

OBAN BAY – SINGLE HARBOUR AUTHORITY - UPDATE

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members of the Oban, Lorn and the Isles Area Committee with an update on progress since the last report which was issued in September of this year.
- 1.2 It is recommended that Members consider and note this report.
- 1.3 As the option for CMAL to extend their Harbour Area appeared to be causing some disquiet amongst stakeholders, a special meeting of the Harbour Board was held on 6th September 2018 to discuss potential solutions. Members agreed to:-
- 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 also that
 - a further report to be provided to the next meeting of the Harbour Board providing an update on the progress towards establishing a single harbour authority for Oban.
- 1.4 CMAL was duly advised of the decision taken by the Council's Harbour Board. Although the process to expand CMAL's harbour area has been paused, work of the OBMG still continues on the basis that, regardless of which organisation is ultimately responsible for Oban Bay, a Harbour Revision Order (HRO) will be required to be promoted at some point.
- 1.5 Whilst all 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 provide assistance wherever possible. A representative from the local stakeholders' group is now a member of the OBMG and fully involved in all decision making.
- 1.6 The next public meeting will be held on 28 March 2019.

OBAN BAY – SINGLE HARBOUR AUTHORITY - UPDATE

2.0 INTRODUCTION

2.1 This report provides Members of the Oban, Lorn and the Isles Area Committee with an update on progress on Oban Bay Single Harbour Authority since the last report was issued in September of this year. For further background information, it is recommended that Members refer to previous reports – here:-

- Oban, Lorn and the Isles Area Committee – 12 September 2018

<https://www.argyll-bute.gov.uk/moderngov/documents/s130168/Oban%20SHA.pdf>

...and here:-

- Argyll and Bute Council Harbour Board – 6 September 2018

<https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=567&MId=7962&Ver=4>

3.0 RECOMMENDATIONS

3.1 It is recommended that Members consider and note this report.

4.0 DETAIL

4.1 At the January 2018 meeting of the Council's Harbour Board, 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.

4.2 At the time of writing this report a meeting had been arranged for late November, between Council Officers and representatives from CMAL, to discuss the Council's 'protected provisions' in line with the decision of the Harbour Board.

4.3 As the option for CMAL to extend their Harbour Area appeared to be causing some disquiet amongst stakeholders, a special meeting of the Harbour Board was held on 6th September 2018 to discuss potential solutions. Members were advised that:-

- There still appeared to be 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 a number of stakeholders.
- Most stakeholders appear 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.*

* 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 consultant 'Fisher Associates' produced a report on behalf of the OBMG in 2014 which 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 the Council 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.

4.4 At the September meeting of the Harbour Board, Members agreed to:-

- 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 also that
- a further report to be provided to the next meeting of the Harbour Board providing an update on the progress towards establishing a single harbour authority for Oban.

4.5 CMAL was duly advised of the decision taken by the Council's Harbour Board. Although the process to expand CMAL's harbour area has been paused, work of the OBMG still continues on the basis that, regardless of which organisation is ultimately responsible for Oban Bay, a Harbour Revision Order (HRO) will be required to be promoted at some point.

4.6 Whilst all 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 provide assistance wherever possible. A representative from the local stakeholders' group is now a member of the OBMG and fully involved in all decision making.

4.7 The next public meeting to discuss the SHA at Oban Harbour will be held on 28 March 2018.

4.8 In the meantime, work is in hand at the North Pier to stabilise the ground behind the section of wall which failed during piling operations for the new transit berthing facility. This work involves drilling and grouting to infill voids created under the car park due to movement in the harbour wall; works will be completed prior to the Christmas break.

4.9 A Users Group meeting for Port Beag slip took place in September at which 19 people attended. Following the meeting, a consultation exercise was carried out at the request of users to consider how they would wish the Council to operate this facility in future. Responses to the consultation exercise will be discussed at the next meeting of the group. Two users have put their names forward to chair the group - a vote will be held at the next meeting to select the future chair.

5.0 CONCLUSION

5.1 Work of the OBMG continues, however, work to extend CMAL's harbour area has been paused.

6.0 IMPLICATIONS

6.1 Policy - None

6.2 Financial – None – this is based on the Council's interests being protected. Should the Council extend, there would be significant costs.

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.

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