

Marine Conservancy & Hydrographic Policy

1. Conservancy Duty

Argyll and Bute Council, as Harbour Authority, has a duty to conserve its harbours to ensure that they are fit for use and a duty of reasonable care to see that its harbours are in a fit condition for vessels to use them safely. The Harbour Authority also has duties and powers as the Local Lighthouse Authorities (LLA), to provide Aids to Navigation (AtoN) and place these in the optimum positions which are suitable for all conditions.

Argyll and Bute Council's Harbour Authority Conservancy Duties include:

- Survey as necessary, using appropriately detailed surveys, to identify the best navigable channels for vessels to navigate.
- Find and mark the best navigable channels.
- Place and maintain AtoN in the optimum positions.
- 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, navigational information, and navigational warnings to harbour users.
- Provide regular returns to the General Lighthouse Authority (the Northern Lighthouse Board) on AtoN in its Statutory Harbours.

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. Its responsibilities include:

- Responsibility for all hydrographic surveying and associated record keeping for harbour areas carried out to International Hydrographic Organization (IHO) 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.
- Supply information to the UK Hydrographic Officer to allow the update of Admiralty charts and publications.
- 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 has installed equipment within its harbours to enable observations of the rise and fall of the tide to be made.

Within its 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 results of hydrographic surveys are analysed to establish the need for maintenance dredging in Argyll and Bute Council Statutory Harbour Authorities. Dredging is also considered at the 28 Marine Facilities operated by the Council.

All dredging operations will potentially be subject to a Marine Licence from the Marine Directorate, which includes consideration of an Environmental Impact Assessment (EIA) and/or a Best Practicable Environmental Option (BPEO) assessment for the dredge and disposal activity. Notice of such operations is communicated to all harbour stakeholders and publicised as for survey operations.

It is also considered 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 will be maintained in accordance with the availability criteria published by 'The International Organization for Marine Aids to Navigation' (IALA) and regulated by the General Lighthouse Authority (the Northern Lighthouse Board (NLB)). To meet these criteria, a rolling-programme of inspection and maintenance is undertaken through a competent external contractor. The Council will oversee planning and implementation of a programme of maintenance of AtoN to achieve IALA availability criteria.

Argyll and Bute Council as LLA, will not erect, remove or vary the character of any lighthouse, buoy or beacon without the approval from the NLB.

5.1. Review of Aids to Navigation

Risk assessment and on-going consultations to determine the requirement for AtoN in Argyll and Bute Council harbour areas. A program of 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.

5.2. 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 Very High Frequency (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.

6. Inspection and maintenance

Argyll & Bute Council, as a Marine Asset owner, acknowledges its responsibility to operate these facilities in good repair and fit for their intended purpose. This is achieved through:

- Harbour Masters monthly reporting of harbour defects to the Marine Operations Manager.
- A programme of infrastructure inspection and scheduled maintenance, delivered centrally by the Marine Operations Manager's Team.

9. Wrecks, Abandoned Vessels 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.

Harbour Masters have powers under the Harbour, Docks and Piers Clauses Act 1847 (subject to incorporate into the relevant local act) under Sections 52, 56 and 57, to remove any unserviceable vessel located within the harbour and should do so wherever these present a risk to safety. Unserviceable vessel removal should be carried out in consultation with the Marine Operations Manager.

A Harbour Master may give a 'Dangerous Vessel' direction to remove a vessel from the harbour if, in their opinion, its condition is such that it poses a grave and imminent danger to the safety of any person or property from entering the harbour. This direction may be amended by the Secretary of State (SOSREP) who also has powers to intervene and give directions.

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