

## OCHDA REPORT TO OBMG MEETING ON 23 SEPTEMBER 2022

### References:

- A. Record of OBMG Meeting held on 10 May 2022.
  - B. Draft Record of OBMG Meeting held on 12 July 2022.
1. The brief for the OCHDA deputation to the Special Harbour Board on 4 August 22 is attached, presentation and summary.
  2. OCHDA responded to A&BC's 'skeleton' draft Harbour Revision Order (HRO) and, with assistance from specialist advisers, is preparing a response to the latest draft. We have sought clarification from A&BC on the proposed timetable for circulating their mature draft HRO for full public consultation and input prior to its submission to Transport Scotland.
  3. OCHDA is advising the Designated Person on the legitimacy and foolhardiness of the proposed ferry exemption on adherence to Special Directions in the draft HRO and also on the legal requirement to take existing local legislation that applies to Oban harbour into account.
  4. Emerging issues that OCHDA would like to seek clarification on at this OBMG are:
    - a. First consultation: feedback on 'skeleton' draft HRO, including presentation to the public.
    - b. Safety: retaining the current Code of Practice and writing it into General Directions.
    - c. Legal: why was Section 52 of the Harbours, Docks and Piers Clauses Act (Power of the Harbour Master) (H, D & P) not incorporated into the draft HRO (Section 3-(1))? It is assumed that this is a simple mistake and this fundamental provision from the H,D&P Clauses Act should be incorporated in the local legislation for Oban harbour.
    - d. Finance. OCHDA believes the operation of the future Harbour Authority (HA) will require additional resources at the set-up stage and increased expenditure for the Council, compared with the present operation, once it is operational. The new HA will also require to develop contingency funds to cover, for example, the clean-up and wreck removal in the event of a collision in the Harbour. In order to do this there must be a credible income stream so that Council Tax payers in other areas of A&B do not carry the burden. Equally any operating surplus arising from vessels visiting or based in Oban should not be used to support other activities within A&B as this jeopardises their resilience in the event of, for example, a repeat of the COVID years. We therefore request details of proposed ship, passenger and goods dues in the future HA, and the minimum vessel size for all types of charges, discounts for vessels based in Oban Bay (eg. fishing boats, trip boats), and regular users of the harbour. Also for moorings in addition to the rent paid to Crown Estate Scotland.

e. Governance: future of OBMG as the kernel of a local advisory group within a specific Oban Harbour governance structure.

f. Consultation: agreement over further public consultation on a late draft of the HRO pre-submission.

5. OCHDA looks forward to receiving responses from A&BC to the actions at the last two OBMG meetings as recorded in Reference A and B.

Fergus Gillanders

19 September 2022

Vice Chair, OCHDA

Attachments:

OCHDA HB Deputation Presentation - Script

OCHDA HB Deputation Presentation - Summary of Issues