
OBAN HARBOUR REVISION ORDER UPDATE

1.0 INTRODUCTION

1.1 This report is provided to update Members on the status of plans to establish the Municipal Oban Harbour and the progress of the Oban Harbour Revision Order (HRO).

1.2 It also details the process for the formal consultation process to make the Order.

2.0 RECOMMENDATIONS

It is recommended that the Harbour Board:

2.1 Note and consider the update provided in this report.

3.0 DETAIL**Harbour Revision Order (HRO)**

3.1.1 The Council's Harbour Board met on 31st August 2023 and approved a draft of the HRO for the formal application, assuming there were no material changes requested by Transport Scotland in the meantime. The report clearly set out the key steps, including the 6 week consultation period consequential to that decision.

3.1.2 Table 1 below shows the steps in the formal process.

Table 1

Step	Description	Actioned by
1	Formal application requested by Transport Scotland and submitted by Argyll & Bute Council. Accompanied by fee & supporting documentation.	Transport Scotland & Council Officers.
2	Public Notice – 42 days (6 weeks) of public consultation. May result in representations being received from members of the public, community groups or statutory consultees.	Objection handling by Transport Scotland by written representation, hearing or inquiry. Negotiation / modifications by Argyll & Bute Council.

3	Consultation with statutory consultees is also open for 42 days but may not exactly match the same commencement day as the public consultation period. (see 3.2.6)	Managed by Transport Scotland, then passed to Argyll & Bute Council.
4	Scottish Ministers consideration of application and decision.	Scottish Government.
5	Decision letter issued & decision published.	Transport Scotland.
6	Order Made. Argyll & Bute Council assume control of new harbour area.	Scottish Government.

3.1.3 Following the successful conclusion of informal discussions and confirmation that no material changes were made to the draft HRO, the formal application has now been submitted to Transport Scotland along with the associated documentation and fee.

3.2 The Consultation Phase

3.2.1 The arrangements for the consultation are governed by the Harbours Act 1964, and this does not provide leeway or discretion on the part of the Council for the 42 day period (6 weeks) to be extended or altered. The 6 week period of public consultation began with the publication of an advertisement in a local newspaper and ran from 30th November 2023 until the 10th January 2024.

3.2.2 The Council, in looking at the timing of the 6 week consultation period has been sensitive to balancing the need to progress the Harbour Order with the need to make sure that the 6 week consultation period did not begin or end during either of the Christmas or New Year holidays.

3.2.3 Scottish Ministers directed that the draft was also served on specified bodies or persons and this has been done to coincide as closely as possible with the public consultation period. The Statutory Consultees are:

- Scottish Environment Protection Agency
- NatureScot
- Northern Lighthouse Board
- The Royal Yachting Association Scotland
- Planning and Building Standards – Argyll and Bute Council
- UK Chamber of Shipping
- Maritime and Coastguard Agency

3.2.4 We have also published the submission on the Council's website for public viewing and promoted that via social media, our 'Keep in the Loop' service and by any other appropriate means identified in liaison with the Council's Communications Team. This is an established consultative process from the informal consultation already carried out for the Oban HRO.

3.2.5 The process requires 42 days for representations to be made and during this

period Transport Scotland will conduct their own consultations with the statutory consultees served with the draft HRO. Each consultee will have 42 days to respond so this may not run concurrently with our public consultation period.

- 3.2.6 All objectors must state the grounds of the objection. Their representations have been forwarded on to us from Transport Scotland and in addition, as we have had consultations on this subject before, representations sent directly to us have been shared with Transport Scotland.
- 3.2.7 There is no fixed timescale for handling any representations received. Now the 42 day period has ended Transport Scotland and Argyll and Bute Council are liaising to agree a timeframe to review the remaining representations. The timeframe may be extended if required and objections can be withdrawn at any time by writing to Ministers but at the end of the timeframe Transport Scotland will contact all outstanding objectors to confirm the status of the objection.
- 3.2.8 Ministers will make the decision on the appropriate route to deal with any objections which are not withdrawn which can include further written representation or in extreme or complex cases a hearing or public inquiry on similar lines to planning inquiries.
- 3.2.9 The Minister will then consider the material provided and reach a decision, which may involve modifications to the Order to meet objections or provide mitigation measures.
- 3.2.10 Ministers will then consider the draft and issue a formal decision letter to the Council, copied to consultees and objectors and published on the Transport Scotland website.
- 3.2.11 In the event the decision is positive the Order will be made and we must publish notice of this in the Edinburgh Gazette and a local paper (again most likely the Oban Times) and serve copies on the same people identified and notified of the original application.

4.0 CONCLUSION

- 4.1 This report provides an update to Members on the status of plans to establish the Municipal Oban Harbour and the progress of the Oban Harbour Revision Order (HRO).

5.0 IMPLICATIONS

- 5.1 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.
- 5.2 Financial – No financial implications at this stage, all costs have been met

through existing budgets and the Municipal Harbour will have fees and charges through conservancy charges etc. which will cover the operating costs.

- 5.3 Legal – the HRO process is a formal legal process set out in the 1964 Harbours Act.
- 5.4 HR – HR implications will be identified as the proposal progresses.
- 5.5 Fairer Scotland Duty:
 - 5.5.1 Equalities – None known.
 - 5.5.2 Socio-economic Duty – None known.
 - 5.5.3 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.
- 5.6 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.
- 5.7 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.
- 5.8 Customer Service – Improved and safer environment for all users.

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