

Navigational Safety, Pilotage & Towage Policy

1. Introduction

Argyll and Bute Council is a Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA) at eight locations and a marine asset owner at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.
2. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
4. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
5. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

The Council is the marine asset owner and, in most cases, operator of 28 piers, wharves and slipways. Some of these marine assets are located within the jurisdiction of a Statutory Harbour Authority (for example, Kilcreggan and Helensburgh Piers are located in Clydeport's harbour). Others are located outside of Harbour Authority boundaries (for example, Iona and Fionnphort). In all situations, the Council is responsible for marine safety and must manage these facilities in compliance with the requirements of the Code.

In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at:

- Campbeltown Harbour.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

2. Navigational Safety

Under the Ports & Marine Facilities Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the appointed Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as Statutory Harbour Authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

3. Safety Management System

Argyll and Bute Council has developed and maintain an effective Marine Safety Management System (MSMS) based on continuing assessment and mitigation of risk.

In doing so the Council:

- Consult widely with port and other relevant stakeholders in respect of navigational safety issues.
- Review regularly the effectiveness of, and if necessary, seek amendments to, legal powers, Byelaws and Directions in respect of navigational safety.
- Review regularly duties and powers to maintain an up to date set of Directions and Byelaws in respect of navigational safety and enforce them to effectively regulate and facilitate harbour use.
- Designate suitable anchorages and/or mooring locations.
- Monitor and maintain lights and marks used for navigation within their jurisdiction.
- Make and promulgate hydrographical surveys and berth inspections.
- Keep berth areas free from underwater debris.
- Provide suitable plans for emergency situations.
- Ensure that appropriate competency and safety standards are laid down for passenger, freight and other commercial operations.
- Provide effective management and co-ordination in response to emergency situations within the area of jurisdiction.

4 Marine Risk Assessments

All harbours within Argyll and Bute Council's area of responsibility are 'open ports', this means that they have a general public right of navigation on tidal waters and are open for use, on the payment of advertised dues.

It is the responsibility of the Harbour Master to assess, compile and maintain Marine Risk Assessments for the harbours for which they have responsibility. Marine Risk Assessments follow the guidance issued in the 'Ports & Marine Facilities Safety Code' and its accompanying guidance documents.

Areas that are to be considered when undertaking a Marine Risk Assessments include:

- Whether the harbour has direct and easy access to the open sea or whether it has a long approach channel.
- Whether the harbour has dense traffic requiring a high degree of management and regulation or has little traffic in which the risk of collision is minimal.
- Whether the vessels using the harbour are of widely differing characteristics, which as a result could have consequences for other navigation and require the assignment of specified channels, e.g., deep draught vessels.
- Whether cargo is handled by ships at anchor, moored to buoys, or berthed alongside.
- Types of cargo handled e.g., dangerous and pollutant goods, and their effect on other navigation.
- Numbers and types of recreational craft.
- Presence of high-speed craft, passenger ferries and local ferries.
- Availability and monitoring of the harbour through the 'Local Port Service' (LPS) equipment and onsite staff availability (some locations are unstaffed).
- Under-keel clearances, and / or draught restrictions.
- Harbour regimes, depth of water, sand banks, bars, shoaling patterns; meteorological conditions, tides and current.
- Proximity of the navigation channel to shore structures (particularly hazardous ones).
- Berthing locations and arrangements.
- Berth fitness and suitability (berthing forces).

The harbour, pier or slipway Marine Risk Assessments will identify the need for LPS and/or Vessel Traffic Services (VTS). The need for Pilotage will also be considered as a risk-based decision.

5. Vessel Traffic Management

The harbour authority's primary duty is to ensure the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters. This includes a duty to regulate navigation using available powers and other means.

Exercise of this function depends upon communication with mariners and other harbour users. As a minimum, the means of achieving this will be by use of marine Very High Frequency (VHF) radio that the Harbour Master will have provided in every staffed harbour location and operated by suitably qualified members of staff.

6. Promulgation of Information

The Harbour Master will ensure navigational information including (but not limited to) water depth, navigational hazards, harbour works, navigational lights and marks are published in a range of publications including Admiralty charts, relevant sailing information and in Notices to Mariners. The UK Hydrographic Office is notified of any permanent or temporary change in navigational marks and hazards for appropriate publication.

If the Harbour Master or Harbour Operator becomes aware of any navigational hazard that is not presented on marine charts or other published navigational information, they will, having verified any reports received, publish a suitable warning. The Harbour Master may issue a warning by means of a Notice to Mariners and the Harbour Operator may issue a verbal warning via VHF traffic information broadcasts. Such navigational warnings may include (but not be limited to):

- Adverse weather conditions
- Shipping movements including STS Operations
- Changes in charted water depths
- Damaged or malfunctioning Aids to Navigation
- New or amended Aids to Navigation
- Wrecks or abandoned vessels
- New or temporary exclusion areas
- Works in harbour areas; and
- Miscellaneous safety warnings.

If the navigational hazard is not of a temporary nature, the Harbour Master is responsible for communicating with the UK Hydrographic if considered necessary to instigate changes to nautical charts and published information.

7. Vessel Traffic Services (VTS)

VTS is designed to improve the safety and efficiency of navigation, safety of life at sea and protection of the marine environment and/or adjacent shore areas, worksites and offshore installations from possible adverse effects of maritime traffic.

Currently Argyll and Bute Council do not utilise VTS at any of the harbours under their control. The future requirements for VTS and the extent of the services provided will be based on the risk assessment process driven by changes to harbour utilisation and requirements and in accordance with the guidance in the Code and IMO Resolution A.857 (20).

8. Passage Planning

Every vessel's navigational passage should be planned in adequate detail to/from the berth and with contingency plans such as abort positions and anchorages where appropriate when navigating in the areas of Argyll and Bute Council's jurisdiction. Any mariners operating a Vessel which proceeds to sea should ensure it is operated in accordance with SOLAS Chapter V Regulation 34.

Masters and Officers of the watch will use the above guidelines for voyage planning, implementing the following measures to ensure that they understand the risks to which they are exposed and take effective measures to reduce such risks including ensuring that there is a systematic organisation on board that provides for:

- Comprehensive briefing of all concerned with the navigation of the vessel.

- Regular monitoring of the vessel's position with the use of different methods to check against error in any one system.
- Using the information available from plots of other traffic to ensure against overconfidence, bearing in mind that with the number of vessels in this area other vessels may alter course and/or speed.
- Ensuring that the optimum and systematic use is made of all appropriate information that becomes available to the navigational staff.
- Pre-arrival/departure checks should be completed in good time prior to arrival within Argyll and Bute Council's areas of jurisdiction or departure from their berth.

Argyll and Bute Council reserve the right to require passage or pilotage plans to be submitted by any vessel using or passing through their harbour areas on a case-by-case basis whether vessels are piloted or not. Argyll and Bute Council reserve the right to commission independent passage plan checks on vessels not subject to compulsory pilotage and on every occasion following an incident. Harbour passage plans can be required using the powers of direction.

The future requirements for passage plans will also be based on the risk assessment process driven by changes to harbour utilisation and requirements. Any future requirements for the provision of passage plans will be implemented in accordance with the guidance in the Code.

9. Subsea Pipeline/Cables

The Harbour Master will ensure that any Argyll and Bute Council harbour areas with interfaces with sub-sea cables and pipelines are specifically identified and addressed within the risk assessment process.

10. Pilotage

The Argyll and Bute Council (Pilotage Powers) Order 2007 SSI/2007/3

Argyll and Bute Council shall under the Argyll and Bute Council (Pilotage Powers) Order 2007 be a Competent Harbour Authority in respect of the harbours of Campbeltown for the purposes of the Pilotage Act 1987, and as the CHA, authorises Pilots to serve the whole area of jurisdiction as laid out in the Campbeltown Harbour and Burgh Act 1876, and as given in the Pilotage Direction so promulgated.

Argyll & Bute Council's responsibility in respect of Pilotage in its Harbours is to:

- Ensure that the operation of the Pilotage Services is compliant with National Regulations, Guidelines and Competency Standards. The Council will appoint competent and authorised Pilots.
- Keep under review its Pilotage Directions to ensure they are fully in accord with the Marine Safety Management System and guidance in the Port Marine Safety Code.

- Issue Pilotage Exemption Certificates (PEC) to bona fide deck officer of ships that meet the criteria laid down and monitor the performance and discipline of PEC holders in respect of requirements laid down in Pilotage Directions

In addition, the approaches to Dunoon, Kilcreggan and Rothesay harbours are situated within the jurisdiction of Peel Ports (Clyde), a Competent Harbour Authority for the purposes of the Pilotage Act 1987. In pursuance of its powers under Section 7 of the said Act, Peel Ports (Clyde) issues Pilotage Directions to ships navigating within the limits of its jurisdiction as defined in the Clydeport Authority Confirmation Act 1965 and subsequent amendment(s).

In doing so it specifies what criteria which will apply to vessels, Masters and Navigation Officers in determination of the requirement for pilotage within its waters.

Under the Pilotage Act 1987, Exemptions from Pilotage are available to bona fide Masters and Navigation Officers of regular traders, i.e. only the person in charge or the second in command of a vessel.

Candidates wishing to present themselves for a Pilotage Exemption Certificate within the Clyde area of jurisdiction must comply with their published requirements contained within their Pilotage Directions.

11. Ship Towage

Currently there is no routine provision of towage services at any of the harbours for which Argyll and Bute Council are the Harbour Authority. Non-routine towage requests may be made by tug/tow operators and will only be acceptable if subject to a specific risk assessment, approved by the relevant Harbour Maser. Harbour users will be provided with guidance regarding *ad hoc* towage within Clubs and other similar Organisations.

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