



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Executive Director: Douglas Hendry*

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**3 September 2020**

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held via **SKYPE** on **THURSDAY, 10 SEPTEMBER 2020 at 12:30 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee at 10:30 AM whichever is later, which you are requested to attend.

Douglas Hendry  
Executive Director

**BUSINESS**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

**3. MINUTES** (Pages 3 - 6)

Minutes of the Argyll and Bute Harbour Board held on 5 March 2020.

**4. MARINE INFRASTRUCTURE - DUNOON AND KILCREGGAN** (Pages 7 - 10)

Report by Executive Director with responsibility for Roads and Infrastructure Services and Presentation by Harbour and Engineering Liaison Manager, Caledonian Maritime Assets Limited

**5. PORT MARINE SAFETY CODE** (Pages 11 - 34)

Report by Executive Director with responsibility for Roads and Infrastructure Services

**6. MARINE ASSET MANAGEMENT PLAN** (Pages 35 - 50)

Report by Executive Director with responsibility for Roads and Infrastructure Services

**7. OBAN BAY - SINGLE HARBOUR AUTHORITY** (Pages 51 - 54)

Report by Executive Director with responsibility for Roads and Infrastructure Services

**REPORTS FOR NOTING**

**8. DRAFT HARBOUR BOARD WORKPLAN** (Pages 55 - 56)

## **Argyll and Bute Harbour Board**

Councillor Robin Currie (Chair)  
Councillor Jim Lynch  
Councillor Alastair Redman  
Councillor Richard Trail

Councillor John Armour  
Councillor Ellen Morton (Vice-Chair)  
Councillor Alan Reid  
Councillor Andrew Vennard

Contact: Stuart McLean, Committee Manager – 01436 658717

Adele Price-Williams, Senior Committee Assistant - 01546 604480

**MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 5 MARCH 2020**

**Present:** Councillor Robin Currie (Chair)

Councillor John Armour	Councillor Alan Reid
Councillor Jim Lynch	Councillor Richard Trail
Councillor Alastair Redman	Councillor Andrew Vennard

**Also Present:** Councillor Jim Findlay Councillor Jean Moffat

**Attending:** Kirsty Flanagan, Interim Executive Director – Development and Infrastructure  
Jim Smith, Head of Roads and Infrastructure Services  
Stewart Clark, Marine Operations Manager  
Stuart McLean, Committee Manager

Chair ruled, and the Board agreed, to adjourn the meeting for 30 minutes to allow for a short recess.

**1. APOLOGIES FOR ABSENCE**

Apologies for Absence were intimated on behalf of Councillor Ellen Morton.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. MINUTES**

**(a) Minutes of the Argyll and Bute Harbour Board held on 12 September 2019**

The Minutes of the Argyll and Bute Harbour Board held on Thursday 12 September 2019 were approved as a correct record.

**(b) Minutes of the Special Argyll and Bute Harbour Board held on 5 December 2019**

The Minutes of the Special Argyll and Bute Harbour Board held on Thursday 5 December 2019 were approved as a correct record.

13:41 At this point Councillor Alan Reid joined the meeting

**4. MARINE ASSET MANAGEMENT PLAN**

Consideration was given by the Board to a report which provided an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.

**Decision**

The Argyll and Bute Harbour Board approved the revised version of the 10 year Marine Asset Management Plan contained within the appendix to the submitted report.

(Reference: Report by Interim Executive Director with responsibility for Roads and Infrastructure Services dated February 2020, submitted)

## **5. PORT MARINE SAFETY CODE**

Consideration was given by the Board to a report which provided an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code. In particular the report highlighted the two main findings outstanding from the Designated Person's last audit report to be 'Harbour Regulations / Limits of Jurisdiction' and 'Pilotage in Campbeltown'.

### **Decision**

The Argyll and Bute Harbour Board;

1. noted the report;
2. considered the achievement of performance targets in the Marine Safety Plan; and
3. agreed to instruct Officers to promote the correct usage of the traffic lights in Rothesay Harbour by circulating information to clubs, also making them aware of the actions that can be taken in the event of failing to comply with the regulations.

(Reference: Report by Interim Executive Director with responsibility for Roads and Infrastructure Services dated February 2020, submitted)

## **6. PIERS AND HARBOURS FEES AND CHARGES 2020/21**

A report which allowed Members to consider the increase in fees and charges for the year 2020 to 2021 was before the Board for noting.

### **Decision**

The Argyll and Bute Harbour Board noted the increase in all fees and charges, over and above any inflationary increase, by 5% to generate sufficient income to develop the Council's marine infrastructure.

(Reference: Report by Interim Executive Director with responsibility for Roads and Infrastructure Services dated February 2020, submitted)

## **7. OBAN BAY - SINGLE HARBOUR AUTHORITY**

A report on the progress of work being carried out by the Oban Bay Management Group in consideration of forming a Single Harbour Authority and the Oban Community Harbour Development Association's progress on the development of a Trust Port, was before the Board for noting.

### **Decision**

The Argyll and Bute Harbour Board noted the report.

(Reference: Report by Interim Executive Director with responsibility for Roads and Infrastructure dated February 2020, submitted)

## **8. DRAFT HARBOUR BOARD WORKPLAN**

The Argyll and Bute Harbour Board Workplan as of March 2020 was before the Board for information.

### **Decision**

The Argyll and Bute Harbour Board noted the content of the Draft Argyll and Bute Harbour Board Workplan.

(Reference: Draft Argyll and Bute Harbour Board Workplan dated March 2020, submitted)

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****10 SEPTEMBER 2020**

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**MARINE INFRASTRUCTURE - DUNOON AND KILCREGGAN**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with a further update on future plans for the Dunoon to Gourock ferry service and potential effects on the Council's marine infrastructure at both Dunoon and Kilcreggan.
- 1.2 The Scottish Government has stated that it is committed to delivering a passenger-only ferry service between Gourock and Dunoon with improved reliability and resilience.
- 1.3 Two new vessels will be required to service the Gourock to Dunoon route and a third vessel for the Gourock to Kilcreggan route. The project team will consider whole life costing when assessing options for these future vessels. Resilience, standardised specification and network flexibility will be key factors in the design process.
- 1.4 The type of berthing structure for Dunoon is currently subject to design workshops to ensure that the new vessel design will not be constrained by existing shore-side infrastructure. The berthing arrangement may take the form of a link-span, similar to existing, or alternatively, a separate pontoon with ramps and steps. Note: These are broad options at this stage which require wind and weather modelling prior to initiating outline design work.
- 1.5 Council plans, to re-develop Dunoon and possibly Kilcreggan, must remain on hold until TS and CMAL can advise of their plans for the new ferry vessel and berthing infrastructure. In the meantime, Council officers will continue to liaise with TS, CMAL and Calmac.
- 1.6 It is recommended that Members consider this report.

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**ARGYLL AND BUTE COUNCIL**

**HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**10 SEPTEMBER 2020**

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**MARINE INFRASTRUCTURE - DUNOON AND KILCREGGAN**

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**2.0 INTRODUCTION**

- 2.1 This report provides Members with a further update on future plans for the Dunoon to Gourock ferry service and potential effects on the Council's marine infrastructure at both Dunoon and Kilcreggan.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Members consider this report.

**4.0 BACKGROUND**

- 4.1 The Scottish Government has stated that it is committed to delivering a passenger-only ferry service between Gourock and Dunoon with improved reliability and resilience.
- 4.2 The Gourock Harbour Infrastructure & Vessels Project (GHIVP) group, which is tasked with delivering the project, is led by Transport Scotland (TS) and formed of representatives from CMAL, Calmac, Argyll and Bute Council and Inverclyde Council. The project aims to achieve: delivery of new vessels along with harbour infrastructure upgrades at Gourock and, where appropriate, Dunoon and Kilcreggan.
- 4.3 Whilst the group will consider upgrades at both Dunoon and Kilcreggan to suit berthing requirements, the Council as asset owner, will be responsible for all related decisions and delivery of any proposed schemes.

**5.0 DETAIL**

- 5.1 TS has stated that delivery of new vessels will be dependent upon the type of design, including size and classification. Delivery, for the size of vessel anticipated on the route, would typically be estimated at up to 36 months from award of Contract.
- 5.2 Two new vessels will be required to service the Gourock to Dunoon route and a third vessel for the Gourock to Kilcreggan route. The project team will consider whole life costing when assessing options for these future vessels. Resilience, standardised specification and network flexibility will be key factors in the design process.

- 5.3 The type of berthing structure for Dunoon is currently subject to design workshops to ensure that the new vessel design will not be constrained by existing shore-side infrastructure. The berthing arrangement may take the form of a link-span, similar to existing, or alternatively, a separate pontoon with ramps and steps. Note: These are broad options at this stage which require wind and weather modelling prior to initiating outline design work.
- 5.4 Council plans, to re-develop Dunoon and possibly Kilcreggan, must remain on hold until TS and CMAL can advise of their plans for the new ferry vessel and berthing infrastructure. In the meantime, Council officers will continue to liaise with TS, CMAL and Calmac.

## 6.0 CONCLUSION

- 6.1 Transport Scotland is committed to working with all partners to ensure that the new vessels and associated infrastructure for the provision of a new passenger ferry service between Dunoon, Gourock and Kilcreggan is provided. Council officers will continue to liaise with the Gourock Harbour Infrastructure & Vessels Project (GHIVP) group.

## 7.0 IMPLICATIONS

- |              |   |   |
|--------------|---|---|
| <b>7.1</b>   | <b>Policy</b>                                 | None directly arising from this report  |
| <b>7.2</b>   | <b>Financial</b>                              | The Council's decision to increase in piers and harbours' fees & charges ensures that future income is sufficient to maintain and develop the Council's marine assets for future years – including Dunoon and Kilcreggan. |
| <b>7.3</b>   | <b>Legal</b>                                  | None directly arising from this report  |
| <b>7.4</b>   | <b>HR</b>                                     | None  |
| <b>7.5</b>   | <b>Fairer Scotland Duty</b>                   |   |
| <b>7.5.1</b> | <b>Equalities – protected characteristics</b> | None directly arising from this report  |
| <b>7.5.2</b> | <b>Socio-economic Duty</b>                    | None directly arising from this report  |
| <b>7.5.3</b> | <b>Islands</b>                                | See risk below  |
| <b>7.6</b>   | <b>Risk</b>                                   | Completed works will reduce requirement to repair and maintain existing infrastructure  |
| <b>7.7</b>   | <b>Customer Services</b>                      | Overall improvement in travel experience and quality of journeys.   |

**Executive Director with responsibility for Roads and Infrastructure:**

Kirsty Flanagan

**Policy Lead:** Cllr Robin Currie

August 2020

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Amenity Services Tel: 01546 604324

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****10 SEPTEMBER 2020**

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**PORT MARINE SAFETY CODE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code (PMSC).
- 1.2 The contract to provide Designated Person services is being renewed and tender returns are currently being reviewed with colleagues in Procurement. The existing contract with Marico Marine will be terminated on 31 August this year.
- 1.3 A copy of the Designated Person's latest audit report (July 2020) is attached in Appendix A to this report.
- 1.4 The approved Marine Safety Plan (MSP) document is available on the Council web site; this ensures all users can review the document. The published Safety Plan shows how the standards in the Code are being measured. Appendix B lists all activity targets and how well these have been achieved. To summarise, the situation is as follows:-
- There have been no navigational incidents.
  - Hydrographic surveys continue at all major ports on a rolling calendar basis.
  - PMSC audits by the DP continue on an annual basis – see attached.
  - There has been no major incident due to pilotage error.
  - Consultation with users at User Groups – Face-to-face meetings, of late, have not taken place due to Covid-19 restrictions, but it is hoped that meetings (making use of modern technology) can be recommenced in the near future.
  - Training of marine personnel continues and is recorded in a training matrix – a group has been set up to review harbourmaster training. Further work on this aspect is to be carried out.
- 1.5 Members are asked to:-

Consider this report, including the achievement of performance targets in the Marine Safety Plan.

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ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

ROADS AND INFRASTRUCTURE  
SERVICES

10 SEPTEMBER 2020

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## PORT MARINE SAFETY CODE

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### 2.0 INTRODUCTION

- 2.1 This report provides an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code (PMSC).
- 2.2 A copy of the Designated Person's latest audit report (July 2020) is attached in Appendix A to this report.

### 3.0 RECOMMENDATIONS

- 3.1 Members are asked to:-

Consider this report, including the status of performance targets in the Marine Safety Plan.

### 4.0 BACKGROUND

- 4.1 In order to comply with the Port Marine Safety Code, the Council must develop and operate an effective marine 'Safety Management System' (SMS). Each harbour authority must appoint a DP to provide independent assurance directly to the "Duty Holder" that the Marine SMS is working effectively; their main responsibility is to determine, through assessment and audit, the effectiveness of the Marine SMS in overall compliance with the Code.
- 4.2 The contract to provide DP services is being renewed and tender returns are currently being reviewed with colleagues in Procurement. The existing contract with Marico Marine will be terminated on 31 August this year.
- 4.3 The Council's 'Safety Management System' document has just recently been updated – in May 2020. It is a live document and a copy can be found here:-  
  
<https://www.argyll-bute.gov.uk/marine-safety-management-system>
- 4.4 The Marine Safety Management System must incorporate a regular and systematic review of its performance. To demonstrate the Council's commitment to marine safety, a Marine Safety Plan was produced and approved by the Harbour Board in 2017. The Plan, along with details of targets, is attached to Appendix B in this report.

## 5.0 PORT MARINE SAFETY CODE AUDIT FINDINGS

5.1 Notable issues raised in the Designated Person's report and their current status are as follows:-

- DP Report (Section 1) - Designated Person Contract / further audits and review of Navigational Risk Assessments -
  - Tenders have been returned and a new contract is due to be awarded.
  - Post contract award, the DP will be invited to carry out an in-depth audit and review of all marine documentation.
  - Through the Northern Roads Collaboration, Angus Council (Arbroath Harbour) will share DP services under the same contract. There are no cost implications to the Council by sharing DP services, but likely to be a benefit in terms of knowledge by working more closely with another authority.
- DP Report (Section 2) - Byelaws and Local Legislation
  - As previously reported, Legal Services is working on a draft Consolidation Order. They have just recently entered into discussions with the Council's solicitors 'Brodies' with a view to completing a draft order in the near future.
- DP Report (Section 3) – Harbour Board Meetings and PMSC Compliance
  - At the last Harbour Board Meeting, Members agreed '*to instruct Officers to promote the correct usage of the traffic lights in Rothesay Harbour by circulating information to clubs, also making them aware of the actions that can be taken in the event of failing to comply with the regulations.*' A letter was issued by the Rothesay harbourmaster on 23 July 2020 to all local marinas to remind mariners of the restrictions at Rothesay and to advise that anyone in contravention of the rules would be denied future access to the harbour.
- DP Report (Section 4) – Consultation and Communication
  - User Group meetings, have of late, been curtailed due to Covid-19 restrictions. Whilst restrictions over face-to-face meetings remain in place, efforts will be made to re-introduce meetings with users using modern technology.
- DP Report (Section 7) – Emergency Preparedness
  - Emergency Plans are in place for our main ports; these documents will now be rolled-out to cover marine facilities of lesser importance.
- DP Report (Section 10) – Pilotage

- The DP has highlighted concerns over the lack of control that the Council, as harbour authority, has over the Admiralty pilots currently operating within Campbeltown Harbour waters at the MOD facility. Discussions between the QHM and Marine Operations Manager are continuing with a view to revising the current Memo of Understanding between the QHM and Council.
- DP Report (Section 13) – Professional Qualifications and Competencies
  - A group is being set up within Marine Services to develop a training strategy for harbourmasters and their assistants.
- DP Report (Section 14) – Accident Reporting and Investigation
  - Steps will be taken to encourage users of Council marine facilities to report dangerous incidents.

## **6.0 PORT MARINE SAFETY PLAN TARGETS**

- 6.1 The approved Marine Safety Plan (MSP) document is available on the Council web site; this ensures all users can review the document.
- 6.2 The published Safety Plan shows how the standards in the Code are being measured. Appendix B lists all activity targets and how well these have been achieved. To summarise, the situation is as follows:-
- There have been no navigational incidents.
  - Hydrographic surveys continue at all major ports on a rolling calendar basis.
  - PMSC audits by the DP continue on an annual basis – see attached in Appendix A.
  - There has been no major incident due to pilotage error.
  - Consultation with users at User Groups – Face-to-face meetings, of late, have not taken place due to Covid-19 restrictions, but it is hoped that these meetings can be recommenced in the near future.
  - Training of marine personnel continues and is recorded in a training matrix – a group has been set up to review harbourmaster training. Further work on this aspect is to be carried out.
- 6.3 The current version of the Marine Safety Plan is due for renewal. This task will be carried under the supervision of the Designated Person once the new contract is in place.

## **7.0 CONCLUSION**

- 7.1 The Council's Designated Person's latest report makes the following statement:-

*'While the council wrote to the MCA in March 2018 to confirm that, overall, compliance with the PMSC could not be confirmed, considerable progress has been made since that date, and it is anticipated that compliance is likely to be achieved,*

*at least for the larger ports, before the next compliance confirmation is required by the MCA in March 2021...*

This report provides Members with an update on a number of key issues previously identified by the DP.

## 8.0 IMPLICATIONS

8.1	Policy	None directly arising from this report
8.2	Financial	The appointment of Marico Marine as Designated Person has been met through operational budgets.
8.3	Legal	Any failure to implement the PMSC could have legal consequences in the event that there should be a marine incident.
8.4	HR	None
8.5	Fairer Scotland Duty	
8.5.1	Equalities – protected characteristics	None directly arising from this report
8.5.2	Socio-economic Duty	None directly arising from this report
8.5.3	Islands	See risk below
8.6	Risk	The Council is undertaking to carry out actions to minimise risk to Council as a result of the operation of our Ports and Harbours
8.7	Customer Services	Having a completed Safety Management System in place will assist port customers with the use of our Ports and Harbours and Council staff with their safe operation.

**APPENDIX A** - Designated Person Audit Report – Jul 2020

**APPENDIX B** - Marine Safety Plan Targets

**Executive Director with responsibility for Roads and Infrastructure Services:**

Kirsty Flanagan

**Policy Lead:** Cllr Robin Currie

July 2020

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

**APPENDIX A**

**DESIGNATED PERSON AUDIT REPORT – JUL' 2020**



**ARGYLL AND BUTE COUNCIL**

**DESIGNATED PERSON REPORT TO THE ARGYLL AND  
BUTE HARBOURS BOARD - JULY 2020**



Report Number: 14UK1046-July 2020

Issue: 01

Date: 17 July 2020



## MARINE AND RISK CONSULTANTS LTD

## ARGYLL AND BUTE COUNCIL

# DESIGNATED PERSON REPORT TO THE ARGYLL AND BUTE HARBOURS BOARD - JULY 2020

Prepared for: Argyll and Bute Council  
Kilmory,  
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Checked By: Shirley Barnet

Date	Release	Prepared	Authorised	Notes
16 July 2020	Draft A	WH	SB	For Client Comment
17 July 2020	Issue 01	WH	SB	Final Issue

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17 July 2020

## EXECUTIVE SUMMARY

In January 2015 Argyll & Bute Council (A&BC) appointed Marine and Risk Consultants Ltd (Marico Marine) to provide an independent Designated Person (DP) service, as required under the Port Marine Safety Code (PMSC), on a three-year contract.

By mutual agreement between A&BC and Marico Marine the 3-year contract has been extended until 31 August 2020 at which point a new contract (which has been put out to commercial tender) will commence.

William Heaps is currently the named Designated Person and has established an effective relationship with A&BC marine operational staff and management team.

This report covers the period between 1 January and 15 July 2020.

Following an introduction, sections 2 to 14 of the report give more detail on the current status of compliance with each aspect of the Port Marine Safety Code, related to the relevant chapters of the accompanying Guide to Good Practice.

The following key observations are noted:

- Due to the uncertainties surrounding contract renewal since late 2018, the annual audit visit due for 2019 was postponed and it is unlikely to be completed before the current contract expires due to travel restrictions;
- During most of the period covered by this report, business has been significantly affected by the response to the global Covid-19 pandemic. However, notwithstanding these challenges, the core marine team has maintained oversight of the main harbours and continued to submit monthly reports which have been reviewed by the DP;
- It was previously recommended that an audit visit takes place as soon as possible. This recommendation remains relevant, and it is suggested that it should be taken forward by the new contract holder as soon as circumstances permit;
- There have been no amendments published to either the PMSC or the accompanying Guide to Good Practice since February 2018;
- The DP is pleased to note that the Board is reviewing PMSC matters and encourages members to continue setting clear policies to guide operational decisions by the Council's officers;
- The marine plan has now been approved by the Harbours Committee and published on the Council website. The Committee is urged to keep progress against this plan under review and to refresh it as targets are achieved and closed off;

- A&BC has a well-developed manual entitled “Argyll and Bute Marine Safety Management System”. The manual has been updated during the period covered by this report, with the version currently published on the website being v.11, dated May 2020;
- it is recommended that attempts continue to be made to formalise the Campbeltown pilotage MOU as soon as possible;
- Development of a Marine Training matrix is still outstanding; and
- The very low traffic levels throughout most of 2020 (winter period followed by Covid restrictions) has helped ensure that few significant marine incidents have been reported.

While the council wrote to the MCA in March 2018 to confirm that, overall, compliance with the PMSC could not be confirmed, considerable progress has been made since that date, and it is anticipated that compliance is likely to be achieved, at least for the larger ports, before the next compliance confirmation is required by the MCA in March 2021. It is therefore essential that an audit is completed in advance of the due date for the compliance letter to confirm compliance or otherwise.

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## **1 INTRODUCTION**

In January 2015 Argyll & Bute Council (A&BC) appointed Marine and Risk Consultants Ltd (Marico Marine) to provide an independent Designated Person (DP) service, as required under the Port Marine Safety Code (PMSC), on a three-year contract.

By mutual agreement between A&BC and Marico Marine the 3-year contract has been extended until 31 August 2020 at which point a new contract (which has been put out to commercial tender) will commence.

William Heaps is currently the named Designated Person and has established an effective relationship with A&BC marine operational staff and management team.

This report covers the period between 1 January and 15 July 2020.

### **1.1 VISITS / AUDITS UNDERTAKEN DURING THE REPORTING PERIOD**

During the reporting period the following activity took place:

- Regular communications with the Marine Operations Manager and Harbour Masters / Marine Team members.

Note, that due to the uncertainties surrounding contract renewal since late 2018, the annual audit visit due for 2019 was postponed and it is unlikely to be completed before the current contract expires due to travel restrictions.

### **1.2 COVID-19**

During most of the period covered by this report, business has been significantly affected by the response to the global Covid-19 pandemic. This has prevented travel by the DP and is the main reason that the planned audit is unlikely to be completed. Furthermore, as the Harbour Board will be very aware, the normal day to day business and commercial activities at all of the A&BC ports and marine facilities has been severely and adversely impacted, with greatly reduced commercial and leisure traffic and the need to reduce manning to save costs.

However, notwithstanding these challenges, the core marine team has maintained oversight of the main harbours and continued to submit monthly reports which have been reviewed by the DP. This report is therefore necessarily limited in scope, but well informed by the continuing communications with the Harbours team.

## **PLAN FOR FURTHER WORK**

It was previously recommended that an audit visit takes place as soon as possible, and the audit should particularly review the following aspects of PMSC compliance:

- Ensuring that the MSMS is fit for purpose, and evidence can be shown that it is being followed;
- Ensuring that the progress made at the larger ports is transferred to the safe management of marine activities at the outlying locations (jetties and slipways); and
- A full review of risk assessments and incident reports at all locations.

These recommendations remain relevant, and it is suggested that they should be taken forward by the new contract holder as soon as circumstances permit.

## **2 THE LEGAL BACKGROUND**

There have been no amendments published to either the PMSC or the accompanying Guide to Good Practice since February 2018.

The MCA has recently filled the vacancy for a Port Liaison Officer (after a long vacancy), and it is expected that the new incumbent will pick up reviews of the Code and GTGP, as well as re-invigorating the process of Health Checks (external audit).

### **2.1 BYELAWS AND GENERAL AND DIRECTIONS**

Previous reports have highlighted the importance of reviewing and updating the local legislation applicable to each marine facility (including byelaws and directions). The previous advice still stands, and the DP is not aware of any progress in this regard, other than the ongoing discussion in Oban regarding the establishment of a new Trust Port.

### **2.2 LIMITS OF JURISDICTION**

The geographical limits of the Council's Statutory Harbour Areas are unclear in a number of locations and it is understood that work to develop a single Harbours Order is now well advanced.

The possible establishment of a new Trust Port in Oban has been considered by the Harbour Authority but requires considerably more work before a Harbour Revision Order is likely to be promoted. Until that time, the Council is operating Oban North Pier within the declared limits of jurisdiction and

continuing to liaise with existing local stakeholders including the Oban Community Harbour Development Association (OCHDA).

### 3 ACCOUNTABILITY OF THE DUTY HOLDER

This section reaffirms the Duty Holder’s responsibilities under the PMSC. As the “Duty Holder”, the Argyll & Bute Harbour Board are individually and collectively accountable for managing the safety of navigation as well as managing operations in A&BC ports and harbours, based on these general principles:

1. *‘The Duty Holder is accountable for managing safe and efficient marine operations’* PMSC Article 1.1;
2. Harbour authorities *‘should make a clear published commitment to comply with the standards laid down in the Code’* PMSC Article 1.1;
3. *‘This Code represents the national standard against which the policies, procedures and performance’* of harbour authorities may be measured PMSC Article 1.1;
4. *‘Executive and operational responsibilities for marine safety must be clearly assigned, and those entrusted with these responsibilities must be appropriately trained, experienced and qualified to undertake their duties and be answerable for their performance’* PMSC Article 1.1; and
5. *‘A ‘designated person’ must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the duty holder.’* PMSC Article 1.1.

The Duty Holder (Harbour Board) formally recognises their accountability for Port Marine Safety and has undertaken additional training in the form of a “Development Day” facilitated by the Designated Person in January 2019.

William Heaps of Marico Marine will fulfil the role of Designated Person until 31 August 2020 (and thereafter subject to re-appointment). Regular reports have continued to be received from all main harbours and during early 2020 the format and content of these was updated with the advice of the DP to make the reports more useful in terms of monitoring PMSC compliance. The DP has continued to provide advice and assistance under the terms of the extended contract.

#### 3.1 HARBOUR BOARD MEETINGS

The DP accesses Harbour Board agendas, supporting papers and minutes from the Council website.

The Harbour Board met on 5 March 2020 and received a written report on PMSC matters and discussed the key issues raised.

The DP is pleased to note that the Board is reviewing PMSC matters and encourages members to continue setting clear policies to guide operational decisions by the Council's officers.

### **3.2 PMSC COMPLIANCE**

While the council wrote to the MCA in March 2018 to confirm that, overall, compliance with the PMSC could not be confirmed, considerable progress has been made since that date, and it is anticipated that compliance is likely to be achieved, at least for the larger ports, before the next compliance confirmation is required by the MCA in March 2021. It is therefore essential that an audit is completed in advance of the due date for the compliance letter to confirm compliance or otherwise.

## **4 CONSULTATION AND COMMUNICATION**

Occasional stakeholder meeting minutes continue to be received by the DP, confirming the observation made during the 2018 audit, and during attendance at Harbour Master meetings, that stakeholder consultation is most effective at the larger ports. It is, however, not surprising that such minutes have not been received during the period covered by this report, as Covid-19 restrictions have effectively precluded all such meetings. Consideration may need to be given to allowing remote participation in stakeholder meetings in the future.

Communication with the DP remains very effective, with all harbours regularly submitting monthly reports.

The marine plan has now been approved by the Harbours Committee and published on the Council website.

The Committee is urged to keep progress against this plan under review and to refresh it as targets are achieved and closed off.

## **5 NAVIGATIONAL RISK ASSESSMENT**

Following recommendation made in 2018/19 all relevant staff have received training in the use of the MarNIS risk assessment and incident recording software supplied to the Council by ABPmer.

This should have greatly improved the quality of both assessments and incident reporting, but the DP has still not had the opportunity to review the current status, but notes that some harbours have used the opportunity presented by “lock-down” to devote time to reviews of risk assessments.

### **6 MARINE SAFETY MANAGEMENT SYSTEMS (MSMS)**

A Marine Safety Management System comprises all the procedures, policies, documents, forms, systems and legislation which together are used to safely manage navigation and the day to day activities within a port, harbour or other marine facility. The term is, however, commonly used to describe the overarching manual describing all these components.

A&BC has a well-developed manual entitled “Argyll and Bute Marine Safety Management System”.

The manual has been updated during the period covered by this report, with the version currently published on the website being v.11, dated May 2020.

The review status of the manual, and evidence that the procedures within are both followed and effective, should be a focus of the next audit.

### **7 EMERGENCY PREPAREDNESS AND RESPONSE**

At the larger ports, emergency plans are generally well developed and tested, though exercise programmes are not generally published.

Preparedness at the smaller locations could not be readily demonstrated (even to the extent that emergency response may be delegated to others, e.g. Police or Coastguard).

### **8 CONSERVANCY**

Conservancy duties are generally well understood and now covered by procedures in the MSMS. Clarity of responsibilities will come with a full review of the extent of legal powers, and geographical extents of the SHA.

### **9 MANAGEMENT OF NAVIGATION**

The regular Harbour Master’s meeting provides a useful forum to ensure consistent application of the Harbour Authority policies across all ports and facilities. However, such meetings have not been

possible recently due to Covid restrictions, but it is noted that the Harbour Masters remain in contact informally.

## **10 PILOTAGE**

Campbeltown is the only A&BC port where pilotage is provided. The status of the current MOU with the MOD regarding Admiralty Pilots operating within the A&BC Competent Harbour Area was discussed in the January 2019 report.

While progress was made during 2019 and further discussion held with the MOD, it is understood that the MOU has still not been renewed, and it is recommended that attempts continue to be made to formalise current arrangements as soon as possible.

## **11 TOWAGE OPERATIONS**

Campbeltown is the only location with regular towage provision. Nothing to report during 2020.

## **12 MARINE SERVICES**

The council provides few traditional marine services, but small vessel licensing was a concern for several harbours. This matter was discussed at the May 2019 Harbour Master's meeting, and the most recent edition of the MSMS Manual fully addresses this subject and the necessary procedures (at Section 13.1.1.5 - Small Craft Regulation).

## **13 PROFESSIONAL QUALIFICATIONS AND COMPETENCIES**

Although harbour staff do have some appropriate qualifications, and are certainly experienced, the Harbour Authority has not given any special regard to required marine qualifications. It was previously recommended that a specific marine training requirement should be developed and approved by the harbour authority (e.g. a job role specific matrix of required skills and ongoing training needs). It is noted that work has commenced on this project with an initial matrix having been prepared for Oban, which will be used as a model for all locations.

## **14 ACCIDENT REPORTING AND INVESTIGATION**

The very low traffic levels throughout most of 2020 (winter period followed by Covid restrictions) has helped ensure that few significant marine incidents have been reported.

Such incidents as do occur are included in the monthly Harbour Master reports, which are received for the larger ports.

It remains important that all incidents at all locations are recorded and followed up. It is still not clear that this is happening across all of the Council's marine locations. (This will be identified through review of the MarNIS system during future audits).

### **14.1 ROTHESAY**

Comprehensive reports are received, including navigational incidents.

2 minor incidents involving same vessel in February (poor seamanship). Followed up with advice.

1 incident of mechanical (engine) failure on a small vessel (May) assistance quickly provided.

During June and following relaxation of Covid restrictions, incidents of leisure vessels entering harbour against lights (and at times in contravention of Covid guidelines) were experienced again.

### **14.2 OBAN**

Regular reports received. No significant marine incidents reported.

### **14.3 DUNOON**

Regular reports received.

30 January: Argyll Flyer suffered near miss due to equipment failure and overshot berth. No damage / injury.

20 March: MV Alicat moved on berth. Passenger boarding halted.

### **14.4 CAMPBELTOWN**

Regular reports received. No significant marine incidents reported.

On 24 June, the MAIB published an investigation report regarding the fall of a suspended load on general cargo vessel ZEA Servant injuring 2 crew, which occurred in Campbeltown on 2 March 2019. The safety issues identified were:

- both injured crewmen were standing within the hazardous zone beneath a suspended load, but no action was taken to halt the operation; and
- the operation being undertaken had not been subject to a risk assessment and the storage areas were inappropriate due to the snagging hazards.

No recommendations were made to the port as this was entirely a vessel related event, but it will be recalled that the port activated their emergency plan to provide assistance to the injured crew members and assisted with the subsequent investigations.

### **14.5 JETTIES / SLIPWAYS**

No reports concerning jetties or slipways received during this period.

**APPENDIX B**

**MARINE SAFETY PLAN – TARGETS**

Number	Service Provision	Activity Target	Targets Achieved – Jul 2020
1	Navigational Incidents	No major incidents, serious injuries or serious pollution as a result of a failure of the Councils Marine Safety Management System. All incidents investigated in accordance with defined procedures and closed out within an agreed timeframe.	There have been no major incidents since the Safety Plan was approved in 2017.
2	Conservancy and Hydrographic Surveys	Aids to Navigation Meet the availability targets of IALA Hydrographic Surveys Ensure that the Ports and Harbours have an adequate plan of hydrographic surveys and that these are undertaken in line with the agreed schedule and that the results are published within the target timescales.	AtoN – A formal agreement is now in place (Service Level Agreement) between Marine Services and Street Lighting to ensure navigation lighting faults are dealt with expeditiously. The Northern Lighthouse Board (NLB) carries out an audit every 5 years – the last audit was in 2016 and we were found to be compliant.  A contract is in place with the hydrographer 'Aspect', to carry out Bathymetric surveys on a rolling 3 year basis at all major ports.
3	Audit of SMS	Ensure that the audit is carried out on annual basis by the Designated Person and any deficiencies are corrected in a timely manner. SMS to reflect lessons learnt from other ports and incorporate the recommendations and conclusions of any port related MAIB investigation as appropriate.	Designated Person audits continue – last audit report produced in July 2020. Audit findings are addressed and the Harbour Board is advised of progress on all related matters.  Designated Person contract currently out to tender (July 2020).

4	Pilotage services	No major incident due to Pilot/PEC holder error.	There have been no major pilotage-related incidents since the Safety Plan was approved in 2017.
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Number	Service Provision	Activity Target	Targets Achieved – Jul 2020
5	Liaison and consultation with stakeholders	Ensure good communication on marine safety matters for new and existing activities with Harbour Users Groups.	User Group meetings have been curtailed of late due to Covid-19 related restrictions on travelling and face-to-face meetings. It is hoped that we can reinstate these meetings later in 2020. Consultation on major marine infrastructure schemes has continued with community groups.
6	Training of marine personnel	Ensure continuous professional development	<p>A training matrix is held centrally and appropriate training is arranged accordingly. Next training courses being organised for harbourmasters will be:-</p> <ul style="list-style-type: none"> <li>• MARNIS training</li> <li>• Marine Incident investigation</li> <li>• Auditing</li> </ul> <p>Further work is being carried out on the training matrix to ensure that Harbourmasters and their staff are trained on latest harbour-related aspects.</p>

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****10 SEPTEMBER 2020**

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**MARINE ASSET MANAGEMENT PLAN**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with an update on ongoing major, and/or noteworthy, schemes currently being addressed within the Council's Marine Asset Management Plan. Close liaison with Transport Scotland, CMAL and Calmac ensures that priorities are targeted accordingly.
- 1.2 Capital works programmed for this financial year, 2020 to 2021, totals £4.2 million. The Asset Management Plan lists the work to be carried out over 10 years (the current year and following 9 years) across the entire marine infrastructure; it also provides indicative budgets. Currently, the overall costs for planned works is approximately £90million. A report will come forward later in the year to provide Members with the latest version of the updated asset management plan, along with estimates, details of the funding model and potential effects on fees and charges.
- 1.3 In particular, this report provides an update on the following schemes:-
- Caignure
  - Iona and Fionnphort
  - Rothesay Harbour
  - Rothesay Pontoons
  - Link-spans – general
- 1.5 Members are asked to endorse this report.

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**MARINE ASSET MANAGEMENT PLAN**

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**2.0 INTRODUCTION**

- 2.1 This report provides Members with a further update on ongoing major, and/or noteworthy, schemes currently being addressed within the Council's Marine Asset Management Plan.

**3.0 RECOMMENDATIONS**

- 3.1 Members are asked to endorse this report.

**4.0 BACKGROUND**

- 4.0 Close liaison with Transport Scotland, CMAL and Calmac ensures that priorities can be established in the Asset Management Plan and targeted accordingly.

- 4.1 In particular, this report provides an update on the following schemes:-

- Caignure
- Iona and Fionnphort
- Rothesay Harbour
- Rothesay Pontoons
- Link-spans - general

**5.0 DETAIL - The Asset Management Plan:-**

- 5.1 Detail is provided below, and in the attached appendices, for some of the more major, or notable, schemes in the Asset Management Plan to provide Members with an indication of progress. Capital works programmed for this financial year, 2020 to 2021, totals £4.2 million.

- 5.2 The Asset Management Plan lists the work to be carried out over 10 years (the current year and following 9 years) across the entire marine infrastructure; it also provides indicative budgets. Currently, the overall costs for planned works is approximately £90million. A report will come forward later in the year to provide Members with the latest version of the updated asset management plan, along with estimates, details of the funding model and potential effects on fees and charges.

- 5.3 Caignure Pier:-

The 'Interim Options' Outline Business Case (OBC) for Caignure Pier is now at 'final draft' stage and findings will shortly be made available to stakeholders and the general public. The consultant Turner and Townsend was recently commissioned by the Council to progress the

long-term OBC – anticipated to be complete before the spring of next year. Appendix A provides details of interim-option costs and key milestone dates for the next phase.

#### 5.4 Fionnphort / Iona Ferry Slips –

As previous reported, a brief for sedimentation modelling was awarded to the specialist consultant ‘JBA Consulting’, in late 2019 and their work is now complete. Findings from the sedimentation modelling suggest that deposition of sediment on the Iona coastline is greater than on the Fionnphort side; whilst these results will not impede current plans to progress both schemes, further analysis of results will be required along with possible reconsideration of current proposals for Iona.

With the information previously provided by Byrne Looby (outline design for both the over-night berth and breakwater, along with ground investigation results and a wave modelling analysis) and with sedimentation modelling information now produced by JBA, the in-house design team are now progressing with licence applications. Outline plans and the overall programme, indicating key activities and likely dates, are provided in Appendix B to this report. The programme indicates that construction on site at Fionnphort is likely to commence in the late summer of 2021.

#### 5.5 Rothesay Harbour –

The consultant AECOM is continuing with design work to address settlement at Rothesay. AECOM has intimated that tender documentation, including design drawings, will be available by the end of September this year. This next phase of the works at Rothesay will take the form of both piling and grouting; this work will be required in order to stabilise infill material within the masonry pier. Appendix C shows a typical section, with the piling rig set up on the pier, with ferry berthed alongside. It also provides the overall programme for the project. Costs for this project are estimated to be in the region of £4.1 million.

#### 5.6 Rothesay Pontoons:-

At the time of the last report in March of this year, tenders had been returned and award of the contract was pending. In fact, award of this contract was paused due to Covid-19 restrictions. However, at the time of writing this report, contract award is imminent with works on site expected to be complete by early November of this year.

Funding of £150k has been allocated through the Town Centre Fund with an additional £150K from the Coastal Community Fund i.e. a total budget of £300K has been allocated for necessary works, with prudential borrowing to make up any shortfall – as per the Harbour Board decision of December last year.

#### 5.7 Link-spans –

The first of the two hydraulic cylinders has been replaced at Craignure and work to replace the second cylinder is being planned for late August. Photographs of the first cylinder under test and removal of the old cylinder are attached in Appendix D. Tender documentation for re-painting of both Craignure and Port Askaig link-spans is being progressed.

## 6.0 CONCLUSION

- 6.1 This report provides Members with an update on a number of marine-related projects which are all at various phases – from early feasibility stage to on-site construction stage.

## 7.0 IMPLICATIONS

- |       |                                      |   |
|-------|--------------------------------------|---|
| 7.1   | Policy                               | None directly arising from this report.   |
| 7.2   | Financial                            | Proposed additional increase in fees and charges will ensure that future income is sufficient to maintain and develop the Council's marine assets this financial year. Further fee increases will be required to fund prudential borrowing in future years. |
| 7.3   | Legal                                | Considered to be none directly arising from this report.  |
| 7.4   | HR                                   | None  |
| 7.5   | Fairer Scotland Duty                 |   |
| 7.5.1 | Equalities protected characteristics | None directly arising from this report  |
| 7.5.2 | Socio-economic Duty                  | None directly arising from this report  |
| 7.5.3 | Islands                              | See risk below  |
| 7.6   | Risk                                 | Completed works will reduce requirement to repair and maintain existing infrastructure.   |
| 7.7   | Customer Services                    | Overall improvement in travel experience and quality of journeys.   |

### **Executive Director with responsibility for Roads and Infrastructure:**

Kirsty Flanagan

**Policy Lead:** Cllr Robin Currie

August 2020

### **For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

## APPENDICES

Appendix A – Craignure Pier – Interim Options and Long-Term Programme

Appendix B – Iona / Fionnphort – Outline Designs and Programme

Appendix C – Rothesay – Typical Section / Programme

Appendix D – Replacement of cylinder at Craignure link-span

**APPENDIX A**

**CRAIGNURE -**

**Interim Options and (present value)**

**Costs**

**&**

**Key Milestones**

Scenario		Cash Cost (2020 prices)	Cash Cost (2020 prices): <i>Risk Adjusted</i>	PVC	PVC: <i>Risk Adjusted</i>
A	Interim Option 0: Do Nothing + Long Term (2027 opening)	£44.9m	£64.7m	£26.8m	£38.6m
B	Interim Option 1: Do Minimum + Long Term (2027 opening)	£46.6m	£67.1m	£27.8m	£40.0m
C	Interim Option 1: Do Minimum + Long Term (2035 opening)	£46.6m	£67.1m	£18.1m	£26.0m
D	Interim Option 2: Pier Extension + Long Term (2027 opening)	£57.6m	£82.9m	£33.8m	£48.7m
E	Interim Option 2: Pier Extension + Long Term (2035 opening)	£57.6m	£82.9m	£24.1m	£34.7m

**Craignure Pier**

**Key Milestone Dates for Long-Term Solution**

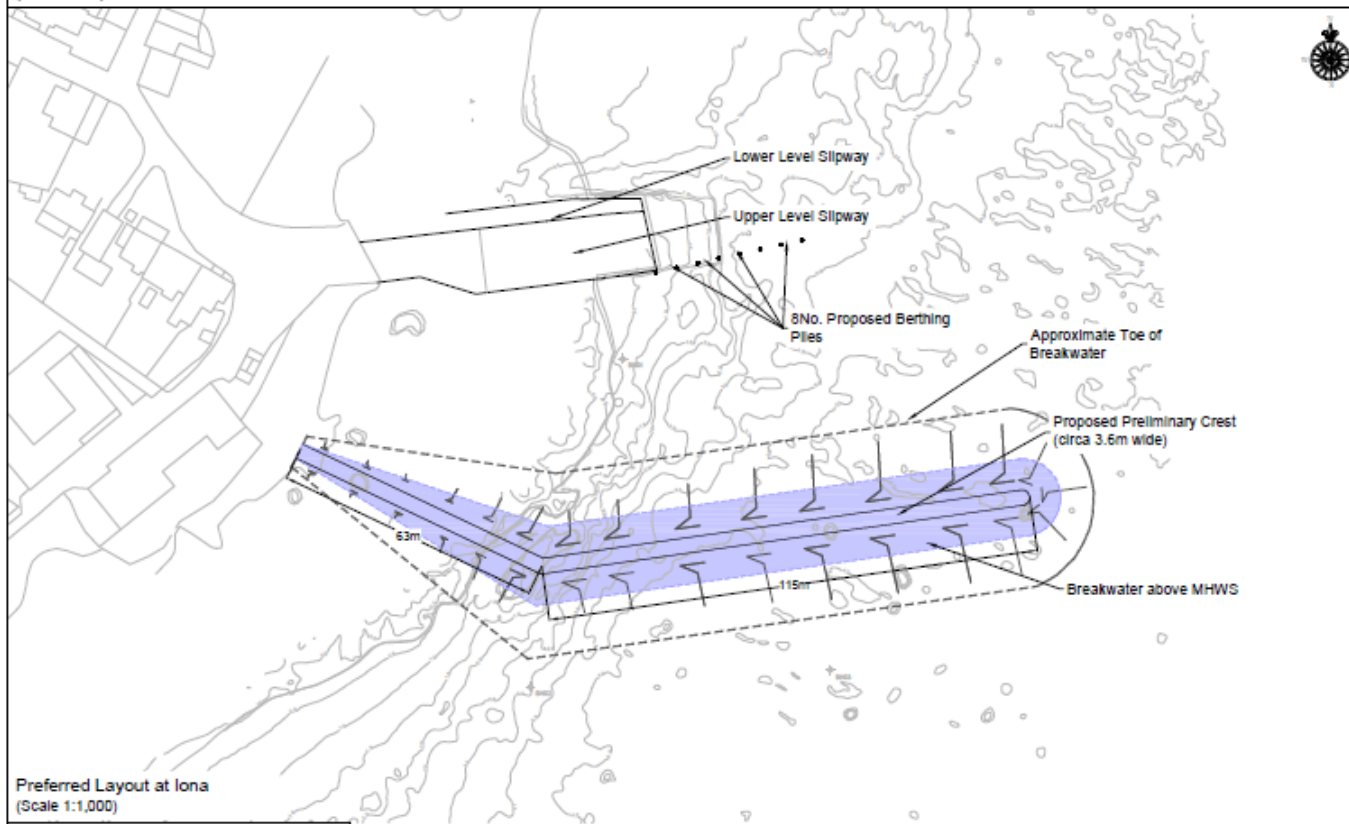
- Craignure Ferry Terminal Long Term OBC - complete Spring 2021
- Scope and procure GI and detailed design of preferred long-term option, Summer 2021 – late Autumn 2021
- Scope and procure FBC, Autumn 2021 – Winter 2021
- Prepare FBC, Winter 2021 – Spring 2023
- Undertake GI, Spring 2022 – Summer 2022
- Progress Detailed Design, Spring 2022 – Spring 2023
- FBC finalised, requirement for all funding to be in place – Summer 2023
- Tender and award construction works, Summer 2023 – Autumn 2023
- Construction, Spring 2024 – Winter 2026 /Spring 2027
- New ferry terminal opens – Spring 2027

**APPENDIX B**  
**IONA & FIONNPHORT**  
**Outline Plans and Programme**

A3



Cross-Section Through Proposed Breakwater  
(Scale 1:500)



Preferred Layout at Iona  
(Scale 1:1,000)

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# GENERAL NOTES

## Notes:

1. This drawing is to be read with all other ByrneLooby drawings and any other relevant documents.
2. Do not scale off drawings.
3. Dimensions in millimetres unless noted otherwise.
4. Levels in metres relative to the datum.
5. Breakwater subject to detailed design and consenting.

NO	REV	DESCRIPTION	DATE	BY	CHK	APP
01	01	Feasibility Study		PM	SMC	AG

**BYRNE LOOBY**  
www.byrnelooby.com  
PUBLISHED BY UNITED ARAB EMIRATES BAHRAIN

CLIENT  
**Argyll & Bute Council**

PROJECT  
**Iona and Flornphort  
Marine Access Improvements**

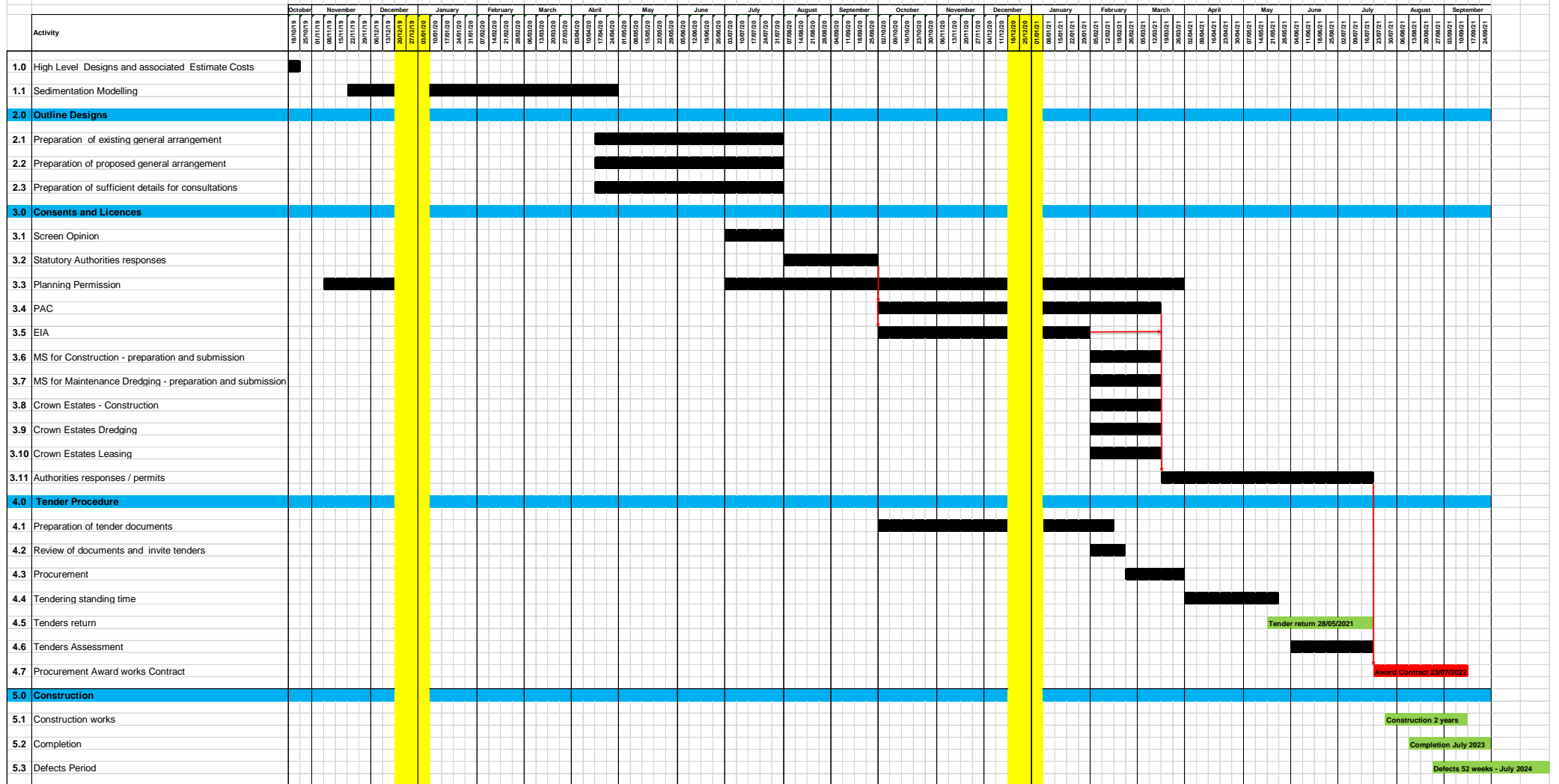
DRAWING TITLE  
**Preferred Layout at Iona**

STATUS  
**Feasibility Study**

Date: 08/03/2014	Scale: 1:500 @ A3	Drawn: PM	Chk: SMC	App: AG
Project No: CM1052	Draw No: CM1052_MA_0803_DWG	Rev: 00		



Argyll & Bute Council  
IONA AND FIONNPHORT  
Outline Delivery Programme



**APPENDIX C**

**ROTHESAY HARBOUR -**

**Typical section showing piling rig /**

**Programme of Works**

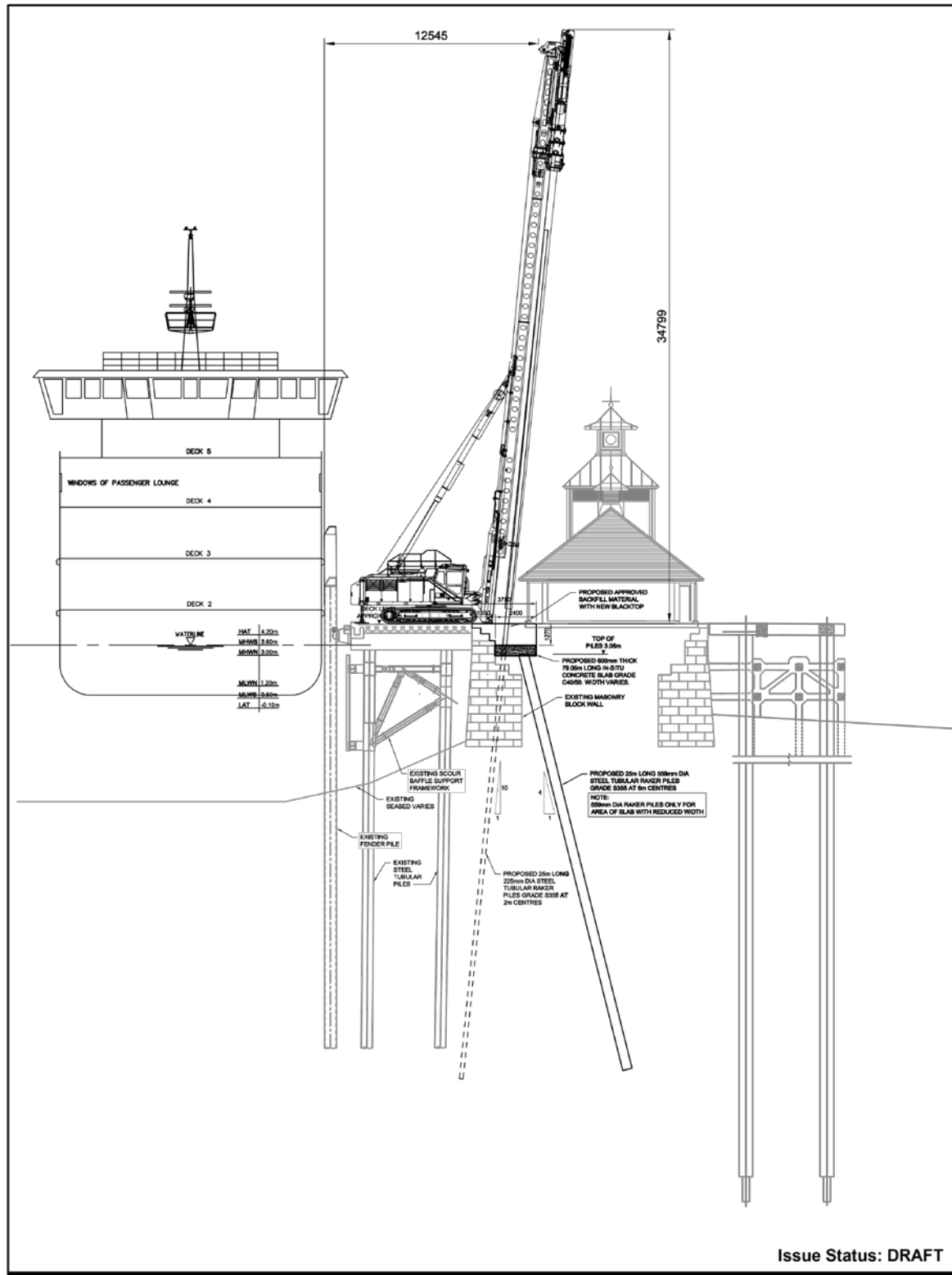
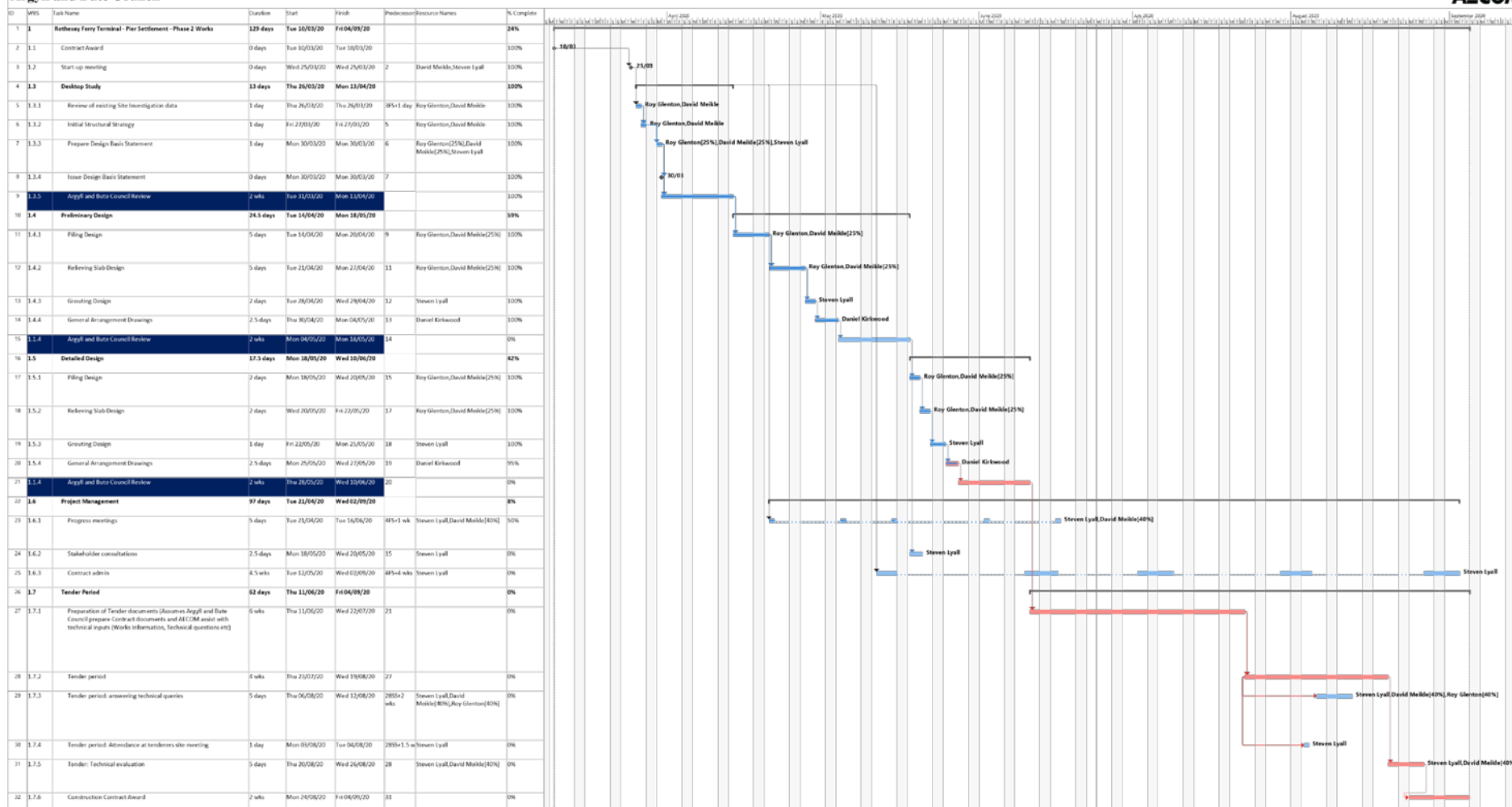


FIGURE 4 - PILING RIG/MV ARGYLE/BUTE POSITION  
 RAKING FRONT PILES  
 ARGYLL AND BUTE COUNCIL  
 Project No.: 60532311

## Argyll and Bute Council

## Rothesay Ferry Terminal - Pier Settlement - Phase 2 Works

AECOM

Project: Rothesay Ferry Terminal  
Date: Wed 24/05/20By: Steven Lyall  
Check: Abhishek Chatterjee  
Review: David Meikle

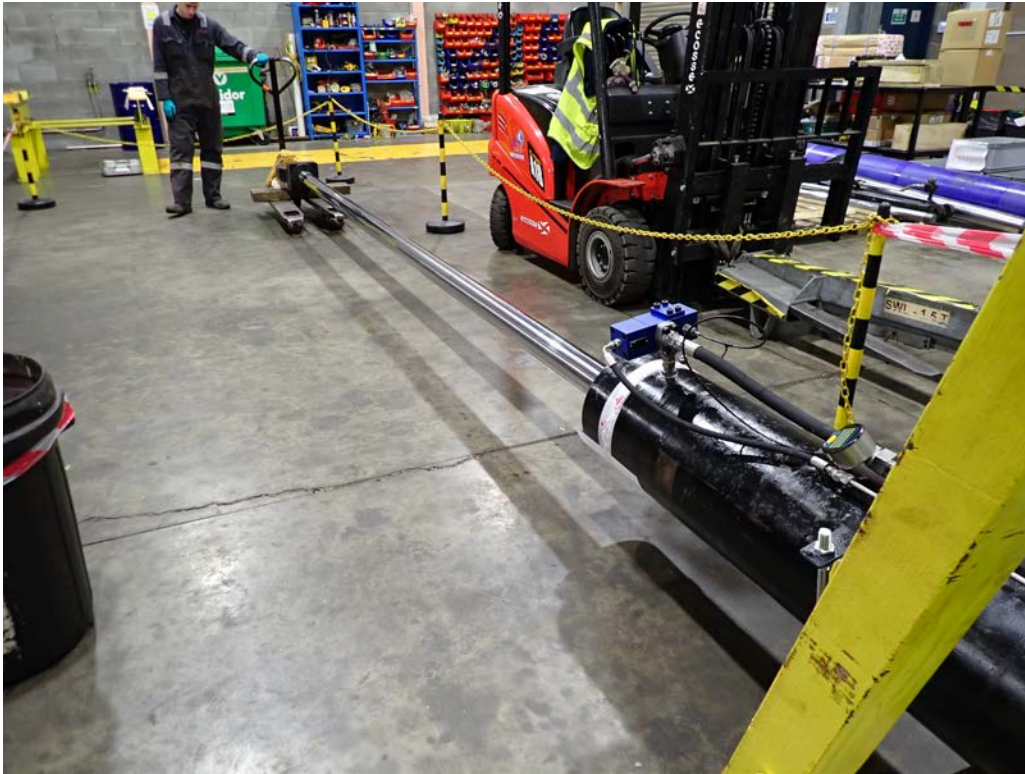
Page 1

Rev 2

## **APPENDIX D**

### **LINK-SPAN – CRAIGNURE REPLACING HYDRAULIC CYLINDER**

#### **Photos**



Preparing spare cylinder at contractor's workshop



Replacing hydraulic cylinder - Craignure

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****10 SEPTEMBER 2020**

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**OBAN BAY – SINGLE HARBOUR AUTHORITY**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with an update on work being done by both the Oban Bay Management Group (OBMG) and the Oban Community Harbour Development Association (OCHDA) towards the development of a Trust Port.
- 1.2 At the June meeting of the Oban Bay Management Group, OCHDA outlined its plans as follows:-
- The new 'trust port' will lease the Council's North Pier assets, possibly with a future purchase option.
  - The Council's responsibilities as a 'Single Harbour Authority' (SHA) will be transferred to the new 'trust port'.
  - The new 'trust port' will extend the SHA area to encompass the whole of Oban Bay, leaving the CMAL SHA nested within.
- 1.3 It is important to point out to Members that, to date, there has been no formal submission from OCHDA re transfer of Council assets or responsibilities.
- 1.4 OCHDA has advised that they are now planning to release a draft Harbour Revision Order (HRO), as opposed to a Harbour Empowerment Order (HEO) on the basis that their plan will be to take over all existing Council responsibilities at Oban. OCHDA has intimated that informal consultation with stakeholders will commence in September 2020. Given the work which OCHDA must complete before summer 2021 – finalised HRO and transfer of Council assets and responsibilities - this would appear to be a fairly ambitious timeframe.
- 1.5 Members are asked to endorse this report. A separate report will be presented to the OLI Area Committee.

---

**ARGYLL AND BUTE COUNCIL**

**HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**10 SEPTEMBER 2020**

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**OBAN BAY – SINGLE HARBOUR AUTHORITY**

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## **2.0 INTRODUCTION**

- 2.1 This report provides Members with an update on work being done by both the Oban Bay Management Group (OBMG) and the Oban Community Harbour Development Association (OCHDA) towards the development of a Trust Port.

## **3.0 RECOMMENDATIONS**

- 3.1 Members are asked to endorse this report. A separate report will be presented to the OLI Area Committee.

## **4.0 DETAIL**

- 4.1 At the last meeting of the Harbour Board, held in March 2020, Members were advised that OCHDA is proposing a transfer of the Council's existing powers and responsibilities in Oban Bay, including those around the North Pier, to the new Harbour Authority.
- 4.2 At the June meeting of the Oban Bay Management Group, OCHDA outlined its plans as follows:-
- The new 'trust port' will lease the Council's North Pier assets, possibly with a future purchase option.
  - The Council's responsibilities as a 'Single Harbour Authority' (SHA) will be transferred to the new 'trust port'.
  - The new 'trust port' will extend the SHA area to encompass the whole of Oban Bay, leaving the CMAL SHA nested within.
- 4.3 It is important to point out to Members that, to date, there has been no formal submission from OCHDA re transfer of Council assets or responsibilities.
- 4.4 OCHDA has advised that they are now planning to release a draft Harbour Revision Order (HRO), as opposed to a Harbour Empowerment Order (HEO) on the basis that their plan will be to take over all existing Council

responsibilities at Oban. OCHDA has intimated that informal consultation with stakeholders will commence in September 2020.

- 4.5 In the meantime, Council officers have requested that OCHDA produce a business plan and programme indicating key milestones; this information is still awaited. Transport Scotland has stated that they would be reluctant to accept a formal HRO or HEO application until the majority of concerns have been resolved in the informal consultation phase.
- 4.6 OCHDA propose to have their SHA in place, covering the wider Oban Bay area, for the 2021 summer season. Given the work which OCHDA must complete before summer 2021 – finalised HRO and transfer of Council assets and responsibilities - this would appear to be a fairly ambitious timeframe.

## **5.0 CONCLUSION**

- 5.1 Liaison between Council Officers, OBMG and OCHDA continues regarding a single harbour authority in Oban. Much work remains to be done by OCHDA.

## **6.0 IMPLICATIONS**

- 6.1 Policy - None
- 6.2 Financial – The financial impacts cannot be assessed until the preferred option has been identified and protected provisions agreed upon.
- 6.3 Legal – Any agreement with OCHDA must ensure that the Council's areas of responsibility are protected.
- 6.4 HR – None
- 6.5 Fairer Scotland Duty
  - 6.5.1 Equalities / Protected Characteristics      None directly arising from this report.
  - 6.5.2 Socio-economic Duty      None directly arising from this report.
  - 6.5.3 Islands – Vessels operating from Oban Bay serve many of our island communities. It is essential that vessels navigating Oban Bay waters do so as safely as practicably possible. See also, risk below.
- 6.6 Risk – Advice from the OBMG is that 'to do nothing', given concerns over safety at Oban Bay, is not an option worthy of consideration.
- 6.7 Customer Service – None.

**Executive Director with responsibility for Roads and Infrastructure Services:**

Kirsty Flanagan

**Policy Lead:** Cllr Robin Currie

August 2020

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

## Harbour Board Work Plan 2020 - 2021

This is an outline plan to facilitate forward planning of reports to the Harbour Board.

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
10 September 2020					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual	18 August 2020	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	18 August 2020	
	Port Marine Safety Code	Marine Operations	Bi-Annual	18 August 2020	
	Marine Infrastructure – Dunoon and Kilcreggan	Marine Operations & Ruairidh Campbell Harbour and Engineering Liaison Manager CMAL	One-off	18 August 2020	
4 March 2021					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual	9 February 2021	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	9 February 2021	
	Piers and Harbours Fees and	Marine	Bi-Annual	9 February 2021	

## Harbour Board Work Plan 2020 - 2021

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
	Charges 2020/21	Operations			
	Port Marine Safety Code	Marine Operations	Bi-Annual	9 February 2021	
<b>Future Reports – dates to be determined</b>					
	Community Groups & Berthing Dues				
	Review of Marine Services Working Practices				
	Crane Provision at Campbeltwon				