

**Consultation Plan for the submission of a Harbour  
Revision Order for Oban Bay**

## Executive Summary

This consultation plan sets out the public and stakeholder engagement approach, in both the informal and formal phases, to support the Harbour Revision Order (HRO) for the creation of a wider Statutory Harbour Authority (SHA) for the Oban Bay area. This is to allow the optimal application of processes to dramatically improve navigational safety in this area.

The Consultation Plan:

- Identifies the key stakeholders
- Identifies the objectives and scope of the proposed stakeholder engagement;
- Outlines the process for engagement;
- Defines how comments will be recorded and reported; and
- Proposes structures for engagement with key stakeholders following the submission of the Harbour Revision Order (HRO).

## 1 Project Summary and Information

### 1.1 Oban Bay

Oban Bay consists of -

- The MCA waters inside the Isle of Kerrera.
- 2 Statutory Harbours belonging to Argyll & Bute Council and Caledonian Maritime Assets Ltd.
- A pier operated by Northern Lighthouse Board.
- Oban Marina and numerous moorings operated by both mooring associations and individuals.
- 2 charted narrow channels providing access and egress from the bay.

There is no overall control or co-ordination of vessel movement within Oban Bay. There is a voluntary Code of practice for vessels operating within Oban Bay. Several recent Navigation Risk Assessments have all indicated that risk levels for vessels operating within Oban Bay are higher than that considered acceptable without further actions being implemented to mitigate them.

### 1.2 Project Governance

Oban Bay Management Group (OBMG) was formed in 2008 (originally named Oban Harbour Management Group) by Argyll and Bute Council with representatives of Caledonian Maritime Assets Ltd, CalMac Ferries Ltd and Northern Lighthouse board.

The aim of OBMG is to continuously improve the marine safety and efficiency of the harbour and its environs for the benefit of all users.

The OBMG have determined that the only effective method to implement further risk mitigation measures that will significantly further reduce the risk levels, is to bring a larger area of Oban Bay under a statutory harbor authority framework.

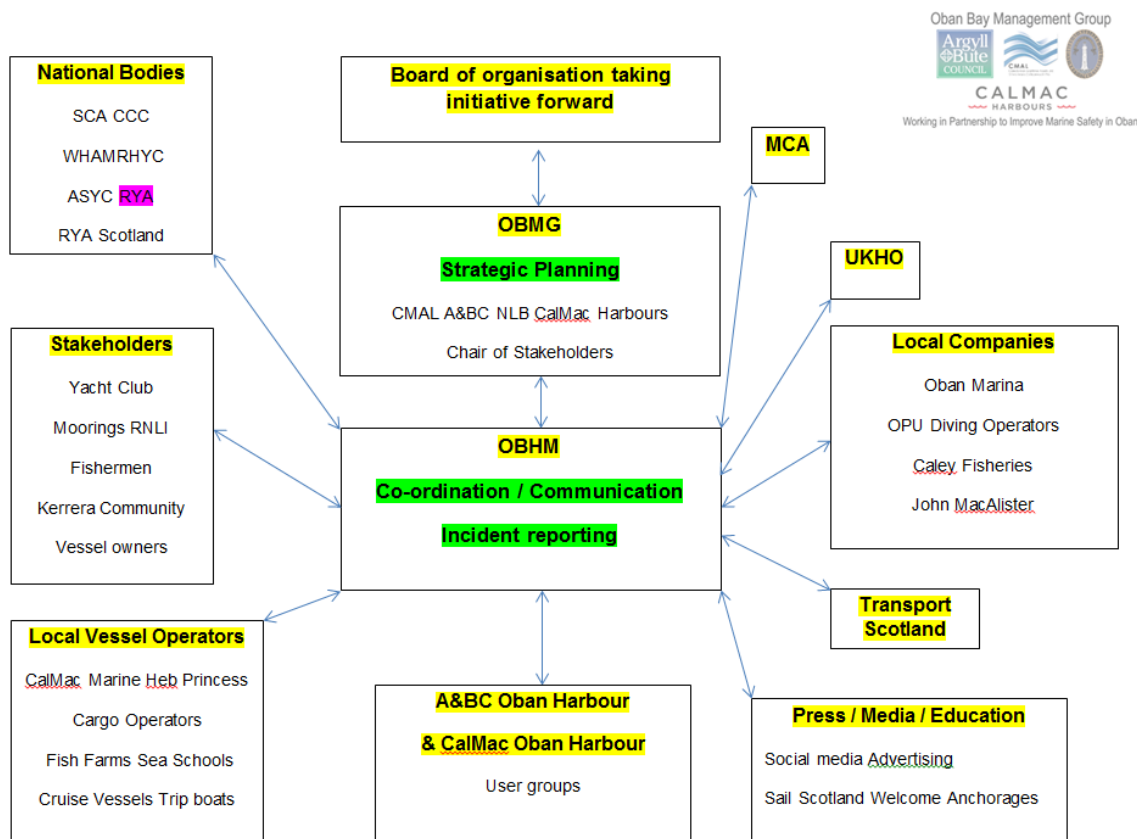
As agreed by the OBMG membership CMAL will extend their SHA with appropriate protective provisions that will safeguard the interests of all parties.

Following the CMAL board meeting on the 16<sup>th</sup> March 2018 the Board have agreed in principle to moving forward with the recommendation that CMAL extend their Harbour area while A&BC remain nested provided agreement is reached in regard to:-

- Appropriate management framework for the wider harbour activities
- Clear understanding of any arising issues and consideration of appropriate protective provisions.
- Cost sharing mechanism

The OBMG will prepare and share a project plan and activity schedule with interested parties and look to deliver against this.

The following diagram demonstrates how the OBMG and CMAL intend to communicate with all the stakeholders of Oban Bay when consulting during the Harbour Revision Order process.



### 1.3 Project Description

A Harbour Revision Order has a specific process which has to be followed. This is defined by Transport Scotland. The process can be found on the Transport Scotland website

<https://www.transport.gov.scot/transport-network/ports-and-harbours/harbour-orders/#overview>

One of the OBMG members, CMAL, intends to initiate the HRO process and this project defines how the informal consultation phase of the HRO will be conducted.

## 2 Engagement Strategy

### 2.1 Engagement Objectives

The OBMG, want to work with all stakeholders and members of the public who have an interest in the HRO. This will provide for the HRO to be delivered with the involvement of those whom it will ultimately impact on and with manageable objections through the formal consultation process by mitigating against concerns in earlier stages.

### 2.2 Engagement Definitions

Stakeholder and public engagement comprises two main elements; communication and consultation. These terms can be defined as follows:

- Communication: Keeping stakeholders and members of the public fully informed on the progress of the development and to inform them about: the relevant processes involved and the project itself so that they can make informed decisions regarding the proposal. This is typically a one way process.
- Consultation: Providing information and discussing these with stakeholders and members of the public, thereby giving them the opportunity to influence the HRO drafting and Harbour Management. This is an interactive and iterative process which involves listening and being responsive.
- Engagement: A combination of communication and consultation.

### 2.3 Main Areas to be Consulted On

The engagement program will focus on minimising negative impacts and maximising positive impacts of a HRO for Oban Bay with regard to:-

- HRO Drafting
- Protective Provisions
- Harbour Authority Management
- Navigational Safety
- Current activity
- Event management
- Harbour Directions
- Byelaws
- Aids to Navigation
- Anchorages
- Moorings
- Facility use
- Governance
- Conservancy
- Fees and Dues

### 2.4 The identity of stakeholders

The Oban Bay stakeholder group is defined as all users or the representative bodies of users of Oban Bay. This includes all members of user groups of the SHAs at Oban and any interested party that can demonstrate they use or represent those that use the waters of Oban Bay.

## 2.5 The objectives and scope of the proposed stakeholder and public engagement

The stakeholder and public engagement is to ensure all communication, consultation and engagement has successfully captured considerations that may reasonably affect the scope and drafting of a suitable formal HRO application for Oban Bay

## 2.6 The process for engagement

The following communication strategy for the HRO is to be used. It includes a combination of:-

One way communications  
Face to face open forums  
Face to face targeted meetings  
Non face to face

Table 1 summarises the different forms of engagement commonly used in this type of consultation process and details the pros and cons of each approach.

**Table 1: Engagement Techniques and their Merits**

<b>Techniques</b>	<b>Pros</b>	<b>Cons</b>
<b>One-way communication</b>		
<b>Social media &amp; Website</b>	Useful way of informing large numbers of stakeholders about the project	Not easily focused on target audiences
<b>Press releases</b>	May access stakeholders not previously identified	Not interactive – participants cannot typically ask questions or supply responses
<b>Newspaper articles</b>	Can be relatively cost-effective given the number of people reached.	Media can be perceived as being subjective
<b>E-mails</b>	Media can be perceived as being objective.	

## Face-to-face, open forums/events

<b>Public meetings</b>	Potentially large numbers of participants.	Some participants can feel intimidated by peer pressure.
<b>Stakeholder meetings</b>		
<b>Business community meetings</b>	Can attract stakeholders not previously identified	Strong voices can dominate and may not be representative of stakeholders as a whole.
	Can be designed to be non-threatening and inclusive.	Do not always know who has attended.
	Good during communications stage.	Less effective during consultation stage.

## Face-to-face, restricted access forums

<b>Workshops</b>	Good qualitative information can be captured	Can be costly as there may be a need to hire a venue, pay incentives and travel expenses, hire translators or child minders and send out teams in advance to recruit people face-to-face to attend the session.
<b>In depth, face-to-face interviews</b>	Allows in depth discussion of issues and resolution of problems.	
	Face to face contact ensures attendees understand issues and detailed information.	Consultation with a relatively small number of people means that information gathered may not be representative.
	Interactive nature of such discussions often stimulates respondents to develop their views and ideas.	Groups may not represent the majority opinion.
	Good way of exploring a range of subjective issues in considerable depth and can cover confidential aspects.	Not appropriate if data to be gathered is sensitive or views of respondents are likely to be too diverse.
	Allow detailed analysis of a complex situation to be conducted addressing attitudes and motivations.	Time consuming.
		High potential for interviewer bias when recording responses.

## Non Face-to-face, restricted surveys

<b>Email/online surveys</b>	Allows a large number of participants to be contacted relatively inexpensively.	Respondents are not able to seek clarification regarding question content.
<b>Telephone interviews</b>	Participants can complete questionnaires in their own time; often delivering higher response rate.	Not a good way of obtaining large amounts of qualitative data such as detailed insights into attitudes.
	Not subject to interviewer error through inaccurate recording of responses.	Contact details can be difficult to obtain and data collection requires degree of technical expertise.
	Responses are more likely to be based on individual opinion rather than guided by the group.	

Using a blend of the methodology described above, it is intended to capture engagement from members of the public, public meetings, meeting with the council, business community meetings, feedback through the website, questionnaires, question and answer documents and all stakeholders including A&BC, CMAL, CFL and NLB. This information will be held and disseminated as defined in section in 2.7

Building upon existing stakeholder and user group communication and consultation, a specific Oban Bay stakeholder group has been set up operating under its own Chair. This group will continue to meet bimonthly from May 2018 and be represented on the OBMG to ensure full consultation is achieved.

It is intended to complete the informal consultation and engagement stage of the HRO by the end of 2018, prior to commencing the formal stage of the HRO consultation. The OBMG and CMAL will consult with government agencies and the local council directly.

### 2.7 The methodology for the recording and distribution of information gathered during the consultation

The Oban Harbour website will be used as a platform for differing methodologies, such as information documents, a host site for questionnaires and questionnaire feedback and to circulate the meeting notes from both the Oban Bay stakeholder group and the OBMG. All consultation data will also be available through the Oban Harbour website. The Oban Bay Harbour Manager will be the focal position for all consultation, managing the above methodologies and will act as a conduit for individual consultation into the wider processes. It is intended a single document will be used to host all received suggestions from stakeholders and to feed into the design of the HRO.

### 2.8 The proposed structures for engagement with stakeholders following the submission of the Harbour Revision Order (HRO).

It is proposed that the OBMG will continue to meet and engage until such time as the HRO is



made and the Harbour Management arrangements are implemented. Once the new harbor structure is established then all engagement will be through the standard harbour user group consultation mechanisms.

### 3 Consenting Procedure

Consenting is strictly in line with the Transport Scotland Harbour Revision Order process but comprises of the following key elements.

#### 3.1 Harbour Revision Order – Oban Bay

The Harbours Act 1964 gives powers to Scottish Ministers to make various types of harbour order, for the purposes of introducing new harbour legislation or amending existing harbour legislation of local application to a specific harbour or group of harbours. Orders under section 14 can be applied for by the harbour authority concerned in improving, maintaining or managing a harbour in the exercise and performance of statutory powers and duties, or by a person, or a body representing persons, having a substantial interest in the harbour. The order must be in the interests of the harbour and may be made for achieving all or any of the objects specified in Schedule 2 of the 1964 Act. An HRO can extend or modify existing statutory powers and/or authorise works.

A Harbour Revision Order is required at Oban for the following reasons:-

- a) To expand the area where statutory authority can be applied.
- b) To make it clear who has Harbour authority and responsibility in this area. This will allow for:-
  - the regulation of traffic and safety of navigation within its jurisdiction;
  - the conservancy of the harbour and its seaward approaches;
  - the protection of the environment within the harbour and its surroundings; and ensuring so far as reasonably practicable the safety at work of its employees and other persons who may be affected by its activities;

and for these purposes will:

- facilitate the safe movement of vessels and craft into, out of, and within the harbour/facility;
  - carry out the functions of the Authority with special regard to their possible impact on the environment;
  - prevent acts of omissions which may cause personal injury to employees or others, or damage to the environment;
  - create and promote an interest and awareness in employees and others with respect to safety and protection of the environment; and
  - Work with government agencies and others to comply with national legislation in respect of the management of environmentally designated areas and the biodiversity of harbour waters, including, 'where technically feasible and not disproportionately costly', measures to achieve 'good ecological status'.
- c) To include existing anchorages to the west of the existing harbour limits by moving the harbour limits westwards of these anchorages. The anchorages are very close to the northern navigation route into the piers at Oban so there is benefit in this being included

in the harbour area so its use can be managed in conjunction with ferry and other vessel movements.

- d) To include the Kerrera ferry route and Aids to Navigation in the southern approaches to Oban to provide a consistency of management of the regulation of traffic and safety of navigation for all the approaches to Oban.

#### 4 Consultees

The Parties have identified the following key groups to be consulted regarding the project. This list is not exhaustive and we welcome feedback regarding any additional individuals or groups which should be considered.

- Border Force
- Bid4Oban business community
- Crown Estates
- Coastal Connections
- Craigallen Trip Boat
- Purple Heather Trip Boat
- Maid of the Firth Trip Boat
- Clyde Cruising Club
- Argyll & Bute Council
- CMAL
- Hebridean Sea School
- Marine Scotland
- Maritime and Coastguard Agency (MCA)
- HMCG Stornoway
- The Majestic Line
- Hebrides Cruises
- North West Marine
- Oban Sea Kayak
- Sea Freedom Kayak
- Sea Kayak Scotland
- Lord of the Glens
- Northern Lighthouse Board (NLB)
- Oban Marina
- Oban Bay Community Berthing
- Oban Port Users
- John MacAlister (Oban) Ltd
- Caley Fisheries
- Isaac Fishing Company
- Individual local fishermen
- Oban Sailing Club
- Puffin Dive Centre
- RNLi
- RYA
- RYA Scotland Cruising Committee
- Royal Highland Yacht Club
- Sail Scotland

- ALBA Charters
- Moonshadow Yacht Charters
- Scottish Sea Farms
- Transport Scotland
- CalMac Ferries Ltd
- Ferguson Shipping
- West Highland Anchorage & Moorings Association
- Association of Scottish Yacht Charterers
- Hebridean Princess
- Marine Harvest
- Scottish Fire and Rescue Service
- University Highlands & Islands

## 5 Reporting & Recording

### 5.1 Data collection

Data and submissions will be collected through a variety of channels including questionnaires, stakeholder meetings, face-to-face feedback and e-mail / online submissions. Data will be stored in as few files and formats as possible and be accessible through the Oban Harbour website.

### 5.2 Stakeholder Database

A stakeholder database has been established to record contact details of anyone who wishes to be kept apprised of the projects progress. This will be maintained and employed in accordance with the Data Protection Act and GDPR, by the Oban Bay Harbour Manager and will solely be used to provide information about the proposed project.

### 5.3 Responding to Feedback & Queries

Feedback to submissions will be logged and replied to in accordance with the methodology proposed in 5.1. Specific queries will be managed by the Oban Bay Harbour Manager.

### 5.4 Undertake Audit and feedback at the end of the project

The engagement process will be audited prior to submitting the HRO to ensure that the engagement objectives have been achieved. In this regard, it is anticipated that the OBMG will review the extent to which the engagement process has met the procedures defined in this document, throughout the consultation and prior to submission of the HRO.

## 6 On-going Engagement

6.1 This document has focused on informal stakeholder engagement prior to the HRO submission. Consultation with stakeholders becomes the responsibility of statutory bodies after the application is submitted. The parties will continue to work closely with stakeholders while the formal application is being considered.

### 6.2 Project Contact

For more information see the website

[www.obanharbour.scot](http://www.obanharbour.scot)

or contact:

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