

Oban Bay Evaluation Workshop

Attendees –

Argyll & Bute Council, Northern Lighthouse Board, CMAL, CFL Harbours, Oban Bay Stakeholder Group x 2, Oban Bay Harbour (Project) Manager

To evaluate 5 options for the implementation of a statutory harbour authority for the Oban Bay area.

1. A&BC extend their SHA
2. CMAL extend their SHA
3. Trust Port created for Oban Bay
4. No change. Status quo with some added navigational safety measures.
5. Hybrid - Trust Harbour. (CMAL and A&BC but through a trust port Governance)

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Proposed Evaluation Criteria

(Red – same principal applies / Blue – variable on outcome)

1. A Conservancy environment that provides clear, simple and safe navigation without danger

- Wrecks
- Dredging
- AtoN

2. A single point of contact / seamless interface for users

- Priority to ferry activity
- Timely berth allocation and information
- Information management and promulgation

3. Effective Management of Marine incidents

- Investigation
- Review of procedures
- Education / learning
- Delivery of Emergency plans

4. A Cost-effective solution

- Set up costs
- Annual operating costs
- Cost recovery mechanism

5. Governance

- Transparency
- Expertise
- Cost
- Ability to be Objective – safety

6. Implementation

- Timescales
- Difficulty
- Known objections

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Common principles for all proposed harbour options

- Harbour limit extended iaw Oban Bay definition on Code of Practice
- Harbour operated iaw PMSC for the equal benefit of all users
- It will act as a single point of contact LPS for the Bay
- Assume ownership for the management of navigational safety and nav aids
(Infrastructure will remain under current ownership and managed by the relevant asset owners)
- Assume responsibility for all conservancy
- Assume responsibility for all investigation and enforcement activity
- Harbour run with the Code of Practice as a basis for Harbour Directions

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A&BC extend their SHA

- Overseen by A&BC harbour board - Duty Holder Piper Milne, Designated Person Marico Marine, Harbour board made up of local councillors, some decisions (especially budgetary and policy) have to be passed to council for approval.
- Operated under current staffing mechanisms.
- Would the harbour be fully funded? No. £35k set up cost & £216k annual cost.
- How will costs be recovered? Split across all users. More detail not available.
- How would the council demonstrate transparency in revenue and costs? Looking at each harbour having it's own financial accounts.
- Assurance given dues collected would be 'ring-fenced' for the use in the harbour
- Time scale for implementation uncertain.

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CMAL extend their SHA

- Overseen by CMAL board - Duty Holder is the CMAL Board (Non Executive Directors from industry and CMAL Directors) who are directly accountable to the Scottish Transport Minister, Designated Person Dave McHardie CMAL HM.
- Operated under contract by CalMac Harbours Division, with 24/7 full LPS.
- Would the harbour be fully funded? Yes. £26k set up cost & £82k annual cost.
- How will costs be recovered? Cost split in already agreed amounts between CFL, A&BC & NLB. No costs to other users.
- CMAL accounts already open to public scrutiny. Would be provided to see Oban as a separate entity.
- Dues collected would be 'ring-fenced' for the use in the harbour.
- Timescale for implementation – as soon as the HRO is approved.

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Trust Harbour (Third harbour outside of current CMAL and A&BC)

- Overseen by Trust board - Board members would have to be recruited so that there is a balance between professional skill sets and local interests. Board members would serve for limited time only. Duty Holder normally the CEO. Designated Person from a separate organisation.
- Operated by a new staff.
- Would the harbour be fully funded? No. **£138k set up cost & £598k annual cost.**
- How will costs be recovered? Charge all users - including moorings & vessels passing through harbour waters. Exact mechanism unknown until HRO application.
- e.g. Langstone Harbour Mooring £290, Annual Harbour Dues £135, Daily Harbour Dues £6.80
- Trust accounts have to be published.
- Dues collected would be to fund the harbour costs.
- Timescale for implementation – very uncertain.

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MCA Waters (status quo)

- No cost recovery mechanism for any safety initiative
- No statutory powers to improve safety as recommended by 3 Navigational Risk Assessments over the last 5 years

Top 3 risks identified –

1. Wash
 2. Large Passenger Vessel / Recreational Vessel collision
 3. Large Passenger Vessel / Small Commercial Vessel collision
- Only advice could be given to improve marine safety, no enforcement or investigation
 - Not required to conform to any legal standard

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Hybrid Trust Harbour

- Amalgamation of A&BC and CMAL statutory harbours, both would lose current SHA status
- Appoint new members from each organisation to a joint board. Conflicts of interest may stagnate decision making
- No recent legal precedent or clarity
- Board may not necessarily be transparent – 50/50 CMAL & A&BC
- Costing mechanisms would be uncertain
- Not possible to cost until some form of agreement reached – costs possibly higher than Trust Port
- No desire from either A&BC or CMAL to make this happen – no timescale

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Myth Busters

- Protected provisions can be incorporated into any harbour legislation. These can be used to ensure that local issues developed collaboratively with user groups, specific environmental issues and community values can be embedded as harbour operating principles.
- Governance – legislation states a port can be governed by whatever approach it deems fit. ie a Private Port can set governance as a Trust port and adhere to trust port policies.
- The type of harbour is not necessarily associated with any particular benefit to a community.
- A harbour type can be changed at any time with a successful HRO.
- The more expensive a harbour the more likely it is to have an adverse effect upon the community. Driving away business, leisure users and the subsequent knock on effect to the wider community.
- Transport Scotland have a good website explaining Harbour Revision Orders, giving the process in a step by step guide.
- <https://www.transport.gov.scot/transport-network/ports-and-harbours/harbour-orders>

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Assessment of options against criteria and parameters

General Comments

Option 1 or 2 could be a good start point with the view of working towards a trust port.
 Many of the concerns raised with respect to Option 1,2 and 3 can be managed through the inclusion of protective provisions within the Statutory Legislation

√√ strong positive impact
 √ positive impact

XX strong adverse impact
 X adverse impact

Evaluation Criteria	Option 1	Option 2	Option 3	Option 4	Do Nothing
1 A Conservancy environment that provides clear, simple and safe navigation without danger	√√	√√	√√	√	XX
2 A single point of contact / seamless interface for users	√√	√√	√√	√√	XX
3 Effective Management of Marine incidents	√√	√√	√√	√	XX
4 A Cost-effective solution	√√	√√	X	X	√√
5 Governance	√	√	√√	√	XX
6 Effective and efficient Implementation	√√	√√	X	XX	XX

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Estimated annual running costs

<u>Service</u>	£1000pa	A&BC		CMAL		Trust		MCA		
Annual Costs (in addition to current establishment)										
Education / PR	6	1	6	1	6	1	6	1	6	
LPS Staff	37	3.5	129.5	0	0	5	185	0	0	
VTS Staff	50	0	0	0	0	0	0	0	0	
Pilotage (15)	30	1	30	1	30	1	30	0	0	
Enforcement	50	0	0	0	0	0	0	1	50	
Investigation	5	1	5	0	0	1	5	0	0	
		0	0	0	0	0	0	0	0	
Governance		0	0	0	0	0	0		0	
Board	35	0	0	0	0	1	35	0	0	
Legal	10	0	0	0	0	1	10	0	0	
Conservancy		0	0	0	0	0	0	0	0	
Buoyage	40	1	40	1	40	1	40	0	0	
Environment(OSCP)	1	1	1	1	1	4	4	0	0	
Dredging (5)	2	1	2	1	2	1	2	0	0	
Surveying (5)	1	1	1	1	1	1	1	0	0	
Met / Tide Info										
Staff										
Manager	60	0	0	0	0	3	180	1	60	
Admin	30	0	0	0	0	1	30	0	0	
Security (PSA)	5	0	0	0	0	1	5	0	0	
Utilities	10	0	0	0	0	1	10	0	0	
HR/Finance	25	0	0	0	0	1	25	0	0	
Accommodation	20	0	0	0	0	1	20	0	0	
Insurance	2	1	2	1	2	5	10	0	0	
Total Annual			216.5		82		598		116	

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Estimated set up costs

Set Up Cost

£1000

Infrastructure

		A&BC		CMAL		Trust		MCA	
SMS	1	1	1	3	3	1	1	0	0
Comms LPS	3	1	3	1	3	1	3	0	0
Comms VTS	150	0	0	0	0	0	0	0	0
Radar	25	0	0	0	0	0	0	0	0
IT	2	1	2	1	2	1	2	0	0
Website	2	0	0	0	0	1	2	0	0
Media / PR	2	0	0	0	0	1	2	0	0
Met / Tide Info	10	1	10	0	0	1	10	0	0
AIS	2	1	2	0	0	0	0	0	0
Security (CCTV)	5	0	0	0	0	2	10	0	0
Legal (HEO)	100	0	0	0	0	1	100	0	0
Legal (HRO)	10	1	10	1	10	0	0	0	0
Survey	8	1	8	1	8	1	8		
Pilot Boat									
Set up total			36		26		138		0

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