

**PROPOSED OBAN MUNICIPAL HARBOUR CONSULTATION STRUCTURE  
CROWN ESTATE SCOTLAND INPUT**

Members of the Management Group should have seen the comments from Crown Estate Scotland (CES) which were e-mailed to them on 23<sup>rd</sup> August. Unfortunately this submission was received too late to be considered at the July OBMG meeting. The July meeting was also unable to consider effectively the Council's updated proposals. As a consequence the recent Harbour Board received a paper (copy attached) regarding the proposed consultation structure but was unable to consider feedback from this group (see para 1.2).

This paper reminds OBMG members of the CES input and suggests a way forward.

**Background**

Earlier this year CES stated their view of the Council's proposals. The CES opinion was that there should be two groups, one for harbour users and a separate one for stakeholders (which may include some users). This was quite different from the Council's combined user & stakeholder group and there was no discussion of the 'Management Co-ordination' or 'Liaison' functions of the Council's proposed second group. The CES view was that they are, and will remain, stakeholders with legal and financial responsibilities for the seabed (and moorings holders are users).

Oban Community Council, the Oban Community Harbour Development Association and the Oban Bay Stakeholders' Group believe that this approach would make the respective Roles and Responsibilities clearer than a combined User/Stakeholder body, thereby allowing focused meetings at appropriate frequencies and with suitable formats physical, virtual or combined. Both groups should report, receive direction from and be accountable directly to the Argyll & Bute Harbour Board.

The need for a 'Management Co-ordination' or 'Liaison' group or forum is a different matter and should be treated separately.

In view of the possible inception of the new Harbour Authority in the near future there is a need to ensure that appropriate consultative arrangements, particularly in matters relating to safety, are in place as a matter of urgency.

**The Crown Estate Scotland commentary**

Section 3 of the Council's proposals relates to the Port Marine Guide to Good Practice, published by the DfT in 2018. Paragraph 3.2 of the Council's document is an extract from this guidance and states that harbour authorities should consult with two main groups which are defined as (a) users of the harbour (be they commercial or leisure), and (b)

local interests and communities (in effect, the wider stakeholder group). Whilst it might be argued that the Council's proposals are broadly consistent with this guidance, there are specific elements which merit comment.

### **Forum 1 - Oban Harbour User Consultative Forum**

The Council proposals appear to be an expansion of the current Harbour User Group which has existed for many years. As its name suggests, such groups are usually open to all users of the harbour - in effect those who operate on the water. In the case of Oban this might include representatives from CalMac, fishing interests at both the South and Railway piers, commercial users (including cruise ships), Oban Sailing Club, Oban Bay Community Berthing, Oban Marina, users of the North Pier and owners of moorings located off the esplanade and elsewhere in the harbour. Historically the Oban User Group has been chaired by one of the users, as is the case in other harbour authority areas, with feedback to the Harbour Board being made by the Harbour Master. This is usually a group whose primary focus is operational matters and, given that harbour users will have a physical presence in the harbour, meetings are usually held 'in person'.

Provided that our tenants have meaningful representation on the User Group then, as Crown Estate Scotland is not itself a user of the harbour, we would not envisage attending these meetings unless requested to do so for a specific purpose.

### **Forum 2 - Oban Harbour Management Co-ordination Forum**

The Council's proposals for this forum appear to be based on a similar model to that of the original Oban Bay Development Group which evolved to subsequently become the Oban Bay Management Group. This group was initially set up to bring about a Harbour Authority for all of Oban Bay, a project which will come to fruition with the formation of the Municipal Harbour.

We are aware that the OBMG have previously discussed that once the new Harbour Authority has been created then the 'founding members' (ie CMAL, NLB and CFL) will effectively become stakeholders in the harbour, in the same way that Community Councils, island communities and business interest groups such as BID4Oban are also stakeholders. It would therefore appear to make sense that all such bodies are invited to become members of this group.

If this Forum is to serve effectively as a wider Stakeholder Group for the Harbour, and includes the bodies listed in the Council's proposals, Community Councils, and Islands' representatives etc, then we can see that it would be helpful if Crown Estate Scotland was also represented. This is particularly relevant if the forum is to consider future developments within the harbour, which appears to be the case. Any future development within the harbour is likely to require consent from CES so it would make sense for CES to be involved as early as possible.

## **Motion for the OBMG to be held on 5 October 2023**

### **Consultative Bodies: arrangements for the proposed Oban Municipal Harbour Authority**

Oban Bay Management Group members did not have sufficient opportunity to comment in detail on the Council's proposals prior to their submission to the Harbour Board on 31st August 2023.

In view of the proposal put forward by Crown Estate Scotland, and the urgent need to consult with Harbour Users regarding future safety, and other, arrangements in the proposed new Harbour Authority area, the OBMG requests that:

1. A&BC pauses implementation of these and engages with stakeholder and user representative bodies to undertake a review of the arrangements agreed at the Harbour Board; and
2. convenes a one-off meeting of Harbour Users to consider proposed new safety arrangements for the HA area.

John MacAlister

Frank Roberts

Ross Wilson

(OBSG Chair)

(OCC Chair)

(OCHDA Chair)

**Attachment: Harbour Board report 31/8/23 Appendix C (Argyll and Bute Council Harbour User Consultative Forums )**