

OBAN BAY – SINGLE HARBOUR AUTHORITY

1.0 EXECUTIVE SUMMARY

- 1.1 This report explains the background to the creation of the Oban Bay Management Group (OBMG) and why a Single Harbour Authority (SHA) is being considered.
- 1.2 The OBMG was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes Caledonian Maritime Assets Ltd (CMAL), the Northern Lighthouse Board (NLB) and Argyll and Bute Council, with Calmac providing assistance as required.
- 1.3 The OBMG has produced guidance documentation to assist with safe navigation in Oban Bay; the Group has also given consideration to the formation of an SHA at Oban Bay, again in the interests of safety.
- 1.4 At the last meeting of the Council's Harbour Board held in January of this year, a recommendation was made to Members that: if the Council's rights of access to the North Pier could be protected (previously highlighted by Members of the Harbour Board as a point of concern), the option for CMAL to extend their 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 A public meeting was held on 18th July 2018, at which approximately 70 members of the public attended. Most attendees appeared to support the concept of a Trust Port at Oban Bay, on the basis that no 'one' organisation should take over responsibility for the Bay.
- 1.6 A recent consultation exercise was carried out in which the majority of respondents were in favour of setting up a Trust Port at Oban Bay.

RECOMMENDATIONS

Members are asked to indicate whether they wish to:-

- a) Continue to support in principle the expansion of CMAL's harbour area, working with the OBMG to seek a solution to the management of Oban Bay and, as part of this process, enter into discussions with CMAL to consider how best the Council's interests can be protected – as directed by the Harbour Board or,
- b) Ask CMAL to pause the process of expanding their harbour area until further consultation is carried out given the interest expressed locally in establishing a trust port and,
- c) Agree that a further report is provided to the next meeting of the Harbour Board updating it on the progress towards establishing a single harbour authority for Oban.

OBAN BAY – SINGLE HARBOUR AUTHORITY

2.0 INTRODUCTION

- 2.1 This report explains the background to the creation of the Oban Bay Management Group (OBMG) and why a Single Harbour Authority (SHA) is being considered; it provides a resume of recent events following the public meeting on 18th July in Oban and the OBMG meeting on 31st July. The report also advises on the planned next steps.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to indicate whether they wish to:-
- a) Continue to support in principle the expansion of CMAL's harbour area, working with the OBMG to seek a solution to the management of Oban Bay and, as part of this process, enter into discussions with CMAL to consider how best the Council's interests can be protected – as directed by the Harbour Board or,
 - b) Ask CMAL to pause the process of expanding their harbour area until further consultation is carried out given the interest expressed locally in establishing a trust port and,
 - c) Agree that a further report is provided to the next meeting of the Harbour Board updating it on the progress towards establishing a single harbour authority for Oban.

4.0 DETAIL

- 4.1 The OBMG was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes Caledonian Maritime Assets Ltd (CMAL), the Northern Lighthouse Board (NLB) and Argyll and Bute Council, with Calmac providing assistance as required. The group is primarily focused on marine navigational safety.
- 4.2 In 2014 Fisher Associates prepared a report for the OBMG which set out the problems at that time, actions that needed to be addressed and options for the establishment of a single harbor authority. That relevant section of the report is attached at appendix A. The report noted that in 2013 more than 4,700 vessels called at Oban Bay Harbour, equating to over 9,400 vessel movements, the majority (over 80%) being ships operated by CalMac. It also noted a projected increase in cruise ships visits. The problems highlighted in the report included the following:
- Lack of awareness of and access to the voluntary code for safe navigation
 - Lack of compliance with the code
 - Excessive speed of vessels
 - Lack of regulation of cruise ship anchoring
 - The northern entrance of the Bay being narrow, resulting in close quarters situations for leisure craft and ferries
 - Lack of clarity over responsibility for pollution and safety
 - Absence of enforceable regulation in the Bay

The report identified a number of short term actions that have been delivered but also actions that cannot be implemented within the current structure.

- 4.3 The OBMG has produced guidance documentation to assist with safe navigation in Oban Bay; the Group has also given consideration to the formation of a SHA at Oban Bay, again in the interests of safety. This would mean that one body, with appropriate powers, would ultimately be responsible for the management of marine safety within Oban Bay waters. Details of those involved in the OBMG are provided in Appendix B.
- 4.4 A number of potential options for the formation of a SHA were originally identified by the OBMG as being worthy of consideration; these included options for the Council to extend their harbour area or, alternatively, for CMAL to extend their harbour area. A 'do nothing' option was also considered; all members of the Group agreed that the 'do nothing' option was not a realistic option given navigational concerns already highlighted by the Group. Further work was carried out by the Group to evaluate each option against set criteria; there were a number of pros and cons for each of the options considered.
- 4.5 The Fisher's report notes the limited maritime experience of senior council officers and members of the harbour board relative to that of the CMAL board and officers. Officers concur with this view and would not recommend an extension of the Council's harbour area on the basis that we do not possess

sufficient specialist knowledge of harbour management at a senior level commensurate with the increased level of risk that the council would be tasked with managing.

- 4.6 At the last meeting of the Council's Harbour Board held in January of this year, a recommendation was made to Members that: if the Council's rights of access to the North Pier could be protected (previously highlighted by Members of the Harbour Board as a point of concern), the option for CMAL to extend their 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. The decision of the Harbour Board was to approve the progression of the option for CMAL to extend their harbour area on the basis that further investigation be carried out regarding the protection of the Council's interests, with particular regard to the harbour area at the North Pier. CMAL were made aware of the ABC Harbour Board's decision and, in turn, the CMAL Harbour Board agreed in principle that they would proceed on the basis that CMAL extend their existing harbour area, with the Council's harbour area remaining nested within.
- 4.7 A public meeting was held on 18th July 2018, at which approximately 70 members of the public attended. Main points of note which arose at the meeting were as follows:-
- There is some uncertainty over existing harbour areas, particularly, the Council's harbour limits. Harbour areas will be revisited and ratified as part of the Harbour Revision Order process.
 - There appeared to be fairly strong resistance to the concept of CMAL extending their harbour area from the majority of attendees in the public gallery.
 - Most attendees appeared to support the concept of a Trust Port at Oban Bay, on the basis that no 'one' organisation should take over responsibility for the Bay.
- 4.8 Trust ports specifically serve regional and local interests, representing a broad cross section of undertaking. They are independent statutory bodies, each governed by their own unique statutes. The Fisher Associates report of 2014 noted the following key considerations in relation to the formation of a trust port:
- The creation of a new body will require significant resource and may result in additional costs on harbour users, although potential for pooling resources
 - Impact on CMAL and AB&C in terms of losing statutory powers and also possibly access to funding sources. The legal and financial basis would need to be explored in detail to ensure that current funding streams can continue under the new structure
 - Strategic interests of CMAL, the Council and other parties may mean that this is difficult to deliver in practice.

- 4.9 If a trust port were to be established it would need to be initiated by local interested individuals and groups. The members of the OBMG would be unable to pursue the trust port option themselves as there would be conflicts of interest with their current operational responsibilities. The OBMG are willing to assist a viable stakeholder group if one were to come forward
- 4.10 A meeting with CMAL and Council officers will take place in the near future to discuss measures required by the Council to ensure their interests are protected at the North Pier.
- 4.11 At the time of writing this report, the next public meeting was scheduled to take place on 6th September 2018.
- 4.12 A recent consultation exercise was carried out and, as a result, the attached press statement in Appendix C was released. Interestingly, the majority of respondees to the questionnaire were in favour of setting up a Trust Port at Oban Bay.

5.0 CONCLUSION

- 5.1 The OBMG's preferred option is for CMAL to extend their harbour area. It would appear that the majority of users prefer the 'Trust Port' option. As outlined in this report, consultation with stakeholders will continue in order to seek a solution, albeit, there may be an option to pause the HRO process.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial – The financial impacts cannot be assessed until the preferred option has been identified.
- 6.3 Legal – Any agreement with CMAL must ensure that the Council's areas of responsibility are protected.
- 6.4 HR - None
- 6.5 Equalities / Fairer Scotland Duty – None
- 6.6 Risk – Advice from the OBMG is that 'to do nothing', given concerns over safety at Oban Bay, is not an option worthy of consideration.
- 6.7 Customer Service – None.

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roddy McCuish

20 August 2018

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

Appendices

Appendix A – Extract from Fisher Associates report 2014

Appendix B - Organisations / Groups involved in discussions at Oban Bay

Appendix C – News Release

APPENDIX A

2.0) Introduction

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

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

2.1) OHDG and its remit

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

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

2.2) Statutory limits

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

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

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

2.3) Ownership and management

Key entities around the Harbour

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

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

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

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

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

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

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

Each organisation has its own compliment of staff:

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

2.4) Traffic movements and mix

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

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

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

2.5) Facilitating traffic growth

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

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

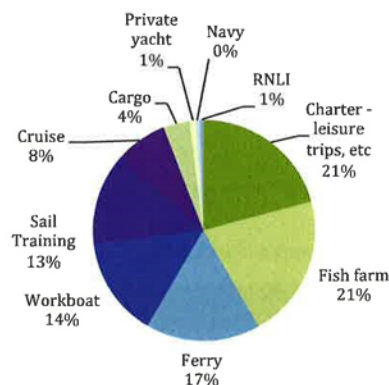
The number of cruise ship visits is envisaged to increase over the coming years.

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

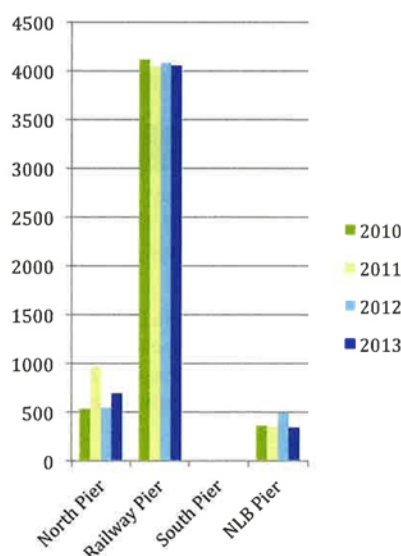
There are plans to develop a new visitors marina/transit area for leisure craft.

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

2.6) Traffic mix at North Pier (2013)



2.7) Vessel calls across all piers 2010 - 13



Note: figures for South Pier not available.



3.0) Introduction

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

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

3.1) Problems

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

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

Code for Safe Navigation is not always followed

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

Navigational issues are most prevalent in relation to visiting vessels

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

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

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

3.1) Problems (continued)

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

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

Resources and roles are duplicated

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

Communication between leisure and commercial users could be improved

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

External pressures for a move towards single SHA status

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

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

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

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

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

APPENDIX B

Organisations / Groups involved in discussions at Oban Bay

- Argyll and Bute Council – Responsible for the North Pier (including the transit berth) and Port Beag Slip. Currently an SHA.
- CMAL – Caledonian Maritime Assets Ltd. CMAL owns and leases piers, harbours and properties around Scotland as well as owning the ferries operated and leased by Calmac Ferries. Currently an SHA.
- Calmac Ferries Ltd – Operate from Oban Railway Pier.
- NLB – Northern Lighthouse Board – Owns its own quay which is its operating base. Not an SHA.
- Oban Bay Stakeholder Meeting –Established by the OBMG. Currently, local engagement is carried out through the Stakeholders Group – which consists of representatives from the local yachting club, RNLI, Fishermen, Kerrera Community and local vessel owners. The stakeholders have a representative who sits on the OBMG.
- User Group Meetings – The Council will continue with separate User Group Meetings for the North Pier and Port Beag. The Chair of the North Pier Users' Group was elected by the Users themselves. The first meeting of the Port Beag User Group will be arranged for the near future. It's likely that, in future, representatives will be selected from the North Pier and Port Beag Users' Groups and invited to attend future Oban Bay User Group Meetings (in whatever form these future meetings take).

APPENDIX C

NEWS RELEASE
AUG 2018

OPPORTUNITY FOR OBAN HARBOUR TRUST PORT TO BE EXPLORED

- Online consultation survey results published -**
- Next consultation meeting set for September -**

Oban Bay Management Group (OBMG) will explore the opportunity for a trust port to be established as the single harbour authority to manage the Oban Bay area.

The decision was made following the results of an online consultation survey and feedback at a public meeting held in July. More than 550 people completed the online survey and the responses are now available to view online at www.obanharbour.scot

One of the key opinions expressed through the survey is the need for a harbour management body that is representative of the full range of harbour users and considers the wider economic and community benefits of the harbour. Most respondents (63%) stated the most suitable body to manage the wider Oban bay area is a trust harbour.

The OBMG will now further explore this option while continuing to progress the early work necessary either for a trust port or extension of an existing harbour area.

A public meeting will take place on Thursday 6th September 2018 at 7.30pm at the Corran Halls, Oban to discuss the feedback from the survey and to update the community on OBMG activity on the harbour authority arrangements.

OBMG has identified that a single harbour authority to manage the wider Oban bay area is necessary to reduce risk from increased traffic, to improve marine safety, and enhance the commercial viability of the harbour. An initial proposal by OBMG, based on discussion and review, recommended the timeliest solution is for Caledonian Maritime Assets Limited (CMAL) to extend its current harbour authority area to cover the whole Oban bay area, with the Argyll & Bute Council harbour area remaining nested within the larger area.

Lorna Spencer, Chair of the OBMG said:

“Following the survey responses, we recognise that an opportunity for a group to come forward to set-up a trust port is needed. We have previously stated our support for a trust port and we agree that it is the most appropriate long-term arrangement. However, it needs to be initiated by interested individuals and groups. The members of the OBMG are unable to pursue the trust port option as there would be conflicts of interest with their current operational responsibilities. We are willing to assist a viable stakeholder group and we encourage those with an interest to come forward now.

“In the interim, while a trust port option is explored, we will continue to do the preparatory work needed for any harbour authority. The option of CMAL extending its harbour area remains on the table should a trust organisation not emerge or proves unviable.

“Thank you to those who took the time to complete the survey and those who attended the first public meeting in July. Their contribution has provided valuable input to planning the harbour authority arrangements.

“We are committed to ensuring that, whatever the harbour authority arrangements, the town of Oban benefits and that there is a clear focus on navigational safety, the local environment and

economy, and access to the islands.”

Notes to editors

- Issued by Clark Communications on behalf of OBMG. Contact Angela Hughes angela@clarkcommunications.co.uk 0141 548 8028 / 07970 184198
- The OBMG was set-up in 2008 as a partnership involving Argyll and Bute Council, Northern Lighthouse Board, Caledonian Maritime Assets Limited (CMAL), Calmac Ferries Ltd and the local stakeholder user group.