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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT

Tel: 01546 602127 Fax: 01546 604435

DX 599700 LOCHGILPHEAD

28 July 2022

NOTICE OF MEETING

A Special meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held **ON A HYBRID BASIS BY ATTENDANCE IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD OR BY MICROSOFT TEAMS** on **THURSDAY, 4 AUGUST 2022** at **10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. OBAN BAY DEVELOPMENT / NORTH PIER EXTENSION PROPOSALS**
(Pages 3 - 8)
Report by Executive Director with responsibility for Roads and Infrastructure Services
- 4. OBAN BAY UPDATE (Pages 9 - 16)**
Report by Executive Director with responsibility for Roads and Infrastructure Services

Argyll and Bute Harbour Board

Councillor Robin Currie
Councillor Jim Lynch
Councillor Garret Corner
Councillor Ian MacQuire

Councillor John Armour
Councillor Andrew Vennard
Councillor Andrew Kain (Chair)
Councillor Ross Moreland (Vice-Chair)

Contact: Stuart Mclean, Committee Manager - 01436 658717
Hazel MacInnes, Committee Services Officer - 01546604269

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ARGYLL AND BUTE COUNCIL**HARBOUR BOARD****ROADS AND INFRASTRUCTURE
SERVICES****4 AUGUST 2022**

OBAN BAY DEVELOPMENT / NORTH PIER EXTENSION PROPOSALS

1.0 EXECUTIVE SUMMARY

- 1.1 As part of the Council's existing Harbour Authority area in Oban the council owns and manages a commercial berthing face at North Pier. This berthing face is in high demand and increasingly has insufficient capacity to meet the demands being made from commercial vessels. During the last year, 2 to 3 vessels per week have been turned away despite enquiries dropping due to repeated regular refusals. Recent salt deliveries have been disrupted and rescheduled due to the restricted access of heavy cranes on the cantilever pier edge. Also the availability of berthing space for CFL lifeline ferries has resulted in disruption to our other regular customers.
- 1.2 Oban Bay and the North Pier are of strategic importance for economic and tourism not only to the community of Oban but also to the hinterland of Oban, the many island communities who rely on Oban for strategic transport links, for aquaculture, off shore energy together with many other commercial and recreational users.
- 1.3 This report proposes to progress a Business Case, for future consideration by the Harbour Board, for the extension of North Pier as a commercial development opportunity providing much needed additional berthing.

2.0 RECOMMENDATIONS

- 2.1 The Harbour Board is asked to agree to a business case being progressed to determine the viability of an extension to the North Pier, Oban.

3.0 BACKGROUND AND EXISTING USE OF NORTH PIER

- 3.1 North Pier Oban is part of the Council's wider marine portfolio and is included within the Harbour Authority area of the Council's existing Statutory Harbour Authority in Oban. North pier is used by numerous commercial vessels including but not limited to: overnight and daytime berthing of CalMac's Lismore ferry; fish farm work boats; large sail boats; barges delivering road salt and other

materials; logging boats; and small to medium cruise ships etc.

- 3.2 The existing North Pier is approximately 75m long and has a berthing depth of 3m at its southern end and 5m at its northern end. This means that there are limitations in berthing, particularly during certain tidal conditions. Furthermore, due to the construction of the berthing face there are loading restrictions at the edge which means that heavy plant such as excavators for unloading barges are restricted in how they operate.
- 3.3 Following the development of the transit berth pontoons there has been an increase in the demand for commercial berthing at North Pier and it is not uncommon for vessels to be turned away. The increase in cruise vessel business visiting Oban, increase in the size and frequency of fish farm vessels and the summer 'Tall Ships' visits. There may also be future increased CFL / CalMac ferry traffic requiring layovers due to CMAL upgrades at the Railway Pier.
- 3.4 Some work has previously been carried out around concept design for the extension of the berthing face at North Pier. Furthermore, following the decision in December 2021 by the Harbour Board for the Council to progress the Municipal Harbour Authority, officers have held workshop sessions to consider how best to reinvigorate a project to develop a pier extension. This also looked at the additional local economic benefit which could be brought to the area, particularly considering the strategic importance of Oban Bay and North Pier.
- 3.5 The scope of the proposal would include extending and strengthening the North Pier by up to an additional 50m and dredging to a usable uniform depth of 5m to facilitate and future proof the berthing face for commercial customers. These works would help to ensure a safe and efficient through traffic management of commercial and private vehicles using the pier.
- 3.6 Whilst it would be necessary to consider a range of potential design solutions, extending the width of the existing pier face into the sea to create additional working space, as well as providing strengthening to the edge of the pier together with lengthening the pier to the north, would provide a significant additional berthing face for commercial vessels. Note the final detail of any pier extension, if progressed would be dependent on the usual design process. This concept proposal would also provide additional opportunities for cruise vessels to use the North Pier as a step ashore facility rather than relying on using tenders to transport passengers from anchorages elsewhere in the bay.
- 3.7 There are 4 options which were considered as part of the concept design process which are summarised in the table below.

Option	Summary description of option	Benefits	Drawbacks
1	A 50m extension to the northwest along the lines of the pontoon breakwater and following the present berthing	This option originally looked at foot access to the extension as	Although the berthing face would be extended it would

	face. There are further variations depending on scale of access and usability of the extended area for vehicles etc.	well as additional access to the breakwaters and pontoons. It would most suit CFL layovers and cruise vessel visits. It represents the minimal cost while lengthening the berthing face.	be restrictive to commercial vessels which will need to 'work' at the pier while alongside. It would need to be accessible to a variety of vessel gangways so would still be required to have a reasonable width and structure.
2	Extending out to seaward by 10m of the existing working berthing face.	This puts the workable berthing face into the more desirable deeper water suitable for larger commercial vessels.	Doesn't extend the length of the working face and presents a potential constraint on the CFL approach to the Railway Quays. Larger beamed vessels would more likely be 'Doubled up' due to the lack of extra length.
3	A combination of 1 + 2 above giving the depth and length for larger vessels.	A long deep berthing face would be ideal for larger deeper vessels without tidal restrictions.	This could exacerbate the issues with CFL vessels approaching the Railway Quay. Extending the length from this position also puts the construction into deeper water which increases the cost and complicates the engineering requirements for larger vessel loadings.
4	A specific variation to option 1 above with land reclamation of the shallow waters alongside the existing northwest facing	A narrower reclamation would see an inverted 'L' shaped quay	Expenditure and time to complete.

	<p>wall and perhaps the esplanade wall.</p>	<p>which would give extra sheltered berthing spaces as well as the opportunity to improve the function and access to the Pier and car park areas.</p>	
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3.8 This report proposes that a Business Case is developed to test the benefits of extending the North Pier. The Business Case would consider the strategic fit, financial viability together with climate change etc. Other benefits to the local community which can be considered but lay outside the Marine scope would include increased footfall into the town center, improvement to traffic on the pier, job creation and retention in the north Lorn area (aquaculture, aggregates and supporting industries, tourism, and services).

3.9 Should the Council progress this marine project it would be carried out on the basis that it would be self-funding and provide an additional strategic asset for Oban and the islands which Oban serves. The cost of the project could well be encompassed within some existing funding mechanisms. The funding options would, in various combinations, potentially include 'Lorn Arc' TIF existing North Pier Extension project fund; external Capital Grants, Scottish Government loan funds e.g. Crown Estate and funding through the existing marine asset management plan where loans charges would be serviced from fees and charges.

4.0 CONCLUSION

4.1 The existing berthing face at North Pier Oban is receiving more demand than it is able to satisfy for berthing and laying of vessels overnight. Oban bay has limited commercial berthing facilities available. This report proposes that a Business Case is progressed of the extension of North Pier to enable additional berthing to take place and also to make the pier more versatile by improving the edge of the existing structure to facilitate better loading and unloading of vessels.

5.0 IMPLICATIONS

5.1 Policy – The Harbour Board agreed in December 2021 that the Council should proceed to make the arrangements to formally manage the unmanaged section of Oban Bay.

5.2 Financial – the Business Case would be funded through the Marine Asset management Plan with any future investment of North Pier being self-funding through the recovery of fees and charges which would be used to cover any loan repayments together with future asset sustainability costs.

- 5.3 Legal – any works to extend the North Pier will be subject to a works harbor order.
- 5.4 HR – HR implications will be identified as the proposal progresses.
- 5.5 Fairer Scotland Duty: None known.
 - 5.5.1 Equalities – None known.
 - 5.5.2 Socio-economic Duty – None known.
 - 5.5.3 Islands – consultation will be carried out with the island communities as a continuation and expansion of the Options Appraisal Process reported to the December harbour Board not only for the progression of a Municipal Harbour Authority but also regarding any expansion of marine infrastructure at North Pier.
- 5.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 5.7 Risk – Risk will be managed in a proportionate way as per normal development and contract projects.
- 5.8 Customer Service – None known.

Executive Director with responsibility for Roads and Infrastructure, Kirsty Flanagan

Head of Roads and Infrastructure, Jim Smith

Policy Lead for Roads and Transport, Councillor Andrew Kain

June 2022

For further information contact: Jim Smith, Head of Roads and Infrastructure, or Scott Reid, Marine Operations Manager

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ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

**ROADS AND INFRASTRUCTURE
SERVICES**

4 AUGUST 2022

OBAN BAY UPDATE

1.0 INTRODUCTION

- 1.1 This report is provided to update Members on the progress being made since the decision of the Special Harbour Board meeting in December 2021 and the previous update to the Harbour Board meeting in March 2022 in respect of Oban Bay.

RECOMMENDATION:

The Harbour Board is asked to note and consider the update provided in this report.

ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

**ROADS AND INFRASTRUCTURE
SERVICES**

4 AUGUST 2022

OBAN BAY UPDATE

2.0 EXECUTIVE SUMMARY

2.1 This report provides an update following the Harbour Board Meeting, which took place in March 2022, on progress since the Special Meeting in December 2021 and the next steps which officers require to undertake.

3.0 RECOMMENDATIONS

3.1 The Harbour Board is asked to note and consider the update provided in this report.

4.0 DETAIL

SPECIAL HARBOUR BOARD, DECEMBER 2021

4.1 The Harbour Board made the following decision at its Special Meeting in December 2021:

The Argyll and Bute Harbour Board:

1. Thanked Caledonian Economics for their work on the Options Appraisal;
2. Agreed that the Council would not at this time proceed with a transfer of assets on the basis that there were too many uncertainties around the proposal;
3. Noted that Options 4 or 5 (Argyll and Bute Council or Caledonian Maritime Assets Limited (CMAL) becoming the Harbour Authority for the unmanaged section of Oban Bay) provides a quicker route to addressing the current safety concerns and are therefore the best options available at this time;
4. Agreed that either Options 4 or 5 should move forward and request that Officers engage with CMAL, through the OBMG, on the basis that the Council's preference would be option 5 and that the Council was prepared to be the Harbour Authority for the unmanaged section of Oban Bay, to begin the process of application for a Harbour Revision Order covering the

unmanaged section of Oban Bay and to expedite the process for such an order and to report back to members on that process;

5. Noted that there was no inherent reason why a Trust Port would not be a good future option; and
6. Agreed that once Options 4 or 5 were delivered there would be a period of bedding in to monitor the new arrangement and, after that time, there would be a further report to members on the potential for and exploration of the future development of a Trust Port.

HARBOUR BOARD MARCH 2022 UPDATE

- 4.2 Since the instruction from the Harbour Board to progress matters, Officers have held several sessions with key external bodies including CMAL, CalMac, Transport Scotland and Northern Lighthouse Board with additional support and assistance from the Council's external Marine Designated Person.
- 4.3 CMAL have agreement from their Board that Argyll and Bute Council will progress becoming Municipal Port Authority for the unmanaged areas of Oban Bay.
- 4.4 These initial discussions were critical to determining how matters should progress. It was agreed with the various parties that the Council would begin the process of developing the process of applying for a Harbour Revision Order (HRO) covering the unmanaged sections of Oban Bay.
- 4.5 A high level project timeline has been shared with the above noted key stakeholders for their input and is now published on the Argyll and Bute Council website. This will be updated regularly with information or changes.
- 4.6 At the Oban Bay Management Group meeting on 11 January the majority of the members of the group endorsed the proposal by the Council to become a Municipal Harbour Authority for the unmanaged waters within Oban Bay.
- 4.7 Good progress has been made with the Council's legal team regarding the provisions to be drafted for inclusion within the draft order and to further develop a plan for progression of the Statutory Harbour Authority (SHA) which requires a HRO to allow the formal management and running of Oban Bay. Good progress has also been made with the Council's internal team who have scoped out initial requirements for:
 - Harbour limits
 - Vessel Traffic System
 - Extended Oil Spill Response
 - Extended bathymetric survey provision
 - Work vessel requirements
 - Web site enhancement and content
 - Operating hours and staffing requirements
 - Financial model

- Communications strategy – including communication and engagement with stakeholders.
- Outline business case for extension of North Pier as a concept to develop.

Essentially the above points are an extension of the current management of the Council's 39 piers and harbours. The systems and expertise are in place across the existing assets and team, and are being adapted to suit the needs of Oban Bay.

PROGRESS SINCE MARCH 2022

- 4.8 Meeting held with the Policy Lead for Roads and Transportation; the two Executive Directors; Heads of Service for Legal and Regulatory and Roads and Infrastructure, to brief the Policy Lead on Oban Bay matters.
- 4.9 ABPmer have been engaged and are working to complete the Navigational Risk Assessment (NRA) which will inform the decision on the final external harbour limits as well as the Traffic Management levels which will be required in the bay. The requirement for marine traffic data to support the NRA is laid out in MCA Marine Guidance Note (MGN) 654 and states that:

'This should include all the vessel and craft types found in the area and total at least 28 days duration but also take account of seasonal variations and peak times in traffic patterns and fishing operations. AIS data alone will not constitute an appropriate traffic survey; radar, manual observations, other data sources (e.g. for fishing and recreation) and stakeholder consultation will ensure those vessels that are not required to carry and operate AIS are included, and it provides an appropriate representation of the base line marine traffic.'

A Marine Traffic Data Collection plan is currently with the MCA for views and proposes to provide the required 28 days survey duration split into two 14-day periods: one in the last two weeks in July 2022 and a further two weeks over a subsequent quiet period. The 'busy' data collection period was identified and refined based on programmed activity, which is planned to occur in addition to the usual commercial, ferry, aquaculture and recreational activity. Noted 2022 activities include the following:

- Yacht club events:
 - Monday mayhem: every Monday
 - Cruising weekend: 16-17 July
 - Theme series: 19 July
 - Round Branra Race: 24 July
 - July Cup Race: 21 July
 - West Highland Yachting week: 30 July to 05 August
- Sea Tours happening July and August
- Sea Kayaking Trips

July: 14, 18, 29
August: 01, 05, 07
July: 21, 22, 24, 25, 28, 29
August: 04, 07, 08
July: 21, 22, 24, 25
August: 01, 08

- Sea Kayaking Courses
July: 27-28
August: 03-04
August: 06-07
- Sea Kayaking Expeditions:
July: 15-17
July: 30-31

As part of the data collection method, ABPmer, in association with Argyll and Bute Council will consult with local operators to obtain additional information on vessel traffic routing and activity levels within the Oban Bay, its approaches and Kerrera Sound. The aim of this consultation will be the quantification of vessel traffic data, especially for vessel moves that may not occur during the 14-day onsite observations. It should be noted that this consultation is in addition to the NRA stakeholder engagement, which will be scheduled separately following the Marine Traffic Data Collection exercise.

Appendix 1 shows the proposed Harbour Limits which will form the baseline for the Marine Traffic Data Collection.

- 4.10 Officers continue to work with the Argyll and Bute Council legal team and Brodies to pull together the first draft of the Harbour Order.
- 4.11 A website page has been published with the project plan and will be regularly updated with supporting information.
- 4.12 The next key milestones for report to the regular September Harbour Board meeting are:
 - (1) Informal stakeholder consultation and briefing carried out during a 6-week period in July and August. This will be extensive and extra to the other consultations required by the process encompassing the wider Island Communities reliant on Oban for commuting and services.
 - (2) Marine Traffic Data Collection (summer) including stakeholder consultation
 - (3) Recommended external Harbour Limits based on summer data & consultation information.
 - (4) 1st Draft of the HRO for review and comment including Powers and Provisions.
 - (5) Completion/ progress of NRA and traffic management assessment.

5.0 CONCLUSION

- 5.1 Since the Special Meeting of the Harbour Board in December 2021, good progress has been made in preparing to submit a formal Harbour Revision

Order. Once the key milestones outlined above are concluded, a further report will be brought back to Members of the Harbour Board to agree the limits and powers which will be included in the draft Order.

6.0 IMPLICATIONS

- 6.1 Policy – The Harbour Board agreed in December 2021 that the Council should proceed to make the arrangements to formally manage the unmanaged section of Oban Bay.
- 6.2 Financial – No financial implications at this stage. As the proposals develop, further detail will be brought to the Harbour Board.
- 6.3 Legal – the HRO process is a formal legal process set out in the 1964 Harbours Act.
- 6.4 HR – HR implications will be identified as the proposal progresses.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities – None known.
 - 6.5.2 Socio-economic Duty – None known.
 - 6.5.3 Islands – consultation will be carried out with the island communities as a continuation and expansion of the Options Appraisal Process reported to the December Harbour Board.
- 6.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 6.7 Risk - The Council progressing to become a Municipal Port Authority for the unmanaged areas of Oban Bay increases the safety within Oban Bay. There is a risk that there could be a number of objections and representations during the process which could impact on timescale and these will be considered as and when they arise.
- 6.8 Customer Service – None known.

Executive Director with responsibility for Roads and Infrastructure, Kirsty Flanagan

Head of Roads and Infrastructure, Jim Smith

Policy Lead for Roads and Transport, Councillor Andrew Kain

June 2022

For further information contact: Jim Smith, Head of Roads and Infrastructure, or Scott Reid, Marine Operations Manager



Oban Bay Proposed Harbour Limits

Below are the proposed Argyll & Bute Council limits for Oban Harbour which will be the baseline for data collection. The CMAL area around the Railway pier has been left out of the chart but will of course be nested within the larger Municipal area. The limits have been derived following initial consultation with NLB, CMAL & CFL / CalMac but will be informed and refined based on information gleaned from the required NRA process.

The area enclosed by the northern boundary includes the No 1 and No 3 anchorages which are marked with the magenta anchor symbols.

The southern limit extends to beyond the CFL ferry service to Kerrera but may be revised south following data collection.

KEY FOR CHARTS

Mark	Image	Description
Purple lines		Indicate the limits of the proposed Harbour limits – subject to the NRA and any consultation feedback
Star Points		Indicate the points on the boundaries which define the limits

