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11th November 2022

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Oban Harbour - Draft Harbour Revision Order (HRO)

Thank you for your recent email inviting comment on the Council's preliminary draft HRO for Oban Harbour.

Crown Estate Scotland is not a statutory navigation authority and so the comments provided here are solely from the standpoint and experience of being the current manager of the seabed in Oban Bay under the terms of the Scottish Crown Estate Act 2019.

The draft HRO isn't accompanied by a 'Purpose and Effects' document which may address some of the points raised here, and the proposed harbour extents need to be specified.

Corrections

Paragraph 42 - Crown Rights

- 'Crown Estate Commissioners' should be replaced with 'Crown Estate Scotland'.
- Reference to 'Her Majesty' will need to be changed throughout.

Comments

In general, it is not clear if the HRO affects the status of existing marine licences, some of which may have been granted by Marine Scotland for the new 25-year validity period. All licence holders will retain their seabed occupation rights via agreement with Crown Estate Scotland.

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Paragraph 9 - Restriction of works and dredging

The 'Purpose and Effects' document would be useful for this section. For example: what are defined as 'works'; how do these provisions link with terrestrial planning, and what does the phrase 'contracted with the Council' mean in practice?

Paragraph 17(6) - Moorings

The 'Purpose and Effects' document would be useful for this section. This paragraph seems to suggest that mooring licences will only be granted with a 12-month validity period, is that the intention? This would be administratively burdensome for the Harbour Authority and introduce uncertainty for individuals and businesses. As an illustration of this point, Marine Scotland has increased the validity of mooring licences from 6yrs to 25yrs and Crown Estate Scotland currently has agreements for up to 257 moorings within Oban Bay and its approaches.

Paragraph 27 - Powers to make by-laws etc

The 'Purpose and Effects' document would also be useful for this section. The HRO contains the Crown Savings clause at paragraph 42, but it would be helpful to understand whether/how the list of potential byelaws interacts with existing public rights and other relevant legislation.

Summary

The Oban HRO will create one of the largest harbours in Scotland with a wide-ranging user group. Crown Estate Scotland has experience working with a wide range of regulators and user groups in the marine environment and would be pleased to share experience and knowledge to contribute to a safe and sustainable future for Oban Harbour.

In particular, the management of moorings can be a complex and protracted process. In the Clydeport Statutory Harbour area, a long-standing group called the "Clyde Moorings Committee" (CMC) manages the moorings application process. The CMC is comprised of relevant statutory and non-statutory stakeholders, with a remit to process applications for leisure moorings within the Clyde area. The CMC also acts as a conduit for other issues related issues within the harbour extent e.g. protection of recognised anchorages. If you would like to know more about the CMC and how it operates please let me know.

Thank you again for inviting comment on the draft HRO, once the 'Purpose and Effects' document and proposed harbour extents are available we would be happy to provide further comment if you thought this would be helpful.

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