

# Public Document Pack

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

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26 August 2021

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held via **MICROSOFT TEAMS** on **THURSDAY, 2 SEPTEMBER 2021 at 12:30 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee at 10.30am, 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 Thursday 4 March 2021
- 4. OBAN BAY - SINGLE HARBOUR AUTHORITY** (Pages 7 - 18)  
Report by Executive Director with responsibility for Development and Infrastructure
- 5. PIERS & HARBOURS - MARINE ASSET MANAGEMENT PLAN** (Pages 19 - 26)  
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- 6. PORT MARINE SAFETY CODE** (Pages 27 - 34)  
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- REPORTS FOR NOTING**
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## Argyll and Bute Harbour Board

Councillor Rory Colville (Chair)  
Councillor John Armour  
Councillor Alastair Redman  
Councillor Richard Trail

Councillor Robin Currie  
Councillor Jim Lynch  
Councillor Alan Reid  
Councillor Andrew Vennard (Vice-Chair)

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 via Skype  
on THURSDAY, 4 MARCH 2021**

**Present:** Councillor Rory Colville (Chair)

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

**Also Present** Councillor Elaine Robertson

**Attending:** Kirsty Flanagan, Executive Director - Development and Infrastructure  
Jim Smith - Head of Roads and Infrastructure Services  
Stewart Clark - Marine Operations Manager  
Stuart McLean - Committee Manager  
Monty Smedley - Designated Person, ABPmer

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence intimated.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. MINUTES**

**(a) Argyll and Bute Harbour Board - 10 September 2020**

The Minutes of the Argyll and Bute Harbour Board held on Thursday 10 September 2020 were approved as a correct record.

**(b) Special Meeting - Argyll and Bute Harbour Board - 3 December 2020**

The Minutes of the Special Meeting of the Argyll and Bute Harbour Board held on Thursday 3 December 2020 were approved as a correct record.

**4. OBAN BAY - SINGLE HARBOUR AUTHORITY**

Consideration was given by the Board to a report which provided an update on work being progressed by the Oban Community Harbour Development Association (OCHDA) towards the development of a Trust Port.

**Decision**

The Argyll and Bute Harbour Board;

1. considered the update concerning the proposed transfer of the Council's existing powers and responsibilities in Oban Bay to a new Trust Port; and
2. agreed that a virtual meeting would be organised with all stakeholders concerning the work being progressed by the Oban Community Harbour Development

Association (OCHDA) towards the development on a Trust Port following consultation between the Chair and the Executive Director with responsibility for Roads and Infrastructure.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated February 2021, submitted)

## **5. MARINE ASSET MANAGEMENT PLAN**

The Board considered 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;

1. considered the update on ongoing major and noteworthy schemes currently being taken forward via the Council's Marine Asset Management Plan;
2. noted that £10.335 million worth of capital works have been programmed for the forthcoming financial year, 2021 to 2022; and
3. agreed that subject to confirmation of the position of the Craignure Marine Infrastructure Liaison Group, that the Chair and Vice-Chair contact Transport Scotland on behalf of the Board requesting that smaller vessels, similar to the MV Mull, be deployed between Craignure and Oban to provide a higher frequency and lower impact service with shore facilities to an appropriate scale in accordance to the vessels capacity.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated February 2021, submitted)

## **6. PORT MARINE SAFETY CODE**

Consideration was given by the Board to a report which provided an update on progress made towards ensuring full compliance with the Port Marine Safety Code (PMSC).

The Board also heard a presentation by Monty Smedley from ABPmer, the newly appointed Designated Person, concerning the Board's obligations under the PMSC.

### **Decision**

The Argyll and Bute Harbour Board;

1. considered the report including appendices – the Designated Person's Report and the latest version of the Marine Safety Plan; and
2. approved the revised version of the Marine Safety Plan.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated February 2021, submitted)

## **7. DRAFT HARBOUR BOARD WORKPLAN**

The Argyll and Bute Harbour Board Workplan as of September 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 2021, submitted)

The Chair and the Head of Roads and Infrastructure Services paid tribute to the Marine Operations Manager, Stewart Clark, who would be retiring from the Council at the end of March 2021. They outlined Stewart's achievements over the years and thanked him for his commitment to developing Marine Services. On behalf of the Council, the Chair wished Stewart all the very best in his retirement.

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**ARGYLL AND BUTE COUNCIL****ARGYLL AND BUTE HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****2 SEPTEMBER 2021**

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**OBAN BAY – SINGLE HARBOUR AUTHORITY**

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**1.0 INTRODUCTION**

- 1.1 The purpose of this report is to advise Members on the steps to bring to a conclusion an options appraisal process to determine a preferred option for the future management of Oban Harbour and the engagement that will be carried out with other partners who have an interest in Oban Bay. Various organisations have different responsibilities for areas of Oban Bay, some parts of the bay are not part of the specific jurisdiction of any organisation and this situation can lead to confusion for users, with no organisation in sole control of the bay itself.
- 1.2 Having one or more statutory harbour authorities controlling the entirety of the bay would remove ambiguity, improve the safety aspects, and would result in benefits to users of the bay.
- 1.3 Members should note that due to the geographic setting and number of connected ferry routes supported by Oban, Oban Bay is of strategic importance for the West of Scotland. It is important therefore that a satisfactory outcome for the safe management of Oban Bay is progressed at pace and with no further unnecessary delays.
- 1.4 The purpose of progressing a harbour authority area for the areas currently not managed should lead to a consolidation of the overall management of Oban Bay improving the overall effectiveness, efficiency and safety of the harbour. Appendix 1 explains the position in more detail. Regardless of preferences regarding shoreside Council infrastructure, there needs to be a focus on progressing a harbour authority at pace to ensure that all areas within Oban Bay can be adequately managed. It should be noted that the Oban Bay Management Group have put in place a significant number of initiatives which have gone some way to improving safety in recent years. However, it is only the establishment of a harbour authority that can ensure that all vessels entering and leaving Oban Bay can be fully managed which will bring about further safety enhancements.
- 1.5 There are five options for consideration which include:
1. Continue as we are This would provide a known base model to compare other options against.
  2. A Trust Port model to include the transfer of the current Harbour limits around North pier and the transfer or lease of some or all assets. (OCHDA

have expressed an interest in pursuing this option).

3. A Trust Port model excluding the transfer of the current Harbour limits around North Pier (wet port). (We understand that this is not OCHDA's preferred option and one that they may not wish to pursue at this time).
  4. CMAL as a unitary Harbour Authority.
  5. Argyll and Bute Council as a unitary Municipal Port.
- 1.6 On the basis that Option 2 would require the Council to make available its assets at North Pier to a third party, members are asked to consider whether in principle, they are prepared to consider an option for the future use of Council assets at Oban which would involve a disposal of these. If this is the case then Officers will continue to engage with the third party, including OCHDA, to enable them to fully develop their proposals so that they can be considered against the other options.

## **2.0 RECOMMENDATIONS**

2.1 Members are asked to:

- a) Note the advice of the Council's Monitoring officer that at this stage we do not have all the necessary information to allow a preferred option to be selected.
- b) Agree whether, in principle, they are prepared to consider an option for the future use of Council assets at Oban which would involve a disposal of these.
- c) Agree that if the response to recommendation (b) above is in the affirmative, to note that officers will continue to engage with third parties, including OCHDA to enable them to fully develop their proposals.
- d) Agree that an options appraisal process be conducted to determine a preferred option for the future management of Oban Harbour and the engagement that will be carried out with other partners who have an interest in Oban Bay.
- e) Note that the results of the options appraisals are presented to the March 2022 meeting of the Harbour Board or if applicable an earlier special meeting for determination by members.

## **3.0 DETAIL**

### **Background**

- 3.1 There are three separate Harbour Orders in place for Oban: the North Pier, Railway Pier and South Pier. The approaches and waters through the bay are not covered by an order. The responsibility for these waters defaults to the Maritime and Coastguard Agency (MCA).
- 3.2 In 2018 CMAL were preparing to commence a formal process which would allow them to become the Harbour Authority for the waters currently not covered within Oban Bay. This had been supported by the Council's Harbour Board at the time



providing unfettered access could be provided to the Council's North Pier which was to be left nested within the bay. Following a public meeting where there was some concern expressed about CMAL becoming the new Harbour Authority, the Council through its Harbour Board asked CMAL to pause its process to allow a community group to develop an alternative proposal – the trust port option.

- 3.3 A community group was formed named Oban Community Harbour Development Association (OCHDA) which consists of a number of volunteers who have been seeking to progress a Trust Port model for Oban Bay.
- 3.4 Council officers provided information to the community group in 2019 to enable them to progress with financial and operational plans. There has been significant officer and Member time invested to support OCHDA to date and this report recommends that support should continue to allow OCHDA to develop viable proposals that can be considered against the other options. While at present the Council has no structured proposal from OCHDA which can be appraised, it can appraise the option of a Trust Port, in principle, with or without the transfer or lease of some or all relevant assets.
- 3.5 The relevant assets for the Council's operation of the harbour are: Harbour Masters office and wider harbour building, the berthing face of the North Pier, the transit berth marina and the Oban Times Slip. In the event that option 2 is the preferred option, any consequential transfer of assets would require to be negotiated
- 3.6 A Harbour Empowerment or Revision Order is a piece of local legislation governing a port. It is made as a Scottish Statutory Instrument under the 1964 Harbours Act by Scottish Ministers. An order can create and empower Harbour Authorities to undertake works projects or vary their existing harbour powers. Any new entity that might be agreed on to operate the harbour may, depending on the option agreed, require to consolidate all the existing Harbour powers including those which the Council holds around North Pier. Any amendment or consolidation of existing Harbour Orders will require a formal process to effectively extend the Harbour limits to include the waters currently not covered. The new body would then be able to charge conservancy fees for all vessels entering and leaving the bay. The conservancy fee being used to discharge the duties of the Harbour Authority. Any solution would require to demonstrate overall benefits to users, financial and technical viability, organisational competence and future sustainability.
- 3.7 It is important to understand that larger vessels which in the main are ferries will have "right of way" over other harbour traffic no matter which body has authority over the bay.

### **Council's Assets at the North Pier**

- 3.8 Argyll and Bute Council have responsibility for the following assets in the vicinity of the North Pier:
  - Harbour Masters offices (which incorporates meeting rooms, pontoon office, showering and toilet facilities, retail space etc)
  - North pier, associated berthing face, access roads, slipways etc.

- Oban Times Slipway
- North Pier Car Park
- North Pier pontoons and Breakwater
- North Pier toilets and showers
- Port Beag Slipway and associated ground

### **Financial Position**

- 3.9 Over the last three years the financial outturn for North Pier has generally shown a marginal surplus. It should be noted that the pontoons and the harbour building are recently completed projects and as such have not had opportunity to reach their full potential. That potential has been restricted due to the pandemic and whilst it is difficult to put accurate estimates on the financial forecast for these assets, it is considered that they have significantly underperformed their potential and future years are anticipated to be significantly more profitable once the facilities have been fully established. North Pier, as with the other Council's marine assets, is part of the Council's 10 year rolling Asset Management Plan which would be the mechanism to fund any asset improvement or sustainability works whilst these assets are the responsibility of the Council for maintenance and/or improvement.

### **Economic Development and Tourism Opportunities from North Pier**

- 3.10 Members will be aware that a key investment for the town of Oban has been the delivery of the North Pier pontoons and associated harbour office that were primarily funded by council capital funding, HIE funding and through the Scottish Government Regional capital grant fund. The pontoons have been highly popular when they have been allowed to operate as a berthing facility attracting yachts and larger craft from the UK and beyond. The pontoons have also facilitated the expansion of mini cruise operators that can now offer first class experiences using the pontoons and associated facilities. A third function of the pontoons is to facilitate the landing of larger cruise ship passengers via tenders which has real growth potential. All these activities create significant economic benefits for the town centre which was always a function of these new facilities. It is also worth noting that the pontoons have a dedicated website monitored by the council and it is anticipated their popularity as a destination will continue to grow. In addition to the tourist potential North Pier also plays an important role in the wider economy of Oban and indeed Lorn. In particular, as a berth for the Lismore ferry and serving numerous aquaculture service boats. Any interruption therefore in the operation of the North Pier and pontoons will undoubtedly have a significant negative impact on the wider economy of Oban and Lorn.

### **Available Options and Next Steps for the Council**

- 3.11 There are currently 5 options in respect of Oban Bay and at this stage the Council have not come to a formal view on what their preferred option is. To facilitate the overall option appraisal process officers will continue to engage with third parties, including OCHDA, to enable them to fully develop their proposals.
- 3.12 The advice from the Council's Monitoring Officer is that the Council are not in a position to take a final decision at this stage because it is not possible to fully

compare all the options on a like for like basis or to meet the legal obligations on the Council to secure Best Value in the transfer of any assets with a monetary value.

- 3.13 Any Harbour Order process is determined by Transport Scotland/Scottish Ministers.
- 3.14 The five options are set out in the table below along with some advantages and disadvantages of each option to assist members in considering recommendation 2.1 (b). Officers will bring forward a full options appraisal to the members at the next Harbour Board meeting, if not earlier.

Advantages and Disadvantages for the 5 options

Option No.	Option Description	Advantages	Disadvantages
1	Continue with the status quo. (Although this is an option, it is not recommended and should be discounted.)	<ul style="list-style-type: none"> <li>No initial cost</li> </ul>	<ul style="list-style-type: none"> <li>Not sustainable – option should be formally discounted</li> </ul>
2	Facilitate OCHDA progressing a Trust Port to include the transfer of the current Harbour limits around North pier and the transfer or lease of some or all the following assets: North Pier berthing face Transit Berth marina Oban Times Slip Harbour Masters Office (this may be further sub-divided) Car Park	<ul style="list-style-type: none"> <li>A group of volunteers have formed OCHDA and are seeking to progress a trust port</li> <li>A trust port would meet the overall objectives sought by the Oban Bay Management Group in that the water currently uncontrolled would be controlled</li> </ul>	<ul style="list-style-type: none"> <li>Loss of income to the Council in terms of existing assets.</li> <li>No known experience within the OCHDA group in operating a Harbour Authority at either an operational or a strategic level</li> <li>Unknown financial viability of any new trust port being established, the costs associated with establishing a trust port would be significant not only with additional staff but also putting in place various systems and making provision for: conservancy, bathymetric surveys, safety management system, oil spill response plan together with Tier 2 responders etc.</li> <li>New trust port would need to be established including recruitment of a CEO and additional staff together with the TUPE transfer of Council staff</li> </ul>

			<ul style="list-style-type: none"><li>• Would result in detriment to the management arrangements to the wider Council's harbour team which currently utilise skills across a number of harbour master locations to the wider Council benefit</li><li>• Reduction in available resource to cover the wider marine estate in the OLI area and wider council area</li><li>• Loss of control of Council assets at the North Pier (the transit berth marina and new harbour building are in their infancy and with the disruptions brought about by the pandemic have not been fully proven). The potential income to the Council will be difficult to accurately forecast given that the facility has not had time to be fully established.</li><li>• Loss of control in terms of the type of vessels and the fees and charges applied to vessels. This may affect the wider economic benefit of the marina</li><li>• OCHDA have identified a significant body of water to be covered by the trust port, officers are of the view that for this be managed competently, there would need to be some form of vessel traffic system in place</li></ul>
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			<ul style="list-style-type: none"> <li>• Establishing a new arrangement will take longer than the municipal options making this less effective and efficient</li> <li>• Conservancy fee would likely apply to vessels visiting the North Pier</li> </ul>
3	OCHDA progress a Trust Port not including the transfer of the current Harbour limits around North Pier (wet port).	<ul style="list-style-type: none"> <li>• Council would keep control of the harbour limits around the North Pier and all its shore side assets</li> <li>• A trust port would meet the overall objectives sought by the Oban Bay Management Group in that the water currently uncontrolled would be controlled</li> </ul>	<ul style="list-style-type: none"> <li>• No known experience within the OCHDA group in operating a Harbour Authority at either an operational or a strategic level</li> <li>• Unknown financial viability of any new trust port being established, the costs associated with establishing a trust port would be significant not only with additional staff but also putting in place various systems and making provision for: conservancy, bathymetric surveys, safety management system, oil spill response plan together with Tier 2 responders etc.</li> <li>• New trust port would need to be established including recruitment of a CEO and additional staff OCHDA have identified a significant body of water to be covered by the trust port, officers are of the view that for this be managed competently, there would need to be some form of vessel traffic system in place</li> </ul>

			<ul style="list-style-type: none"> <li>• Establishing a new arrangement will take longer than the municipal options making this less effective and efficient</li> <li>• Conservancy fee would likely apply to vessels visiting the North Pier</li> </ul>
4	CMAL to progress becoming the Harbour Authority.	<ul style="list-style-type: none"> <li>• CMAL are directly responsible to Scottish Ministers and are an established organisation who have skills and expertise in managing harbours</li> <li>• Whilst any funding request for the harbour authority would need to demonstrate best value, the established budgets and direct links into Scottish Minister would help to ensure that the harbour authority under CMAL's management would be financially secure ensuring that the harbour could be operated in a safe manner for all users</li> <li>• Well established working relationships between CMAL, Calmac, Northern Lighthouse Board and Council.</li> <li>• Council retains control of shore side assets associated with the North Pier together with the harbour limits currently managed by the Council.</li> <li>• CMAL already have the management structure, safety</li> </ul>	<ul style="list-style-type: none"> <li>• The previous public perception around CMAL would need to be resolved to ensure that CMAL, if they were to go through as harbour authority, could do so with the backing of the majority of stakeholders (clearly this would be something for CMAL and Transport Scotland/Scottish Government to resolve)</li> <li>• Council would need to ensure that it continued to enjoy unfettered access to the North Pier facilities, accepting that navigational safety and direction from the new harbour authority would determine vessel movements</li> <li>• This would result in traffic visiting the North Pier assets having to travel through two harbour authority areas. However, this should not be an issue as there are other examples in the UK where this successfully takes place. Harbour Board Members will recall the</li> </ul>

		<p>management system, Port Marine Safety Code, Oil Spill Response plans etc in place together with a vast experience of maritime and marine engineering management and project delivery</p> <ul style="list-style-type: none"> <li>• CMAL has in place a significant support team including HR, Payroll, Legal, Finance etc.</li> <li>• Speed of implementation could be relatively quick with informal arrangements being put in place prior to a 'municipal port' being formally established</li> <li>• A 'municipal port' would meet the overall objectives sought by the Oban Bay Management Group in that the water currently uncontrolled would be controlled</li> <li>• Efficient and effective implementation due to established processes, governance and other established harbour management</li> </ul>	<p>Development Session with the Designated Person in May this year where examples of the Solent and Falmouth Harbour were both discussed where multiple harbour authorities work side by side with many vessels having to pass through more than one harbour authority area. Furthermore in the Solent, there are multiple vessel traffic systems that work along side each other. Whilst this could be seen as a disadvantage, officers are of the view that it would not cause any practical issues.</p> <ul style="list-style-type: none"> <li>• Conservancy fee would likely apply to vessels visiting the North Pier</li> </ul>
5	Argyll and Bute Council to progress the formation of a Municipal Port.	<ul style="list-style-type: none"> <li>• Well established working relationships between Council, Calmac, Northern Lighthouse Board and CMAL.</li> <li>• Council already have the management structure, safety management system, Port Marine</li> </ul>	<ul style="list-style-type: none"> <li>• Operating ports and harbours is not the sole business focus of the Council, however, the Council has a significant ports and harbours team and a design team who have specialisms in marine engineering works</li> </ul>



		<p>Safety Code, Oil Spill Response plans etc in place together with a vast experience of maritime and marine engineering management and project delivery</p> <ul style="list-style-type: none"> <li>• Council has in place a significant support team including HR, Payroll, Legal, Finance etc.</li> <li>• Council has financial backing required to progress any Harbour Revision Order etc and other formal processes required to establish a municipal port</li> <li>• Speed of implementation could be relatively quick with informal arrangements being put in place prior to a municipal port being formally established</li> <li>• A municipal port would meet the overall objectives sought by the Oban Bay Management Group in that the water currently uncontrolled would be controlled</li> <li>• Efficient and effective implementation due to established processes, governance and other established harbour management</li> </ul>	<ul style="list-style-type: none"> <li>• Council would need to develop a business plan demonstrating how it would take on the additional responsibilities associated with the wider harbour limits to ensure that the harbour could be operated safely and in a financially viable model</li> <li>• Conservancy fee would likely apply to vessels visiting the North Pier</li> </ul>
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#### **4.0 CONCLUSION**

- 4.1 The purpose of this report is to advise Members on the steps to bring to a conclusion an options appraisal process to determine a preferred option for the future management of Oban Harbour and the engagement that will be carried out with other partners who have an interest in Oban Bay.
- 4.2 On the basis that Option 2 would require the Council to make available its assets at North Pier to a third party, members are asked to consider whether in principle, they are prepared to consider an option for the future use of Council assets at Oban which would involve a disposal of these. If this is the case then Officers will continue to engage with the third party, including OCHDA, to enable them to fully develop their proposals so that they can be considered against the other options.
- 4.3 Various organisations have different responsibilities for areas of Oban Bay, some parts of the bay are not part of the specific jurisdiction of any organisation and this situation can lead to confusion for users, with no organisation in sole control of the bay itself.

#### **5.0 IMPLICATIONS**

**5.1 Policy** – None

**5.2 Financial** – The financial impacts have not been assessed at this time for each of the options and cannot be fully assessed until the Business Case has been produced by OCHDA.

**5.3 Legal** – Any agreement with OCHDA must ensure that the Council's interests and areas of responsibility are protected.

**5.4 HR** – None

**5.5 Fairer Scotland Duty**

**5.5.1 Equalities / Protected** - None directly arising from this report  
**Characteristics**

**5.5.2 Socio-economic Duty** - None directly arising from this report

**5.5.3 Islands** - See risk below

**5.6 Risk** – Advice from the OBMG is that 'to do nothing', given concerns over safety at Oban Bay, is not an option worthy of consideration.

**5.7 Customer Service** – None

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

Kirsty Flanagan

**Head of Roads and Infrastructure:** Jim Smith

**Policy Lead:** Cllr Rory Colville

August 2021

**For further information contact:**

Jim Smith, Head of Roads & Infrastructure Services

Scott Reid, Marine Operations Manager

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**ARGYLL AND BUTE COUNCIL**

**ARGYLL AND BUTE HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE SERVICES**

**2<sup>nd</sup> SEPTEMBER 2021**

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**PIERS & HARBOURS -**

**MARINE ASSET MANAGEMENT PLAN**

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## **1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with an update on the major and noteworthy projects and schemes currently being addressed within Argyll and Bute Council Marine Asset Plan.
- 1.2 Priorities continue to be informed with close liaison with Transport Scotland, CMAL and CalMac to ensure targeted and timely resources.
- 1.3 This report provides an update on the following projects:
- Caignure
    - Passenger Access at existing terminal
    - Public consultation – New Pier
  - Iona / Fionnphort
  - Rothesay
    - Piling and grouting works
    - pontoons
  - Dunoon / Kilcreggan
- 1.4 Members are asked to endorse this report and approve the Caignure Interim Option 1 (do minimal) at point 4.5.

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**ARGYLL AND BUTE COUNCIL**

**ARGYLL AND BUTE HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE SERVICES**

**2<sup>nd</sup> SEPTEMBER 2021**

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**MARINE ASSET MANAGEMENT PLAN**

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**2.0 INTRODUCTION**

- 2.1 This report provides Members with an update on the major and noteworthy projects and schemes currently being addressed within Argyll and Bute Marine Asset Management Plan.

**3.0 RECOMMENDATIONS**

- 3.1 Members are asked to endorse this report and approve the Craignure Interim Option 1 (do minimal) at point 4.5.

**4.0 DETAIL: The Asset Management Plan**

- 4.1 Following are the details for the more notable projects in the Asset Management Plan to appraise the Members with their progress. Capital works programmed for the 2021 to 2022 financial year are valued at £10.335 million.

The Asset Management Plan remains under review subject to project deliverance, delays and adapting to changes in stakeholder priorities, however it remains on track and there is no requirement to alter the forecast to date. The Rothesay Pontoon Project issues may be the most likely source of significant slippage dependant on eventual start time.

- 4.2 The Asset Management Plan lists the works to be carried out on Argyll and Bute Council marine infrastructure over the next 10-year period.

#### **4.3 Craignure – Passenger access at existing terminal**

The existing Passenger Access System (PAS) at Craignure was out of service in February 2021 due to safety concerns and while the necessary risk assessments and modifications were completed. CMAL has been clear that the PAS is now close to the end of its operational lifespan and that the modifications are merely a stay regarding decommissioning. Royal Haskoning has been engaged to develop tender documentation and design specs for a compliant replacement PAS at the existing terminal location. This is at an early stage with CalMac to date providing an extensive list of potential in scope vessels. These vessels include short, long term and contingency options with the aim of maximising options as to the potential future use of the PAS when the Long-Term Option for Craignure has been completed.

#### **4.4 Craignure – Public consultation – Existing Pier (Interim)**

Due to the timescales associated with developing and constructing the Long Term replacement of the ferry terminal and pier, the Scottish Transport Guidance (STAG) study for Craignure published in 2019 included a number of Interim Options which could potentially bridge the gap between the present infrastructure and the future development. Argyll & Bute Council commissioned Mott MacDonald and Stantec to progress an Outline Business Case (OBC) to appraise which of these options should be recommended to Members.

#### **4.5 Craignure - the Interim Options and risk comparisons**

##### **0. Do Nothing:**

This is effectively a continuation of the status quo and there would be no works beyond the day-to-day maintenance.

Although there would be no major investment or sunken costs, this option would be hugely unpopular and politically unacceptable in Mull & Iona. Even with a tangible commitment to accelerating the long-term replacement of the infrastructure, the risks were found to outweigh any benefit by some margin for the community and island businesses.

##### **1. Do Minimum:**

This consists of carrying out the minimum works which tackle identified issues and facilitates operations pending delivery of the long-term solution. It excludes a pier extension to accommodate larger vessels. This option comprises the repair of the north berth fenders; linkspan refurbishment; concrete repairs to pier; installation of two new bollards to improve mooring arrangements; replacement of current Passenger Access System (PAS); extension to vehicle marshalling area and local traffic calming measures on A849.

The benefits of this option include minimum investment costs, no major sunken costs, the current level of service can continue to operate from Craignure over the

interim period and prioritises long-term investment which ultimately leads to a solution at Craignure rather than a temporary fix.

The risks identified with this option are that current vehicle capacity issues being experienced on the route would remain and demand management measures may be required, also in order for this option to gain local support, there will need to be a tangible commitment to progress the long-term option.

## 2. Pier Extension:

As well as the items listed in Option 1, this option would include a pier extension for the overnight berthing of the MV Isle of Mull and day berthing of the MV Hebrides and MV Clansman; replacement of fenders on the north berth; and liaison with RNLi with regards to an alternative or new facility for the RNLi Lifeboat. This option accommodates larger vessel deployment.

The benefits included improved operational arrangements for a wide range of vessels, an improved overnight berth for MV Isle of Mull or MV Isle of Arran would allow an island-based timetable to be adopted year-round and it would also free up an overnight berth in Oban during the winter months, improving overall network resilience.

Further, it would facilitate the introduction of significant additional vehicle deck capacity onto the Oban – Craignure route, addressing peak summer ferry capacity issues.

The risks however are that it would likely postpone the implementation of the long-term solution. Whilst the immediate aspirations of the community would be met, this option risks locking in several of the current issues such as the undersized terminal building, insufficient vehicle marshalling and poorly laid out bus stances.

Conversely, if a long-term measure is pursued within the short term, this would entail significant sunken costs, representing poor value for money.

There also remains a risk of further delay to FMEL 802, which could mean that MV Hebrides and MV Clansman are never deployed to the Craignure route. Also if that deployment does happen several years into the lifespan of this option, its value for money is significantly reduced.

## 4.6 **Craignure Interim OBC Conclusion**

Results of Interim options concluded that Option 1 (do minimum) should be recommended with the proviso that delivery of the Long-Term solution is expedited. Extension of the existing pier would not be progressed with this option so there is no disruption to the ferry service until at least the Long-Term option is decided on. This option allows funds and timelines to focus on the Long-Term new build solution.

## 4.7 **Craignure – Public consultation – New Pier (Long Term)**

Consultation is now nearing completion on the Long-Term options for the new infrastructure at Craignure. There are currently four options which incorporate a range potential disruption to current services and choices of layout footprint. A stakeholder working group has been established and further community meetings are planned to maximise the public feedback. Visualisations have been produced by Turner and Townsend with Ramboll UK to aid in these discussions. A verbal update will be provided to Members at the Harbour Board Meeting on the results of these discussions where it is hoped a recommendation on a preferred option can be put to Members.

#### **4.8 Iona / Finnphort Ferry Slips**

Environmental Impact Assessment (EIA) contract was awarded in March 2021 with a planned completion date of October 2021. The Iona breakwater crest level was reduced in the designs following discussions with CMAL and CalMac. Visualisations have been produced to aid the further consultations with the public.

#### **4.9 Rothesay Harbour Piling and Grouting Works**

Tenders were issued as per the previous report to Members however no compliant bids were received. A review of the design and construction methods by AECOM is underway with a view to retender as soon as possible.

#### **4.10 Rothesay pontoons**

Initial works on the piling required for the pontoons was stopped due to unexpected deep ground conditions. This has resulted in ongoing discussions with the contractor however to progress the project, Ground Investigation works are being tendered with results expected at the end of August 2021. The results of these works will inform all parties on agreeing a revised program and completion of the original project.

#### **4.11 Dunoon and Kilcreggan**

A contract was awarded to Mott MacDonald in January 2021 for the completion of an Outline Business Case (OBC) to consider the feasibility of design solutions which ensure safe berthing and passenger access at Dunoon and Kilcreggan of CMAL's new vessels for the route. Mott MacDonald are also working on a similar contract with CMAL for Gourock. It was intended for the results of this OBC to be available in August 2021 however the process has been put on hold while CMAL decide on general and specific design features of the new vessel / vessels that will be utilised on the triangle route.

## **5.0 CONCLUSION**

- 5.1 This report provides Members with an update on the major and noteworthy projects and schemes currently being addressed within Argyll and Bute Council Marine Asset Plan.

## **6.0 IMPLICATIONS**

### 6.1 Policy

None directly arising from this report.

### 6.2 Financial

There are no proposed increases arising from this report.

### 6.3 Legal

Considered to be none directly arising from this report.

### 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

Completed works and projects will enhance service reliability.

### 6.6 Risk

Completed works will reduce the repair and maintenance on existing infrastructure.

### 6.7 Customer Service

Overall improvement in travel experience and reliability.

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

Kirsty Flanagan

## **Policy Lead:**



Cllr Rory Colville

July 2021

**For further information contact:**

Scott Reid, Marine Operations Manager Tel: 01546 604 696

Jim Smith, Head of Roads and Infrastructure Services Tel: 01546 604 324

**APPENDICES**

**None**

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**ARGYLL AND BUTE COUNCIL****ARGYLL AND BUTE HARBOUR BOARD****ROADS AND INFRASTRUCTURE SERVICES****2<sup>nd</sup> SEPTEMBER 2021**

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**PORT MARINE SAFETY CODE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC). The Designated Person's Briefing Report (August 2021) is attached in Appendix A of this report.
- 1.2 The Port Marine Safety Code uses ten key measures as a baseline with which to compare compliance. Two of these key measures were identified by the Designated Person as not being met. This report will address the measures taken to eradicate the deficiencies.
- 1.3 The Duty Holder training carried out by the Designated Person in May 2021 is noted.
- 1.4 The first scheduled external Audit planned by the Designated Person is on 23 September 2021 at Dunoon, Kilcreggan and Helensburgh Piers. After which a detailed assessment of the Authorities compliance will be provided.
- 1.5 Internal Audits by Harbour Masters specifically for PMSC compliance have commenced with Dunoon on 23 July with no nonconformances.
- 1.6 Members are asked to consider this report and to consider a Development Day on site at Craignure, Mull.

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**ARGYLL AND BUTE COUNCIL**

**ARGYLL AND BUTE HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE SERVICES**

**2<sup>nd</sup> SEPTEMBER 2021**

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**PORT MARINE SAFETY CODE**

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**2.0 INTRODUCTION**

- 2.1 This report provides an update on the progress being made towards compliance with the Port Marine Safety Code (PMSC).
- 2.2 The PMSC (the code) sets out a national standard for every aspect of port marine safety and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared.
- 2.3 A Designated Person (DP) must be appointed to provide independent assurance regarding the operation of the Marine Safety Management System and this position was awarded to ABPmer in November 2020 with Monty Smedley appointed as DP.
- 2.4 Close liaison is maintained between the Marine Management, Harbour Masters and the DP to facilitate real time compliance and advice.
- 2.5 The Designated Person's Report of August 2021 is attached in Appendix A as reference is made to findings.

**3.0 RECOMMENDATIONS**

- 3.1 Members are asked to consider this report and to consider a Development Day on site at Craignure, Mull.

**4.0 DETAIL**

- 4.1 On May 14<sup>th</sup> 2021, the DP carried out training for the Duty Holder and other officers and Members. Certification was supplied as a record of the training.
- 4.2 The PMSC sets out a national standard and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared. The ten key measures identified in the code are as follows:
1. Duty Holder
  2. Designated Person
  3. Legislation

4. Duties and Powers
5. Risk Assessment
6. Marine Safety Management System (MSMS)
7. Review and Audit
8. Competence
9. Plan
10. Aids to Navigation

- 4.3 The DP report found that the following measures were not being met:
4. Duties and powers
  7. Review and Audit
- 4.4 Advice from the DP is being closely followed and internal audits carried out to eradicate the deficiencies. These actions will be evaluated only during the external audit process which commences in September 2021.
- 4.5 External Audits by the DP will commence with Dunoon, Kilcreggan & Helensburgh piers on 23 September 2021, followed by a general Harbour Master Meeting in Oban Harbour on 24 September.
- 4.6 An internal audit at Dunoon was carried out 23 July with no non-conformances. A formal schedule for internal audits is being developed to assist in planning the Harbour Master's audit visits as well as standardising the checklists and reporting forms used. This will enable a uniform product which can be presented to the DP, Duty Holder and Members.
- 4.7 A detailed assessment of the Authorities compliance will be provided to the Duty Holder and the Harbour Board by the DP following the first external audit in September 2021.
- 4.8 An onsite visit of the Harbour Board members to Craignure or other suitable location is recommended for consideration for 24<sup>th</sup> September to coincide with the Designated Person visit to the area.

## **5.0 CONCLUSION**

- 5.1 This report provides Members with an update on the progress towards full compliance with the PMSC. Further updates will continue as the auditing process continues.

## **6.0 IMPLICATIONS**

- 6.1 Policy - None directly arising from this report.
- 6.2 Financial - None arising from this report.
- 6.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident

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 - Compliance with the PMSC will help ensure safe and effective port operations.

6.6 Risk - Compliance with the PMSC will minimise the risk of port operations.

6.7 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.

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

Kirsty Flanagan

**Policy Lead for Roads and Infrastructure**

Cllr Rory Colville

July 2021

**For further information contact:**

Scott Reid, Marine Operations Manager Tel: 01546 604 696

Jim Smith, Head of Roads and Infrastructure Services Tel: 01546 604 324

**APPENDICES**

Appendix A Designated Person Report August 2021



## DP Briefing Report

Subject	Designated Person (PMSC) Briefing
Issued to	Argyll and Bute Council
Reporting period	From: March 2021 to August 2021
ABPmer project	4952/01
Prepared by	Monty Smedley
Reviewed by	Adam Fitzpatrick

### DP Period Activity

- 04 March 2021: Designated Person presentation to the Board.
- 14 May 2021: Duty Holder half-day training run via MS Teams.

### Meetings, audit notes and events

- 17 March 2021: Designated Person attendance at Argyll and Bute Council Harbour Masters' Meeting.

### Planned Activities 2021

The following DP activities are planned:

- September 2021 Assurance Audits:
  - Helensburgh and Kilcreggan Pier visit.
  - Dunoon Pier Port Marine Safety Code assurance audit.
- Attendance at the September Argyll and Bute Council Harbour Masters' Meeting.

### Other items of note

During the reporting period several items of news have been identified to draw to the attention of the Duty Holders, namely:

- The MCA has published the '[Port Marine Safety Code - Health Check Trends 2019/2020 report](#)'. During the two-year period, the MCA completed 16 Port regulatory 'health checks'. The report also included an annex from the UK Harbour Masters' Association Designated Person working group. Good practice notes included:
  - Well-structured and developed induction processes were seen for new entrants alongside a training matrix.
  - Wide ranging consultation processes within Harbour Authority areas were noted.
  - Use of a range of communications methods including hard copy, digital and social media platforms were seen. These include notifications of change of events, early warning of bad weather and enhanced safety routines.

A number of trends were summarised for industry consideration, including:

- A clear need for Duty Holders and (to a lesser degree) Designated Persons to attend training on their role. Increased operational visits and regular briefings would be beneficial for Duty Holder awareness.

- Appointees to the role of Duty Holder and Designated Person should ideally have a maritime background.
  - Suitably qualified and trained deputies should be considered to cover roles or absence of post holders.
  - Regular reviews of the Marine Safety Management System (MSMS) should be carried out to remove redundant documentation.
  - At large ports and port groups, a programme of internal audits would be beneficial.
  - A review of the relevance of training to reflect current regulations should be considered.
  - Appropriate resources should be allocated to conservancy (a duty of all Harbour Authorities).
- The International Council on Clean Transportation ([ICCT, 2021](#)) has published a report on the discharge from scrubbers which is accompanied by an interactive map. The report identifies that about 80% of scrubber discharges occur within 200 nautical miles of the coast. The North Sea, Irish Sea and English Channel were identified as hotspots for scrubber discharge. The report comments that container ships, bulk carriers and oil tankers together account for three-quarters of scrubber installations by number of ships and are responsible for about 70% of scrubber discharges worldwide. The ICCT found that 15% of scrubber discharges are from cruise ships, even though they represent only 4% of the scrubber-equipped fleet which consist of 4,300 vessels in 2020. There is industry concern regarding the report's modelling methodology. At this time, it is advised that the report is viewed, but information should not be quoted until the outcomes have been further validated.
  - The Confidential Hazardous Incident Reporting Programme ([CHIRP, 2021](#)) has released its annual digest of reports and insight articles. A number of the incidents within the report are of interest to Harbour Authorities' risk review panels, with particular reference to the following areas:
    - COVID-19 management;
    - PPE;
    - Harbour towage;
    - Wake and anchored vessels;
    - Tugs, fishing and recreation issues; and
    - Pilot boarding and Pilotage.
  - The British Ports Association (BPA) Circular Number 324 (BPA, 2021a) has notified ports that the Port Marine Safety Code compliance exercise has been extended by six months with a new deadline of 24 September 2021. This extension has resulted from an underwhelming response to the compliance exercise that closed on the 31 March 2021. The extension is to give those ports and marine facilities which have yet to send a response the opportunity to do so. Those previously submitting a response are advised to seek confirmation from the MCA that it has been received.
  - The MAIB has published its annual report summarising the last year's activities (MAIB, 2021). The [MAIB Annual Report 2020](#) summarises statistical information and safety recommendations from incident investigations. The MAIB raised 1,217 reports of marine accident and incidents and commenced 19 investigations, 10 of which were started due to a loss of life. The statistics also showed a notable increase in recreational incidents between June to October, in comparison to the last five years averaged data.
  - The British Ports Association (BPA) Circular Number 382 (BPA, 2021b) distributed a UK Ports Map that they have made in conjunction with the UK Harbour Masters' Association.



- The Marine Accident Investigation Branch (MAIB) has release an interim report on its investigation into the collision between the high-speed passenger craft *Seadogz* and a navigation buoy within Southampton Water on 22 August 2020 which resulted in one fatality (MAIB, 2021a). The MAIB has also release a YouTube video which describes the incident in more detail. The interim report recommends that all sports boats and passenger carrying charter boats review their risk assessments and systems of work for compliance with the safe working practices contained in the 'passenger safety on small commercial high-speed craft and experience rides voluntary code of practice'. Port and harbour authorities should consider the activity of any vessels operated commercially within their harbour, especially those engaged in high-speed experience rides.
- The MAIB has released an interim report on an investigation into an accident that resulted in a crush injury during a crew transfer operation between the workboat *Beinn Na Caillich* and a feed barge on the west coast of Scotland (MAIB, 2021b). The accident occurred in Loch Alsh at Ardintoul Fish Farm; the farm's assistant manager stepped from the deck of a workboat onto a feed barge ladder whilst the workboat was still moving. The two vessels came together whilst the assistant manager was on the ladder, resulting in a crush injury. The investigation concluded that the conduct of the boat transfer had not been properly planned, briefed, nor were there adequately supervised or controls. The MAIB has recommended that the owners apply the standards set out in the Workboat Code (Edition 2) to its existing fleet of workboats and specifically, to fully implement a safety management system across its fleet, as well as ensuring that it has appropriate marine expertise to oversee its operations.

## References

British Ports Association (BPA), 2021a. BPA Circular 324- PMSC Compliance Exercise: EXTENDED, June 2021

British Ports Association (BPA), 2021b. BPA Circular 382: July 2021.

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International Council on Clean Transportation (ICCT, 2021), Global scrubber wash water discharges under IMO's 2020 fuel sulphur limit. April 2021, International Council on Clean Transportation (theicct.org) <https://theicct.org/publications/global-scrubber-discharges-Apr2021>

Marine Accident Investigation Branch (MAIB), 2021. MAIB Annual Report 2020 <https://www.gov.uk/government/publications/maib-annual-report-2020>

Maritime and Coastguard Agency (MCA), 2021. Port Marine Safety Code - Health Check Trends 2019/20. <https://www.gov.uk/government/publications/port-marine-safety-code-health-check-trends-201920>

Marine Accident Investigation Branch (MAIB), 2021a. 'Interim Report on the investigation of the collision between the high-speed passenger craft *Seadogz* and a navigation buoy resulting in one fatality in Southampton Water on 22 August 2020'. May 2021 <https://www.gov.uk/government/news/seadogz-interim-report-published>

Marine Accident Investigation Branch (MAIB), 2021b. 'Crush incident during transfer from workboat *Beinn Na Caillich* to a feed barge with loss of one life'. MAIB Report 06/2021. 26 May 2021. [https://www.gov.uk/maib-reports/crush-incident-during-transfer-from-workboat-beinn-na-caillich-to-a-feed-barge-with-loss-of-1-life?utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_source=705e6b22-5dfb-463b-a0e9-a20e1e2dfc27&utm\\_content=daily](https://www.gov.uk/maib-reports/crush-incident-during-transfer-from-workboat-beinn-na-caillich-to-a-feed-barge-with-loss-of-1-life?utm_medium=email&utm_campaign=govuk-notifications&utm_source=705e6b22-5dfb-463b-a0e9-a20e1e2dfc27&utm_content=daily)

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## Harbour Board Work Plan 2021 - 2022

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
<b>2 September 2021</b>					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual	10 August 2021	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	10 August 2021	
	Port Marine Safety Code	Marine Operations	Bi-Annual	10 August 2021	
<b>3 March 2022</b>					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual	8 February 2022	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	8 February 2022	
	Piers and Harbours Fees and Charges 2020/21	Marine Operations	Bi-Annual	8 February 2022	
	Port Marine Safety Code	Marine Operations	Bi-Annual	8 February 2022	
<b>Future Reports – dates to be determined</b>					
	Community Groups & Berthing Dues				

## Harbour Board Work Plan 2021 - 2022

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
	Review of Marine Services Working Practices				
	Crane Provision at Campbeltwon				