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**ARGYLL AND BUTE COUNCIL**

**HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**4 AUGUST 2022**

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**OBAN BAY UPDATE**

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## **1.0 INTRODUCTION**

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

### **RECOMMENDATION:**

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

**OBAN BAY UPDATE**

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**2.0 EXECUTIVE SUMMARY**

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

**3.0 RECOMMENDATIONS**

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

**4.0 DETAIL**

**SPECIAL HARBOUR BOARD, DECEMBER 2021**

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

The Argyll and Bute Harbour Board:

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

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

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

## **HARBOUR BOARD MARCH 2022 UPDATE**

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

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

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

## **PROGRESS SINCE MARCH 2022**

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

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

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

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

- July: 14, 18, 29
- August: 01, 05, 07
- July: 21, 22, 24, 25, 28, 29
- August: 04, 07, 08
- July: 21, 22, 24, 25
- August: 01, 08
- Sea Kayaking Courses
  - July: 27-28
  - August: 03-04
  - August: 06-07
- Sea Kayaking Expeditions:
  - July: 15-17
  - July: 30-31

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

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

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

## **5.0 CONCLUSION**

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

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

## **6.0 IMPLICATIONS**

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

**Executive Director with responsibility for Roads and Infrastructure, Kirsty Flanagan**

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

**Policy Lead for Roads and Transport, Councillor Andrew Kain**

June 2022

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



