

OCHDA REPORT TO OBMG MEETING ON 12 JULY 2022

Reference:

A. Record of OBMG Meeting held on 10 May 2022.

1. Following the meeting at the NLB Oban offices on 15 June 2022, OCHDA has submitted their Protective Provisions to the A&BC Duty Holder and Designated Person, copy attached, and advised OCHDA members to submit theirs.

2. OCHDA is advising the Designated Person on historic jurisdictions and has provided copies of relevant legal documentation.

3. Work also continues on the Trust Port Harbour Order and related research.

4. OCHDA looks forward to receiving responses from A&BC Officers to the issues raised at the last OBMG meeting as recorded in Reference A.

Ross Wilson

8 July 2022

Chair OCHDA
M: 07899 847673

Attachment

OCHDA Management Committee submission

Protective Provisions request for consideration by Argyll & Bute Council

1. Harbour Limits

The Municipal Port Authority area should be based on the existing statutory areas being extended by the addition of the areas agreed during extensive public consultation in 2019 which were endorsed by the majority of stakeholders on the Oban Bay Management Group (OBMG). This overall amalgamated area therefore combines Argyll and Bute Council's hitherto statutory areas around the North and South Piers and the extant (but moribund) Oban Harbour Authority area with the new extended area which takes in the approaches to the North Channel, the wider Oban Bay and the Sound of Kerrera. The Caledonian Maritime Assets Limited (CMAL) area of 100 yards around the Railway Pier will remain as a separate "nested" statutory harbour authority (SHA) area.

These areas referred to are shown in the diagrams below.

The magenta area depicts the 1878/1896 "inner SHA" inherited, and claimed, by CMAL - all the others to be combined into one statutory area. Red and blue areas are the 1878/1896 statutory areas inherited, and claimed, by the Council.

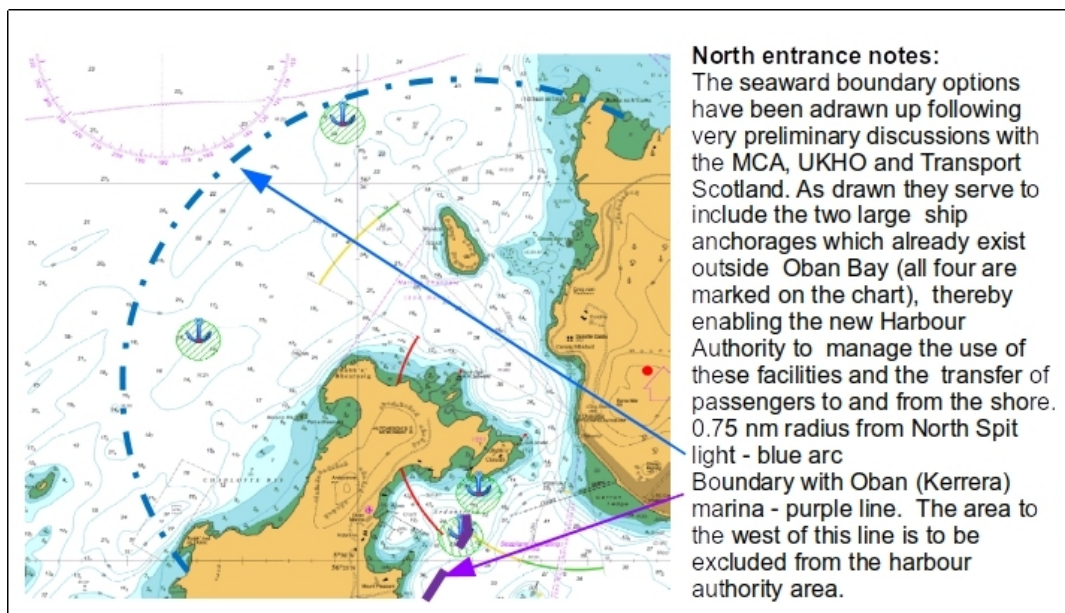
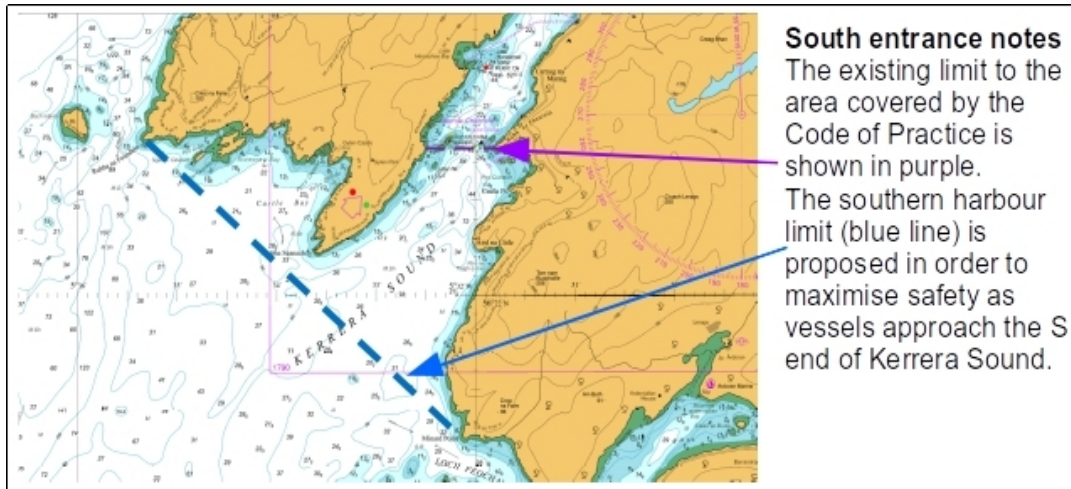
Beyond these areas, out to a line drawn between the Dog Stone and Brandystone, is the 1878 Oban General Harbour Authority area, as marked on Admiralty charts.

Out with all the above areas, the areas out to the blue pecked lines shown below in the two charlets relating to the North and South entrances, are currently described as non-statutory "unmanaged waters".

Historical areas



Proposed new harbour limits



2. Governance and Consultation arrangements

Upon the Council's Municipal Port harbour revision order (HRO) for Oban coming into force the Council should establish a Board of between 8 and 10 members constituted and appointed as recommended in the Port Marine Safety Code (PMSA) and the Ports Good Governance Guidance document, and they and their successors from time to time appointed under any Order shall be called the Oban Harbour Board.

Given that the Council intends to submit a HRO for Oban which is separate from the proposed consolidated HRO for their other piers and harbours, it is assumed the local legislation, and therefore the governance of Oban harbour will stand alone from their other harbour undertakings. However, should the Council insist on managing Oban harbour through a unitary Council-wide Harbour Board, a separate Oban Harbour Advisory Committee, with appropriate delegated executive powers, should be established,

comprising of a number of elected members and representatives of all harbour users and stakeholder groups.

The Council must consult the Oban Harbour Advisory Committee on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of Oban harbour and its navigation.

The Oban Harbour Advisory Committee should consist of 50% elected members, with the remainder made up of lay or co-opted members representing major stakeholders, Oban Community Harbour Development Association (OCHDA), Oban Bay Stakeholders Group (OBSG), Oban Community Council (OCC) and other nominated port users. All appointed members of the Harbour Board and/or Advisory Committee shall be bound by the Council's Code of Conduct.

The Council must make arrangements for this body to meet not less than 3 times a year and it must take into consideration within a reasonable period any matter, recommendation or representation which may from time to time be referred or made to it by the Harbour Advisory Committee whether or not that advisory body has been consulted by the Council on the matter, recommendation or representation so referred or made.

Any such advisory body may determine its own quorum and procedure and must appoint a chairperson. An individual member of the body may hold office for the period of three years from the date of their appointment and at the end of that period will be eligible for reappointment. A member of any such advisory body may resign their office at any time by notice in writing given to the Council.

3. Safe navigation and control of the harbour area

The Council, as the Municipal Statutory Harbour Authority, should ensure the current voluntary Code of Practice is incorporated into the HRO in its entirety, with the definitions for Oban Bay and Oban Harbour agreed in the Code being subsumed into the overall harbour limits described above. Appropriate harbour directions and powers should be vested in the Harbour Master in order to implement and enforce the safe navigation and control of vessel movements within the whole enlarged area of jurisdiction.