



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
16 January 2018

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **TUESDAY, 23 JANUARY 2018** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES (Pages 3 - 4)

Minutes of the Argyll and Bute Harbour Board held on Thursday 7 September 2017.

*** 4. PIERS AND HARBOURS FEES AND CHARGES - 2018/19** (Pages 5 - 14)

Report by Executive Director – Development and Infrastructure Services

5. ARGYLL AND BUTE COUNCIL SINGLE HARBOUR ORDER (Pages 15 - 22)

Report by Executive Director – Development and Infrastructure Services

REPORTS FOR NOTING

6. MARINE ASSET MANAGEMENT PLAN – UPDATE ON PROGRESS (Pages 23 - 28)

Report by Executive Director – Development and Infrastructure Services

7. DRAFT ARGYLL AND BUTE HARBOUR BOARD WORKPLAN (Pages 29 - 30)

REPORT FOR DECISION WITH EXEMPT APPENDICES

8. OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

- (a) Public Report by Executive Director - Development and Infrastructure Services (Pages 31 - 34)

E1 (b) Exempt Appendices A & B (Pages 35 - 46)

Items marked with an “asterisk” are items, on the basis of information available at the time this Agenda is published, on which the Committee may not have delegated powers to act, and which may therefore require to be referred to the Council or another Committee, and that referral may depend on the decision reached at the meeting.

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 Paragraph 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

Argyll and Bute Harbour Board

Councillor Roderick McCuish (Chair)	Councillor John Armour
Councillor Jim Lynch	Councillor Ellen Morton (Vice-Chair)
Councillor Alastair Redman	Councillor Alan Reid
Councillor Richard Trail	Councillor Andrew Vennard

Contact: Adele Price-Williams Tel: 01546 604480

MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 7 SEPTEMBER 2017

Present: Councillor Roderick McCuish (Chair)

Councillor Alastair Redman
Councillor Alan Reid

Councillor Richard Trail
Councillor John Armour

Attending: Pippa Milne, Executive Director – Development and Infrastructure Services
Jim Smith, Head of Roads and Amenity Services
Stewart Clark, Marine Operations Manager
Patricia O’Neill, Central Governance Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Jim Lynch, Andrew Vennard and Ellen Morton.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest intimated.

3. MINUTES

The Minutes of the Argyll and Bute Harbour Board as held on Thursday 23 March were approved as a correct record.

4. PORT MARINE SAFETY CODE UPDATE REPORT

Members considered a report which highlighted a number of issues requiring to be addressed to ensure compliance with the Port Marine Safety Code following on from an audit by the Designated Person. Members noted the Designated Person service provided by Marico Marine is on a three year contract due to expire in December 2017.

Decision

Members of the Argyll and Bute Harbour Board;

- a) noted the report;
- b) approved the revised Marine Safety Plan; and
- c) agreed to the circulation of the Harbour User Groups’ Minutes to Harbour Board Members.

(Reference: Report by Executive Director, Development and Infrastructure Services dated 10 August 2017, submitted)

5. MARINE ASSET MANAGEMENT PLAN

A report providing Members with details of the Council's Marine Asset Management Plan was considered by the Committee. The report explained why the Plan was initially produced and gave detail on the processes involved to ensure it meets future requirements of the service.

Decision

Members of the Argyll and Bute Harbour Board;

- a) approved the 10 year Marine Asset Management Plan on the basis that the plan be included in the Development and Infrastructure Strategic Asset Management Plan (SAMP) for consideration as part of the Council's overall capital programme;
- b) approved the principle that the Fees and Charges for Piers and Harbours will be increased above inflation to pay for the costs of Prudential Borrowing to fund the Asset Management Plan.

(Reference: Report by Executive Director, Development and Infrastructure Services dated July 2017, submitted)

6. HARBOUR BOARD WORKPLAN

The Board considered the outline workplan to facilitate forward planning of reports to the Argyll and Bute Harbour Board.

Decision

The Harbour Board noted the work plan.

(Reference: Harbour Board Workplan dated 7 September 2017, submitted)

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 JANUARY 2018**

PIERS & HARBOURS FEES AND CHARGES - 2018/19

1.0 EXECUTIVE SUMMARY

- 1.1 It was agreed at a previous Harbour Board meeting that the structure of charging at the Council's piers and harbours should be in line with the decisions agreed at the August 2016 meeting.
- 1.2 The most recent version of the asset management plan was presented to Members at the last Harbour Board meeting in September 2017. Likely costs, attributable to works currently planned for year 2 (2018 to 2019), are expected to be £3,750,000. In order to generate sufficient funds in year 2, to meet capital borrowing costs, it has been estimated that fees and charges will require to be increased by 6% overall -
- 1.3 It is proposed that new charges are implemented for the following:-
- Car and pedestrian marshalling (Rothesay and Dunoon)
 - charge - £122.00 per day
 - Freight service (Rothesay Harbour)
 - charge - £12.00 per load
 - Use of link-span for non-vehicular traffic
 - charge - £35.00 per use
 - Lay-up at a non-ferry berth - normal charges to apply
 - as listed in Council's advertised fees and charges leaflet.
 - Currently £0.0957 per gross registered tonne – subject to increase.
 - Rope-handling for ferries where additional resources are required
 - as listed in Council's advertised fees and charges leaflet.
 - Currently £118.05 per time – subject to increase.
 - Slipway landing fee
 - Charge - £5 per use.
 - Cruise ship calls (anchoring and ferrying-in passengers)
 - Charge £500 per call.
- 1.4 As previously agreed, in order to fund the various works identified in the Asset Management Plan in future years, it will be necessary to increase fees and charges, over and above any required inflationary increase, on a year-on-year basis. Annual increases are expected to be in the order of 2 to 10%, depending upon works identified for that particularly year (plus any inflationary increase).
- 1.5 Members are asked to recommend to the Council, when setting fees and charges for 2018/19, that it approves a) the increase in all fees and charges, over and above any inflationary increase, by 3% to generate sufficient income to develop the

Council's marine infrastructure and b) the variation of charges as outlined in section 5.1 of this report. This will be in-step with the decision agreed at the August 2016 Harbour Board meeting to set charges that meet both the asset sustainability costs and future improvement costs associated with the piers and harbours which the Council has a responsibility for.

- 1.6 A copy of the proposed fees and charges spreadsheet for 2018/19 is attached to the appendix of this report.



PIERS & HARBOUR FEES AND CHARGES – 2018/19

2.0 INTRODUCTION

2.1 This report provides Members with details of the proposed increase in Piers & Harbours fees and charges; it refers back to the last report on the subject, approved at the November 2016 meeting of the Harbour Board.

3.0 RECOMMENDATIONS

3.1 Members are asked to

- recommend to the Council, when setting fees and charges for 2018/19, that it approves a) the increase in all fees and charges, over and above any inflationary increase, by 3% to generate sufficient income to develop the Council's marine infrastructure and b) the variation of charges as outlined in section 5.1 of this report.
- Note that this will be in-step with the decision agreed at the August 2016 Harbour Board meeting to set charges that meet both the asset sustainability costs and future improvement costs associated with the piers and harbours which the Council has a responsibility for.

4.0 BACKGROUND

4.1 It was agreed at a previous Harbour Board meeting that a review of the Council's Piers and Harbours fees and charges would be carried out. Members have agreed that the structure of charging at our piers and harbours should be in line with decisions agreed at the August 2016 Harbour Board meeting i.e. 'that in future pier/harbour dues should be set as a minimum at a level which will cover operating and staffing costs; inspection, maintenance and whole life asset management costs; any prudential borrowing costs required to fund shoreside infrastructure associated with the future ferry services'.

4.2 It has been highlighted in previous reports, in line with the decisions agreed, that fees and charges will be set at a level which ensures that income generated at each of the Council's main ferry ports covers total costs for each individual port plus a contribution to central costs. Charges will be applied for any additional services provided at ferry ports, as the provision of these services, quite clearly, requires resourcing by Council employees i.e. the staffing levels at different harbours are, to a large extent, determined by the services provided at the harbour.

- 4.3** Historically, costs relating to borrowing for capital projects were not directly attributed to Piers and Harbours. In future, costs attributable to the repayment of capital loans will be funded through income received from Piers and Harbours fees and charges; this will apply to both outstanding and future loans.

5.0 DETAIL

- 5.1** As mentioned in 4.2 above, in future, there will be a charge for providing additional services at our facilities which is proportionate to the cost of providing those services. It is therefore proposed that new charges are implemented for the following:-

- Car and pedestrian marshalling (Rothesay and Dunoon)
 - charge - £122.00 per day
- Freight service (Rothesay Harbour)
 - charge - £12.00 per load
- Use of link-span for non-vehicular traffic
 - charge - £35.00 per use
- Lay-up at a non-ferry berth - normal charges to apply
 - as listed in Council's advertised fees and charges leaflet.
 - Currently £0.0957 per gross registered tonne – subject to increase.
- Rope-handling for ferries where additional resources are required*
 - as listed in Council's advertised fees and charges leaflet.
 - Currently £118.05 per time – subject to increase.
- Slipway landing fee
 - Charge - £5 per use.
- Cruise ship calls (anchoring and ferrying-in passengers)
 - Charge £500 per call.

* A charge will be applied for rope-handling services for ferries where there is a requirement to hire-in additional staff to facilitate this service – this is currently a seasonal requirement at Dunoon. Although a rope-handling charge already exists, it has historically not been charged to ferries. Applying separate charges for additional services recognises differing costs incurred at each harbour associated with staffing.

In addition, it is proposed to increase all fees and charges, over and above any inflationary increase, by 3% to generate sufficient income to develop the Council's marine infrastructure and cover outstanding loans charges – see revised fees and charges for 2018/19 in the appendix to this report.

- 5.2** The first draft of the Council's marine asset management plan was presented to Members at the November 2016 meeting of the Harbour Board. The plan has been further developed to indicate the likely capital spend profile over the next ten years or so. The plan will be regularly updated to reflect the condition of the asset, any related works required, and our aspirations to develop the asset in future years. The asset management plan will be the subject of regular reports to the Harbour Board.
- 5.3** The most recent version of the asset management plan was presented to Members at the last Harbour Board meeting in September 2017. Overall, asset management

costs for the 10 year plan are expected to be circa £65 million. Likely costs, attributable to works currently planned for year 2, are expected to be £3,750,000.

- 5.4** The calculation for this year's increase in fees and charges, over and above any inflationary increase, has therefore taken into account the following key points:-
- Variations to fees and charges – as outlined in para. 5.1 above.
 - Savings identified to meet the cost of outstanding capital loans charges as referenced in paragraph 4.3 above.
 - Capital borrowing costs attributable to the asset management plan.

In order to generate sufficient funds in year 2 (year 2018/2019) it has been estimated that fees and charges will require to be increased by 3% overall.

- 5.5** It is proposed that the Council's piers and harbours fees and charges be amended for year 2018/2019 to reflect the above increase (including any increase to cover inflationary costs) – the overall increase to be approved at the full Council budgetary meeting in February 2018.
- 5.6** As previously agreed, in order to fund the various works identified in the Asset Management Plan in future years, it will be necessary to increase fees and charges, over and above any required inflationary increase, on a year-on-year basis. Annual increases are expected to be in the order of 2 to 10%, depending upon works identified for that particular year (plus any inflationary increase). Council fees and charges will not be adjusted for individual piers or harbours, however, net income/expenditure for each facility will balance overall. At those piers and harbours where major works have been carried out over the last few years, such as Bruichladdich, Campbeltown, Carradale, Dunoon, Port Askaig, Rothesay, Feolin and Taylinloan, capital loan charges are significant. The 10 year asset management plan lists all 39 piers and harbours and provides information on programmed future investment – capital borrowing costs for individual schemes, listed in the asset management plan, will be substantial over forthcoming years; charging these costs to individual harbours would lead to extreme spikes in their expenditure, therefore capital borrowing costs will be accounted for within central marine operations costs and allocated across the network accordingly.
- 5.7** Expenditure and income for individual ports will, of course vary however all major harbours providing services to year round ferries (e.g. Dunoon, Craignure, Rothesay) are projected to cover their expenditure from the income earned at that facility.
- 5.8** As mentioned in previous reports, once the outcome of the current tendering process for the Gourock to Dunoon service is known, the type of service provision and use of buildings at Dunoon ferry terminal can be reviewed. It should be noted that the group known as the 'Dunoon–Gourock Ferry Action Group' (DGFAG) takes the view that, where income generated at a Council port is less than the expenditure for that same port, charges should be increased to ensure that all costs are covered. Notwithstanding the statement in 5.6 above, the application of the variation in fees and charges, as outlined in this report, (i.e. the introduction of new or existing fees for the provision of additional services) addresses these concerns, with Dunoon expected to make a nominal net income of £42,000.

6.0 CONCLUSION

6.1 The proposed fees and charges increase is required to fund future asset sustainability and improvement costs for the Council's piers and harbours.

7.0 IMPLICATIONS

7.1	Policy	None directly arising from this report
7.2	Financial	The proposed increase of fees and charges will ensure that future income is sufficient to maintain and develop the Council's marine assets.
7.3	Legal	Considered to be none directly arising from this report – although specialist legal advice has been sought.
7.4	HR	None
7.5	Equalities	None
7.6	Risk	Above inflation increases may have a detrimental economic impact on businesses using the facilities e.g. fishermen, bulk oil importers, timber exporters, wind farm developers and cruise companies. Significant increases may also reduce usage and customers while making attracting new business more difficult.
7.7	Customer Services	Customers and key stakeholders will be informed of fees and charges set when agreed.

APPENDIX – Proposed new fees and charges 18/19.

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roderick McCuish

21 December 2017

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

Description	Other	2017/18				2018/19				Increase		Notes/Comments	VAT Comments
		Net £	VAT Rate	VAT £	Gross £	Net £	VAT Rate	VAT £	Gross £	£	%		
FERRY FARES													
SPT Concessionary Travel Scheme - Single													Statutory Charge Set by SPT
SPT Concessionary Travel Scheme - Return													
Out of hours Service - Cuan/Easdale/Lismore - up to Midnight		70.20	Zero Rated	0.00	70.20	72.30	Zero Rated	0.00	72.30	2.10	3%		
Out of hours Service - Cuan/Easdale/Lismore - After Midnight		90.70	Zero Rated	0.00	90.70	93.40	Zero Rated	0.00	93.40	2.70	3%		
Easdale/Cuan Passenger Fares - Adult - Return		2.05	Zero Rated	0.00	2.05	2.10	Zero Rated	0.00	2.10	0.05	2%		
Easdale/Cuan Passenger Fares - Adult - 5 Return Journeys		6.95	Zero Rated	0.00	6.95	7.15	Zero Rated	0.00	7.15	0.20	3%		
Easdale/Cuan Passenger Fares - Child - Return		1.20	Zero Rated	0.00	1.20	1.25	Zero Rated	0.00	1.25	0.05	4%		
Easdale/Cuan Passenger Fares - Child - 5 Return Journeys		3.40	Zero Rated	0.00	3.40	3.50	Zero Rated	0.00	3.50	0.10	3%		
Cuan Vehicle Fares - Private Vehicles - Motor Cars 50% Disability discount - Return		4.15	Zero Rated	0.00	4.15	4.25	Zero Rated	0.00	4.25	0.10	2%		
Cuan Vehicle Fares - Private Vehicles - cars, trailers or caravans - Return - Up to and Including 5m		8.30	Zero Rated	0.00	8.30	8.55	Zero Rated	0.00	8.55	0.25	3%		
Cuan Vehicle Fares - Private Vehicles - cars, trailers or caravans - Up to and including 5m - 5 Return Journeys		27.55	Zero Rated	0.00	27.55	28.40	Zero Rated	0.00	28.40	0.85	3%		
Cuan Vehicle Fares - Private Vehicles - cars, trailers or caravans - Up to and including 5m - 3 Monthly Unlimited (domestic travellers only - car and driver only)		242.00	Zero Rated	0.00	242.00	249.00	Zero Rated	0.00	249.00	7.00	3%		
Cuan Vehicle Fares - Private Vehicles -Motorcycle - Return		3.50	Zero Rated	0.00	3.50	3.60	Zero Rated	0.00	3.60	0.10	3%		
Cuan Vehicle Fares - Private Vehicles -Motorcycle - 10 Journeys		11.00	Zero Rated	0.00	11.00	11.35	Zero Rated	0.00	11.35	0.35	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 5.01m to 8.0m - Return		12.25	Standard	2.45	14.70	12.63	Standard	2.53	15.15	0.45	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 8.01m to 12.0m - Return		14.25	Standard	2.85	17.10	14.67	Standard	2.93	17.60	0.50	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 12.01m to 18.0m - Return		16.17	Standard	3.23	19.40	16.67	Standard	3.33	20.00	0.60	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 5.01m to 8.0m - 5 Return Journeys		60.08	Standard	12.02	72.10	61.88	Standard	12.38	74.25	2.15	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 8.01m to 12.0m - 5 Return Journeys		69.50	Standard	13.90	83.40	71.58	Standard	14.32	85.90	2.50	3%		
Cuan Vehicle Fares - Commercial Vehicles/Coaches - 12.01m to 18.0m -5 Return Journeys		78.83	Standard	15.77	94.60	81.21	Standard	16.24	97.45	2.85	3%		
Lismore Passenger Fares - Adult - Single		1.85	Zero Rated	0.00	1.85	1.90	Zero Rated	0.00	1.90	0.05	3%		
Jura Passenger Fares - Adult - Single		1.80	Zero Rated	0.00	1.80	1.85	Zero Rated	0.00	1.85	0.05	3%		
Lismore Passenger Fares - Adult - 10 Journeys		12.40	Zero Rated	0.00	12.40	12.75	Zero Rated	0.00	12.75	0.35	3%		
Jura Passenger Fares - Adult - 10 Journeys		11.90	Zero Rated	0.00	11.90	12.10	Zero Rated	0.00	12.10	0.20	2%		
Lismore Passenger Fares - Child - Single		1.10	Zero Rated	0.00	1.10	1.15	Zero Rated	0.00	1.15	0.05	5%		
Jura Passenger Fares - Child - Single		1.05	Zero Rated	0.00	1.05	1.05	Zero Rated	0.00	1.05	0.00	0%		
Lismore Passenger Fares - Child - 10 Journeys		5.95	Zero Rated	0.00	5.95	6.15	Zero Rated	0.00	6.15	0.20	3%		
Jura Passenger Fares - Child - 10 Journeys		5.70	Zero Rated	0.00	5.70	5.80	Zero Rated	0.00	5.80	0.10	2%		
Jura Vehicle Fares - Private Vehicles - Excursion Return		15.15	Zero Rated	0.00	15.15	15.40	Zero Rated	0.00	15.40	0.25	2%		
Jura Vehicle Fares - Private Vehicles - Motor Cars 50% Disability Discount - Return (Based on 50% Excursion Return)		7.50	Zero Rated	0.00	7.50	7.60	Zero Rated	0.00	7.60	0.10	1%		
Jura Vehicle Fares - all vehicles up to and including 5m - single journey (including driver)		9.45	Zero Rated	0.00	9.45	9.60	Zero Rated	0.00	9.60	0.15	2%		
Jura Vehicle Fares - all vehicles up to and including 5m - 10 Single Journeys (including driver)		61.20	Zero Rated	0.00	61.20	62.10	Zero Rated	0.00	62.10	0.90	1%		
Jura Vehicle Fares - all vehicles up to and including 5m - 50 Single Journeys (including Driver)		310.80	Zero Rated	0.00	310.80	315.45	Zero Rated	0.00	315.45	4.65	1%		
Jura Vehicle Fares - Private Vehicles - Motorcycle - Single		3.85	Zero Rated	0.00	3.85	3.90	Zero Rated	0.00	3.90	0.05	1%		
Jura Vehicle Fares - Private Vehicles - Motorcycle - 10 Journeys		24.55	Zero Rated	0.00	24.55	24.90	Zero Rated	0.00	24.90	0.35	1%		
Jura Vehicle Fares - Commercial Vehicles/Coaches - 5.01m to 8.0m		16.96	Standard	3.39	20.35	17.21	Standard	3.44	20.65	0.30	1%		
Jura Vehicle Fares - Commercial Vehicles/Coaches - 8.01m to 12.0m		19.13	Standard	3.83	22.95	19.42	Standard	3.88	23.30	0.35	2%		
Jura Vehicle Fares - Commercial Vehicles/Coaches - 12.01m to 18.0m		21.46	Standard	4.29	25.75	21.79	Standard	4.36	26.15	0.40	2%		

Notice 744A provides that these charges would be Zero-rated.

Notice 744A provides that these charges would be Zero-rated.

Jura Vehicle Fares - Commercial Vehicles/Coaches - Out of Hours service - up to Midnight		86.85	Outwith the Scope	0.00	86.85	88.15	Outwith the Scope	0.00	88.15	1.30	1%	
PIERS AND HARBOURS - RATES - GOODS, PASSENGERS & VEHICLES												Rates for Goods Shipped, Transhipped or Unshipped at the Pier or Ferry Slip or within the Harbour
General Goods Packaged (per tonne) Includes Fruit, Beverages, Meat, Dairy Products, General Groceries and Confectionery, Cured Fish, etc.		1.95	Zero Rated	0.00	1.95	2.05	Zero Rated	0.00	2.05	0.10	5%	In determining weights for the purpose of charging dues, the weights of the containers of any goods shall be included.
Dry Bulk Commodities (per tonne) Ores, Aggregates and Crushed Stone, Cement and Building Materials, Timber (including Logs), Salt, etc.		1.70	Zero Rated	0.00	1.70	1.80	Zero Rated	0.00	1.80	0.10	6%	In terms of liquid, gaseous bulk products, bulk shipments of materials may be charged at discounted rates subject to a request being made in writing to the Executive Director, Development and Infrastructure, who will then refer the letter to the full Council.
Liquid and Gaseous Bulk Products (per tonne)		2.10	Zero Rated	0.00	2.10	2.25	Zero Rated	0.00	2.25	0.15	7%	
Explosives (per tonne)		75.60	Zero Rated	0.00	75.60	80.15	Zero Rated	0.00	80.15	4.55	6%	
Livestock - Poultry (per bird)		0.35	Zero Rated	0.00	0.35	0.35	Zero Rated	0.00	0.35	0.00	0%	
Animals (per Animal)		0.65	Zero Rated	0.00	0.65	0.70	Zero Rated	0.00	0.70	0.05	8%	
Smolt (per thousand)		4.30	Zero Rated	0.00	4.30	4.55	Zero Rated	0.00	4.55	0.25	6%	
Fish, including Shellfish - Fresh, all varieties and also fish consigned for sale at other markets - percentage of catch	2.50%		If Applicable				If Applicable					2.5% of catch
Rates on Passenger and Vehicles - Adult Passengers landing at or embarking from pier (each)		0.40	Zero Rated	0.00	0.40	0.40	Zero Rated	0.00	0.40	0.00	0%	
Rates on Passenger and Vehicles - Child Passengers landing at or embarking from pier (each)		0.25	Zero Rated	0.00	0.25	0.25	Zero Rated	0.00	0.25	0.00	0%	
Rates on Passenger and Vehicles - Private Cars, Taxis, Hearses and Agricultural Machinery (Tractors, Trailers, etc.) (each)		1.20	Zero Rated	0.00	1.20	1.25	Zero Rated	0.00	1.25	0.05	4%	
Rates on Passenger and Vehicles - Caravans or Trailers (except Commercial Trailers) (each)		1.90	Zero Rated	0.00	1.90	2.00	Zero Rated	0.00	2.00	0.10	5%	
Rates on Passenger and Vehicles - Cycles (each)		0.35	Zero Rated	0.00	0.35	0.35	Zero Rated	0.00	0.35	0.00	0%	
Rates on Passenger and Vehicles - Motorcycles including sidecar (each)		0.80	Zero Rated	0.00	0.80	0.85	Zero Rated	0.00	0.85	0.05	6%	
Rates on Passenger and Vehicles - Buses (each)		6.55	Zero Rated	0.00	6.55	6.95	Zero Rated	0.00	6.95	0.40	6%	
Rates on Passenger and Vehicles - Commercial Vehicles - Per Metre		0.80	Zero Rated	0.00	0.80	0.85	Zero Rated	0.00	0.85	0.05	6%	
PIERS AND HARBOURS - RATES - MISCELLANEOUS												
Mobile Cranage - for each lift		10.50	Zero Rated	0.00	10.50	11.15	Zero Rated	0.00	11.15	0.65	6%	For goods remaining in sheds or on the pier or quays for a period longer than 24 hours, 50% of the original pier dues shall be charged for each 24 hours or part thereof.
Fresh Water - per tonne or part thereof (minimum charge £10)		3.00	Zero Rated	0.00	3.00	3.20	Zero Rated	0.00	3.20	0.20	7%	Provided that in the case of sheds occupied from time to time under lease or let from the Council such dues shall not be charged against the occupier or leasee. The terms of such leases or lets shall be subject to individual negotiation with the Executive Director.
Left Luggage - per article up to 24hours (minimum charge £10)		2.58	Standard	0.52	3.10	2.75	Standard	0.55	3.30	0.20	6%	(Note there is a minimum charge of £10.00 for some items)
Parcels and Packages up to 50 kg (minimum charge £10)		0.29	Standard	0.06	0.35	0.29	Standard	0.06	0.35	0.00	0%	Cost of clearing site reflected in increase in charge.
Parcels and Packages- where articles can be measured - charge per cubic metre (minimum charge £10)		2.92	Standard	0.58	3.50	3.08	Standard	0.62	3.70	0.20	6%	
Parcels and Packages- where articles cannot be measured - charge per tonne (minimum charge £10)		2.92	Standard	0.58	3.50	3.08	Standard	0.62	3.70	0.20	6%	
Rope Handling - To be charged each time i.e. Arrival and departure to be charged separately (NB to be charged to ferries where additional resources are required)		118.05	Zero Rated	0.00	118.05	125.15	Zero Rated	0.00	125.15	7.10	6%	
Timber Debris Clearance		295.17	Standard	59.03	354.20	312.88	Standard	62.58	375.45	21.25	6%	
Use of Linkspan - Commercial use		300.00	Zero Rated	0.00	300.00	300.00	Zero Rated	0.00	300.00	0.00	0%	
Use of Linkspan - non-vehicular traffic						35.00	Zero Rated	0.00	35.00	35.00	0%	New charge for 2018-19 agreed by the Argyll & Bute Harbour Board
Operational Duties on behalf of external bodies							Outwith the Scope	0.00	122.00	122.00	0%	New charge for 2018-19 agreed by the Argyll & Bute Harbour Board
Car and Pedestrian marshalling - Rothesay and Dunoon (per day)						122.00	Outwith the Scope	0.00	122.00	122.00	0%	New charge for 2018-19 agreed by the Argyll & Bute Harbour Board
Freight handling - Rothesay Harbour						12.00	Outwith the Scope	0.00	12.00	12.00	0%	
Electricity (per unit)		0.17	Standard	0.03	0.20	0.17	Standard	0.04	0.21	0.01	5%	
Slipway Landing fee						5.00	Zero Rated	0.00	5.00	5.00	0%	New charge for 2018-19 agreed by the Argyll & Bute Harbour Board
Cruise calls/tenders						500.00	Zero Rated	0.00	500.00	500.00	0%	New charge for 2018-19 agreed by the Argyll & Bute Harbour Board
PIERS AND HARBOURS - RATES - VESSELS												
1 - Basic Rate - all vessels to be charged at this rate unless eligible for categories 2, 3, 4 - see comment 2												COMMENTS
Up to 5 metres in length	Per visit up to 24 hours	9.75	Zero Rated	0.00	9.75	10.35	Zero Rated	0.00	10.35	0.60	6%	1. The category and rate under which a vessel is to be charged must be paid at the time of the berthing or on invoicing as appropriate.
Up to 6 metres in length	Per visit up to 24 hours	11.75	Zero Rated	0.00	11.75	12.45	Zero Rated	0.00	12.45	0.70	6%	

Up to 7 metres in length	Per visit up to 24 hours	13.55	Zero Rated	0.00	13.55
Up to 8 metres in length	Per visit up to 24 hours	15.55	Zero Rated	0.00	15.55
Up to 9 metres in length	Per visit up to 24 hours	17.50	Zero Rated	0.00	17.50
Up to 10 metres in length	Per visit up to 24 hours	19.45	Zero Rated	0.00	19.45
Over 10 metres in length - charge per metre	Per visit up to 24 hours	1.95	Zero Rated	0.00	1.95
Up to 5 metres in length	Weekly	48.35	Zero Rated	0.00	48.35
Up to 6 metres in length	Weekly	58.00	Zero Rated	0.00	58.00
Up to 7 metres in length	Weekly	67.65	Zero Rated	0.00	67.65
Up to 8 metres in length	Weekly	78.70	Zero Rated	0.00	78.70
Up to 9 metres in length	Weekly	87.80	Zero Rated	0.00	87.80
Up to 10 metres in length	Weekly	96.75	Zero Rated	0.00	96.75
Up to 5 metres in length	Summer	354.85	Zero Rated	0.00	354.85
Up to 6 metres in length	Summer	425.75	Zero Rated	0.00	425.75
Up to 7 metres in length	Summer	496.75	Zero Rated	0.00	496.75
Up to 8 metres in length	Summer	567.70	Zero Rated	0.00	567.70
Up to 9 metres in length	Summer	638.70	Zero Rated	0.00	638.70
Up to 10 metres in length	Summer	709.65	Zero Rated	0.00	709.65
Up to 5 metres in length	Winter	258.05	Zero Rated	0.00	258.05
Up to 6 metres in length	Winter	309.65	Zero Rated	0.00	309.65
Up to 7 metres in length	Winter	361.30	Zero Rated	0.00	361.30
Up to 8 metres in length	Winter	412.85	Zero Rated	0.00	412.85
Up to 9 metres in length	Winter	464.50	Zero Rated	0.00	464.50
Up to 10 metres in length	Winter	516.10	Zero Rated	0.00	516.10
1a - Any ship of a gross tonnage less than 15 tonnes or used for recreation or pleasure - charge is subject to 20% VAT					
Up to 5 metres in length	Per visit up to 24 hours	8.29	Standard	1.66	9.95
Up to 6 metres in length	Per visit up to 24 hours	9.92	Standard	1.98	11.90
Up to 7 metres in length	Per visit up to 24 hours	11.50	Standard	2.30	13.80
Up to 8 metres in length	Per visit up to 24 hours	13.17	Standard	2.63	15.80
Up to 9 metres in length	Per visit up to 24 hours	14.83	Standard	2.97	17.80
Up to 10 metres in length	Per visit up to 24 hours	16.46	Standard	3.29	19.75
Over 10 metres in length - charge per metre	Per visit up to 24 hours	1.67	Standard	0.33	2.00
Up to 5 metres in length	Weekly	41.13	Standard	8.23	49.35
Up to 6 metres in length	Weekly	49.33	Standard	9.87	59.20
Up to 7 metres in length	Weekly	57.54	Standard	11.51	69.05
Up to 8 metres in length	Weekly	66.96	Standard	13.39	80.35
Up to 9 metres in length	Weekly	74.54	Standard	14.91	89.45
Up to 10 metres in length	Weekly	82.25	Standard	16.45	98.70
Up to 5 metres in length	Summer	301.58	Standard	60.32	361.90
Up to 6 metres in length	Summer	361.92	Standard	72.38	434.30
Up to 7 metres in length	Summer	422.21	Standard	84.44	506.65
Up to 8 metres in length	Summer	482.50	Standard	96.50	579.00
Up to 9 metres in length	Summer	542.83	Standard	108.57	651.40
Up to 10 metres in length	Summer	603.21	Standard	120.64	723.85
Up to 5 metres in length	Winter	219.38	Standard	43.88	263.25
Up to 6 metres in length	Winter	263.17	Standard	52.63	315.80
Up to 7 metres in length	Winter	307.08	Standard	61.42	368.50
Up to 8 metres in length	Winter	350.92	Standard	70.18	421.10
Up to 9 metres in length	Winter	394.83	Standard	78.97	473.80
Up to 10 metres in length	Winter	438.75	Standard	87.75	526.50
2 - Vessels actively engaged in a commercial undertaking.					
If registered:- per gross registered tonne (see comment 3)					
If not registered then:					

14.35	Zero Rated	0.00	14.35	0.80	6%
16.50	Zero Rated	0.00	16.50	0.95	6%
18.55	Zero Rated	0.00	18.55	1.05	6%
20.60	Zero Rated	0.00	20.60	1.15	6%
2.05	Zero Rated	0.00	2.05	0.10	5%
51.25	Zero Rated	0.00	51.25	2.90	6%
61.50	Zero Rated	0.00	61.50	3.50	6%
71.70	Zero Rated	0.00	71.70	4.05	6%
83.40	Zero Rated	0.00	83.40	4.70	6%
93.05	Zero Rated	0.00	93.05	5.25	6%
102.55	Zero Rated	0.00	102.55	5.80	6%
376.15	Zero Rated	0.00	376.15	21.30	6%
451.30	Zero Rated	0.00	451.30	25.55	6%
526.55	Zero Rated	0.00	526.55	29.80	6%
601.75	Zero Rated	0.00	601.75	34.05	6%
677.00	Zero Rated	0.00	677.00	38.30	6%
752.25	Zero Rated	0.00	752.25	42.60	6%
273.55	Zero Rated	0.00	273.55	15.50	6%
328.25	Zero Rated	0.00	328.25	18.60	6%
383.00	Zero Rated	0.00	383.00	21.70	6%
437.60	Zero Rated	0.00	437.60	24.75	6%
492.35	Zero Rated	0.00	492.35	27.85	6%
547.05	Zero Rated	0.00	547.05	30.95	6%
8.79	Standard	1.76	10.55	0.60	6%
10.50	Standard	2.10	12.60	0.70	6%
12.21	Standard	2.44	14.65	0.85	6%
13.96	Standard	2.79	16.75	0.95	6%
15.71	Standard	3.14	18.85	1.05	6%
17.46	Standard	3.49	20.95	1.20	6%
1.75	Standard	0.35	2.10	0.10	5%
43.58	Standard	8.72	52.30	2.95	6%
52.29	Standard	10.46	62.75	3.55	6%
61.00	Standard	12.20	73.20	4.15	6%
70.96	Standard	14.19	85.15	4.80	6%
79.00	Standard	15.80	94.80	5.35	6%
87.17	Standard	17.43	104.60	5.90	6%
319.67	Standard	63.93	383.60	21.70	6%
383.63	Standard	76.73	460.35	26.05	6%
447.54	Standard	89.51	537.05	30.40	6%
511.46	Standard	102.29	613.75	34.75	6%
575.42	Standard	115.08	690.50	39.10	6%
639.42	Standard	127.88	767.30	43.45	6%
232.54	Standard	46.51	279.05	15.80	6%
278.96	Standard	55.79	334.75	18.95	6%
325.50	Standard	65.10	390.60	22.10	6%
371.96	Standard	74.39	446.35	25.25	6%
418.54	Standard	83.71	502.25	28.45	6%
465.08	Standard	93.02	558.10	31.60	6%
0.37	Zero Rated	0.00	0.37	0.02	6%

2. All vessels are liable for dues at the Basic Rate. Only those, which are actively engaged in the relevant activity, are eligible for Category 2,3 or 4.

3. All vessels actively engaged in commercial undertaking, these would be subject to minimum payment by length as for unregistered vessels.

4. Rothesay and Campbeltown Pontoon are not managed by Argyll and Bute and are subject to their own charges.

5. The above rates and dues include for Port Waste Facilities to the level required by local and leisure craft. Any requirements for additional waste facilities or specialised waste disposal, in terms of the Merchant Shipping & Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, must be made to the Service Director at least 24 hours in advance. This cost shall be paid prior to the provision of the service.

6. Concession rates for unlimited use will be available only for vessels "regularly sailing". Additional dues will be required for vessels, which have made payment for unlimited use but are not "regularly sailing". A vessel will be deemed to be "regularly sailing" if it leaves the installation for a continuous period of not less than 6 hours between 0600 hours and 2000 hours in any one day for more than 14 days.

7. Periods are:
Summer period April to September inclusive, or part thereof.
Winter period October to March inclusive, or part thereof.

8. All concession rates for unlimited use must be paid for in advance of the period for which they cover. Failure to do so will result in full rates being applied.

9. VAT Zero Rating only applies where the vessels are "qualifying ships". A "qualifying ship" is legally defined as any ship of a gross tonnage of not less than 15 tonnes and neither designed nor adapted for use for recreation or pleasure. The customer is a business customer who belongs outside the UK (it does not matter what size the vessel is).

Up to 5 metres in length	Per visit up to 24 hours	5.00	Zero Rated	0.00	5.00	5.30	Zero Rated	0.00	5.30	0.30	6%	
Up to 10 metres in length	Per visit up to 24 hours	9.90	Zero Rated	0.00	9.90	10.50	Zero Rated	0.00	10.50	0.60	6%	
Up to 15 metres in length	Per visit up to 24 hours	14.90	Zero Rated	0.00	14.90	15.80	Zero Rated	0.00	15.80	0.90	6%	
Up to 20 metres in length	Per visit up to 24 hours	19.75	Zero Rated	0.00	19.75	20.95	Zero Rated	0.00	20.95	1.20	6%	
Up to 25 metres in length	Per visit up to 24 hours	24.80	Zero Rated	0.00	24.80	26.30	Zero Rated	0.00	26.30	1.50	6%	
Up to 30 metres in length	Per visit up to 24 hours	30.10	Zero Rated	0.00	30.10	31.90	Zero Rated	0.00	31.90	1.80	6%	
Over 30 metres in length - charge per metre	Per visit up to 24 hours	1.10	Zero Rated	0.00	1.10	1.15	Zero Rated	0.00	1.15	0.05	5%	
Up to 5 metres in length	Weekly	24.35	Zero Rated	0.00	24.35	25.80	Zero Rated	0.00	25.80	1.45	6%	
Up to 10 metres in length	Weekly	48.85	Zero Rated	0.00	48.85	51.80	Zero Rated	0.00	51.80	2.95	6%	
Up to 15 metres in length	Weekly	73.05	Zero Rated	0.00	73.05	77.45	Zero Rated	0.00	77.45	4.40	6%	
Up to 20 metres in length	Weekly	98.05	Zero Rated	0.00	98.05	103.95	Zero Rated	0.00	103.95	5.90	6%	
Up to 25 metres in length	Weekly	122.55	Zero Rated	0.00	122.55	129.90	Zero Rated	0.00	129.90	7.35	6%	
Up to 30 metres in length	Weekly	147.10	Zero Rated	0.00	147.10	155.95	Zero Rated	0.00	155.95	8.85	6%	
3 - All vessels operating a scheduled ferry or pleasure service per gross registered tonne.		0.0957	Zero Rated	0.00	0.0957	0.1015	Zero Rated	0.00	0.1015	0.01	6%	Now rounded to 4 decimal places and adjusted to include service choice option
Unmanned Pier		0.0957	Zero Rated	0.00	0.0957	0.1015	Zero Rated	0.00	0.1015	0.01	6%	Now rounded to 4 decimal places and adjusted to include service choice option
Laying up of ferry at a non ferry/commercial berth						0.3700	Zero Rated	0.00	0.37	0.37		
4 - Vessels regularly engaged in commercial fishing and paying appropriate fish landing dues to Council.					0.00				0.00			
Up to 10 metres in length	Per visit up to 24 hours	2.25	Zero Rated	0.00	2.25	2.40	Zero Rated	0.00	2.40	0.15	7%	
Up to 15 metres in length	Per visit up to 24 hours	3.35	Zero Rated	0.00	3.35	3.55	Zero Rated	0.00	3.55	0.20	6%	
Up to 20 metres in length	Per visit up to 24 hours	4.50	Zero Rated	0.00	4.50	4.75	Zero Rated	0.00	4.75	0.25	6%	
Up to 25 metres in length	Per visit up to 24 hours	5.60	Zero Rated	0.00	5.60	5.95	Zero Rated	0.00	5.95	0.35	6%	
Up to 30 metres in length	Per visit up to 24 hours	6.70	Zero Rated	0.00	6.70	7.10	Zero Rated	0.00	7.10	0.40	6%	
Over 30 metres in length - charge per metre		0.35	Zero Rated	0.00	0.35	0.37	Zero Rated	0.00	0.37	0.02	6%	
Up to 10 metres in length	Weekly	11.45	Zero Rated	0.00	11.45	12.15	Zero Rated	0.00	12.15	0.70	6%	
Up to 15 metres in length	Weekly	17.25	Zero Rated	0.00	17.25	18.30	Zero Rated	0.00	18.30	1.05	6%	
Up to 20 metres in length	Weekly	22.95	Zero Rated	0.00	22.95	24.35	Zero Rated	0.00	24.35	1.40	6%	
Up to 25 metres in length	Weekly	28.75	Zero Rated	0.00	28.75	30.50	Zero Rated	0.00	30.50	1.75	6%	
Up to 30 metres in length	Weekly	34.30	Zero Rated	0.00	34.30	36.35	Zero Rated	0.00	36.35	2.05	6%	
Up to 10 metres in length	Annual charge	298.55	Zero Rated	0.00	298.55	316.45	Zero Rated	0.00	316.45	17.90	6%	
Up to 15 metres in length	Annual charge	447.90	Zero Rated	0.00	447.90	474.75	Zero Rated	0.00	474.75	26.85	6%	
Up to 20 metres in length	Annual charge	595.50	Zero Rated	0.00	595.50	631.25	Zero Rated	0.00	631.25	35.75	6%	
Up to 25 metres in length	Annual charge	748.15	Zero Rated	0.00	748.15	793.05	Zero Rated	0.00	793.05	44.90	6%	
Up to 30 metres in length	Annual charge	892.35	Zero Rated	0.00	892.35	945.90	Zero Rated	0.00	945.90	53.55	6%	

authorised to negotiate and agree variations of the foregoing charges for individual users or classes of users of the facilities in respect of their respective use of the facilities and the charges as varied shall be applied to such use as the Executive Director -

Should fare increases to Jura ferry fares be 3%
All charges showing increases of 6%+ should they not initially be 3%

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 JANUARY 2018**

ARGYLL AND BUTE COUNCIL SINGLE HARBOUR ORDER

1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines the intention of the Marine Operations Service to seek a consolidation of the multiple harbour orders that currently exist across the piers and harbours which Argyll and Bute Council has a responsibility for. The proposal is to promote a single harbour order to cover all of the Council's marine assets.
- 1.2 It is recommended that Members instruct the Director of Development and Infrastructure to pursue the introduction of a single harbour order for all of Argyll and Bute Council's 39 piers, harbours and slips.
- 1.3 This is an issue which has been highlighted by our Designated Person (DP) in audits. The introduction of a single order will allow antiquated orders to be updated and ratify the position in relation to piers and harbours currently operating on the basis of historic custom and practice. This will provide improved clarity for harbour staff and users; and enable a more consistent approach to be taken to the management of the council's facilities.
- 1.4 The pre-application and application process to progress the introduction of a new harbour order is outlined in the annexe to this report. The process will involve wide consultation with a number of interested parties including local communities. The timescale for getting a single Harbour Order in place will be dependant on consultation feedback but is expected to take at least a year and possibly much longer should representation be received requiring negotiation; the main tasks will be as follows:-
- Plan will be prepared identifying each of the Council's 39 piers and harbours.
 - A draft order will be prepared by Legal Services.
 - Discussions will take place with Transport Scotland regarding the Council's proposals.
 - An important aspect of the process will be to determine if any Environmental Statements and/or Environmental Impact Assessments are required to be provided.
 - Consultation with communities and interested parties will take place.
 - Finally, the consolidation order will be formally advertised.
- 1.5 Should approval be given by Members, as recommended in this report, officers will progress the promotion of a single harbour order for all of the Council's 39 piers and harbours.

ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

23 JANUARY 2018

ARGYLL AND BUTE COUNCIL SINGLE HARBOUR ORDER

2.0 INTRODUCTION

2.1 This report highlights the fact that, currently, the 39 piers and harbours which Argyll and Bute Council has a responsibility are covered by multiple harbour orders which are often extremely antiquated or operate on the basis of historic custom and practice. It is proposed to promote a single harbour order to cover all of the Council's marine assets.

3.0 RECOMMENDATIONS

3.1 It is recommended that Members instruct the Director of Development and Infrastructure to pursue the promotion of a single harbour order for all of Argyll and Bute Council's 39 piers, harbours and slips.

4.0 BACKGROUND

4.1 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 or vary their existing harbour powers.

4.2 Argyll and Bute Council is responsible for 39 piers, harbours and slips; of these 39 marine assets, only 8 of the Council's ports have Harbour Orders in place. Some of these orders, instigated by the Council's predecessors, date back over a century to their initial inception. Orders are currently in place for the following facilities:-

- Bruichladdich
- Campbeltown
- Carradale
- Craignure
- Dunoon
- Port Askaig
- Rothesay
- Oban North Pier

4.3 The Council's Designated Person (DP) has commented in previous audits as follows:- *'Clarification should be sought as soon as possible with regards to establishing the statutory harbour limits and ascertaining the relevant local enabling*

legislation describing the main duties and powers pertaining to the Statutory Harbour Authority.'

4.4 In order to formalise the current position, a single harbour order will be progressed to ensure that the legal status of the Council's 39 marine facilities is ratified.

5.0 DETAIL

5.1 The pre-application and application process to progress the introduction of a new harbour order is outlined in the annexe to this report. The process will involve wide consultation with a number of interested parties including local communities. The timescale for getting a single Harbour Order in place will be dependant on consultation feedback but is expected to take at least a year and possibly much longer should representation be received requiring negotiation; the main tasks will be as follows:-

- A plan will be prepared identifying each of the Council's 39 piers and harbours.
- A draft order will be prepared by Legal Services.
- Discussions will take place with Transport Scotland regarding the Council's proposals.
- An important aspect of the process will be to determine if any Environmental Statements and/or Environmental Impact Assessments are required to be provided.
- Consultation with communities and interested parties will take place.
- Finally, the consolidation order will be formally advertised.

5.2 The introduction of a single order will allow antiquated orders to be updated and ratify the position in relation to piers or harbours currently operating on the basis of historic custom and practice. This will provide improved clarity for harbour staff and users; and enable a more consistent approach to be taken to the management of the council's piers and harbours. This approach has the added benefit of removing any dubiety as to the council's ability to apply charges on a network wide basis.

5.3 At the time of writing this report, a pre-application meeting was being sought with Transport Scotland to discuss related issues, with work on a draft order already in progress.

6.0 CONCLUSION

6.1 Should approval be given by Members, as recommended in this report, officers will progress the introduction of a single harbour order for all of the Council's 39 piers and harbours.

7.0 IMPLICATIONS

- | | |
|------------------------------|---|
| 7.1 Policy | None directly arising from this report |
| 7.2 Financial | The cost of promoting a consolidated order can be managed within existing budgets. |
| 7.3 Legal | Introduction of a single harbour order would ensure that the legal status of the Council's 39 marine facilities is ratified thereby creating powers to ensure the safety of those using the Council's piers and harbours. |
| 7.4 HR | None |
| 7.5 Equalities | None |
| 7.6 Risk | Currently, only 8 of the Council's 39 piers and harbours have orders in place and, as such, the Council has limited powers to regulate waters around the majority of its marine assets. |
| 7.7 Customer Services | Customers and key stakeholders will be consulted on the proposed changes. |

APPENDIX – Harbour Orders Procedure

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roderick McCuish

21 December 2017

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

APPENDIX

Harbour Orders Procedure- Scotland

Pre Application

Meet with Transport Scotland in Order to discuss the procedure and drafting before formal application process

It is advised to consult as widely as possible locally, especially if the proposal may impact local environments, a guided list of consultees includes:

- Scottish National Heritage (SNH)
- Scottish Environment Protection Agency (SEPA)
- Maritime and Coastguard Agency
- Northern Lighthouse Board
- Marine Scotland (Marine Licensing team)
- Local communities

EIA:

Where a harbour order will empower any project, Scottish Ministers will inform the applicant of the requirements to provide an Environmental Statement. This examines the impact of the proposals on the environment.

The information required for an ES can take considerable time to collect and analyse.

If it is determined that an EIA (Environmental Impact Assessment) is needed, a scoping opinion will be provided.

SNH, SEPA and other environmental agencies will be consulted.

IF such an adverse effect is found to be likely the project can only be approved if;

- There are no alternative solutions;
- There are imperative reasons for overriding public interest for carrying out the project
- Provided any necessary compensatory measures are secured preserving the overall coherence of European sites.

Draft Orders:

Transport Scotland can comment informally on draft orders.

Drafts should be accompanied by purpose and effect notes which detail the reason for seeking each power and the legal basis for such a power to be granted with reference to schedule 2 of the 1964 Act.

Formal Applications:

All application drafts should be accompanied by purpose and effect notes if not already provided during informal discussions.

The appropriate fee should also be accompanied.

Applicants should be mindful of devolved and reserved matters and should not include any provisions in their drafts which relates to the reserved matters out with the powers of Scottish ministers.

An electronic copy of the draft order and associated documents is normally sufficient

- However, if plans/maps are larger than A3 3 hard copies are needed
- Electronic copies should be in word format
- If an ES is needed a hard copy and an electronic copy should be provided

Where a new harbour authority is being proposed or transfer of existing infrastructure to a new authority, the application should also cover details of the condition of any infrastructure and maintenance plans, including how these will be resourced.

Fees:

Fees for harbour orders are fixed based on the powers required in the order and are payable when a formal written application for an order is made.

Current fees are:

- £2,000 for an order the sole purpose of which is to amend the borrowing powers of an existing authority
- £4,000 for any other order that would not empower an authority to undertake works
- £6,000 for an order which expressly empowers an authority to undertake works where an EIA is not required
- £10,000 for an order which expressly empowers an authority to undertake works where it is decided that an EIA is required

Advertisement:

The applicant must publish notice of the application once in the Edinburgh Gazette and once in each of two successive weeks in one or more local papers. The notice must comply with the requirements of schedule 3 of the 1964 Act and should give:

- notice that application has been made
- Scottish Ministers decision on the application of the EIA directive (if appropriate) and whether an ES has been supplied and, if so, where it and the draft order and any related maps etc. can be viewed
- a concise summary of the draft order
- a general description of any works and any land proposed for compulsory acquisition if appropriate
- information on how objections should be made within 42 days of the date the order was first advertised and details of the procedure for handling these

If the order would authorise the compulsory acquisition of land or the extinguishment or diversion of a footpath or bridleway, there are additional requirements for giving notice.

Original copies of each publication containing the notice must be provided to Marine Scotland.

Consultation:

Scottish Ministers may direct that copies of the draft order are served on persons specified by them

If the applicant is not the harbour authority they must also serve a copy on that authority

Normally consult with the following bodies:

- SNH
- SEPA
- Local Planning Authority
- Northern Lighthouse Board
- Maritime and Coastguard Agency
- UK Chamber of Shipping
- Royal Yachting Association

Where no works are to be authorised by the order the bodies to be served would normally exclude SNH and SEPA

In each case the applicant will be formally advised on the persons to be served.

Objections and Representations

- 42 days from the date of advertisement
- Each consultee will also have 42 days in which to respond
- All objectors must state the grounds for their objections.
- Objections will then be passed to the applicant who will have the opportunity to negotiate with the objector.
- There is no fixed timescale for this stage- dependent on the nature and scale of objections
- Objections can be withdrawn at any time
- At the end of the 42 days objectors will be asked to confirm the status of their objection

Not withdrawn:

Ministers will take a decision on the most appropriate route to deal with the objections in the best interest of the applicant and the objectors.

Ministers may determine they can be handled by further written representations by both parties

In more complex cases, a hearing or public inquiry may be held.

At the end of such a hearing, the Minister will consider the material provided and reach a decision on the making of an order.

Modifications

Scottish Ministers will consider whether any modifications are necessary to the Order

If it is decided modifications should be made and these modifications substantially affect the character of the order, the ministers shall take steps to inform the applicant and other people likely to be concerned and will allow a reasonable period for comment on the modifications before making the order.

Decisions and Timescales:

When making the decision on whether to make the order, ministers will consider:

- Any environmental statement provided
- The results of any consultation
- Any objections made and not withdrawn
- Any representations made
- The report of any enquiry or hearing
- Any written representations by the applicant or objectors

Following consideration a formal decision letter will be issued to the applicant, copied to consultees and objectors, and published on our website.

Order Made:

An order will usually be made within a short period of the decision letter being issued

The applicant must publish notice of the fact in the Edinburgh Gazette and a local newspaper and serve copies on the same people notified of the original application

Applicants must copy these adverts and notices to Transport Scotland.

Scottish Parliament:

If the order authorises a project considered to be of national significance, it will be subject to parliamentary scrutiny.

They will be laid before the parliament and scrutinised by the relevant committees.

These committees will report to parliament on whether or not the order should be approved.

Any order subject to this procedure cannot be made until approved by resolution of the Parliament.

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 JANUARY 2018**

MARINE ASSET MANAGEMENT PLAN – UPDATE ON PROGRESS

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members with an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.
- 1.2 Council officers meet regularly with representatives from Transport Scotland, Calmac and CMal to discuss future plans for the Council's marine assets; the most strategic of these meetings being the Argyll Ferries Infrastructure Group (AFIG).
- 1.3 A report was presented to the Harbour Board in September 2017 which explained how officers prioritise works programmed within the Marine Asset Management Plan.
- 1.4 This report provides an update on schemes which were previously reported as being 'particularly worthy of note.' Updates are provided for the following schemes:-
 - Caignure Pier
 - Port Askaig Pier
 - Fionnphort / Iona Ferry Slips
 - Gigha and Tayinloan Ferry Slips
 - Lismore Point / Port Appin
 - Rothesay Harbour
 - Campbeltown Old Quay
- 1.5 Members are asked to note this report.

ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

23 JANUARY 2017

MARINE ASSET MANAGEMENT PLAN – UPDATE ON PROGRESS

2.0 INTRODUCTION

- 2.1 This report provides Members with an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to note this report.

4.0 BACKGROUND

- 4.0 A report was presented to the Harbour Board in September 2017 which explained how officers prioritise works programmed within the Marine Asset Management Plan. It was explained that Council officers meet regularly with representatives from Transport Scotland, Calmac and CMal to discuss future plans for the Council's marine assets; the most strategic of these meetings being the Argyll Ferries Infrastructure Group (AFIG). The AFIG meets on a quarterly basis to discuss Transport Scotland's ferries plan and implications for the Council's marine infrastructure.
- 4.1 As previously mentioned in the September 2017 report, Transport Scotland and Calmac have identified their priorities as follows:-
- 4.1.1 Mull / Craignure Pier – Ability to berth larger vessels.
 - 4.1.2 Islay – Options to be considered to increase service capacity.
 - 4.1.3 Iona and Fionnphort – Provision of breakwater and overnight berth respectively.
 - 4.1.4 Gigha – Overnight berth and provision of power for Hybrid vessel.
- 4.2 The September 2017 report listed a number of schemes as 'worthy of particular note.' This report provides the latest update on these schemes.

5.0 DETAIL

5.1 The asset management plan, which was discussed in some detail at the last Harbour Board Meeting in September 2017, indicates the likely works to be carried out, from year-to-year, over the next 10 years across the entire marine infrastructure; it also provides indicative budgets. Currently the overall costs for planned works is in excess of £50 million – this includes an estimated figure for potential works at Craignure Pier on Mull.

5.2 The schemes listed below were identified in the September report as being particularly worthy of note - an update on progress is provided as follows:-

- **Craignure Pier** – We have now received draft copies of Arch Henderson’s survey report into the condition of Craignure Pier and AECOM’s feasibility study, which considers the feasibility of opening up the ‘south berth’ at the pier for over-night use by the Isle of Mull ferry.

Following their survey of the structure, Arch Henderson’s report concludes with the following statement:-

‘The main pier structure is in reasonable condition considering the age of the structure. It is effectively reaching the end of its design life. At present damage is generally superficial.....As the structure continues to age, the extent of damage will spread. The timescale for the deterioration cannot be accurately predicted, however as the cracking and spalling extend, the rate of damage will increase. The main repair option is to break out all the affected concrete, remove the corrosion from the reinforcement, provide additional reinforcement to replace any lost reinforcement as necessary and replace the concrete.....our experience would suggest that this type of repair has a life expectancy of 7 to 10 years before the corrosion, cracking and spalling returns.....At present, the condition of the pier does not affect its operational use. A more cost effective solution would be to consider operating the existing pier for as long as possible without major repairs whilst building a new pier off-line to replace the existing in the medium term.’

On receiving the Arch Henderson report, AECOM has, in turn, ‘rounded off’ their own feasibility report which considered improvements to the southern berth at Craignure. The recommendation in the AECOM report reads as follows:-

‘Following review of all the findings and discussion with the client, the investment may provide the requirement of the additional berthing. However, the pier structure has reached the end of its design life and any further work to the pier would require the understanding of the risks. The investment for the additional berth may escalate significantly when considering the need to provide resilience for the service, the age of the existing infrastructure, the parameters of operation and consideration for future development. The existing facility was designed for a smaller ship and during peak period traffic can constrain the A849 main access road. This is the main road that serves the island of Mull and the disruption caused needs to be understood. The introduction of RET has also changed travel patterns with more users taking their cars, this would have an impact on traffic and marshalling. We would

recommend that a STAG appraisal should be undertaken. This will identify the needs of the port and the wider community and allow the investment into the pier be considered as part of the investment into the future development of the port and not as a standalone piece of work which through future development may possibly be abandoned.'

The Arch Henderson report and findings were discussed at a meeting of the Argyll Ferries Infrastructure Group (AFIG) on 17th November. As mentioned in previous reports, representatives from the Council, Transport Scotland, Calmac and CMAL meet regularly to form AFIG and discuss Transport Scotland's ferries plan and implications for the Council's marine infrastructure. The group was in general agreement that a STAG study and report should be produced to consider the future of Craignure Pier; a consultancy brief has now been produced and is awaiting issue for tender purposes.

- **Port Askaig Pier** – The consultant Arch Henderson has been employed by the Council to consider the feasibility of extending the pier at Port Askaig to facilitate berthing of new 105m vessels. A new User Group has been formed at Port Askaig in order to facilitate discussions with users on realistic options for increasing the length of the berth. Calmac has also been involved in discussions. Arch Henderson's draft report has just recently been received and a meeting has been arranged for later this month to discuss the content in detail – thereafter, further consultation with the User Group will take place.
- **Fionnphort / Iona Ferry Slips** – The consultant Byrne Looby is continuing with their feasibility study. A recent engagement meeting took place on 5th December 2017 with the South West Mull and Iona Development Group to provide the group with an update on progress and discuss options based on local knowledge. A further tender for ground investigation works is due to be issued shortly. Byrne Looby will also be progressing with their modelling exercise shortly to consider best engineering solutions. Once further information is available, towards the spring of next year, an 'open day' will be arranged in order to consult with the community.
- **Gigha and Tayinloan Ferry Slips** – Design work, to consider the provision of an overnight berth at Gigha and extension to the aligning structure at Tayinloan, will be carried out using Council in-house resources. In the meantime, a likely timescale for the provision of a hybrid vessel on this route has been requested from Transport Scotland.
- **Lismore Point / Port Appin** – Work has commenced at Port Appin with further work on the pier at Point on Lismore programmed to take place on completion of the Port Appin works. Some future disruption to the ferry service is anticipated and the community council has been notified of this possibility.
- **Rothesay Harbour – settlement** - The consultant, AECOM, has been employed to investigate settlement issues at Rothesay. New monitoring equipment has just recently been installed at the pier to measure movement more closely. Construction drawings for the wave screen, referred to in the September 2017 report, are now complete and tender documentation is expected to be issued early next year. The contractor will require full access to the ferry berthing face during the works. To cause minimal disruption to ferry services, work at the ferry berth will

only be permitted overnight. However, some disruption to ferry services will be inevitable. Council officers and Calmac representatives are working closely to ensure any disruption is minimised. Following installation of the wave screen, which will reduce the risk of further settlement, further works will be required in order to stabilise the infill material within the masonry pier; AECOM are currently investigating potential design solutions to address this problem.

- **Rothesay Harbour – security fence** - In addition to the above planned works, Calmac has raised health and safety and, of late, security concerns over the fact that the public has unrestricted access to the overnight ferry berth at Rothesay. The problem is two-fold - fishing hooks caught in berthing ropes have caused injury to crewmen whilst handling mooring lines and, secondly, members of the public have gained illegal access to the vessel overnight. In order to address these problems, it is proposed to erect a new security fence to restrict access to the overnight berth used by Calmac.
- **Rothesay Harbour – NAABSA Berth** – Our Designated Person has pointed out that the NAABSA (not always afloat but safely aground) berth at Rothesay should be surveyed regularly and managed accordingly to ensure it is free of any underwater hazards which could be detrimental to vessels settling on the seabed. Costs for regular underwater surveys are likely to be significant and these costs, in turn, will have to be passed on to users of the berth. This issue will be raised at a forthcoming Users Group meeting at Rothesay for discussion.
- **Campbeltown Old Quay** – Arch Henderson has completed their survey of the Old Quay at Campbeltown Harbour and their report is awaited. Once the principal inspection report has been made available (see 5.4 below), any design work required to address issues highlighted by the survey will be carried out by our in-house design team.

5.3 As mentioned previously, costs identified in the asset management plan for individual schemes may increase as further information becomes available.

5.4 ‘Principal’ inspections have been arranged at a number of the Council’s main facilities; the results of these inspections is awaited from our consultant ‘Arch Henderson’ in their report.

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 Equalities	None
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 of Development and Infrastructure: Pippa Milne
Head of Roads & Amenity Services: Jim Smith
Policy Lead: Councillor Roderick McCuish
19 December 2017

For further information contact: Stewart Clark, Marine Operations Manager
Tel: 01546 604893

Harbour Board Work Plan 2018 - 19

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
Tuesday 23 January 2018					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual		
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual		
	Piers and Harbours Fees and Charges 2018/19	Marine Operations	Bi-Annual		
	Argyll & Bute Council – Single Harbour Order	Marine Operations	One Off		
Future Reports – dates to be determined					
	Community Groups & Berthing Dues				
	Review of Marine Services Working Practices				
	Crane Provision at Campbeltwon				
	Port Marine Safety Code (PMSC) Update				

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ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 JANUARY 2018**

OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides a further update on the work being carried out by the Oban Harbour Management Group (OHMG) and explains possible options for the future management of the waters of Oban Bay.
 - 1.2 The Group has given consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the Management of Marine Safety within Oban Bay waters.
 - 1.3 All members of the OHMG agreed that the 'do nothing' option, is not a realistic option, given current navigational concerns already highlighted by the Group.
 - 1.4 There are a number of pros and cons for each of the options available for consideration. If, however, the Council's rights of access to the North Pier can be protected, as highlighted as a point of concern by Members at the meeting of the Harbour Board in March 2017, the option for CMAL to extend their existing harbour area could be an attractive solution for the Council, given that there would be no increased responsibility to the Council for managing Oban Bay waters.
 - 1.5 Clearly, any legal agreement reached, which protects the Council's unfettered access to the North Pier, would require careful scrutiny by Legal Services; implications for the Council, in terms of being a 'nested' harbour authority within an extended CMAL harbour area, will require careful consideration – this will be the subject of a further report to the Harbour Board which will explain how the Council's assets will be protected.
 - 1.6 Members are asked to approve the progression of option 4 (as outlined in this report), on the basis that further investigation is carried out regarding the protection of the Council's interests, with particular regard to the harbour area, at the North Pier.
-

OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

2.0 INTRODUCTION

- 2.1 This report provides a further update on the work being carried out by the Oban Harbour Management Group (OHMG) and explains possible options for the future management of the waters of Oban Bay.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to approve the progression of option 4 (as outlined in this report), on the basis that further investigation is carried out regarding the protection of the Council's interests, with particular regard to the harbour area, at the North Pier.

4.0 BACKGROUND

- 4.1 A report was presented to the Harbour Board in March 2017 to explain the work of the Oban Harbour Management Group. At that time, the report was noted by the Board with the proviso that 'the Council must ensure continuing unfettered access to the North Pier and the transit berthing facility'.
- 4.2 The OHMG was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes CMAL, NLB and the Council, with Calmac providing assistance when required. The group is primarily focused on marine navigational safety and associated activities and developments that may impact on safety.
- 4.3 A Navigational Risk Assessment (NRA) was first undertaken in early 2011 as an acknowledgement of the increase in ferry and leisure activity in the harbour. This NRA highlighted a number of risks that the group agreed should be addressed to ensure safe management and navigation in the waters of Oban Bay. While the group made some improvement it became clear that there was a need to develop a suitable implementation plan and ensure that resources were in place to deliver the plan. The reference for the need to improve marine safety is the Port Marine Safety Code.
- 4.4 The OHMG has produced guidance documentation to assist with safe navigation in Oban Bay; the Group has also given consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the Management of Marine Safety within Oban Bay waters. Eight potential options for the formation of a SHA were originally identified by the OHMG as being worthy of consideration;

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

4.4 Of the eight options above, options 3, 4, 6 and 7 (highlighted) have, of late, been considered in-depth by the OHMG as potential models for Oban Harbour. This report outlines discussions held and findings to date.

5.0 DETAIL

- 5.1 Specialist legal advice on Options 3, 4 and 7 was sought by the Council from Scott Blair, Advocate. The advice is contained within Appendix A (exempt) to this report.
- 5.2 Further work has been carried out by the OHMG to evaluate each option (options 3, 4, 6, 7 in 4.3 above and the ‘do nothing’ option) against agreed set criteria. The outcome of this work is provided in Appendix B (exempt) to this report. All members of the OHMG agreed that the ‘do nothing’ option, is not a realistic option, given current navigational concerns already highlighted by the Group.
- 5.3 There are a number of pros and cons for each of the above options. If, however, the Council’s rights of access to the North Pier can be protected, as highlighted as a point of concern by Members at the meeting of the Harbour Board in March 2017, option 4 above could be an attractive solution for the Council, given that there would be no increased responsibility to the Council for managing Oban Bay waters. Clearly, any legal agreement reached, which protects the Council’s unfettered access to the North Pier, would require careful scrutiny by Legal Services; implications for the Council, in terms of being a ‘nested’ harbour authority within an extended CMAL harbour area, will require careful consideration – this will be the subject of a further report to the Harbour Board which will explain how the Council’s assets will be protected.

6.0 CONCLUSION

- 6.1 The OHMG was established in 2008 to consider, primarily, marine navigational safety in Oban Bay. Much work has been done by the group

since its inception to improve marine safety in Oban Bay. Of late, an in-depth analysis of the preferred options, for the formation of an SHA, has been undertaken by the Group. The main concern for the Council remains that unfettered access must be available to the North Pier; if this concern can be addressed through legislation, it seems that the option (4) for CMAL to extend their area of influence at Oban Bay could be worthy of further consideration.

7.0 IMPLICATIONS

- | | | |
|-----|--------------------------|--|
| 7.1 | Policy | None directly arising from this report |
| 7.2 | Financial | Related costs have been met through operational budgets. There could be financial implications depending upon the option chosen for the Single Harbour Authority (but see below). |
| 7.3 | Legal | Further legal advice will be sought on how best to protect the Council's interests at Oban North Pier. |
| 7.4 | HR | None |
| 7.5 | Equalities | None |
| 7.6 | Risk | The Council is an active member of the Oban Harbour Management Group. Work carried out by the group to date will minimise risk to the Council. |
| 7.7 | Customer Services | Having a 'Code of Practice' and 'Guidance for small craft users at Oban Bay' will assist port customers using the North Pier and will also assist Council staff with their safe operation. |

Appendix A (exempt) – Specialist Legal Advice

Appendix B (exempt) - OHMG Assessment of Options.

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roderick McCuish

December 2017

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

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