

# Oban Community Harbour Development Association (OCHDA) Newsletter 6 (October 2022)



Welcome to OCHDA's latest newsletter. In this newsletter you will find a general update on events around Argyll & Bute Council's decision to pursue the establishment of a Municipal Port for Oban and progress since then. You will also find some details of the Council's proposals which are causes for concern and an outline of what is expected to happen next.

## **The Council's determination to develop a Municipal Port and OCHDA's position**

Since our last newsletter there have been many significant developments in the establishment of a new Harbour Authority for Oban. The principal development has been the Council's refusal to entertain any joint working with OCHDA towards the future development of a Trust Port, opting instead to establish a Municipal Port. This was based, apparently, on a so-called "options appraisal" which was undertaken in the autumn of 2021. This, seriously flawed, appraisal argued that the Trust Port, however desirable, was not deliverable within a short term. This judgement was based on the incomplete business case presented by OCHDA, a direct consequence of the Council's refusal to engage with us over joint operation on the North Pier. The Council has also refused to release the report produced by a consultant at public expense to advise on property rent values for their North Pier assets.

Despite the clear inadequacy of the processes, including the actual decision-making, the Harbour Board decision not to consider working with OCHDA stopped the Trust Port development at that stage. Nevertheless, according to the "option appraisal" and the Harbour Board report, future consideration of a Trust Port remains an option for Oban.

On the basis of the Council's intransigent position, combined with their surprising decision that the best option available was to establish a Municipal Port, OCHDA had little choice but to accept the decision and commit to supporting the Council's establishment of a Municipal Port, as best we can. OCHDA's view, from the outset, was that the Council's target date of establishing the new Harbour Authority in time for the 2023 sailing season was highly ambitious. Despite the amount of work that has been undertaken so far, both by the Council and by others (in particular by ourselves in OCHDA ) we still believe that this remains extremely challenging.

## **The election of a new Council**

Early in 2022 a new Council was elected in Argyll & Bute, as elsewhere. OCHDA successfully made the establishment of the Municipal Harbour and the future development

of the Trust Port into an election issue. We will never know the effect that this had but, following the election of the new Council, a new chair of the Harbour Board was appointed. The new chair, Cllr Andrew Kain (himself new to the Council) is a resident of Mull and is not only the chair of the Harbour Board but is also the chair of the Council's Oban, Lorn and the Isles Area Committee and has, therefore, a very strong interest in the future of Oban Harbour. We have had a number of constructive meetings with Cllr Kain, since the early days of the new Council, and he is committed to supporting joint working and to ensure, by doing so, that there is no unnecessary delay in the inception of the new Harbour Authority. OCHDA also took the opportunity to make a presentation to the Harbour Board at its initial (additional) meeting in August in order to raise the profile of governance arrangements and the need for effective stakeholder including community input to the process.

## **Recent developments**

Following an initial period during which no information was being shared publicly there is now more sharing of information. This allowed us to encourage the Council to engage in public consultation at an early stage. As a consequence some consultation on an outline (skeleton) Harbour Order took place during the summer and the outcomes have recently been reviewed and are available on the dedicated page on the Council's website ([here](#)). Before the end of the consultation, however, a largely new draft was drawn up with extensive input from OCHDA and others. This was published, as the first official draft, at the end of August and is available on the Council's previously mentioned web page.

Both the revised draft (August 26th) Harbour Order and OCHDA's response to it are available on the OCHDA website ([here](#)).

There is much cause for concern about the proposals published in August, in particular two which refer to CalMac or "the ferry operator" The first of these relates to conservancy fee payments and the second to the authority of the Harbourmaster. According to the draft an exemption is to be granted to CalMac over conservancy fees (Harbour Dues). This is clearly stated but has been subsequently denied in writing. Regarding the authority of the Harbourmaster, CalMac or any future ferry operator, is also to be given exemption from any Special Directions issued by the Harbourmaster "except in an emergency". This is clearly unacceptable in terms of safety, and so would completely undermine the fundamental purpose of establishing a new Harbour Authority. It is simply unjustifiable to grant ferries free passage through the waters of the Bay with neither the levying of charges for maintenance nor the expectation that the Harbourmaster's instructions will be followed.

There was no mention in the August draft Harbour Order of future governance arrangements though the earlier draft states that the existing Council-wide arrangements will apply. It was, and remains, OCHDA's position that a local Harbour Advisory Committee, or a local Harbour Board, is not only desirable but achievable within the terms of local government legislation. (There are successful examples of suitable arrangements in a number of Scottish ports such as in Aberdeenshire.) In preparing submissions to the Council, making suggestions for improvements to their draft Harbour Order, OCHDA members have been very helpful in detailed analysis and expert advice on omissions and amendments required.

In addition to the consultation referred to above the Council has undertaken a substantial

exercise of Navigational Risk Assessment and the results of this will, we understand, also contribute to the development of the next draft of the Harbour Order.

### **Next steps**

A second, formal, draft of the Harbour Order is expected around the end of October. It is the reported intention of the Council to publish this, for public consultation, on the Internet. The precise arrangements for this are unclear and there has been discussion regarding the efficiency of the Council's routine information-giving mechanisms in this regard.

The revised draft Harbour Order is expected to be taken to a meeting of the Oban Bay Management Group on 10 November and, subject to broad agreement with its content, we anticipate that it will then be taken to the Harbour Board at an additional meeting in the second week in December. The date of this meeting has not yet been published but is likely to be 8 December. Thereafter, subject to the agreement of the Board, the intention is to submit the Harbour Order to Transport Scotland at the turn of the year. It will then be the subject of a statutory consultation exercise, undertaken by Transport Scotland, that will last for six weeks. At that stage there will be considerable scrutiny of the final proposals and it remains our hope that, by this stage, our concerns will have been largely addressed and we will be able to give our unequivocal support to the draft. However, we shall continue to scrutinise the proposals: in regard to safety and the movement of vessels within the Bay consistent with collision regulations and local orders; in regard to collection of harbour dues, or conservancy fees, from all appropriate vessels; and in regard to a localised governance arrangement linked with publication of accounts on a regular basis. Only if these conditions are met can we be confident that Oban Harbour Authority will be operating fairly, safely and in the best long-term interests of the community and all harbour users.

It is OCHDA's strongly held view that the development of the Municipal Harbour Order must seek to address and resolve stakeholders' legitimate concerns. Failure by the Council to do so is likely to lead to objections during the formal consultation and, therefore, to a delay in the inception of the badly-needed new Harbour Authority.

### **Membership & support**

In the meantime we continue to welcome new members and you are invited to pass this newsletter on to other interested people in order to encourage them to join.

Full details of how to join and some useful background information is available on our website at [www.ochda.scot](http://www.ochda.scot).

If you are able to offer practical help with any task, or financial support, please contact us at: [info@ochda.scot](mailto:info@ochda.scot)