

Marine Conservancy & Hydrographic Policy

1. General Powers of Harbour Conservancy

Argyll and Bute Council as Harbour Authority has a duty to conserve the harbours for which it has responsibility, thus ensuring they remain fit for purpose to enable the various stakeholders and Argyll and Bute Council clients to use the ports successfully and safely.

This includes the provision of information regarding depths of water in the harbour and approaches, local notices to mariners etc. The Harbour Authority also has the powers as the Local Lighthouse Authorities (LLA), as providers of aids to navigation (AtoN).

To achieve the conservancy requirements, the Harbour Authority is committed to:

- Survey as necessary to identify the best navigable channels for vessels to navigate.
- Place and maintain navigation marks where they will be of the best use to navigation (both for night and day).
- Keep a 'vigilant watch' for any changes in the seabed affecting the channel or channels and move or renew navigation marks as appropriate.
- Keep proper hydrographic and hydrological records.
- Publish as conspicuously as possible such further information that will supplement the guidance given by navigation marks.

Argyll and Bute Council may regulate, manage, mark and light the harbour and provide accommodation and harbour facilities in the harbour.

2. Hydrographic Survey

Argyll and Bute Council is responsible for establishing and pursuing a programme of harbour hydrographic surveys and maintenance of navigational channels. Its responsibilities include:

- Responsibility for all hydrographic surveying and associated record keeping for harbour areas carried out to Special Order standard.
- Ensuring the frequency and methodology for hydrographic survey operations is determined primarily by risk assessment, rather than by the blanket adoption of a set of rigid criteria.
- Preparing and collating up to date information on channel data for the UK Hydrographic Office (UKHO).
- Making current survey information available to harbour users and scheduled ferry operators.
- Liaising with the UK Hydrographic Office to improve the relevancy and accuracy of harbour charted information.

The Marine Operations Manager has in place a survey programme contracted to a competent hydrographic survey provider.

3. Tidal Heights and Meteorological Conditions

Argyll and Bute Council have installed equipment within its harbours to enable observations of the rise and fall of the tide to be made.

Within their statutory harbours, tidal height observations and readings are subject to regular visual check against a local tide staff board to ensure correct operation and repair and maintenance is contracted to a competent provider.

In addition to tidal information, Argyll and Bute Council also monitor and record data on prevailing conditions such as wind strength and direction and barometric pressure.

4. Dredging

The Harbour Authority have the mandate (subject to consent from the landowner and Marine Scotland) to undertake dredging operations for maintenance or channel improvement purposes. The results of hydrographic surveys are analysed to establish the need for maintenance dredging.

All dredging operations will potentially be subject to an Environmental Impact Assessment (EIA) and/or a Best Practicable Environmental Option (BPEO) assessment and acquisition of a licence to dispose of dredging spoil. Notice of such operations is communicated to all facility stakeholders and publicised as for survey operations.

It is also considered as best practice by Argyll and Bute Council to undertake, when necessary, a local EIA for any operation/process with the potential to affect the local flora and fauna.

5. Aids to Navigation (AtoN)

Under the Merchant Shipping Act 1995 Section 193, each Statutory Harbour Authority (SHA) is the local lighthouse authority (LLA) for the area within which it exercises its statutory powers and duties.

All navigational marks and lights owned by Argyll and Bute Council as the Local Lighthouse Authority (LLA) for the harbours under its control are established and maintained in accordance with the availability criteria laid down by the Northern Lighthouse Board (NLB). To meet these criteria, a rolling-programme of inspection and maintenance is undertaken through a competent external contractor.

Argyll and Bute Council ensures all aids to navigation are established, operated or altered subject to approval from NLB.

6. Inspection and maintenance

It is the responsibility of Argyll & Bute Council to:

- Oversee planning and implementation of a programme of maintenance of Navigational Aids in accordance with the availability criteria laid down by the Northern Lighthouse Board.
- Subject all AtoNs to annual review or following an incident/accident.
- Supply information and periodic returns to NLB when required.
- Apply for and obtain statutory sanctions.

- Maintain an AtoN database.
- Maintain an AtoN defect reporting system.
- Ensure procedures are also in place for emergency repair, reporting of navigational aid defects and appropriate issue of a navigational warning.

7. Review of Aids to Navigation

Risk assessment and on-going consultations have determined the requirement for Aids to Navigation in Argyll and Bute Council harbour areas. A program of full review with a periodicity not exceeding 5-years has been developed locally, this should where possible align with the general risk assessment for the harbour itself.

8. AtoN Failures, Maintenance and Inspection

It is the responsibility of the Harbour Master to:

- Subject all Argyll and Bute Council harbour and approaches, AtoNs and associated risk assessments to annual review with harbour users or at specific locations following an incident/accident.
- Report AtoN defects.
- Assess navigational hazards and if deemed urgent, report and take the necessary local action commensurate with level of risk.
- Ensure VHF broadcasts of urgent local navigational warnings are promulgated as required.

The implications of an outage are risk assessed by the Harbour Master in consultation with the Harbour Operator and an appropriate course of action adopted.

The Harbour Master will ensure notification is sent to the UKHO and all port users of 'Failures and Alterations' to AtoNs. The Harbour Master will immediately issue a Notice to Mariners (NTM) if a perceived danger deems to exist for safe navigation or, at a later period if the outage lasts longer than 7 days, or if the advertised characteristics of the AtoN will be affected.

The Harbour Master is responsible for promulgation of urgent notifications initially by local VHF broadcast and/or through Coastguard Operation Centres (CGOC).

All failures, audits and maintenance activities undertaken on AtoNs are managed in accordance with the Argyll and Bute Council safety management system.

9. Wrecks and Salvage

Where there is a wreck in, or near the approaches to the harbour, it is the responsibility of the Harbour Master to initially exercise their delegated authority to mark wrecks that in their judgement are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed. In the case of small wrecks this may be expedited by the Harbour Master in consultation with the Marine Operations Manager.

More significant wrecks or navigational hazards will be the responsibility of the Harbour Master to mark that, in their judgement, are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed.

Due regard will be made to the duty to protect the environment in the exercise of this and all other duties and powers. A risk assessment will be undertaken of any wreck in, or near the approaches to the harbour with the aim of reducing the risk of danger to navigation to as low as reasonably practicable.

In the event of a vessel becoming a wreck in or near the approaches to harbour limits, the process of removing the wreck is laid down in Section 252 of the Merchant Shipping Act 1995.

In event of a wreck on the approaches to the harbour, the Harbour Authority may:

- Take possession of, raise, remove or destroy the whole, or any part of the vessel, and any other property to which the power extends.
- Light or buoy the vessel until it is raised, removed or destroyed.
- Subject to various restrictions, sell the vessel or part of the vessel so raised or removed and any other property recovered during the exercise of the above powers.

Kirsty Flanagan
Executive Director and Duty Holder
Development and Infrastructure Services
Argyll and Bute Council