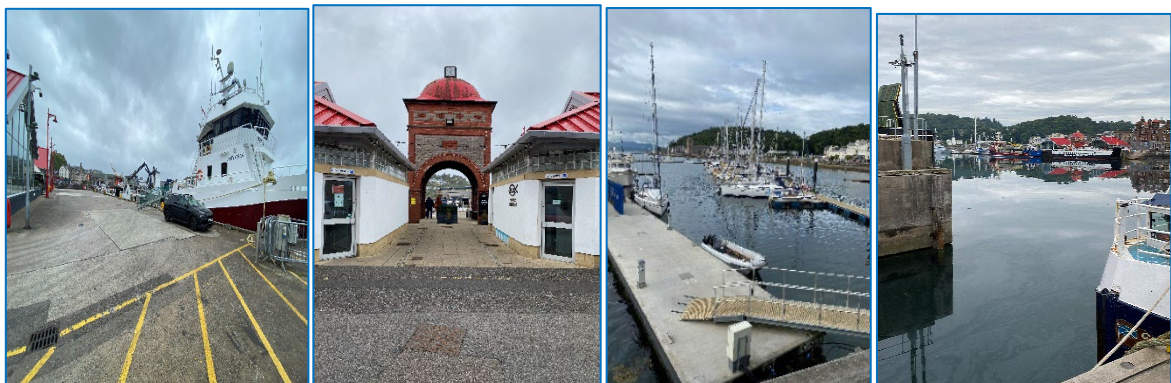


DELIVERY PLAN



OBAN MUNICIPAL HARBOUR

JANUARY 2022



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1.0 INTRODUCTION

The Council's Harbour Board, at its meeting on 2 December 2021, made the following decision, informed by the Options Appraisal process carried out by Caledonian Economics.

The Argyll and Bute Harbour Board:

1. *Thanked Caledonian Economics for their work on the Options Appraisal;*
2. *Agreed that the Council would not at this time proceed with a transfer of assets on the basis that there were too many uncertainties around the proposal;*
3. *Noted that Options 4 or 5 (Argyll and Bute Council or Caledonian Maritime Assets Limited (CMAL) becoming the Harbour Authority for the unmanaged section of Oban Bay) provides a quicker route to addressing the current safety concerns and are therefore the best options available at this time;*
4. *Agreed that either Options 4 or 5 should move forward and request that Officers engage with CMAL, through the OBMG, on the basis that the Council's preference would be option 5 and that the Council was prepared to be the Harbour Authority for the unmanaged section of Oban Bay, to begin the process of application for a Harbour Revision Order covering the unmanaged section of Oban Bay and to expedite the process for such an Order and to report back to members on that process;*
5. *Noted that there was no inherent reason why a Trust Port would not be a good future option; and*
6. *Agreed that once Options 4 or 5 were delivered there would be a period of bedding in to monitor the new arrangement and, after that time, there would be a further report to members on the potential for and exploration of the future development of a Trust Port.*

2.0 OBJECTIVES

The Objectives in progressing a Municipal Harbour Authority are:

- a) Promote a Harbour Revision Order which allows Oban Bay to be professionally and comprehensively managed.
- b) Ensure that Oban Bay is available for all users including passenger ferries, commercial vessels, fishing fleet and leisure users
- c) Have comprehensive safety systems in place and operated which comply with the Port Marine Safety Code
- d) Establish a Harbour management co-ordination group (with a similar remit to providing a seamless service to the well-established roads liaison group between Transport Scotland, its Operating Company, Police Scotland and Argyll and Bute Council)
- e) Establish a single group forum for all users incorporating the Port Safety Group
- f) As the groups in 4 and 5 above become established it is envisaged that these groups will supersede the Oban Bay Management Group
- g) Operate in a safe and sustainable environment where any surplus income can be reinvested into the Harbour Area
- h) Promote the Harbour and wider area to stimulate economic activity and trade

3.0 KEY STEPS AND TIMELINE

The key steps commencing in January 2022, are as follows:-

While there is currently a proposed timeline for completing the Order which is helpful, the current iteration is task specific, relating to operational matters and does not take into account the key steps of the statutory process required by Transport Scotland to develop and constitute a Harbour Order. The key steps for that are as follows with the timing and sequence of these events detailed in the dynamic project plan which shall be read in conjunction with this document:

3.1 PRE-APPLICATION ENGAGEMENT WITH TRANSPORT SCOTLAND (TS)

- 3.1.1 The Council will consult with Transport Scotland (TS) on an informal basis, in Order to reach a common understanding on the proposed Order and particularly the geographic limits and proposed powers. While there is no specific timescale for completion of this stage, in the formal Transport Scotland process for approval of an Order, it is estimated that this may take up to 3 months. In addition to this, the Council will consult with other potential statutory consultees and other users such as the Oban Bay Management Group, at this informal stage. Statutory consultees are detailed in 3.4.1 with the wider list of consultees listed in appendix 3.

Any requirement for an environmental statement will be determined at this point.

3.2 DRAFT ORDERS

- 3.2.1 Following clarification of the extent of the Order and the powers sought etc, the proposed Order shall be drafted and shared with Transport Scotland. Whilst Transport Scotland are willing to comment informally on draft Orders, it is expected that they will not be able to enter into protracted discussions on multiple drafts.
- 3.2.2 The draft shall be accompanied by purpose and effect notes, which detail a clear rationale and reason for the area identified to be subject of the order, and each power, and the legal basis for such a power to be granted with reference to schedule 2 of the 1964 Act.

The competed draft Order shall require to be submitted to a meeting of the Harbour Board for approval to proceed and time has been provided to enable this.

3.3 FORMAL APPLICATIONS

- 3.3.1 Following the conclusion of informal discussions, the Council shall formally agree and submit the proposed Harbour Order, which shall include:
- Purpose and effect notes if not already provided;
 - An electronic copy of the draft Order; and
 - The Fee.

3.4 CONSULTATION and ADVERTISEMENT

- 3.4.1 Scottish Ministers may direct that copies of the draft Order are served on parties specified by them. This would normally be done during the pre-application discussion but may be done on receipt of the application. In the event that an Environmental Statement is required, this will require service on the following bodies:
- Scottish Natural Heritage (SNH);
 - Scottish Environment Protection Agency (SEPA);
 - Local Planning Authority;
 - Northern Lighthouse Board;
 - Maritime and Coastguard Agency;
 - UK Chamber of Shipping; and
 - Royal Yachting Association.

3.4.2 Consultation shall also take place with local communities and user groups as set out in Appendix 2 below.

3.4.3 The Council shall publish notice once in the Edinburgh Gazette and once in each of two successive weeks in one or more local newspapers. The Notice is required to comply with the requirements of Schedule 3 of the 1964 Act and should give:

- Notice that an application has been made Scottish Ministers decision on the application of the Environmental Impact Assessment directive (if appropriate) and whether an ES has been supplied and, if so, where it and the draft Order and any related maps etc can be viewed;
- A concise summary of the draft Order;
- A general description of any works and any land proposed for compulsory acquisition if appropriate; and
- Information on how objections should be made within 42 days of the date the Order was first advertised and details of the procedure for handling these.

3.4.4 Original copies of each publication containing the notice must be provided to Transport Scotland.

3.5 OBJECTIONS AND REPRESENTATIONS

3.5.1 The 1964 Act allows 42 days from the date the advertisement first appears for objections and representations to be made. During this time, Transport Scotland conduct their own consultations, normally with those persons served with notice of the application as set out in consultation quote above, and each consultee will also have 42 days in which to respond. This may run concurrently with the public consultation period.

3.5.2 The points to note in relation to objections include:

- All objectors must state the grounds for their objections;
- Objections will be passed to the Council who will have the opportunity to negotiate with the objector (for example, where the objections can be addressed through provision of additional information or mitigation measures);
- There is no fixed timescale for this stage in the process and this will depend on the nature and scale of any objections received;
- Objections can be withdrawn at any time;
- At the end of the 42 day period, objectors will be asked to confirm the status of their objection.

3.5.3 Where an objection is not withdrawn, Scottish Ministers will take a decision on the most appropriate route to deal with the objections in the best interests of

both the Council and objectors. Ministers may determine they can be handled by further written representations.

3.6 HEARING

- 3.6.1 If a hearing is required, then there is no specific timescale for the key steps for the preparation and conduct of a hearing and this will vary according to the complexity of the issues at hand.
- 3.6.2 Where the case is more complex, Ministers may hold a hearing or a public inquiry. At the conclusion of such a hearing or public enquiry, Ministers will consider the material provided and reach a decision on the making of an Order.

3.7 MODIFICATIONS

- 3.7.1 Scottish Ministers shall consider whether any modifications are required to the Order, and consequent to that being the case, (and if the modifications substantially affect the character of the Order) Ministers will take steps to inform the Council, and other parties likely to be concerned, allowing a reasonable period for comment on any modification, prior to making the Order.
- 3.7.2 Any period for modifications cannot be specified at this stage, this will be dependent on the facts, circumstances and the complexity of the issues arising for the purposes of this plan and assumption has been made of a period of 1 month.

3.8 DECISION AND TIMESCALES for MAKING ORDER

- 3.8.1 In making the decision on whether or not to make the Order, or to make it with modifications, Ministers will consider:
- any environmental statement provided;
 - the results of any consultation;
 - any objections made and not withdrawn;
 - any representations made;
 - the report of any inquiry or hearing; and
 - any written representations by the applicant or objectors.
- 3.8.2 Thereafter, a formal decision letter will be issued to the applicant, copied to consultees and objectors, and published on Transport Scotland's website.
- 3.8.3 The period for making and issuing an Order will depend on the complexity of the Order and any modifications to it. The applicant must publish notice of the

fact that the Order has been made in the Edinburgh Gazette and a local paper and serve copies on the same people notified of the original application. These must be circulated to Transport Scotland.

3.8.4 It should be noted that where an EIA was required, Scottish Ministers are also required to publicise the making of an Order by the Edinburgh Gazette and local notice.

3.8.5 Any period for issuing decisions cannot be specified at this stage, this will be dependent on the facts, circumstances and the complexity of the issues arising for the purposes of this plan and assumption has been made of a period of 2 months.

3.9 TIMESCALES FOR ORDER TO BE COMPLETED

3.9.1 The timescales for the various stages outlined above will vary in line with a number of factors, in particular the complexity of the proposal, the degree of public interest, and the nature and numbers of objections.

3.9.2 The only statutory period is the 42 days allowed for receipt of public comments and responses from consultees following formal application. However, given the complexity of obtaining an Order, the process can take up to a year or more depending on how long the various stages in the process set out above, and in particular the nature, relevance and complexity of the objections and any requirement for a hearing which could extend the timescales considerably.

3.9.3 A summary of the key steps and timescales is set out in Appendix 1 – High Level Project Plan

4.0 PROJECT TEAM

4.1 The Council has constituted a project team and project lead to progress matters to conclusion of an Order and details of the project team are set out in Appendix 2.

4.2 The project team have identified a requirement for consultation with statutory consultees and representatives of local communities and user groups for the formal consultation process and they are set out at Appendix 2.

5.0 PROJECT GOVERNANCE

5.1 The project will be responsible from a policy position to the Council's Harbour Board who will receive reports to the meetings of the Harbour Board. Those Harbour Board reports will also be made available to the Area Committee

Members of the Oban Lorn and the Isles Area Committee for their information. All reports and minutes of the Harbour Board which are not restricted are available publically on the Council's web site.

- 5.2 The Head of Roads and Infrastructure shall be responsible for taking monthly update reports to the Departmental Management Team meeting, which are chaired by the Executive Director of Development and Infrastructure who, in the context of this project is the Council's Duty Holder for Marine Activity and the Section 95 Officer (responsibility for financial management).

6.0 COMMUNICATION

- 6.1 The project team have formulated a communication strategy. .
- 6.2 The key principle underpinning this strategy is to provide timely information on progress to the public and other key stakeholders through the process
- 6.3 To ensure a consistent narrative, all published communication shall be signed off by the Executive Director with Responsibility for Roads and Infrastructure Services.
- 6.4 The communication strategy is attached at Appendix 3.

Appendix 1 High level Project Plan

Appendix 2 Project Team

Appendix 3 Communication Strategy

APPENDIX 2 PROJECT TEAM

Additional officers can be brought in to the process, as and when required:

NAME	PROJECT ROLE	JOB TITLE
Jim Smith	Senior Responsible Officer	Head of Roads and Infrastructure, ABC
Scott Reid	Project Manager	Marine Manager, ABC
Kirsteen MacDonald	Technical Advisor	R&IS Project Manager, ABC
Montgomery Smedly	Senior Marine Advisor (External)	Designated Person and Consultant, ABC
Mike Nicol	Legal advice and co-ordination of order drafting	Solicitor, ABC
Linda Taylor	Financial Advisor	Principal Accountant, ABC
Jane Jarvie	Communications Advisor	Communication Manager, ABC

APPENDIX 3

COMMUNICATIONS STRATEGY

AUDIENCE	HOW	FREQUENCY	RESPONSIBILITY
Technical Co-Ordination Team	Attendance at 6 – 9 weekly meetings, action minutes etc.	For each meeting of the group	All
DMT	Highlight report detailing: (i) what has been carried out, (ii) what is proposed, (iii) changed risks,	Monthly	Scott Reid
Policy Lead	Via formal monthly and informal weekly meetings	Monthly	Jim Smith
Harbour Board	Formal report	To each meeting (6 monthly frequency plus and special meetings called by the Chair)	Jim Smith
Area Committee and other Members	Copies of all papers from Harbour Board meetings	As above	Scott Reid
Harbour Management Group	Reports to each meeting	Each Meeting	Scott Reid
Harbour User Group	Reports to each meeting	Each Meeting	Scott Reid
MCA	Pre submission consultation and ongoing dialogue	As required	Jim Smith
Transport Scotland	Pre submission consultation and ongoing dialogue	As required	Jim Smith
Statutory Consultees	Informal consultation prior to formally progressing limits and Order provision as per 3.4.1 above	As Required	Scott Reid
Wider Public Consultation	Web site and social media information. The public consultation will include: <ul style="list-style-type: none"> All Community Councils connected to Oban Bay (including those communities who benefit from ferry 	As required and to be identified on Project Plan	Jane Jarvie

AUDIENCE	HOW	FREQUENCY	RESPONSIBILITY
	<p>services starting/departing from Oban)</p> <ul style="list-style-type: none"> • All known clubs, groups and bodies operating within Oban Bay. • Known users of the North Pier pontoons and North Pier • Fishing fleet • Cruise ship companies 		