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Reference	



2018 proposal for a CMAL Harbour Revision Order at Oban

Questions that have been asked frequently will not be repeated, please check through list and if your question and suitable response not included please just let us know.

Questions come from the Oban Public meeting on 18 July 2018 and the first HRO consultation questionnaire 15 June to 31 July 2018

Item	Question	Reference	Response Provided
1.	It was stated that CMAL would fund the project but it wasn't mentioned where these finances were coming from. Are all the users having to contribute to the wider harbour project, or, is this government funding?	Oban Public Meeting	At the moment CMAL fund their harbour operation through their contract with CalMac as their harbour operator. With costs being recovered through Harbour Dues charged to users of the facilities. The cost sharing for the work of the OBMG that has been undertaken over the last 10 years is currently shared between CMAL, NLB and A&BC. Going forward there is a minimal cost on top of what CMAL is already doing as a harbour operator, to provide the additional Local Port Services for a wider harbour area. There will be a conservancy cost that will be added as a fee that will be payable by users, however the detail of that, or the quantum of it, is not clear at the moment. It is perceived the majority of the conservancy fee will paid by large commercial operators but the finer details have yet to be calculated. It is the intention that the conservancy fee will not be a significant amount to the small commercial operators or applied at all to leisure users.
2.	Why are A&BC not intending to expand their harbour area?	Oban Public Meeting	A&BC do not want the additional responsibilities or financial liabilities that would be incurred by operating a wider harbour area.

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3.	What is the legal position of the harbour limits? It is suggested A&BC are the only legal operator to a line between the Dog Stone and Brandy Stone and the CMAL SHA does not exist.	Oban Public Meeting	A recent legal review of the current legislation does not indicate A&BC have the statutory authority to operate a wider harbour area than it already does and certainly not the area of the north entrance. This review did confirm the CMAL SHA boundaries. It is proposed that this legal situation be reviewed again in preparation for the proposed new CMAL HRO.
4.	Who manages the other harbours which Cal Mac operate from, for example Craignure, who is the Harbour authority for those?	Oban Public Meeting	<p>It is a very mixed arrangement across the whole CalMac Ferries Ltd (CFL) network, there are some Trust Ports, private ports, municipal ports and CMAL harbour authorities. Craignure harbour is Argyll & Bute Council. Coll and Tiree are CMAL, operated by CFL. There are many nested authorities within Clyde Port, so having a nested harbour authority is not unusual. There are many trust ports which have been set up by a group of local individuals who establish themselves as an organisation and applied to be a statutory Harbour authority.</p> <p>A link to the Ports of Scotland website where an inclusive list of all Port and Harbour Authorities in Scotland can be found - http://www.portsofscotland.co.uk/links/</p>
5.	Argyll and Bute Council are the harbour authority for Craignure, do they charge fees to Cal Mac for using it and if so does that contribute towards the cost of running it	Oban Public Meeting	The council do charge CFL for using all their facilities across the network, so do all the other councils. CFL pay harbour dues and charges, some which cover conservancy. Some conservancy charges are separate. For example in Clyde Port CFL pay a separate conservancy and pilotage fee, and at Argyll & Bute Council Oban Harbour CFL pay fees to go alongside the North Pier. A harbour authority has to generate its income, to cover its costs, by charging the customers.

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6.	What is the number of vessels / people through Oban Bay	Oban Public Meeting	Ferries 4,985 per year, passengers 831,984, cars 219,886, Coached 2,160, Lorries 11,433 Commercial vessels 2,000 movements per year Leisure Commercial 1,000 movements per year Local Leisure approx. 5,200. Visiting leisure vessel approx. 4,500. Fishing Vessels 3,400 per year
7.	Do Marine Scotland have any involvement in this project to establish an HRO and to make an overall statutory Harbour authority and have they been consulted and voiced an opinion?	Oban Public Meeting	Initial consultation has been with Transport Scotland, who is the regulating authority for harbour legislation. We will not have to apply for a Marine Scotland licence in this process, as it is purely a regulatory change that is being applied for, there will be no environmental impact. Transport Scotland and the Maritime & Coastguard Agency (MCA) have been to a number of meetings with us and are broadly supportive in the work that we have been doing here in terms of improving safety at Oban. Marine Scotland is a statutory consultee and will be consulted as part of the formal HRO process.
8.	If a new Harbour Area is created how will users be charged?	Oban Public Meeting	It is proposed there will be a conservancy fee levied against commercial users. This will probably be charged by Gross Tonnage and only to vessels above 100GT. It will not be possible to give figures at this stage but the cost to small commercial vessels such as fishing vessels and the leisure cruise industry will be very modest. The large commercials such as the ferries will cover the bulk of the conservancy fee. It is not proposed leisure users will be charged.
9.	Will charges be for commercial users and not leisure.	Oban Public Meeting	It is not proposed leisure users will be charged.
10.	Three harbour options have been put forward. Has there been a feasibility study on the impact to the	Oban Public Meeting	No. All the options have been measured against the effectiveness of the harbour model from an operational and harbour business perspective.

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	various business / leisure activities in Oban for these options?		There is no evidence this will have a negative impact on any businesses or the ability to bring tourism to Oban. It is actually seen as having a benefit to Oban in terms of encouraging more cruise ships and leisure vessels into a controlled harbour environment. When submitting a HRO to Transport Scotland there is no requirement to undertake a feasibility study as part of the legislative process.
11.	Of the reported incidents at Oban, how many have been reported to the MCA.	Oban Public Meeting	There have been approximately 100 incidents and near misses logged for Oban Bay since March 2017, of which between 14 have been reported to the MCA. This is in accordance with reporting guidelines.
12.	CMAL, are they a government body? So if CMAL pay for something it is us, the tax payer, that is paying?	Oban Public Meeting	Yes
13.	The vast majority of responses have been against a CMAL harbour, do you propose assuming this is still the situation at the end of the consultation, do you intent to ride rough shod over the consultation and ignore it or will you accept the verdict of those who have filled in the consultation?	Oban Public Meeting	The OBMG have no intention of being involved in something that rides 'rough shod' over the local community. The OBMG is very keen to ensuring that Oban Harbour operates safely and that is the main priority. The OBMG will be fully supportive for the harbour to be taken on by a trust in the future. A separate body will need to be formed to create a trust port option. The OBMG, or its individual members, cannot do that due to a conflict of interests. The OBMG estimate that it would take five to six years to form a trust port option. That is five to six years more that the safety of Oban harbour is not being managed effectively. So the OBMG see that CMAL applying for an HRO to manage a wider Oban harbour in the interim period as the best option. Then if a trust port can be formed, the area CMAL has extended to operate would be transferred to that trust port.
14.	What is the CMAL revenue at Oban?	Oban Public Meeting & Stakeholder meeting	£3.2M
15.	Can we have an assurance that the OBMG will begin to set up a Trust Port, ensuring all stakeholder are		The OBMG would be happy to support the establishment of an organisation to take forward the trust port option. All maritime

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	involved?		stakeholders have been involved in discussions to date but a separate, dedicated group needs to be established to set up a trust port. The OBMG will then support that group in any way it can, to establish a trust port. CMAL will be happy to place protected provisions in the proposed HRO legislation, so it becomes binding that if a trust port were to be established, CMAL would withdraw their harbour limits back to the current area.
16.	What would a CMAL harbour authority do at Oban to manage vessel activity at the narrow north entrance?	Oban Public Meeting	Establish a Local Port Service (single point of contact) to regulate vessel activity for the safety and benefit of all users, utilising similar rules established in the current voluntary Oban Bay Code of Practice. Consider the introduction of a patrol vessel to assist managing vessel activity in the narrow channel.
17.	Who is the CMAL board accountable to?	Stakeholder meeting / consultation	Scottish ministers.
18.	Who makes up a Trust Port Board and who are they accountable to?	Stakeholder meeting / consultation	Trust ports are independent statutory bodies, each governed by their own, unique, statutes and controlled by a local independent board. There are no shareholders or owners the board is accountable to. They are accountable to themselves. https://www.transport.gov.scot/media/29818/j249946.pdf
19.	Will CMAL run the harbour for the benefit of the ferries?	Stakeholder meeting / consultation	No. CMAL runs its harbours in accordance with the Port Marine Safety Code, for the benefit of all users.
20.	Why does Oban need a wider Statutory Harbour Authority?	Stakeholder meeting / consultation	Two independent risk assessments have concluded that with the growth of vessel movements at Oban and particularly the number of vessels using the north entrance, a wider statutory authority is the only way to effectively regulate this activity for the safety of all users.
21.	Why do the ferries sound their horn and bully their way out of the harbour?	Stakeholder meeting / consultation	The ferry masters are acting professionally, specifically in accordance with rules 2, 9 and 34 of the International Rules for the Prevention of Collision at Sea (IRPCS). They are required to sound their ships whistle in certain

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			circumstances and they do. These circumstances are normally when another vessel is not operating in accordance with the IRPCS.
22.	Why is no one prosecuted for speeding in Oban Harbour?	Stakeholder meeting / consultation	A harbour would normally regulate a speed limit but as the majority of Oban Bay is not a statutory authority there is no enforceable speed limit. Only a voluntary Code.
23.	Why does a Trust Port cost more to set up and operate?	Stakeholder meeting / consultation	A Trust Port may not cost more to operate. At Oban there is no current Trust Port staff or infrastructure. CMAL does have infrastructure and staff that could be used for the setting up and operation of a port and therefore the costs required to be recovered from the users would be less than a Trust Port.
24.	What incidents have occurred at Oban that justify a wider harbour authority?	Stakeholder meeting / consultation	Since March 2017 over 100 Incidents and near Misses have been recorded.