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**ARGYLL AND BUTE COUNCIL**

**HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**3 MARCH 2022**

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**OBAN BAY UPDATE**

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**1.0 INTRODUCTION**

- 1.1 This report is provided to update Members on the progress being made since the decision of the Special Harbour Board meeting in December 2021 in respect of Oban Bay.

**RECOMMENDATION:**

The Harbour Board is asked to note and consider the update provided in this report.

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**2.0 EXECUTIVE SUMMARY**

2.1 This report provides an update following the Special Harbour Board Meeting, which took place in December 2021, on progress since the Special Meeting and the next steps which officers require to undertake.

**3.0 RECOMMENDATIONS**

3.1 The Harbour Board is asked to note and consider the update provided in this report.

**4.0 DETAIL**

**SPECIAL HARBOUR BOARD, DECEMBER 2021**

4.1 The Harbour Board made the following decision at its Special Meeting in December 2021:

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.

## **PROGRESS SINCE DECEMBER**

- 4.2 Since the instruction from the Harbour Board to progress matters, Officers have held several sessions with key external bodies including CMAL, CalMac, Transport Scotland and Northern Lighthouse Board with additional support and assistance from the Council's external Marine Designated Person.
- 4.3 CMAL have agreement from their Board that Argyll and Bute Council will progress becoming Municipal Port Authority for the unmanaged areas of Oban Bay.
- 4.4 These initial discussions were critical to determining how matters should progress. It was agreed with the various parties that the Council would begin the process of developing the process of applying for a Harbour Revision Order (HRO) covering the unmanaged sections of Oban Bay.
- 4.5 A high level project timeline is in draft format and has been shared with the above noted key stakeholders for their input.
- 4.6 At the Oban Bay Management Group meeting on 11 January the majority of the members of the group endorsed the proposal by the Council to become a Municipal Harbour Authority for the unmanaged waters within Oban Bay.
- 4.7 Good progress has been made with the Council's legal team regarding the provisions to be drafted for inclusion within the draft order and to further develop a plan for progression of the Statutory Harbour Authority (SHA) which requires a HRO to allow the formal management and running of Oban Bay. Good progress has also been made with the Council's internal team who have scoped out initial requirements for:
  - Harbour limits
  - Vessel Traffic System
  - Extended Oil Spill Response
  - Extended bathymetric survey provision
  - Work vessel requirements
  - Web site enhancement and content
  - Operating hours and staffing requirements
  - Financial model
  - Communications strategy – including communication and

- engagement with stakeholders.
- Outline business case for extension of North Pier as a concept to develop.

Essentially the above points are an extension of the current management of the Council's 39 piers and harbours. The systems and expertise are in place across the existing assets and team, and are being adapted to suit the needs of Oban Bay.

## **NEXT STEPS**

- 4.8 The next key milestones are (1) meetings with the MCA (ongoing discussions with the MCA at the time of writing this report to understand their views on the outline proposal including limits (what will be covered) and justification for those limits), and (2) meetings with Transport Scotland (TS), which will formally begin the process of pre-application engagement. These meetings will look at the limits of the Bay and provisions within the Order which will form part of the formal submission.
- 4.9 Draft the justification for the limits to be included and present these for the Harbour Board's consideration ahead of an initial informal stakeholders consultation relating to the harbour limits and draft order provisions.
- 4.10 It was reported to the December Harbour Board *that with a fair wind either the Council or CMAL/CFL should be able to have a new Harbour Order in place for the 2023 sailing season*. Now CMAL have confirmed agreement from their Board that Argyll and Bute Council will progress becoming Municipal Port Authority for the unmanaged areas of Oban Bay, the Council is making good progress towards this target date.

## **5.0 CONCLUSION**

- 5.1 Since the Special Meeting of the Harbour Board in December 2021, good progress has been made in preparing to submit a formal Harbour Revision Order. Once the key milestones outlined above are concluded, a further report will be brought back to Members of the Harbour Board to agree the limits and powers which will be included in the draft Order.

## **6.0 IMPLICATIONS**

- 6.1 Policy – The Harbour Board agreed in December 2021 that the Council should proceed to make the arrangements to formally manage the unmanaged section of Oban Bay.
- 6.2 Financial – No financial implications at this stage. As the proposals develops further detail will be brought to the Harbour Board.

- 6.3 Legal – the HRO process is a formal legal process set out in the 1964 Harbours Act.
- 6.4 HR – HR implications will be identified as the proposal progresses.
- 6.5 Fairer Scotland Duty:
  - 6.5.1 Equalities – None known
  - 6.5.2 Socio-economic Duty – None Known
  - 6.5.3 Islands – consultation will be carried out with the island communities as a continuation and expansion of the Options Appraisal Process reported to the December harbour Board.
- 6.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 6.7 Risk - The Council progressing to become a Municipal Port Authority for the unmanaged areas of Oban Bay increases the safety within Oban Bay. There is a risk that there could be a number of objections and representations during the process which could impact on timescale and these will be considered as and when they arise.
- 6.8 Customer Service – None known

**Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure**

**Jim Smith, Head of Roads and Infrastructure**

**Policy Lead, Councillor Rory Colville**

4<sup>th</sup> February 2022

**For further information contact:** Jim Smith, Head of Roads and Infrastructure, or Scott Reid, Marine Operations Manager