation analysis.
- Development of objectives for the Harbour Management Plan.
- Development and appraisal of short term measures and long term options.
- Conclusions.

This Final Report presents the work undertaken during Phase 1.

Methodologically speaking, this work draws upon best practice from STAG.

1.2) Initial stakeholder consultation

Stakeholder engagement is at the core of developing a robust Harbour Management Plan. Initial consultation addressed problems, opportunities and constraints, and formulating options to address the issues identified.

A short questionnaire was circulated to stakeholders asking views on the following questions:

- What are the problems and issues related to Oban Bay Harbour?
- What impact do these have on your organisation?
- What objectives should a new Harbour Management Plan target?
- What practical opportunities can you think of for delivering these objectives?

This was followed up with an open evening workshop on 24th February 2014 to explore views and opinions in more detail. The following stakeholders attended:

- A&BC.
- CalMac Ferries Ltd (CalMac).
- Clyde Cruising Club.
- CMAL.
- John MacAlister (Oban) Ltd.
- Oban Bay Marine.
- Oban Marina & Yacht Services Ltd.
- Oban Port Users Group.
- Oban Sailing Club.
- RNLI.

Further one-to-one meetings were held with stakeholders that requested it.

The consultation was further extended during a parallel risk assessment exercise, which was commissioned after commencement of Phase 1.

Details of the consultation at Draft Report stage are given in Appendix A.

1.3) Information reviewed

A range of existing documents and publications have been reviewed to inform our analysis of the existing situation, as well as the subsequent identification and appraisal of short term measures and long term options:

- Legislation pertaining to statutory powers within Oban Bay Harbour: Callander & Oban Railway Acts (1878, 1897), London Midland & Scottish Railway Order Confirmation Act (1933), Scottish Transport Group Orders (1974, 1986) and Caledonian MacBrayne Harbour Revision Order (2005).
- Report for CMAL on its Powers and Responsibilities in relation to Oban Quay (Biggart Baillie LLP, 2009).
- Code of Practice (developed/supported by A&BC, Strathclyde Police, RYA Scotland, OHDG, CalMac and British Marine Federation, 2010).
- Oban Bay and Kerrera Sound Hazard Identification and Risk Assessment Study Report (CMAL, 2012).
- NLB Consultation on navigational aids (NLB and Oban Harbour Development Group, 2013).
- Oban Chord Project and Oban Bay Action Plan (2012).
- Statistics on vessels berthing at the North, Railway and NLB piers (A&BC, CMAL, NLB).

1.4) Structure of this Report

This Report is structured as follows:

- Chapter 1: Introduction.
- Chapter 2: The existing situation.
- Chapter 3: Problems, opportunities and constraints.
- Chapter 4: Vision and objectives for the Harbour Management Plan.
- Chapter 5: Short term measures.
- Chapter 6: Long term options.
- Chapter 7: Conclusions.

2.0) Introduction

Understanding the existing position is essential to determine what the problems, constraints and opportunities are for Oban Bay Harbour now and in the future. This Chapter provides an overview of:

- OHDG and its remit.
- Statutory limits.
- Ownership and management of Oban Bay Harbour.
- Traffic movements and vessel mix.

2.1) OHDG and its remit

The OHDG was set up with the remit of providing strategic direction for the development of Oban Bay Harbour and plays a key role in progressing the Oban CHORD Project, a multi-million pound investment in infrastructure.

The Group, which is voluntary, comprises key harbour stakeholders (NLB, CMAL and A&BC), and in the past was influenced by input from a local port users group. OHDG wishes to see the safe and efficient operation of marine activity in the bay.

2.2) Statutory limits

CMAL and A&BC are the only statutory harbour authorities (SHAs), and these have powers pertaining to waters extending a short distance beyond their quays.

Under the Port Marine Safety Code (PMSC), all SHAs have a duty related to marine operations in their harbours and approaches (2.2.19), including (for example) appropriate provision for safe anchorages (6.1).

NLB does not have any statutory authority for the waters adjacent to its pier and there is no active statutory authority governing the bay or the Sound of Kerrera.

2.3) Ownership and management

Key entities around the harbour

There are four principle entities responsible for the operation of piers within the harbour.

CMAL is owner and SHA for the Railway and South Piers.

CalMac operates CMAL's facilities in Oban (and in CMAL's other harbours) on CMAL's behalf via a Harbour Access and Operating Agreement.

CalMac's ferries use the Railway Pier, while fishing vessels use both the South and Railway Piers. There is also a fuelling facility at the Railway Pier.

A&BC is owner and SHA for the North Pier and Oban Times slip. The North Pier is used by a mix of users, both leisure and commercial. A&BC also operates these facilities.

The **NLB** owns its own quay which is its operating base. It is not an SHA.

In addition, the RNLi has a berth between the South Pier and the NLB berth.

Each organisation has its own compliment of staff:

- A&BC employs a full time Harbour Master and Assistant.
- NLB has five base personnel for berthing duties and several office staff.
- CalMac employs 22 multi-tasking core (year-round) staff, comprising four pier masters, seven pier crew persons, four nightwatchmen, five clerical staff, one port supervisor and one port manager.
- CMAL has no personnel based in Oban. There is a Harbour Master, but he is based in Glasgow.

2.4) Traffic movements and mix

In 2013 more than 4,700 vessels called at Oban Bay Harbour, equating to over 9,400 vessel movements, the majority (over 80%) being ships operated by CalMac on Railway Pier. This does not include fishing vessels, nor leisure craft such as yachts visiting Oban Bay Marina, RIBS or kayaks, nor the Oban Bay Marina ferry service.

Between 2010 and 2013 an average of 400 vessels called at the NLB pier, mostly NLB's own vessels, plus a small number of research vessels and excursion ferries.

Just under 700 vessels called at North Pier in 2013 - the mix is diverse, ranging from leisure charters and sail training, to commercial boats serving civil engineering and fish farm needs. CalMac uses North Pier when short on space at Railway Pier.

2.5) Facilitating traffic growth

Traffic volumes have been relatively steady during the period 2010 - 2013; there was an increase in workboats, charters, sail training vessels and cruise ships in 2013. Further growth is expected in 2014 and beyond.

There has already been substantial fish farm traffic early in 2014, with business being turned away due to lack of berthing space (A&BC).

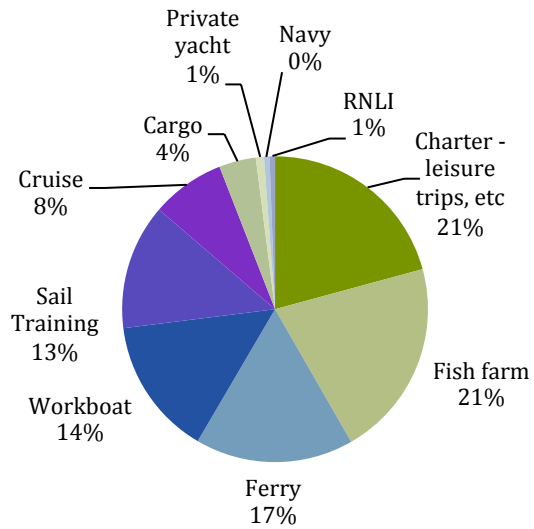
The number of cruise ship visits is envisaged to increase over the coming years.

CalMac is expected to increase services in line with the Scottish Ferry Services: Ferries Plan 2013 - 2022 (Transport Scotland, 2012).

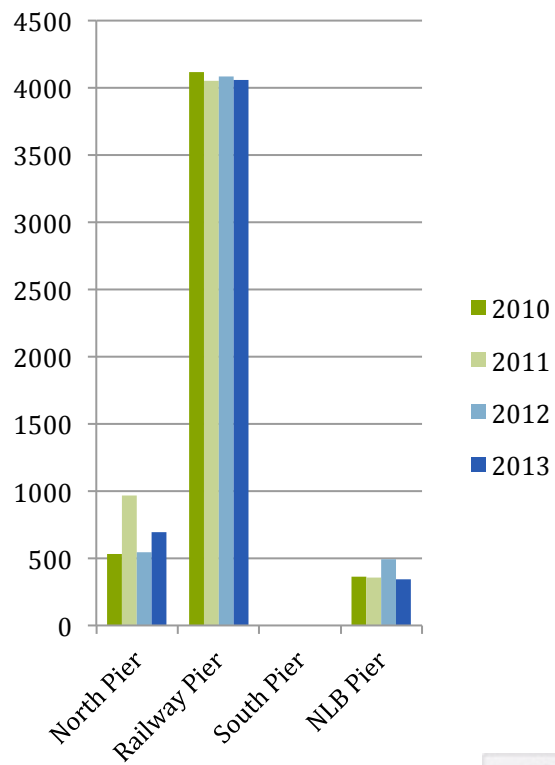
There are plans to develop a new marina/transit area for visiting leisure craft.

There is pressure for the harbour to facilitate such growth, while minimising the additional marine risks that could arise from the mix of vessel types and increased traffic.

2.6) Traffic mix at North Pier (2013)



2.7) Vessel calls across all piers 2010 - 13



Note: figures for South Pier not available.



3.0) Introduction

This Chapter presents an analysis of problems, opportunities and constraints, drawing on the outcome of stakeholder engagement and review of existing information.

This analysis forms the foundation which underpins the development of objectives and options.

3.1) Problems

A key issue with regard to marine safety occurs when non-local vessels are visiting Oban Bay Harbour

- There is a voluntary Code for Safe Navigation, but often visiting vessels have not seen this and are not familiar with the conditions and traffic mix in and around the bay.
- The Code for Safe Navigation is not widely available outside of Oban or electronically.
- There is no consistent point of VHF radio contact for visiting vessels, if they need assistance. Visiting vessels might call on Channel 16 and not necessarily get a response. The A&BC Harbour Master will respond if they happen to hear the call, though this cannot be guaranteed.

Code for Safe Navigation is not always followed

- Anecdotal evidence suggests that visiting vessels and local users do not always comply with the Code for Safe Navigation.
- Ferry vessels are reported to occasionally enter the bay at speeds in excess of those recommended in the Code for Safe Navigation: the ferry operator reports that this is necessary at times in order to berth safely.
- Vessels travelling too fast in the bay are said to have caused damage to leisure craft.
- If a user breaks the speed limit or does not comply with the guidelines there is no means to reprimand them or to enforce compliance.

Navigational issues are most prevalent in relation to visiting vessels

- There is no dedicated place for cruise ships (or visiting yachts) to anchor in the Bay: as a result these vessels may anchor where they choose, which can cause a restricted view for other vessels, and can adversely affect safety during busy periods.
- The northern entrance of the bay is narrow, resulting in close quarters situations for leisure craft and ferries.
- A number of stakeholders commented that the buoys in the bay are confusing for visiting vessels – and that there have been a number of instances where vessels have passed on the wrong side of the buoys or run aground.

Mixed views on the level and magnitude of incidents that occur in the bay

Some users do not perceive there to be many (or particular) issues that are not well managed with regard to marine safety. At the same time others expressed concern that there are often incidents, including groundings, near misses and situations whereby vessels are navigating too close to each other.

3.1) Problems (continued)

There is no control or overall responsibility for marine activity in Oban Bay Harbour, which in turn impacts on the efficiency and safety of the harbour

- Some stakeholders and port users feel that the coordination of vessels is inefficient, and that the harbour is not geared up to handle increasing traffic.
- There is a lack of clarity over who is responsible for various activities, such as pollution and safety outwith the limited statutory limits of CMAL and A&BC.
- Some concern was expressed regarding the possibility of CMAL becoming the main managing body of the harbour, which could be seen as over-dominance of the larger players – CMAL and CalMac are often viewed as the same entity.
- There is no defined organisation or person to take measures forward. Without a single statutory authority in place issues could arise again.

Resources and roles are duplicated

The entities that own or operate the piers each have their own staff compliment, and there may be some duplication of resources and roles.

Communication between leisure and commercial users could be improved

There appears to be good communication between local leisure and commercial users at times. There are numerous sailing events throughout the year and while in most cases the relevant organisations inform all harbour users of forthcoming events, there have been occasions when this has not taken place, resulting in commercial vessels leaving during a race, and increasing marine safety risk.

External pressures for a move towards single SHA status

The Department for Transport (DfT) is intending to impose ISPS (International Ships and Port facility Security) on Oban Bay Harbour, which would involve the creation of a “Port Security Authority”. The process is currently delayed but could influence the requirement for a single SHA.

Cruise ships have been known to request pilotage when entering the bay. There may be a requirement for pilotage should the number of cruise ships berthing at the North Pier increase.

While the Management Plan does not consider infrastructure, new developments that impact on the traffic volume and mix in the bay need to be cognisant of marine safety risk

There was some debate and concern from stakeholders that the Harbour Management Plan might impact upon current and future infrastructure developments. The Harbour Management Plan will focus on the marine safety and environment only – although it is the case that any developments should take cognisance of the Harbour Management Plan and marine safety aspects and risks in general. The impact of proposed development on marine safety ought to be considered in line with best practice.

A number of stakeholders commented on issues concerning infrastructure in terms of access to vessels, space for disembarking passengers, availability of services (such as waste disposal facilities), parking and the current lack of berthing facilities and services for leisure visitors. While the Management Plan is not specifically addressing these concerns, they are relevant in that they impact on users considerably, in terms of restricting business operations, additional costs and ability to attract visiting vessels.

3.2) Opportunities

Stakeholders were asked to provide their views on what the objectives for a Harbour Management Plan should be and what practical opportunities could deliver such objectives. During the workshop and one-to-one interviews stakeholders also provided views on what short term measures and long term options might be appropriate.

Responses received by stakeholders that did not attend the first evening workshop focused primarily on the enhancement of infrastructure and service provision, while those that attended the workshop focussed on how to improve the marine safety environment. Those that attended the workshop benefited from a fuller explanation of what the Harbour Management Plan is for, in that it focusses on marine safety rather than infrastructure and development. Nonetheless it is useful to understand what stakeholders view as opportunities as a whole.

The end goal is to improve marine safety – and there are things that can be done in the short term

- The majority of stakeholders recognise the importance of marine safety and see the safety of the mariner as being a key objective.
- In terms of opportunities there was much support among stakeholders for identifying short term measures that could impact positively on marine safety, and also on the general management of Oban Bay Harbour.
- While there is some concern that a Harbour Management Plan without the umbrella of a SHA could not be enforced, there was a general feeling that improvements could be made.
- It was commented that the Harbour Management Plan must represent good practice – any future options need to be assessed in terms of how they will affect the businesses of stakeholders.

Better management and integration of different traffic and vessel types

- Several stakeholders commented that the integration of different types of vessel could be better managed, not only in terms of how they traverse the bay but how the harbour layout is configured to support these different markets.
- Some stakeholders feel that there should be dedicated areas for commercial and leisure activities. It is recognised that local commercial vessels should have priority: the Harbour Management Plan should encompass a good working layout (e.g. in terms of infrastructure, berthing, and how/where services are provided) to the benefit of all port users.

To achieve this, it was suggested that management of the entire harbour needs to be coordinated effectively, whether by cooperation or via a single entity, providing an efficient working harbour.

An objective, independent, and impartial Management Plan is required

Several views expressed the need for the Harbour Management Plan and any future governing body to be independent, objective and impartial.

3.2) Opportunities (continued)

Stakeholder involvement in the development and implementation of the Management Plan

- There was a general view that stakeholders should be involved in the development of the Harbour Management Plan, particularly the groups that represent port users and that a strong relationship is required between them.
- Some stakeholders commented that any new Board should represent all port users.

Opportunity to grow traffic volumes through attracting new commercial and leisure users

Some stakeholders feel that the Harbour Management Plan ought to be cognisant of all users and vessels with a view to providing effective/practical working facilities for all.

Opportunity to capitalise on duplicate resources

There is a potential opportunity to consider pooling resources between organisations operating each of the piers, given that some roles are currently duplicated.

Enhancing infrastructure and services

Although not the focus of the Harbour Management Plan, many stakeholders consider there to be significant opportunity to improve the infrastructure around the harbour for the benefit of different port users and services provided.

Several opportunities were highlighted:

- Improvement to landing facilities for visiting cruise ship tenders, charter vessels and independent ferries.
- Extension of North Pier frontage/wooden fendering on the North Pier to protect the pier facing and mooring vessels.
- Installation of large wave-breaking pontoons to be used as piers.
- Installation of a dedicated open access fuelling berth.
- All-tide dinghy landing pontoon.
- Relocation of the RNLI launch to an alternative berth in the North Pier area.
- Introduction of parking passes for pier users.
- Improve waste management facilities to include oil/batteries.

3.3) Constraints

There are several aspects that need to be considered in determining the short term measures and long term options for the Harbour Management Plan. These can be considered as constraints, or rather 'parameters' within which the Plan should be developed.

Stakeholders need to be involved

Many stakeholders are of the view that they should be participating in the process of developing the Harbour Management Plan in the short term, as well as being properly represented in the longer term.

It is therefore essential that any options considered are acceptable to stakeholders as a whole.

There are limitations with regard to funding and resourcing

The implementation of options, particularly longer term options involving changes in governance or management structures, could have significant cost implications. There is limited availability of funding and resource, thus the options put forward need to be cognisant of this along with the need to achieve value for money.

Limiting the financial impact on port users

The question regarding 'who will pay' has been raised by several stakeholders. There are concerns that long term options involving a change in structure will impact financially on port users. This is something that major users and A&BC do not want to see happen, as this could in turn have a negative impact on the wider harbour community.

CalMac needs to meet their requirements in terms of service specification

As part of their contract with Transport Scotland, CalMac has a ferry service specification to meet. It is important that any options taken forward do not negatively impact on their ability to do this.

A&BC and CMAL wish to retain their SHA status

Both A&BC and CMAL are keen to maintain their SHA responsibilities, as this incorporates the ability to manage their assets from a marine perspective, and their quayside infrastructure.

A&BC receives capital contributions towards lifeline services and infrastructure through the Single Outcome Agreement as well as access to prudential borrowing. CMAL receives grant aid funding for infrastructure.

Should any new governance structure be considered in the future, it should not impact negatively on the ability of both organisations to continue to receive funding.

4.0) Introduction

The vision and objectives have been developed to reflect the problems, opportunities and constraints identified in Chapter 3, as well as fitting with established and relevant policy directives.

This Chapter sets out:

- The vision and objectives underpinning the development of a new Harbour Management Plan.
- Additional parameters.
- A summary of relevant national, local and marine policy objectives.
- An assessment of the appropriateness of objectives.

4.1) Vision and objectives

The overall vision for Oban Bay Harbour is:

To facilitate the safe, coordinated and efficient operation of Oban Bay Harbour and its marine environment, now and in the future, for the benefit of all harbour users and the local economy.

The objectives underpinning the Harbour Management Plan are:

- To manage marine safety risk as low as reasonably practicable (ALARP).
- To better inform and educate mariners about the bay, particularly non-local visiting vessels, with a view to promoting improved marine safety.
- To safely and efficiently accommodate aspirations for development in the harbour and increased economic activity related to traffic growth.
- To develop a coordinated and cohesive approach to harbour management with clear roles and responsibilities.

4.2) Additional parameters

Consistent with STAG principles, additional parameters have been defined against which the short term measures and long term options can be appraised. These are based on the constraints identified:

- Buy-in and participation of stakeholders in the development and implementation of the Harbour Management Plan.
- Minimising the financial impact on harbour users.
- A&BC and CMAL to maintain current statutory powers relating to infrastructure.
- Enable CalMac to continue to meet its contractual obligations regarding timetable specifications.
- Affordability, value for money and deliverability.

4.3) Relevant national and local policy directives

The focus of relevant national and local policy directives is on achieving sustainable and economic growth, coupled with reliable transport connectivity and infrastructure.

Scottish Government's Economic Strategy (GES)	<p>GES' Strategic Priority of Infrastructure Development and Place:</p> <ul style="list-style-type: none"> • Making connections across, within and to/from Scotland better, improving reliability and journey times, seeking to maximise the opportunities for employment, business, leisure and tourism. • Safeguard transport links to remote and rural communities.
Scotland's National Performance Framework (NPF)	<ul style="list-style-type: none"> • Focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.
A&BC Local Development Plan- Written Statement February 2013	<ul style="list-style-type: none"> • Work in partnership with local communities in a way that recognises their particular needs to deliver successful and sustainable local regeneration. • Support the continued diversification and sustainable growth of Argyll and Bute's economy with a particular focus on our sustainable assets in terms of renewables, tourism, forestry, food and drink. • Continue to improve Argyll and Bute's connectivity, transport infrastructure, integration between land use, transportation and associated networks.
Scottish Ferry Services: Ferry Plan 2013 – 2022	<ul style="list-style-type: none"> • Maximise the economic and social potential of remote, rural and island communities. • Quality, reliability and affordability of transport links, along with other measures, are vital for successful social and economic growth. • Short, medium and long term proposals for enhancements to several island services operating out of Oban.

4.4) Marine policy directives

The Port Marine Safety Code (PMSC)(DfT) is intended to improve safety in UK ports and to enable harbour authorities to manage their marine operations to nationally agreed standards. The Code identifies these general duties of harbour authorities relevant to port marine safety:

- Harbour authorities have a duty to take reasonable care, so long as a harbour is open for the public use, that all who may choose to navigate it may do so without danger to their lives or property.
- This includes an obligation to conserve and promote the safe use of a harbour, and a duty of care to prevent loss or injury caused by the authority's negligence.
- Each harbour authority has an obligation to have regard to efficiency, economy and safety of operation as respects the services and facilities provided.
- Most harbour authorities have a duty to take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of their harbour.

4.5) Aligning objectives

Figures 1 and 2 illustrate how the objectives fit with policy directives and identified problems, showing a good level of fit across the board. A tick box system has been applied using the following scale:

- √ some fit
- √√ good fit
- √√√ strong fit
- - neutral
- x slight conflict
- xx conflict
- xxx strong conflict

Figure 1 Alignment of objectives with policy directives

Objectives	To manage marine safety risk ALARP	To better inform/educate mariners	Safe and efficient accommodation of future aspirations	To develop coordinated approach to harbour management
Policy directives				
<i>GES: connectivity, reliability, safeguarding transport links to remote and rural communities.</i>	√√	√	√√√	√√
<i>NPF: creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.</i>	√√	√	√√√	√√
<i>Argyll & Bute Plan: working in partnership with local communities, supporting diversification and sustainable growth of the regional economy, improving connectivity and transport infrastructure.</i>	√√	√√√	√√√	√√√
<i>Scottish Ferry Plan: maximise the economic and social potential of remote rural and island communities; quality, reliability and affordability of transport links.</i>	√√	√√	√√√	√√√
<i>PMSC: to improve safety in ports and to enable harbour authorities to manage their marine operations to nationally agreed standards.</i>	√√√	√	√√	√√√



Figure 2 Alignment of objectives with identified problems

Objectives	To manage marine safety risk ALARP	To better inform/educate mariners	Safe and efficient accommodation of future aspirations	To develop coordinated approach to harbour management
Problems				
<i>Non-local vessels visiting Oban Bay Harbour cause greatest risk</i>	✓✓✓	✓✓✓	✓	✓
<i>Code for Safe Navigation is not always followed</i>	✓✓✓	✓✓✓	-	-
<i>Navigational issues entering the Bay</i>	✓✓✓	✓✓✓	✓	✓✓
<i>No control or overall responsibility</i>	✓✓	-	-	✓✓✓
<i>Resources and roles are duplicated</i>	-	-	✓✓✓	✓✓✓
<i>Mixed views on the level and magnitude of incidents</i>	✓✓✓	✓✓✓	-	-
<i>Communication between users could be improved</i>	✓	✓✓✓	✓✓	✓✓✓
<i>External pressures</i>	-	-	-	✓✓✓
<i>Infrastructure developments impact on marine safety</i>	-	-	✓✓✓	✓✓

5.0) Introduction

The short term measures comprise (as far as practicable) the development of the Harbour Management Plan without the ability to enforce it, and have been informed by the stakeholder consultation and Navigational Risk Assessment undertaken by ABPMer.

These measures are based on the pillars of ***Information, Education and Cooperation***.

Information: making sure that information is available to existing and potential users of Oban Bay Harbour.

Education: the knowledge provided will equip seafarers to operate in the bay more safely, based on good practice.

Cooperation: the development and implementation of the Harbour Management Plan requires cooperation between the various stakeholders/harbour users.

The short term measures (STMs) have been categorised as follows:

- Improved Education, Guidance and Communications.
- Improved Harbour Safety Management.
- Improved Vessel Traffic Management.

The short term measures are described and assessed in the following paragraphs.

5.1) Short term measures: Improved Education, Guidance and Communications

STM 1 Education and engagement with harbour stakeholders

Targeted education visits can be particularly effective in informing and updating user groups within the area. All harbour stakeholders have a responsibility to improve the safety culture in the area, especially with respect to visiting vessels which may not understand local traffic expectations and navigation hazards. These could take the form of information updates on changes to the area, the voluntary Code for Safe Navigation, Notice to Mariners, aids to navigation and an open forum for dialogue. Active engagement with harbour stakeholders through consultation is identified within Section 3.2 of the PMSC (DfT, 2012) which states that 'harbour authorities should consult, as appropriate, those likely to be involved in or affected by the marine safety management system they adopt. This opportunity should be taken to develop a consensus about safe navigation in the harbour'. Agendas, attendance and Minutes of Meeting should be retained for future reference and for greater transparency.

Actions:

- Re-establish the Harbour Users Group.
- Develop database of stakeholder contact details.
- Consider education visits/seminars and nature of information updates.

5.1) Short term measures: Improved Education, Guidance and Communications (cont.)

STM 2 Guidance for small craft

Recreational navigation includes a wide range of differing activities and craft types, ranging from off-shore power boats, cabin cruisers, yachts, sailing dinghies, rowing sculls, canoes, personal watercraft, and water-ski boats. Recreational users are not all well-trained and safety conscious, nor are they all experienced boat handlers affiliated to the RYA or local clubs. More importantly visiting recreational vessels do not have a detailed knowledge of the area and its dangers. Providing guidance to inform recreational users is one of the most effective ways to passively manage recreational vessels that are new to the area.

Guidance notes should be drawn up using the collective experience of harbour stakeholders, and should be made widely available through relevant nautical and yachting publications, plus on the internet. The guidance should cover such topics as the voluntary Code for Safe Navigation, contact points, local dangers, guidance on minimisation of pollution from refuelling, oily residue discharge, harbour waste reception facilities and local amenities.

Actions:

- Obtain examples of guidance notes for small craft from the internet or through a direct approach to other harbour authorities. (Poole Harbour, for example, produce a very comprehensive guide for small craft).
- Work with local small craft operators to prepare a final copy of the guidance for publication.
- Liaise with small craft operators to determine the most effective yachting and nautical publications to use to ensure the guidance is targeted correctly.

STM 3 Guidance for helicopter operations

As helicopter operations are already undertaken in Oban Bay by the NLB, this operation can be used as a framework for drafting a guide specifically for Oban Bay and the Sound of Kerrera.

Actions:

- Liaise with NLB to develop a framework and guidance.
- Copies of the guidance to be sent to NLB and HM Coastguard for comment and referenced within NLB's operating instructions.

STM 4 Review and update of the Code for Safe Navigation in Oban Bay Harbour

A review of the current Code for Safe Navigation should consider a range of issues including current vessel traffic, volume of use, seasonality, criteria for vessel broadcasts on VHF Channel 16, speed recommendations, voluntary traffic management measures, etc. The Code is available in all locations around Oban Bay Harbour. However, it needs to be published in a range of appropriate places to increase its visibility to non-local users. This process would need to be coordinated and agreed through a Harbour Stakeholder Group.

Actions:

- Formulate a revised Code, based on the work undertaken to date and in consultation with A&BC and CMAL Harbour Masters.
- Request all stakeholders to review and comment on this within a stipulated period.
- Prepare a final draft and circulate widely for final comment before publication.
- Identify wider locations for dissemination and publication, both hard and electronic versions.

5.1) Short term measures: Improved Education, Guidance and Communications (cont.)

STM 5 Single point of contact for Oban Bay Harbour

A single contact point would be beneficial for efficient communication between all parties resident within, and visiting, the area. This could take a number of formats, including email address, Facebook page, Twitter, website and/or a phone contact point.

Actions:

- Set up and publicise widely a general purpose Oban Bay email address.
- Review emails daily and respond appropriately to issues raised. OHDG to convene and chair a monthly meeting of stakeholders to review emails received and responses made.
- OHDG and stakeholder group to give consideration to setting up a webpage, Facebook page or Twitter account to improve the speed and accessibility of marine safety specific communications.

STM 6 Dedicated VHF channel for Oban Bay Harbour

Channel 16 is the international distress, safety and calling radiotelephony channel. Ofcom advise that 'where it is necessary to call a station on Channel 16, other than in cases of distress, urgency or safety, both stations should switch to an alternative channel as soon as possible. All calls on Channel 16 should be kept brief and should not exceed one minute, when not concerning distress, urgency or safety. For a call between ship stations an inter-ship channel should be used. For a call to a coast station the station's assigned channel should be used' (Ofcom, 2014). For these reasons, the practice of using Channel 16 as the normal working channel should be discontinued and a new working channel established (under licence with Ofcom).

STM 7 Oban Bay Harbour Website

The website should identify the voluntary Code of Safe Navigation, Notices to Mariners, Code(s) of conduct, navigation guidance notes, weather information, tidal information, marine service providers (fuel, stores), and contact details for berth operators. Ferry operators should be able to quickly change information on the website to reflect service changes. The website should also include a process for reporting accidents, incidents, near-miss and close quarters situations. The Harbour Master should issue a Notice to Mariner advising all mariners to consult the website before planning any activity in Oban Bay and/or Sound of Kerrera.

Actions:

- Consult with stakeholders to determine information that should appear on a website.
- Identify funding for website development, develop website and appoint key person(s) to manage website.

STM 8 Oil spill assistance MoU

A more formal arrangement between the existing Harbour Authorities and oil pollution responders within the area would be advantageous. This would remove uncertainty regarding legal and financial issues if a spill occurs outside the existing Harbour Authorities' boundaries.

Actions:

- Contact the Marine & Coastguard Agency (MCA) and Secretary of State's Representative Maritime Salvage & Intervention (SOSREP) and ask for details of UK organisations that have a combined response to local oil spills: Contact those organisations and obtain a copy of any agreements and/or MoUs in place.
- Using the agreements/MoUs from other ports as a base document, consult with A&BC, CMAL and NLB as necessary to create a working MoU acceptable to all parties.
- Legal advice required to draw up MoU.

5.2) Short term measures: Improved Harbour Safety Management

STM 9 Harbour personnel training

Identifying the requirements of the Harbour Master, Assistant Harbour Masters and Pier operatives would allow the competency standards and job profiles to be matched. Training for port staff should provide the necessary skills to meet job profiles. The respective Harbour Authorities should consider the development of a joint training matrix to identify qualifications, competency and record training. This would also facilitate a link between port and harbour training outlined in the PMSC (DfT, 2012) and Guide to Good Practice (DfT, 2013).

Actions:

- Determine skill sets of current harbour personnel and identify training needs.
- Agree and develop joint training programme/skills matrix.
- Arrange attendance of staff on residential courses and/or distance learning courses for marine personnel. Such courses are available throughout the year.

STM 10 Emergency Plan development

Although some harbour stakeholders have emergency plans in place, it may not be possible to simply bring these plans together to form one emergency plan for the harbour. It may be appropriate for the two Harbour Authorities to combine emergency response plans into an overarching document, and broaden this to include liaison with other harbour stakeholders. Reaching agreement on jurisdiction and liability may require legal advice.

Actions:

- Arrange meetings with stakeholders and identify the level of response required, how it may be achieved, managed and financed.
- Legal input to understand boundaries of liability.

STM 11 Oil spill contingency plan

It would be possible to use established Oil Pollution Response Plans and create one overarching plan for Oban Bay Harbour and its approaches. Reaching agreement on jurisdiction and liability may require legal advice.

Actions:

- Arrange meetings with stakeholders and identify options for creating a single plan.
- Legal input to understand boundaries of liability.

STM 12 Contingency exercises

A series of contingency plan exercises will be defined and executed over the next 18 months.

As joint exercises have already taken place in Oban Bay this measure can be implemented relatively quickly.

Actions:

- Obtain copies of exercises held to date, to identify the levels of interaction and then develop further exercises to overcome any obvious failings.
- Give particular emphasis to an assessment of the cost of addressing a spill and how this cost will be met by stakeholders.

5.2) Short term measures: Improved Harbour Safety Management (cont.)

STM 13 Extending CCTV coverage across Bay

Initially it may be possible to bring together in one location, the images from existing systems. If additional CCTV cameras are required it will be necessary to determine new sites, communication links (wire, fibre optics, microwave, etc.). Agreement on funding for data transmission costs, maintenance agreements, recording equipment (etc.) will be required. In addition, it must be clear what action the operator/monitor of the CCTV system is to take in response to a request for information or an observed breach of any voluntary Codes.

Actions:

- Liaise with stakeholders to determine the extended limits of CCTV coverage.
- Determine new sites, communication links, data transmission costs, maintenance agreements, recording equipment, etc.
- Harbour Master(s) to draft procedure for CCTV operation stating action to be taken in certain situations.

STM 14 Towage evaluation

This measure comprises a review of all vessels known to be based in the Oban Bay area for emergency towage – the aim being to enable a quick response to larger marine incidents that require dedicated tugs or salvage.

Actions:

- Prepare appropriately worded questionnaire and ask stakeholders to circulate to all vessels known to be based in Oban Bay and Sound of Kerrera area.
- Contact towage companies based along the West Coast of Scotland and determine the availability of tugs, capabilities of tugs and an indication of deployment costs under contract (this will not include a salvage response which must be voluntary).

STM 15 Review of aids to navigation

Given the previous consultation exercise run by the NLB with harbour stakeholders on aids to navigation in the northerly approaches to Oban Bay Harbour, a further review of the buoyage around Ferry Rocks should be commenced and any recommendations acted upon.

Actions:

- Obtain a copy of NLB's latest review of aids to navigation and, if necessary, initiate further consultation with stakeholders.
- Given the previous consultation exercise with harbour users, the NLB as the statutory consultee on aids to navigation, would be a key contributor (if not solely author) of the review and recommendations.

STM 16 Combining harbour standing orders

The existing Harbour Authorities have standing orders governing their separate operations. These could be brought together and approaches standardised into one set of 'agreed standing orders' for common activities (for example, response to persons in the water), with local facility variations to cover facility-specific operations as necessary.

Actions:

- A&BC and CMAL to work together to create one set of standing orders and agree mutual terms.

5.2) Short term measures: Improved Harbour Safety Management (cont.)

STM 17 Personal Watercraft Licence

A voluntary licensing scheme could be established, on a similar basis to the Code for Safe Navigation. (If a voluntary scheme cannot be agreed the establishment of a Harbour Authority could introduce the scheme through a Harbour Direction.)

Actions:

- Liaise with local small craft operators to determine their willingness to adopt a voluntary licensing scheme.
- Obtain details of similar schemes in use around the UK (such as Caernarfon/Portsmouth) and work with stakeholders to develop a voluntary scheme.

STM 18 Signs: information board, warning signs

Information signs could be placed in prominent places to inform swimmers and harbour users of the dangers of swimming near vessels, identified with a clear map, plus actions to take in the event of seeing someone in distress. This links to the common contact point for Oban Bay Harbour. In addition, a longer term measure in relation to signage is the identification of restricted swimming areas which could be added to signage assuming the established Harbour Authorities issue General Directions or byelaws to restrict swimming in their respective areas.

Actions:

- Liaise with stakeholders to identify appropriate locations for signage.

5.3) Short term measures: Improved Vessel Traffic Management

STM 19 Local Port Services

Provision of Local Port Service (LPS) is defined by the MCA in Marine Guidance Note 401 as *designed to improve port safety and co-ordination of port services within the port community by dissemination of port information to vessels and berth or terminal operator.*

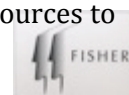
LPS can start as a limited operation service immediately using existing resources and operating on Channel 16. Care would be needed to ensure the LPS operators are clear on their role in respect of giving vessels 'directions' or information that may be interpreted as a direction. This can only be issued by a Harbour Master (or appointed deputy), within the respective area of jurisdiction.

A move to full LPS would take longer as a dedicated VHF channel, hours of operation and manning levels become critical issues.

The LPS role can also cover a number of aspects once up and running: liaison point between vessels and stevedores/services, port emergency plan implementation, as well as potentially maintaining the website, single point contact, updating the Code for Safe Navigation, agreeing all marine safety information about the area before publication, attending (or chairing) stakeholder safety groups and direct involvement in all education initiatives relating to marine safety.

Actions:

- OHDG in consultation with the Harbour Masters to set up LPS using existing stakeholder resource within Oban Bay Harbour.
- Work with stakeholders to establish exact function of the LPS.
- Determine human and financial resources to enable LPS to function.



5.3) Short term measures: Improved Vessel Traffic Management (cont.)

STM 20 Harbour authority powers of General Direction: issued after consultation

Powers of General Direction can be issued by a Harbour Authority. In accordance with Section 40a of the Marine Navigation Act 2013. Harbour Directions must be in writing, before giving Harbour Directions a Harbour Authority must consult such representatives of users of the harbour as the authority think appropriate and a Harbour Authority must make such arrangements as they think appropriate for publicising a proposed Harbour Direction for at least 28 days before it is given.

Actions:

- Liaise with Harbour Masters and harbour users to determine the benefit of issuing Harbour Directions.

STM 21 Additional Notices to Mariners

Appointed Harbour Masters and deputies can issue Notices to Mariners within the existing A&BC and CMAL harbour areas.

Additional Notices to Mariners could be issued, should they benefit marine safety.

Actions:

- Liaise with Harbour Masters and harbour users to determine the benefit of issuing additional Notices to Mariners.

STM 22 Review of cruise anchorage points

Harbour stakeholders should be consulted on their views regarding the appropriateness of anchorage locations used historically for visiting cruise vessels. Following this review, amendments or confirmed locations can be provided on request as guidance to anchoring vessels.

However, as the area typically used is outside of Harbour Authority boundaries, and is 'open water' (i.e., not regarded to be within a defined SHA), Masters may anchor as they see fit.

Actions:

- Consult stakeholders on anchorage locations.

STM 23 Approach angles to berths

Identification of approach angles to berths, and consideration of an appropriate routeing system for Oban Bay Harbour, would require a comprehensive analysis of existing traffic movements. Assuming that routes lie within an existing Harbour Authority boundary, routeing can be introduced under a Harbour Direction by that Harbour Authority. To provide management of routeing in the wider bay area would require the establishment of a Harbour Authority, unless this is adopted on a voluntary basis within the 'Code of Safe Navigation'.

Actions:

- Analysis of existing traffic movements.
- Consultation with stakeholders regarding potential routeing options.
- Adopt into Code of Safe Navigation.

STM 24 Identification of seaplane landing and take-off areas

Identification of dedicated seaplane landing and take-off areas will require the participation of all harbour stakeholders, but specifically, the seaplane operator(s). To provide management of seaplane landing and take-off areas would require the establishment of a Harbour Authority, unless this is adopted on a voluntary basis within the Code of Safe Navigation.

Actions:

- Initial liaison with seaplane operator and harbour stakeholders to identify suitable options for landing and take-off areas.
- Adopt into Code of Safe Navigation.

5.3) Short term measures: Improved Vessel Traffic Management (cont.)

STM 25 Small craft channel

There is potential for a designated small craft channel on the western side of the northern entrance. It may not be practical to buoy this, however, a small craft channel could be marked on charts and identified on guidance notes. This measure could be adopted on a voluntary basis within the Code of Safe Navigation if agreement can be reached. A small craft channel can be introduced under a Harbour Direction, which would require the establishment of a Harbour Authority.

Actions:

- Engagement with harbour stakeholders to determine possible locations and acceptability of small craft channel.
- Adopt into Code of Safe Navigation.

STM 26 Seasonal motoring advisory zone

Seasonal application of a motoring advisory zone (notably for the northern entrance ref STM 25) could reduce potential for collision, with exemptions for organised racing. This is exemplified at Poole where the Port Authority states "*Sailing vessels so fitted please use your engines when transiting the entrance.*"

Liaison is required between organisations planning sailing events in Oban Bay Harbour, with the aim of creating a voluntary code similar to the existing Code for Safe Navigation, but specifically to identify areas where motoring is advised during summer months. If a voluntary arrangement is not possible, this would require the imposition of a Harbour Direction via an SHA.

Actions:

- Gather information on planned events in 2014 and 2015.
- Develop pro-forma risk assessment and protocol, which will be shared with event organisers/stakeholders for comment and review.

STM 27 Reduced visibility measures

This procedure involves managing vessel traffic speed in response to reduced visibility (fog, mist etc.). This could be applied as a voluntary process within the Code of Safe Navigation. If a voluntary procedure cannot be agreed, the establishment of a Harbour Authority would enable the introduction of a procedure through a Harbour Direction.

Actions:

- Consultation with stakeholders regarding reduced visibility measures.
- Adopt into Code of Safe Navigation.

STM 28 Monitoring vessel speeds

The police have approved type-tested speed guns which could be employed effectively, from the shore, to detect the speed of vessels in Oban Bay and the Sound of Kerrera.

This information can be used to 'advise' bay users that their actions are being monitored and recorded, acting as a warning deterrent. In addition, it will help establish a baseline with regard to how often craft are travelling in excess of the Code of Practice guidelines for speed.

Actions:

- Liaise with police to establish what resource they can offer.
- Develop plan for speed monitoring and data analysis.

5.4) Assessment of short term measures

The short term measures are focussed on providing information and guidance, alongside cooperation among stakeholders, with a view to improving safety in the bay as far as practicably possible, without the introduction of a Bay-wide Harbour Authority.

A number of these measures depend on voluntary arrangements being agreed between stakeholders – without such agreement these measures would not work under the current structure.

The short term measures have been assessed against a number of objectives and parameters using a tick box system indicating strong fit ($\sqrt{\sqrt{\sqrt{\quad}}}$), good fit ($\sqrt{\sqrt{\quad}}$) and some fit ($\sqrt{\quad}$):

- To manage marine safety risk ALARP.
- To better inform/educate mariners.
- Affordable/minimises cost on users.
- Can be delivered easily and quickly.
- Acceptable to stakeholders.

We have also identified whether voluntary consensus is required for measures to work under the current governance arrangement. Not surprisingly, such consensus is required in many cases. Despite this, it is clear that there is much that might be accomplished to improve marine safety in the short term (one to two years), that does not rely on the success of a regulatory process.

5.4) Assessment of short term measures (cont.)

Short Term Measure (STM)	To manage marine safety risk ALARP	To better inform/ educate mariners	Affordable	Deliverable	Acceptable	Voluntary consensus
1 Education & engagement	✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓	No
2 Guidance for small craft	✓✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓	No
3 Guidance for helicopters	✓✓	✓✓	✓✓	✓✓✓	✓✓✓	No
4 Update Code	✓✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓	No
5 Email point of contact	✓	✓	✓✓✓	✓✓✓	✓✓✓	No
6 Dedicated VHF Channel	✓✓	✓✓	✓✓	✓✓	✓✓	No
7 Website	✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓	No
8 MoU Oil spill	✓✓	-	✓✓	✓✓	✓✓	Yes
9 Harbour staff training	✓✓	✓✓	✓	✓✓	✓✓✓	No
10 Emergency Plan	✓	-	✓✓	✓✓	✓✓	Yes
11 Oil Spill Plan	✓	-	✓✓	✓✓	✓✓	Yes
12 Contingency exercises	✓	-	✓✓	✓✓✓	✓✓✓	No
13 Extended CCTV	✓✓	✓	✓	✓✓	✓✓	Yes
14 Towage evaluation	-	-	✓✓	✓✓✓	✓✓✓	No

5.4) Assessment of short term measures (cont.)

Short Term Measure (STM)	To manage marine safety risk ALARP	To better inform/ educate mariners	Affordable	Deliverable	Acceptable	Voluntary consensus
15 Navigation aids review	✓✓	✓✓✓	✓✓	✓✓✓	✓✓✓	No
16 Harbour standing orders	✓✓✓	✓	✓✓	✓	✓✓	Yes
17 Small craft licensing	✓	✓	✓	✓	✓	Yes
18 Signage	✓	✓	✓✓	✓✓✓	✓✓	No
19 LPS	✓✓✓	✓✓	✓✓	✓✓	✓✓	No
20 HM powers of direction	✓✓	✓✓	✓✓	✓	✓	No
21 Additional Notice to Mariners	✓✓	✓✓	✓✓✓	✓✓	✓	No
22 Anchorage review	✓✓	✓✓	✓	✓✓	✓✓	Yes
23 Approach angles	✓	✓✓	✓✓	✓	✓✓	Yes
24 Seaplane landing areas	✓	✓	✓✓	✓	✓✓	No/Yes
25 Small craft channel	✓✓✓	✓✓	✓✓	✓✓	✓✓	Yes
26 Motoring advisory zone	✓✓	✓✓	✓✓	✓✓	✓✓	Yes
27 Reduced visibility measures	✓✓✓	✓✓✓	✓✓✓	✓✓	✓✓	Yes
28 Monitoring speeds	✓✓	✓✓✓	✓✓	✓✓✓	✓✓	No

5.5) Prioritising short term measures

From the analysis, it is possible to prioritise the short term measures in terms of:

- Which measures offer the greatest fit across all objectives and parameters.
- Which measures are most deliverable, particularly those that do not require stakeholder consensus to function or those that are most likely to be acceptable to stakeholders generally.
- Ease of deliverability: e.g. there is either a low or moderate cost attached to the measure or the actions involved in implementing it are most straightforward.

The Table below categorises the measures into two priority groups, 1 (first priority) and 2 (second priority).

Measure	Priority	Measure	Priority
1 Education & engagement	1	15 Navigation aids review	1
2 Guidance for small craft	1	16 Harbour standing orders	2
3 Guidance for helicopters	1	17 Small craft licensing	2
4 Update Code	1	18 Signage	1
5 Email point of contact	1	19 LPS	1
6 Dedicated VHF Channel	1	20 HM powers of direction	2
7 Website	1	21 Additional Notice to Mariners	2
8 MoU Oil spill	2	22 Anchorage review	1
9 Harbour staff training	1	23 Approach angles	2
10 Emergency Plan	2	24 Seaplane landing areas	2
11 Oil Spill Plan	2	25 Small craft channel	1
12 Contingency exercises	1	26 Motoring advisory zone	2
13 Extended CCTV	2	27 Reduced visibility measures	2
14 Towage evaluation	2	28 Monitoring speeds	1

6.0) Introduction

This Chapter considers what the potential long term options are for Oban Bay Harbour in terms of structure and operation. The following sections cover:

- Rationale for considering alternative structures for Oban Bay Harbour.
- Example governance structures from other ports and harbours.
- An overview and description of potential governance structures.
- Appraisal and assessment of options.

6.1) Rationale for long term options

The rationale for considering different structures for Oban Bay Harbour in the longer term is embedded in the overall vision for Oban Bay Harbour:

To facilitate the safe, coordinated and efficient operation of Oban Bay Harbour and its marine environment, now and in the future, for the benefit of all harbour users and the local economy

While many short term measures have been identified with a view to meeting this aim, it is the case that many of them cannot be fully implemented within the current structure. In addition, there are other important measures which cannot be implemented at all within the current structure.

Without voluntary consensus a Bay-wide Statutory Harbour Authority (SHA) may be required

Some short-term measures may require the establishment of a Bay-wide SHA if voluntary consensus is not achieved – for example:

- STM 10 Emergency Plan.
- STM 11 Oil Spill Plan.
- STM 13 Extended CCTV (if it became Bay-wide).
- STM 17 Personal watercraft license.
- STM 23 Approach angles to berths.

- STM 24 Management of seaplane landing areas (rather than just identification of).
- STM 25 Small craft channel.
- STM 26 Seasonal motoring advisory zone.
- STM 27 Reduced visibility measures.

Some measures cannot be applied to the whole bay in the absence of a Bay-wide SHA

- ***STM 16 Harbour standing orders:*** currently standing orders cannot be applied outwith the current SHA limits.
- ***STM 21 Additional Notices to Mariners:*** Notices to Mariners relating to aspects outwith the current SHA limits cannot be issued at present. Unless the Harbour Authority can issue General Directions, the Notice to Mariners is advisory.
- ***STM 22 Review of cruise anchorage:*** while agreed guidelines can be set, the area outside current limits is ‘open water’ – thus Masters may anchor where they see fit. To provide management of anchorage sites in the wider bay, and designate specific areas for various craft, would require the establishment of a Harbour Authority covering the whole bay.

6.1) Rationale for longer term options (cont.)

A SHA covering the whole bay is a pre-requisite for some marine safety control measures

Marine Safety Management System for the wider harbour area: to widen the existing Marine Safety Management Systems used by the two Harbour Authorities would require the establishment of a new expanded SHA.

Guide vessel/patrol vessel: many harbours make use of Guide/Patrol vessels to pass information to visiting marine craft. Such a vessel could not give instructions to vessels within the bay without the presence of a wider SHA.

Pilotage service: to provide a pilotage service, relevant powers must be vested in one of the existing SHAs (or a new authority) by applying to the Secretary of State (Section 1(4) Pilotage Act 1987) to be a Competent Harbour Authority (CHA), with defined pilotage harbour limits and approaches (the “pilotage district”).

The designated pilotage district can be much wider than an SHA’s designated SHA area (e.g. as per Cattewater Harbour, Plymouth).

The process of establishing a pilotage service will require legal services to create an acceptably worded application, backed up with justification of the needs-case, followed by due consideration by Government.

Pilotage Exemption Certificates (PECs): this requires the establishment of a CHA. Following this, the issue of pilot exemption certificates (PECs) can occur in accordance with Section 8 Pilotage Act 1987.

Harbour Masters powers of direction (Special Direction): appointed Harbour Masters and deputies already have powers of direction within the existing A&BC and CMAL harbour areas. To widen powers of direction would require the establishment of a Harbour Authority to issue directions under Section 52 of the 1847 HDPC Act to vessels within the boundary of the new SHA.

Byelaws – control of harbour speed: to make speeding an offence outwith the current statutory limits and within the bay byelaws would be required – which in turn would require a SHA for the whole bay area. Before byelaws can come into force all harbour users and representative organisations must be consulted. If agreement is reached the draft byelaws do not come into force until they have been approved by the relevant Government department. Breaches of byelaws are prosecuted in a magistrate’s court. The punishment is a fine. The second option for controlling speed is to issue a General Direction.

Moving exclusion zone – around large vessel when exiting/entering Oban Bay Harbour or seaplanes: this requires the establishment of a SHA covering the exit/entry to the bay area. The concept is that a defined buffer zone exists around a vessel matching or exceeding the size specified by the Harbour Authority; other smaller vessels are prohibited from entering this buffer zone. A Harbour Authority could introduce the zone through a Harbour Direction. This might also be applied to a seaplane whilst it is afloat.

6.2) Overview of potential long term options

There are several possible paths for Oban in terms of how the harbour could be governed and managed in the future, ranging from the status quo to full privatisation. This Chapter describes what each of these potential options are, highlighting potential pros and cons:

- Option 1: Single Statutory Harbour Authority (SHA) (municipal port) – A&BC.
- Option 2: Single SHA (state port) – CMAL.
- Option 3: Two SHAs – A&BC extends statutory limits, CMAL remains as is.
- Option 4: Two SHAs – CMAL extends statutory limits, A&BC remains as is.
- Option 5: Single SHA (trust port) – new independent trust port as sole SHA.
- Option 6: Multi SHAs - new independent trust port + current SHAs nested within this.
- Option 7: Single SHA (hybrid municipal/trust port) - Board made up of current SHAs + other stakeholders.
- Option 8: Single SHA (Company Limited by Guarantee) (CLG) – the ‘Tobermory Model’.

Some of these options result in a number of SHAs operating together, rather than one overall authority.

We have discounted the theoretical possibility of privatisation because this would first require the creation of an asset owning single SHA, and this is unlikely to suit any of the key stakeholders.

6.3) Example governance structures in other ports

To inform the potential long term options several case studies have been developed, concerning governance structures in other ports or groups of ports:

- Where more than one statutory authority exists within a port, to better understand how the different parties work together.
- Where a port might be considering a change of structure – for example going from not having statutory powers to having such powers, or moving towards a new governance structure.

We have reviewed the following:

- Tobermory Harbour Association – moving towards becoming a SHA.
- The Port of Plymouth, where there are three SHAs operating within the boundaries of the port.
- Fal estuary in Cornwall there there are four SHAs operating in cooperation with each other.

6.3.1) Tobermory Harbour Association

Current structure

The Tobermory Harbour Association (THA) was founded in 1983 and owns, manages and maintains many of the facilities within Tobermory Harbour on behalf of the community. All revenues are reinvested in facilities and projects in and around Tobermory Bay. The THA is a community company limited by guarantee.

There is a high volume of small leisure craft using the harbour and an increasing number of cruise liners, as well as regular CalMac ferries and some fishing vessels. The geography of the harbour and bay is such that there are limited conflicts between traffic types. CMAL and the fishermen each own a pier and manage their own traffic. The fairway encompasses all the piers giving access to each.

Currently the harbour has no statutory powers. Issues are dealt with by common sense and most are resolved. THA has a good relationship with the Crown Estate and with stakeholders/harbour users.

There are currently 17 Directors on the Board representing all stakeholders, including adjacent landowners. The Board meets once a month and there is an annual AGM. Decision-making is based on a one-member-one-vote system. There are five employees who run the harbour.

Channel 16 is manned either by VHF or by phone 24 hours per day. There is no requirement for VTS given geography of the harbour. Details are provided on the website regarding hazards within the bay, as well as detailed information on local rules and hazards for each of the pier areas.

THA is currently developing its systems to meet Port Marine Safety Code standards.

What works well

The Board functions very well – the majority of Directors are given responsibilities and are accountable. In addition all Directors are passionate about the harbour and all stakeholders are represented.

Adopting a new structure

THA has considered moving to a trust port model, alongside plans for CMAL to transfer ownership of assets to THA. However, it was decided that this was not necessary. Instead, a Harbour Empowerment Order (HEO) is being actioned in order to obtain statutory powers.

The plan is to have statutory powers for the whole area of the bay, plus some powers reaching outside the bay at the entrance – and maybe extended for cruise line anchoring outside of the bay.

Within the new structure, CMAL and the fishermen will continue to operate their piers, although CMAL may transfer ownership of its pier to THA.

Legal fees are the largest component of costs associated with establishing statutory powers, estimated to be somewhere in the region of £14K - £50K.

THA sees itself as a ‘community trust port’, and is aiming to develop its governance to be aligned with the trust port model. THA is reconstituting the Board to 12 members to have Directors on three-year rotations. Engagement with Transport Scotland indicates that they are welcoming this model.

As part of the new structure, consideration is being given to a ‘charity arm’, which will potentially enable grant funding from additional sources.

6.3.2) Port of Plymouth

Current structure

The Dockyards Port Act 1865 and the Dockyard Port Order 1999 lay down the rights for the Navy to run Plymouth Dockyard for its own requirements.

Under this umbrella there are three separate pieces of water, each of which has its own SHA:

- ABP Millbay is a small dock which is primarily a ferry terminal for services to France. There is also a marina. There are low levels of traffic apart from in peak months which see a lot of ferry traffic.
- Cattewater Harbour Commissioners were originally constituted to build Mount Batten Pier to protect the harbour from storms. It is a trust port and provides conservancy. Its pilotage district extends three miles beyond the Plymouth breakwater.
- Sutton Harbour is a privately owned fishing and leisure harbour, with its own harbour orders.

The Navy provides all VTS services free of charge, and conducts its own pilotage.

Cattewater Harbour Commissioners provides all other pilotage – its pilotage district extends well beyond its statutory limits.

What works well

There is a regular Harbour Authority Liaison Committee (HALC). All bodies with statutory powers get together and agree on a range of topics. The Committee is responsible for undertaking risk assessments and communication between the authorities is very good.

6.3.3) Fal Estuary

Current structure

There are several SHAs in the Fal Estuary:

- Port Truro and Port of Penryn (separate and non-contiguous SHAs both under Cornwall Council).
- Falmouth Harbour Commissioners (trust port).
- Falmouth Docks (private port).

These cooperate on several committees:

- Falmouth Estuary Marine Safety Committee: essentially this concerns coordination of PMSC responsibilities. There is a Pilotage Agreement whereby Truro/Penryn/Falmouth Docks have agreed with Falmouth that Falmouth Harbour Commissioners will carry out pilotage duties on behalf of all CHAs.
- Port Security Committee: To coordinate requirements for ISPS Code.
- SAC Management Group: An environment group to oversee the wider environmental safeguarding of the estuary. The SHAs also have a joint Oil Pollution Plan.

What works well

The arrangements are reported to work well. Meetings take place every three to six months. It is worth noting that these organisations benefit from well established relationships that contribute to harmonious cooperation.

6.4.1) Option 1: Single SHA municipal port

Option 1 involves the creation of a single SHA, which will be A&BC (thus a municipal port).

In becoming the single SHA A&BC would take over responsibility for all marine aspects of Oban Bay Harbour, and operate as any normal Statutory Harbour Authority.

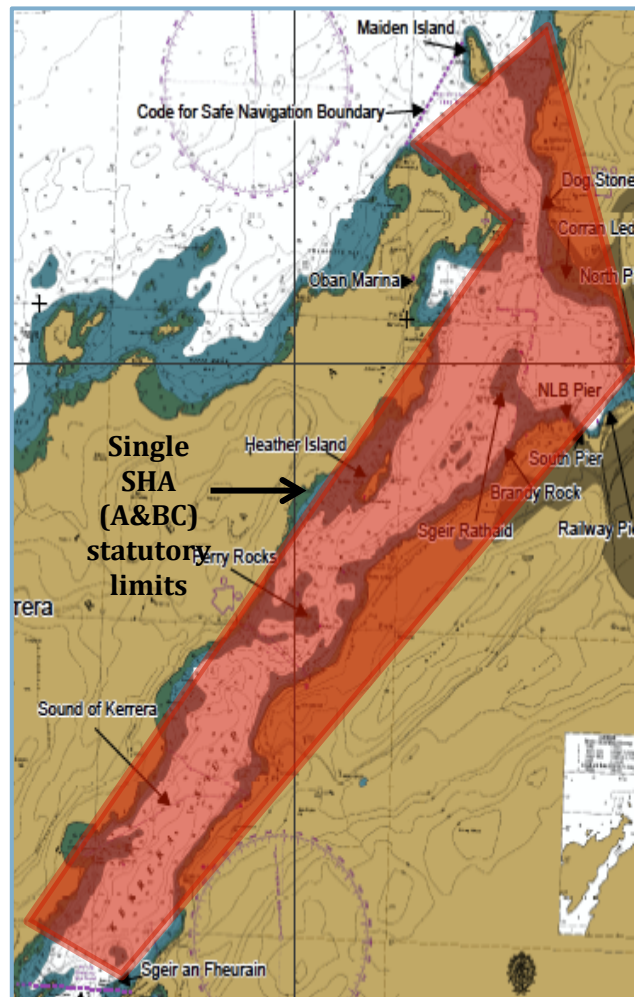
Its current harbour limits would be extended to cover the whole bay and also subsume that area currently controlled by CMAL.

CMAL would rescind its harbour limits and statutory powers.

CMAL (and NLB) would continue to own their quayside infrastructure, but would have no SHA powers. They would become similar in character to “terminal operators” operating under the marine regulatory framework set by the overall new SHA.

Key considerations

- Ability of A&BC to resource this, although potential for pooling resources.
- Impact on CMAL in terms of losing statutory powers, and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure.
- Strategic interests of CMAL and other parties may mean that this is unwelcome.



6.4.2) Option 2: Single SHA State port

Option 2 also comprises the creation of a single SHA, which in this case will be CMAL (thus a State-owned port).

A condition precedent for this option is that there would be a change in the Operating Agreement between CMAL and CalMac, such that CalMac would continue as the *ferry terminal operator*, but CMAL would be the direct *marine operator* of the extended SHA, and this would not be covered by the Operating Agreement.

In becoming the single SHA, CMAL would take over responsibility for all marine aspects of Oban Bay Harbour, and operate as any normal Statutory Harbour Authority.

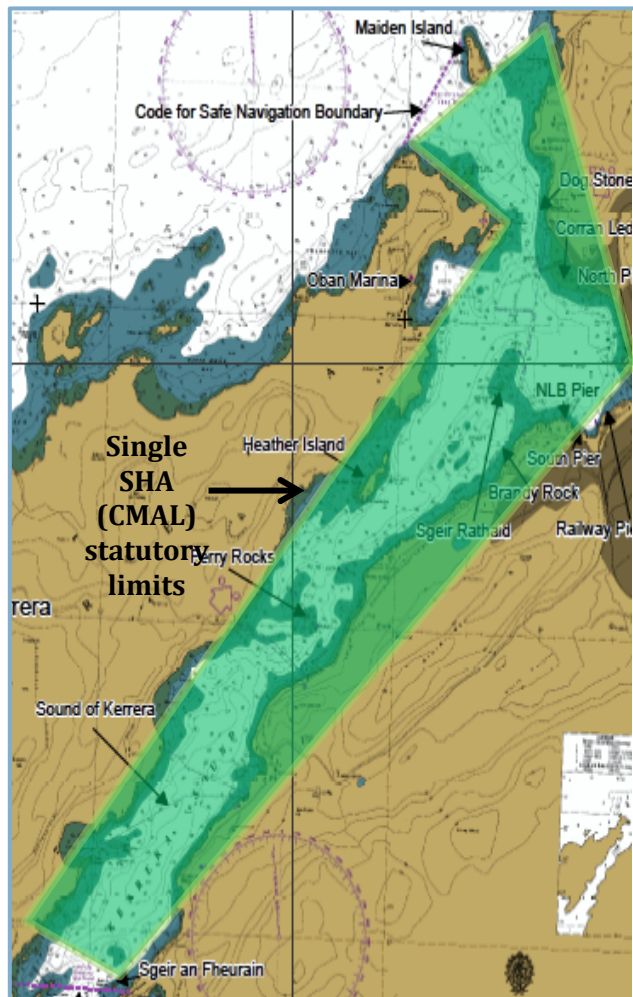
Its current harbour limits would be extended and include the current limits controlled by A&BC.

The Council would rescind its harbour limits and statutory powers.

A&BC (and NLB) would continue to own their quayside infrastructure, but would have no SHA powers. They would become similar in character to “terminal operators” operating under the marine regulatory framework set by the overall new SHA.

Key considerations

- Ability of CMAL to resource this, although potential for pooling resources.
- Impact on A&BC in terms of losing statutory powers, and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure.
- Strategic interests of the Council and other parties may mean that this is unwelcome.



6.4.3) Option 3: Two SHAs A&BC extends

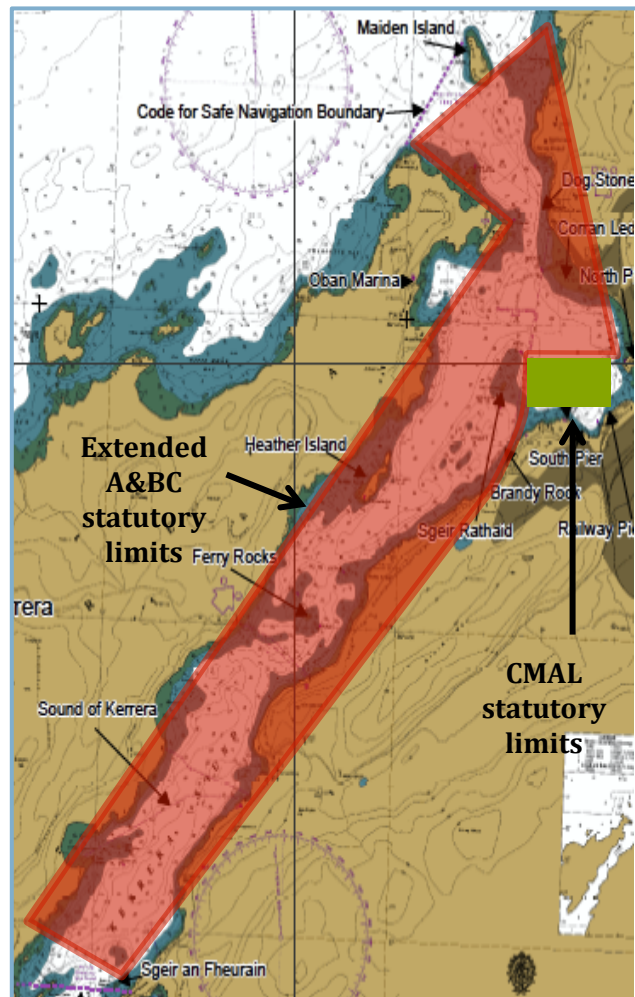
Option 3 comprises extending the current harbour limits of A&BC to cover the remainder of the bay area, while CMAL maintains its current statutory powers and limits.

Thus, the Council becomes the SHA for the majority of the bay area, apart from that which is controlled by CMAL.

A&BC as the main SHA will be responsible for managing the traffic in and out of the bay as a whole, while CMAL will maintain responsibility for vessel movements within their statutory limits only.

Key considerations:

- Does not create one single SHA, which is desirable.
- Should be relatively easy to achieve, as only one new Order relating to one party only.



6.4.4) Option 4: Two SHAs CMAL extends

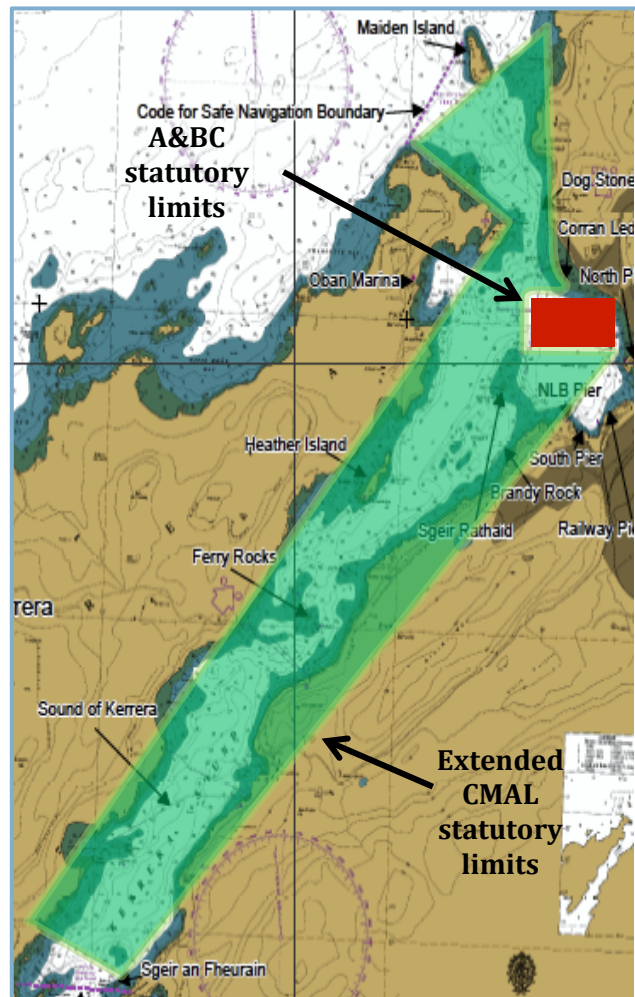
Option 4 comprises extending the current harbour limits of CMAL to cover the remainder of the bay area, while A&BC maintains its current statutory powers and limits. Thus, CMAL becomes the SHA for the majority of the bay area, apart from that which is controlled by A&BC.

The condition precedent noted in 6.4.2 would also apply here, in that CMAL would be the direct *marine operator* of the extended SHA, and this would not be covered by the Operating Agreement.

CMAL as the main SHA will be responsible for managing the traffic in and out of the bay as a whole, while A&BC will maintain responsibility for vessel movements within their statutory limits only. CalMac would continue as ferry terminal operator.

Key considerations:

- Does not create one single SHA, which is desirable.
- Should be relatively easy to achieve, as only one new Order relating to one party only.



6.4.5) Option 5: Single SHA trust port

Option 5 involves the creation of a trust port as a new single SHA. Trust ports specifically serve regional and local interests, representing a broad cross section of undertakings. Trust ports are independent statutory bodies, each governed by its own, unique statutes. There are no shareholders or owners. Any surplus is reinvested in the port for the benefit of the stakeholders of the trust port. Trust ports are governed by a fit for purpose Board, appointed according to best practice.

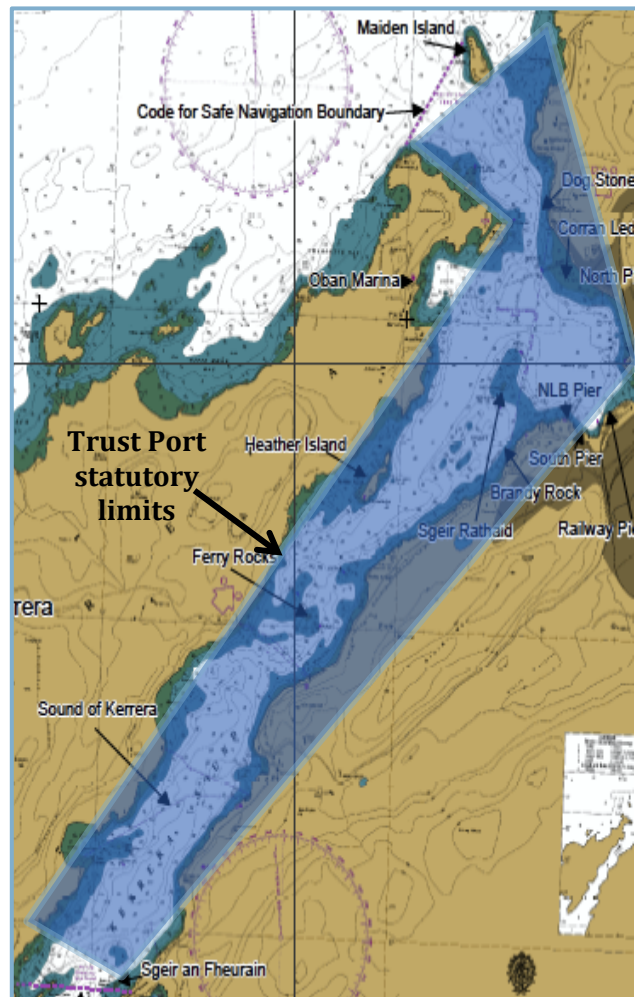
The trust port would take over responsibility for all marine aspects of Oban Bay Harbour, and operate as any normal Statutory Harbour Authority.

Its harbour limits would cover the whole bay and also subsume those areas currently controlled by CMAL and A&BC. CMAL and A&BC would rescind their harbour limits and statutory powers.

CMAL and A&BC (and NLB) would continue to own their quayside infrastructure, but would have no SHA powers. They would become similar in character to “terminal operators” operating under the marine regulatory framework set by the overall new SHA.

Key considerations:

- The creation of a new body will require significant resource and may result in additional costs on harbour users, although potential for pooling resources.
- Impact on CMAL and A&BC in terms of losing statutory powers, and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure.
- Strategic interests of CMAL, the Council and other parties may mean that this is difficult to deliver in practice.



6.4.6) Option 6: Multi SHAs trust port

Option 6 also involves the creation of a trust port as a new SHA for the bay, but not the creation of a single SHA.

The new 'primary' SHA would be created with statutory powers for the harbour limits for the whole of Oban Bay Harbour, except for the waters within the statutory limits of A&BC and CMAL.

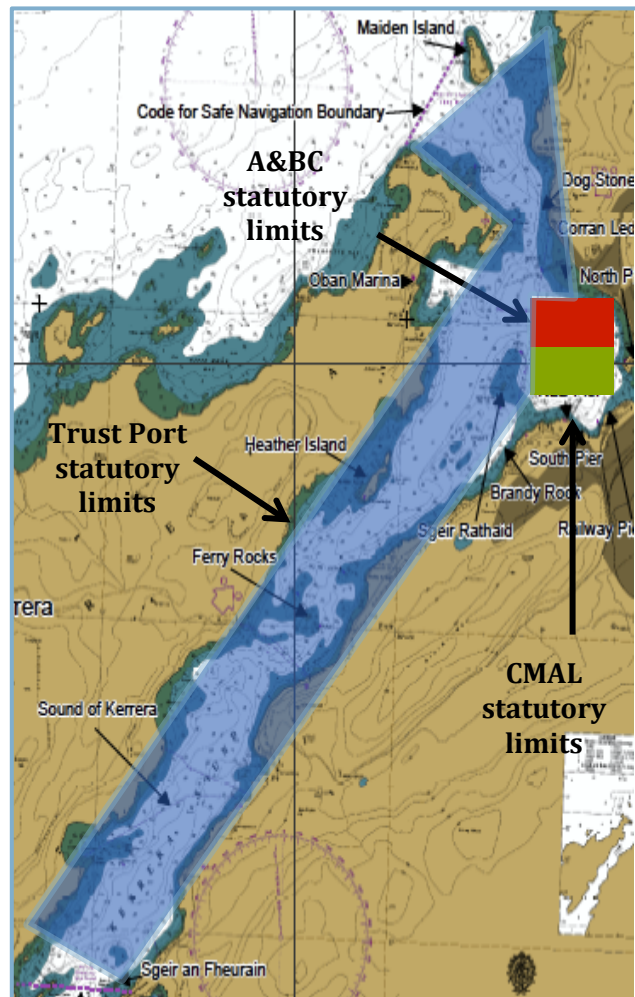
CMAL and A&BC would maintain their current statutory powers and SHA areas, nested within the trust port SHA.

The trust port would be responsible for guiding the strategic direction of the harbour as a whole. The three SHAs would cooperate on delivering a variety of marine safety, port security, and environmental obligations.

NLB would continue as is.

Key considerations:

- The creation of a new body will require significant resource and may result in additional costs on harbour users.
- There needs to be clear coordination of roles and responsibilities between the three SHAs.



6.4.7) Option 7: Single SHA hybrid port

This option involves creating a single SHA to take over responsibility for all marine aspects of the wider Oban Bay Harbour, and subsume those areas currently controlled by CMAL and A&BC, both of which would rescind their harbour limits and statutory powers.

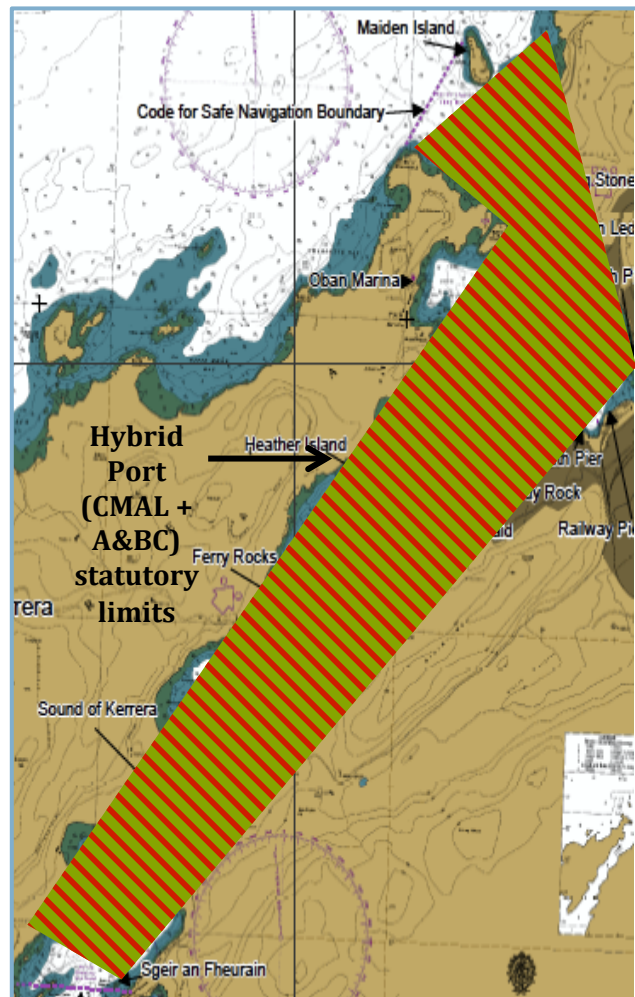
This option is thus very similar overall to Option 5. Instead of a conventional trust port, however, this would be a hybrid governance model.

This hybrid has some of the characteristics of a trust port, but differs in that it would have de facto shareholders that bear the risk of the enterprise, and hence control the Board (this is the Chichester / Langstone model).

The Board would comprise the two existing SHAs (the Council and CMAL), with the possibility of additional members. The representation by each party would be for negotiation.

Key considerations:

- The creation of a new body will require significant resource and may result in additional costs on harbour users, although potential for pooling resources.
- Impact on CMAL and A&BC in terms of losing statutory powers, and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure.
- Addresses the strategic interests of CMAL and A&BC, but governance arrangements will be critical to avoid stalemate on Board decisions.



6.4.8) Option 8: Single SHA Company Limited by Guarantee (CLG) – ‘Tobermory’ Model

This option involves creating a single SHA to take over responsibility for all marine aspects of the wider Oban Bay Harbour, and subsume those areas currently controlled by CMAL and A&BC, both of which would rescind their harbour limits and statutory powers.

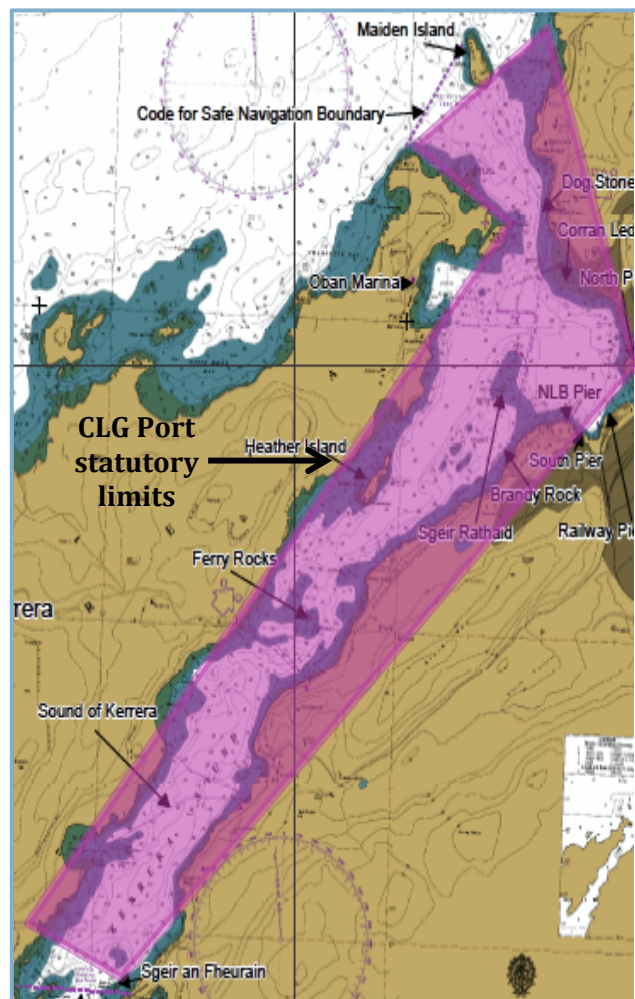
This option is thus very similar overall to Options 5 and 7. Instead of a trust port/hybrid port, however, this option involves creating an entity similar to the Tobermory Harbour Association (THA), a Company Limited by Guarantee (CLG), which has a Board representing all stakeholders.

The new Harbour Association would have some of the characteristics of a trust port, particularly with regard to the structure and governance of the Board.

The new entity would prepare a Harbour Empowerment Order (HEO) to establish an SHA for the bay area.

Key considerations:

- The creation of a new body will require significant resource and may result in additional costs on harbour users, although potential for pooling resources.
- Impact on CMAL and A&BC in terms of losing statutory powers, and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure.
- Addresses the strategic interests of CMAL and A&BC, but governance arrangements will be critical ensure this.



6.4.9) Summary of benefits and risks

Option	Benefits	Risks
1. Single SHA: Municipal Port	<ul style="list-style-type: none"> Single SHA will optimise safety/increase efficiency and provide strategic direction. A&BC can bear some of the costs internally. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. CMAL loses its statutory powers without compensation.
2. Single SHA: State Port	<ul style="list-style-type: none"> Single SHA will optimise safety/increase efficiency and provide strategic direction. CMAL can bear some of the costs internally. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. A&BC loses its statutory powers without compensation.
3. Two SHAs: A&BC extends limits	<ul style="list-style-type: none"> Relatively easy to achieve – one Order (HRO/HEO) relating to one party only. Delivers an SHA for the wider bay to improve/enforce safety. A&BC/CMAL maintain statutory powers. A&BC can bear some of the costs internally. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Does not create single SHA. Clear coordination and definition of roles and responsibilities between SHAs needed.
4. Two SHAs: CMAL extends limits	<ul style="list-style-type: none"> Relatively easy to achieve – one Order (HRO/HEO) relating to one party only. Delivers an SHA for the wider bay to improve/enforce safety. A&BC/CMAL maintain statutory powers. CMAL can bear some of the costs internally. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Does not create single SHA. Clear coordination and definition of roles and responsibilities between SHAs needed.
5. Single SHA: Trust Port	<ul style="list-style-type: none"> Benefits of trust port model – serves regional and local interests. Single SHA will optimise safety/increase efficiency and provide strategic direction. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Creation of new body will be costly. CMAL and A&BC lose their statutory powers without compensation. Structure might impact on ability to source funds (CMAL/A&BC).
6. Multi SHAs: Trust Port	<ul style="list-style-type: none"> Benefits of trust port model – serves regional and local interests. Delivers an SHA for the wider bay to improve/enforce safety. A&BC/CMAL maintain statutory powers. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Creation of new body will be costly. Does not create single SHA. Clear coordination and definition of roles and responsibilities between SHAs needed.
7. Single SHA: Hybrid Port	<ul style="list-style-type: none"> Addresses strategic interests of CMAL and A&BC. Current SHAs represented on Board. Single SHA will optimise safety/increase efficiency and provide strategic direction. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Creation of new body will be costly. Governance arrangements will be critical to avoid stalemate on Board decisions. Structure might impact on ability to source funds (CMAL/A&BC).
8. Single SHA: CLG Port	<ul style="list-style-type: none"> Addresses strategic interests of CMAL and A&BC. Current SHAs represented on Board. Single SHA will optimise safety/increase efficiency and provide strategic direction. Characteristics of trust port – serves regional and local interests. 	<ul style="list-style-type: none"> May not be acceptable to all stakeholders. Creation of new body will be costly. Governance arrangements will be critical to safeguard strategic interests. Structure might impact on ability to source funds (CMAL/A&BC).

6.4.10) Assessment of options against objectives and parameters

A qualitative assessment of each option's likelihood of meeting the objectives and parameters established in Chapter 4 has been undertaken, using the following scale:

✓✓ strong positive impact XX strong adverse impact - neutral
 ✓ positive impact X adverse impact

	1. Single SHA: Municipal Port	2. Single SHA: State Port	3. Two SHAs: A&BC extends	4. Two SHAs: CMAL extends	5. Single SHA: Trust Port	6. Multi SHAs: Additional Trust Port	7. Single SHA: Hybrid Port	8. Single SHA: CLG Port
Objectives								
To manage marine safety risk ALARP	✓✓	✓✓	✓	✓	✓✓	✓	✓✓	✓✓
To better inform/educate mariners	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓
To safely/efficiently accommodate future aspirations	✓✓	✓✓	✓	✓	✓✓	✓	✓✓	✓✓
To develop coordinated approach to management	✓✓	✓✓	✓	✓	✓✓	✓	✓✓	✓✓
Parameters								
A&BC and/or CMAL lose statutory powers without compensation	XX	XX	✓	✓	XX	✓	X	X
Buy-in and participation of wider stakeholders	✓✓	XX	✓	-	X	✓	✓✓	✓✓
Minimising financial impact on port users/Affordability/VFM	✓	✓✓	-	✓	X	XX	✓	X
CalMac Ferries to meet obligations	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓
Deliverability	XX	XX	✓	✓✓	XX	XX	X	X

6.4.10) Assessment of options against objectives and parameters (cont.)

To manage marine safety risk ALARP

A structure involving a single SHA is potentially more effective in terms of managing marine safety than a structure with two or more SHAs.

To better inform/educate mariners

All of the options will have a positive impact in terms of informing and educating mariners, compared with the status quo: this is because all options provide either a single or overarching SHA that covers the whole of Oban Bay Harbour.

To safely/efficiently accommodate future aspirations/to develop coordinated approach to management

As with marine safety, it is considered that a single SHA will be better placed to optimise these objectives.

A&BC/CMAL lose statutory powers without compensation

Options 1, 2 and 5 result in one or both of these losing their statutory powers without the compensation of a place on the Board of the new single SHA, which is offered by Options 7 and 8. Their existing statutory powers are not affected by Options 3, 4 or 6, although they would become nested within an overall SHA.

Buy-in and stakeholder participation

Many stakeholders would like to see an independent authority that represents stakeholders and harbour users.

Options 1, 7 and 8 would probably have the most buy-in, because they offer the prospect of a direct (via the Board) or indirect (via the Council) democratic link.

The trust port options (5 and 6) have a stakeholder agenda, BUT can be perceived as removing the democratic link, and therefore Option 5 is classed as having an adverse impact, whereas Option 6 is classed as having a positive impact (because A&BC remains the SHA for its area). Likewise, this democratic link with A&BC as the *primary* SHA is also maintained in Option 3. Relative to these, Option 4 may be seen as neutral.

Option 2 however loses the democratic link completely, and thus might be least preferred by wider stakeholders.

6.4.10) Assessment of options against objectives and parameters (cont.)

Minimising financial impact on port users/affordability/value for money

All options will generate additional cost. Setting up a new body (Options 5, 6, 7 and 8) will be the most costly. The new Trust Port and CLG bodies for Options 5, 6 and 8 would be independent legal bodies that would need to recover costs on a user pays basis. In the case of Option 7, A&BC and CMAL will be able to subsidise costs (if they wish) via the hybrid structure, using their network-wide revenues.

In the case of Options 5, 7 and 8, there is the potential for pooling of existing resources deployed by A&BC, NLB and CalMac. This would improve affordability. A trust port in addition to the status quo (Option 6) will be least affordable. Pooling of resources is also possible for Options 1 and 2.

In the case of Options 1 and 2, A&BC and CMAL can shoulder some of the costs via their respective network revenues. CMAL has a stronger resource base than A&BC, and therefore Option 2 may be more attractive than Option 1 in terms of minimising impact on port users.

Options 3 and 4 neither create a new body, nor do they offer savings from pooling costs. Option 4 is probably more affordable than 3 due to CMAL's stronger resource base.

CalMac Ferries to meet obligations

Under all options the importance of CalMac ferry services remains a priority. Should any navigational safety measures be implemented that might impact on the ability to meet timetable specifications, discussions would be held with Transport Scotland.

Deliverability

It is difficult to see how options resulting in the loss of SHA powers without compensation to CMAL and/or A&BC can be delivered. It is also difficult to see how an option that results in a new independent organisation being set up, in addition to the status quo, can be funded. Options 1, 2, 5 and 6, therefore show "red flags".

Option 4 looks most deliverable, with Option 3 perhaps less so due to concerns over A&BC's lower resource base, although (similar to CMAL) it has recourse to network wide revenues.

Options 7 and 8 look possible but difficult to deliver, because they both involve the rescinding of existing SHA powers, and the creation of a brand new SHA. They are thus rated the same, although Option 7 is preferred due to the prospect of easier funding, and because both CMAL and A&BC will have a direct statutory role in the governance of the hybrid SHA.

7.0) Stakeholder participation, views and outcomes

A wide range of stakeholders have been involved throughout Phase 1 of this study, attending early workshops and separate meetings to discuss the study aims, determine the key issues with regard to marine safety and navigation, and later to consider the findings of the Draft Final Report.

Key points arising from early stakeholder engagement included the following:

- Stakeholders want to be involved in the development of the Harbour Management Plan.
- A key issue with regard to marine safety occurs when non-local vessels are visiting Oban Bay Harbour.
- The Code for Safe Navigation is not always followed and it is not published outside of Oban.
- There is no control or overall responsibility for marine activity in Oban Bay Harbour, which in turn impacts on the efficiency and safety of the harbour.
- The end goal is to improve marine safety – there are things that can be done in the short term.
- In the longer term, many stakeholders consider that there needs to be some form of authority managing the whole bay, although CalMac takes the view that a single and wider SHA is not required, and that the presence of such an SHA could have a negative impact on the level of flexibility that CalMac currently has with regard to operating its ferries in Oban.

Subsequently, stakeholders were consulted at the Draft Final Report stage, by circulating the report to them with a proforma questionnaire, and via a closing Phase 1 Stakeholder meeting. The results of these exercises are appended to this Final Report, and the outcome has been used to inform the conclusions.

7.1) Short term measures

Implementation of short term measures could deliver a significant increase in safety. However, a fundamental problem with many of the short term measures is that they rely on consent and voluntary agreement. The ideal situation would be to back these up by having a single Harbour Authority for the whole bay in the longer term.

As any long term option will inevitably take some time to implement, it is considered beneficial to implement short term measures with a view to preparing the ground for longer term solutions.

Drawing upon the stakeholder engagement and Navigational Risk Assessment outcomes, a long list of short term measures was defined. A prioritisation exercise defined the following as priority for implementation. Those indicated in **bold** were further prioritised by stakeholders in the closing Phase 1 consultation.

<i>Prioritised short term measures</i>
STM 1 Education & engagement
STM 2 Guidance for small craft
STM 3 Guidance for helicopters
STM 4 Update Code
STM 5 Email point of contact
STM 6 Dedicated VHF Channel
STM 7 Website
STM 9 Harbour staff training
STM 12 Contingency exercises
STM 15 Navigation aids review
STM 18 Signage
STM 19 LPS
STM 22 Anchorage review
STM 25 Small craft channel
STM 28 Monitoring speeds

7.2) Long term options

Eight long term options have been identified and considered in the analysis, and appraised against the objectives and parameters defined in Chapter 4.

The analysis indicates that there is a trade off between:

- stakeholder buy-in/acceptance (including CMAL and A&BC), and affordability/impact on cost to port users, and
- options that deliver optimal solutions conceptually speaking.

Thus the “best” options are the most difficult to deliver.

If it is possible to pool resources and find a solution to a sustainable funding mix for Option 7, *and* for both CMAL and A&BC to be content with losing their individual statutory powers in return for their compensating role in governance of the hybrid structure, then Option 7 is worthy of strong consideration. It was clear from the closing Phase 1 consultation that stakeholders were mainly in favour of a single Statutory Harbour Authority with a collective governance base, such as this.

Otherwise the most doable options are for CMAL to extend its existing limits (Option 4), or for A&BC to do the same (Option 3) if it can fund such an extended operation.

An important condition precedent for Option 4 is that there would be a change in the Operating Agreement between CMAL and CalMac, such that CalMac would continue as the *ferry terminal operator*, but CMAL would be the direct *marine operator* of the extended SHA, and this would not be covered by the Operating Agreement.

Tactically speaking, the consensus expressed at the final stakeholder meeting was that the short term measures be implemented, whilst the best long term option emerges in parallel with this.

APPENDIX A: SUMMARY OF CONSULTATION ON DRAFT FINAL REPORT

1.1) Introduction

Development of a Harbour Management Plan was split into two phases:

- Phase 1: Identification and appraisal of short term measures and longer term options (the subject of this Consultation Summary).
- Phase 2: Finalisation of the Management Plan and implementation of measures.

There has been engagement with stakeholders throughout Phase 1.

- Initially a short questionnaire was circulated to stakeholders asking views on problems, constraints and opportunities.
- An open evening workshop to explore views and opinions in more detail, as well as one-to-one meetings with stakeholders that requested it.
- The consultation was further extended during a parallel navigation risk assessment exercise, which was commissioned after commencement of Phase 1, involving two further stakeholder meetings.
- The Draft Final Report was circulated to stakeholders for comment with a follow-up stakeholder meeting to talk through the report findings and hear stakeholder views.

1.2) Structure of this Report

This Consultation Summary focuses on the latter consultation activities concerning the Draft Final Report and stakeholders' views and comments with regard to the findings thereof. It explains the following aspects:

- Stakeholders to whom the Draft Final Report was circulated.
- Summary of completed questionnaires and comments received from stakeholders.

2.1) Stakeholders

A long list of stakeholders was provided by the Oban Harbour Development Group (OHDG) at the start of Phase 1.

The Draft Final Report was circulated to all OHDG members and people who had attended meetings, as well as all stakeholders on the list:

Stakeholders
Bid4Oban
Caley Fisheries
CalMac
Clyde Cruising Club
Coastal Connections LLP
Hebridean Princess
Isaac Fishing Company
John McAlister (Oban) Ltd
Loch Lomond Seaplanes
The Majestic Line
North West Marine
Oban Bay Community Berthing
Oban Bay Harbour Management
Oban Bay Marine
Oban Marina
Oban Sailing Club
Oban Port Users
Oban Sea Kayak
RNLI
RYA
Scottish Seafarms
Spirit of Fairbridge
West Highland Anchorages & Moorings

2.2) Proforma questionnaire

Stakeholders were asked to review the Draft Final Report and provide their comments through completing a proforma questionnaire. The proforma covered the following questions:

- Do you agree that the *problems, constraints and opportunities* have been properly captured?
- Do you agree with the *vision and objectives* for the Harbour Management Plan?
- Please indicate what the top ten *short term measures* would be in your view?
- Are there any *additional short term measures* that have not been identified?
- Is a Statutory Harbour Authority for the whole bay area necessary?
- Please rank the long term options.

3) Stakeholder responses

Six completed proformas were returned from the following stakeholders:

- Oban Lifeboat Station (RNLI).
- Coastal Connection LLP.
- Oban Bay Marine.
- West Highland Anchorages & Moorings.
- Oban Bay Community Berthing / RHYC (Roger Parry, personal views).
- Isaac Fishing Company.

General comments were received from:

- Sea Kayak Oban.
- CalMac.

3.1) Summary comments received

The feedback received could be summed up as “positive but cautious support”.

All stakeholders support to the principles of improving marine safety, and implementation of short term measures to achieve this. Caution applies in the sense that stakeholders do not yet know exactly how they would be affected by these measures.

For longer term options, most stakeholders support the idea that there should be a single Statutory Harbour Authority for the bay, but some have reservations that this is necessary.

The consensus expressed at the final stakeholder meeting was that the short term measures be implemented, whilst the best long term option emerges in parallel with this.

More detail is provided in the following sections.

3.2) Proforma responses

For questions 1 and 2, all respondents were in agreement:

Question	Yes	No
1. Do you agree that the problems, constraints and opportunities have been properly captured?	6	0
2. Do you agree with the vision and objectives for the Harbour Management Plan?	6	0

With regard to short term measures (STMs) stakeholders were asked to indicate their ‘top ten’.

STM 6 (Dedicated VHF Channel) and STM 4 (Update Code) were the most desirable among those stakeholders who responded. STMs 1 (Education & engagement), 2 (Guidance for small craft) and STM 28 (Monitoring speeds) are highly supported. STMs 7 (Website) and 22 (Anchorage review) also featured.

STM	Number of stakeholders including in top ten
6 Dedicated VHF Channel	6
4 Update Code	5
2 Guidance for small craft	4
28 Monitoring speeds	4
1 Education & engagement	4
7 Website	3
22 Anchorage review	3

3.2) Proforma responses (continued)

The detailed response is shown below (STM identifier on the top, position ranked to the left).

Some STMs were not regarded within the top ten priority, namely STM 3 (Guidance for helicopters), STM 8 (MoU oil spill), STM 19 (Local Port Services), STM 23 (Approach angles) and STM 24 (Seaplane landing areas).

Stakeholders considered that all potential STMs had been included in the analysis.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
1	x	x				xx xx																						
2	xx			xx	x										x													
3		x				x	x						x													x		x
4				xx			x			x							x											
5		x		x						x				x				x										
6							x		x											x		xx						
7					x										x								x				x	x
8									x		x																x	x
9	x	x				x						x				x												
10																										x	x	x

3.2) Proforma responses (continued)

Stakeholders were asked if they thought a Statutory Harbour Authority for the whole bay area was necessary. Of the six stakeholders that responded, four felt it was definitely required as soon as possible, while two felt that it would be necessary only after STMs have been tried.

Is a Statutory Harbour Authority for the whole bay area necessary?	Response
No, not necessary	0
Only after short term measures have been tried	2
Definitely required, as soon as possible	4

Stakeholders were then asked to rank the long term options. It was clear that the stakeholders were mainly in favour of a single Statutory Harbour Authority with a collective governance base, such as a trust port, hybrid or CLG structure. One stakeholder considered only three viable options (5, 7 and 8) and did not rank the others.

Option → Rank	1. Single SHA: Municipal Port	2. Single SHA: State Port	3. Two SHAs: A&BC extends	4. Two SHAs: CMAL extends	5. Single SHA: Trust Port	6. Multi SHAs: Additional Trust Port	7. Single SHA: Hybrid Port	8. Single SHA: CLG Port
1					X			XXXX
2					XX		XXX	
3					XXX		XX	X
4	XX	X	X					
5	X					XXX		
6	X		XX			X		
7			X	XXX				
8		XXX		X				