

The Consultation for a Harbour Revision Order at Oban Third public meeting

Oban Bay Management Group



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No fire alarm tests are planned
Please place mobile phones on silent
One voice at a time please

Attending Oban Bay Management Group Members

Phil Day	NLB Director of Operations (Current Chair)
Michael Brew	NLB Chairman of Commissioners
Ewen MacKerchar	NLB Marine Operations Manager
Cllr Roddy McCuish	A&BC Chairman of Harbour Board
Stewart Clark	A&BC Marine Operations Manager
Vicki McKenzie	A&BC Oban Harbour Master
Lorna Spencer	CMAL Director of Harbours
David McHardie	CMAL Harbour Master
Tony Bennett	Chair of Stakeholders
Paul Jennings	Oban Bay Harbour Manager

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Agenda

➤ Summary of activity to date

➤ Questions

➤ The next steps

➤ Questions

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Summary of Activity

- Dec 2017 OBMG recommendation for CMAL or A&BC to extend their Statutory Harbour Authority
- 2018 Consultation with stakeholders
- 6 Sep 2018 Following feedback from the consultation OBMG supported a pause in CMAL HRO process to allow the Trust Port option to be re-evaluated
- Winter 18/19 Legal review (all) and evaluation of Trust Port viability (OBSG)
- 19 Feb 2019 OCHDA formed to support Trust Port concept
Trust Port evaluation indicates option is financially viable
- 20 Feb 2019 OBMG asked to consider Trust Port as the primary option for Oban. Consensus reached on the jurisdictions within Oban Bay

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Navigation Risk Assessment Review

- Nov 2018 all stakeholders invited to attend review meeting.

Good attendance by representative cross section of users

- Hazards, risk and incidents re-assessed
 - Oban is a complex & busy harbour with many differing vessel types
- Actions to reduce risk discussed and agreed by all
- MCA, UKHO and NLB consulted with & approval gained

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Navigation Risk Assessment Actions

- Actions to be implemented for 2019 season
 - Significant alteration to buoyage at north entrance
 - CoP wording made clearer
 - New marine leisure guide for Oban, widely distributed & advertised
 - Refined VHF Ch 16/12 messages by large vessels
 - Recommended small vessel routes (on electronic charts)
 - 2 designated anchorage positions moved

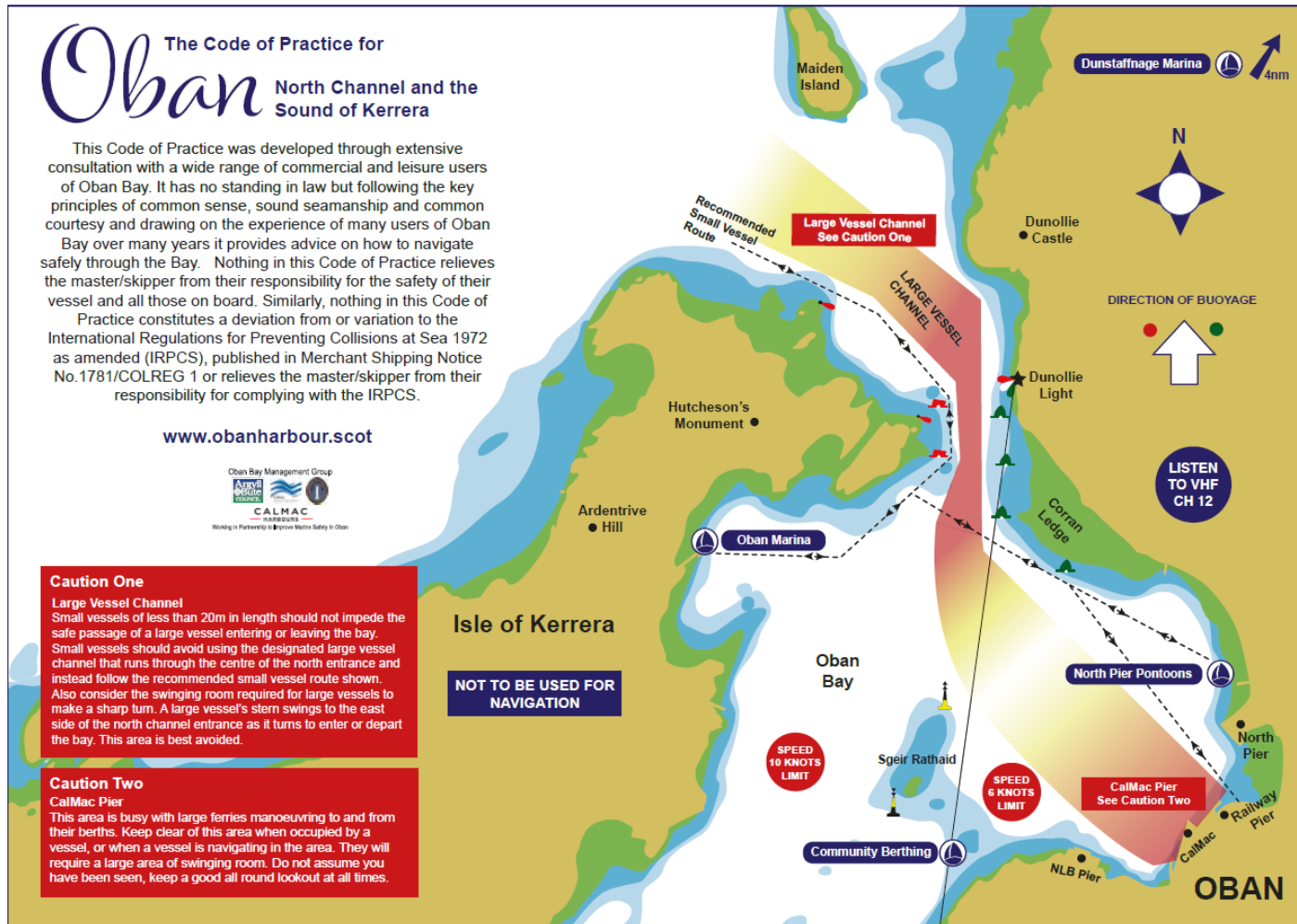
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Oban leisure guide



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Oban leisure guide

Welcome to Oban

Oban is the perfect place to stop off and replenish, be it a great meal at the marina, a crew change at the pontoons or a safe place to leave your boat on a mooring. Planning a safe route through the busy harbour to avoid other traffic is essential to your safety and enjoyment.

Notice to Mariners
Relevant Notice to Mariners, more information and the full Code of Practice for operating in Oban Bay can be found online at www.obanharbour.scot.

Speed and Wash
There is a voluntary speed limit of 10 knots in the outer part of the bay and 6 knots east of Dunollie Lt and the Speir Rathaid Reef to keep wash to a minimum.

Commercial Traffic
Oban's piers host many large cruise, fishing and aquaculture vessels. Additionally Oban is a key hub for the lifeline ferry service to the isles.

VHF Channel 12
Vessels over 20 meters entering or departing Oban bay will broadcast on VHF channel 12, at a position approximately 1 mile west of Maiden Island on their entrance and immediately before departure. Use this information to plan your route through Oban Bay.

Large Vessel Channel
There is a designated large vessel channel at the north entrance where IRPCS Rule 9 (narrow channels) applies.

Manoeuvrability
Large vessels take hundreds of meters to significantly adjust their course and speed. Consequently large vessels have right of way over all small vessels of less than 20m in length, in the whole of Oban Bay.

Windage
Large vessels, especially ferries, have huge windage and can make a significant amount of leeway especially at slow speeds. A vessel's direction of travel can be quite different to the vessels heading, especially in windy conditions. This is why ferries in particular will try to keep their speed up, to between 8 and 10 knots, in the narrow part of the north entrance to avoid being blown onto the lee shore.

What can you do?
Comply with the International Regulations for Preventing Collisions at Sea (COLREGS).

Planning your route
Wherever possible enter and depart the north entrance of Oban Bay to the west/south side of the large vessel channel following the recommended small vessel route.

Small vessels should only use the large vessel channel when this will not impede the passage of a large vessel. It is best to avoid the area northwest of the large vessel channel as a large vessel's sterns will swing towards this area when they turn.

Crossing of the large vessel channel should be at 90° and made at the shortest point that is safe to do so.

Lookout & The 3 Minute Rule
Be alert. Never assume you have been seen. It's important to maintain a good all round lookout at all times.

Think 3 minutes ahead, ensuring your spatial awareness extends this far. Visualise where your vessel and all the vessels around you will be in 3 minutes time. For a vessel moving at 10 knots this is half a nautical mile or almost the entire width of the bay. Large vessels are planning a safe route this far ahead.

Have your engine ready for immediate use when entering or leaving Oban Bay, to ensure you can keep the designated large vessel channel clear.

Passing at night
Ensure your navigation lights comply with the COLREGS and can be seen. Be aware that the background lighting of Oban bay itself can cause distraction. It also makes masthead lights difficult to see. Deck and side mounted lights are much more obvious against the sea when observing from the height of a large vessels bridge.

NB The buoyage is northbound at the north entrance.

www.obanharbour.scot

Useful Contacts

Oban Marina
Tel: 01631 565333
VHF Channel 80

Oban Bay Community Berthing
Tel: 07751 605746
www.obanbayberthing.co.uk

North Pier Pontoons
Tel: 07388 808 061
VHF Channel 12

Dunstaffnage Marina
Tel: 01631 566555
VHF Channel 37

Oban Harbour
www.obanharbour.scot

Railway Pier
CalMac Pier Master
Tel: 01631 565854
Mobile: 07388 808 061
VHF Channel 12

Northern Lighthouse
Board Pier
Tel: 01631 562146

Oban North Pier
Harbour Master
Tel: 01631 562892
Mobile: 07920 543555
VHF Channel 12

Stornoway Coastguard
Tel: 01851 702013

Kayakers and Small Craft

There are a number of launching points in and around Oban bay. Please be considerate with your parking and make sure someone on shore knows where you are going and when you will be back.

Be Safe, Be Seen Very small vessels such as kayaks, paddleboards and inflatables should make every effort to ensure that they are easily visible from the bridge of large vessels by use of brightly coloured clothing and lights when appropriate – attention is drawn to the 'Be Safe – Be Seen' guidance available from the website www.obanharbour.scot.

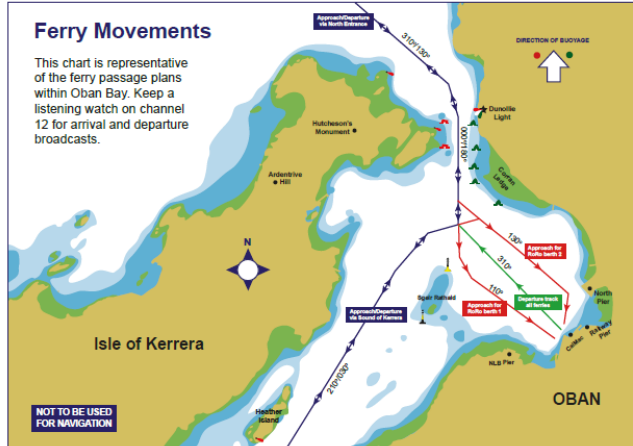
Crossing Take the shortest, safest route available. Stay together and don't hang around in the main channel. Keep a listening watch on channel 16 and 12 for large vessel movements.

North Pier Pontoons The outer breakwater of the pontoons can cause clapotic (standing) waves, take care.

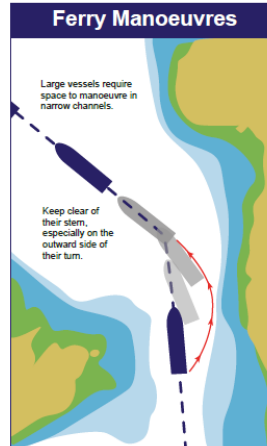


Ferry Movements

This chart is representative of the ferry passage plans within Oban Bay. Keep a listening watch on channel 12 for arrival and departure broadcasts.



Ferry Manoeuvres



Sound Signals

- Turning to starboard
- Turning to port
- Operating astern propulsion
- Unsure of your intentions

Incident Reporting

We hope that you make safe passage and enjoy your visit, however should you be involved in or witness an incident or near miss please report it online at www.obanharbour.scot



This guide has been produced to aid the safe navigation of Oban bay, it has not been designed as a navigational aid alone and should be used in conjunction with other navigational means.

Design by Art & Sea www.artandsea.co.uk

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Oban Bay Code of Practice

CODE OF PRACTICE FOR OBAN BAY & APPROACHES

www.obanharbour.scot

For the purposes of this Code of Practice, the following expressions shall have the associated meanings as described below:

Large Vessel: A vessel of more than 20 metres in length overall, and/or a vessel with a draft in excess of three (3) metres.

Large Vessel Channel: The deep water route through the North Channel marked on the appropriate charts and sailing directions as being for use by 'large vessels', which is considered to be a "narrow channel" as defined in IRPCS Rule 9.

Oban Bay: Those waters lying to the south of a line from the north-west tip of Kerrera (Rubh 'a' Bhearnaig) to the north-west tip of Maiden Island and to the north of a line drawn east-west through Sgeirean Dubha light tower (Cutter Rock Beacon, Kerrera Sound).

Oban Harbour: That part of Oban Bay lying to the east of a line drawn between Dunollie Light to the north and Brandy Stone to the south.

Small Vessel: A vessel other than a Large Vessel.

Code of Practice

Right of Way: Large vessels "leaving" Oban Bay shall have the right of way over all vessels "entering" Oban Bay. Small vessels, including sailing vessels, shall not impede the passage of a large vessel entering or leaving Oban Bay.

Sound of Kerrera: Vessels entering or leaving Oban Bay through the Sound of Kerrera, if using the main buoyed channel, should keep as near to the starboard side as is safe and practicable.

North Channel: Vessels using the North Channel are likely to have their sight lines obscured in many circumstances, therefore 'small vessels' entering or leaving Oban Bay through the North Channel should remain outside the Large Vessel Channel where practicable. 'Small vessels' shall not cross the Large Vessel Channel if such crossing impedes the passage of a vessel which can safely navigate only within the Large Vessel Channel (IRPCS Rule 9(d)).

Sailing vessels should use their auxiliary engines (if fitted) at all times when navigating through the North Channel and in any event shall not impede the passage of a vessel which can safely navigate only within the Large Vessel Channel (IRPCS Rule 9(b)).

Speed: the speed limit in the area covered by this code is 10 knots through the water, except in Oban Harbour where it is 6 knots.

Wash: All vessels should show proper seamanship and common courtesy to others and avoid making excessive wash.

VHF Channel 12/16: All vessels approaching or navigating in Oban Bay should listen on VHF Channel 12/16.

Large Vessels should make a warning broadcast on VHF Channel 16, followed by a brief safety announcement on VHF Channel 12, giving an ETA at Dunollie Light prior to entry or departure. More details are at the VHF tab on the Oban Harbour website.

Berthing: 'Large vessels' berthing at the NLB berth, ferry berths or North Pier require sea room to manoeuvre onto or off the berths. For example: ferries loading over the bow will swing into the northern half of Oban Bay to give room to line up for the berth; those loading over the stern will initially, swing into the southern half of Oban Bay and then head towards the northern half to give sea room to back down onto the berth at Railway Pier. All vessels are to keep clear of 'large vessels' so manoeuvring.

Anchorage: Mariners should note the designated anchorages portrayed under the port information tab on the web site.

Cruise Ship Tenders: The master of the cruise vessel should ensure that tender coxswains are competent and fully briefed upon this code of practice and safe navigational routes at Oban. Cruise ship tenders are advised to follow small vessel routes. It is common to see cruise ship tenders carry large numbers of passengers between cruise ships anchored at Oban and the shore. Mariners must keep a good and wary lookout for these vessels.

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Legal Review

- Work has focused on areas of jurisdiction around existing structures – input from OBSG, stakeholders and OBMG/CMAL legal advisor
- Consensus reached re North Pier and Railway Pier
- Minor difference in opinion re South Pier
- Initial difference re outer bay and its approaches but now almost complete consensus

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Relevant legislation

- 1847 Harbours, Docks and Piers Clauses Act
- 1862 Oban Harbour Order
- 1864 Oban Pier and Harbour Order
- 1878 Callander and Oban Railway Act
- 1896 Oban Piers Order
- Lots of subsequent legislation updating the above Orders and Acts

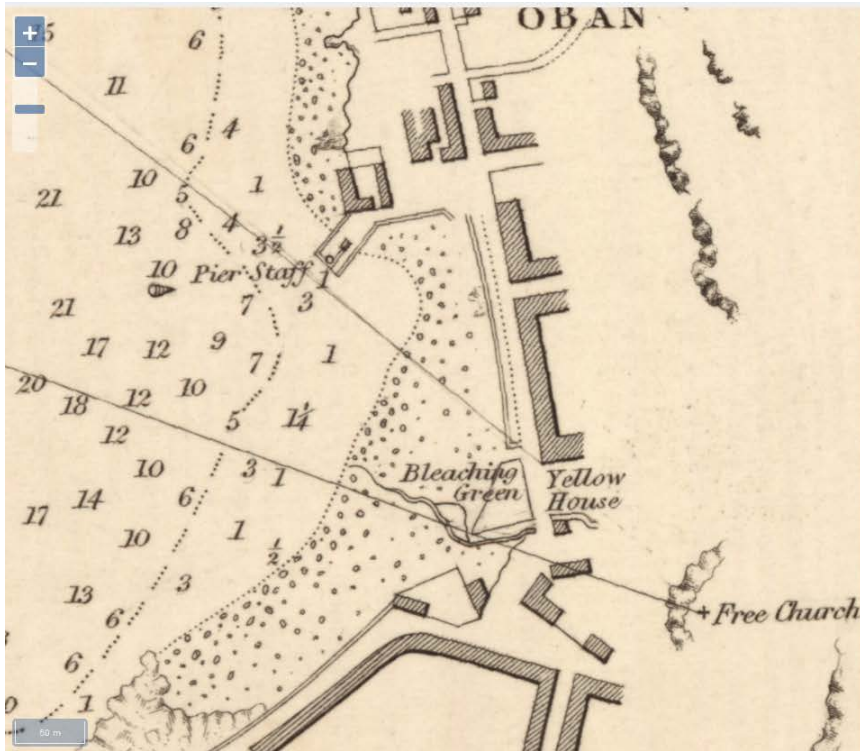
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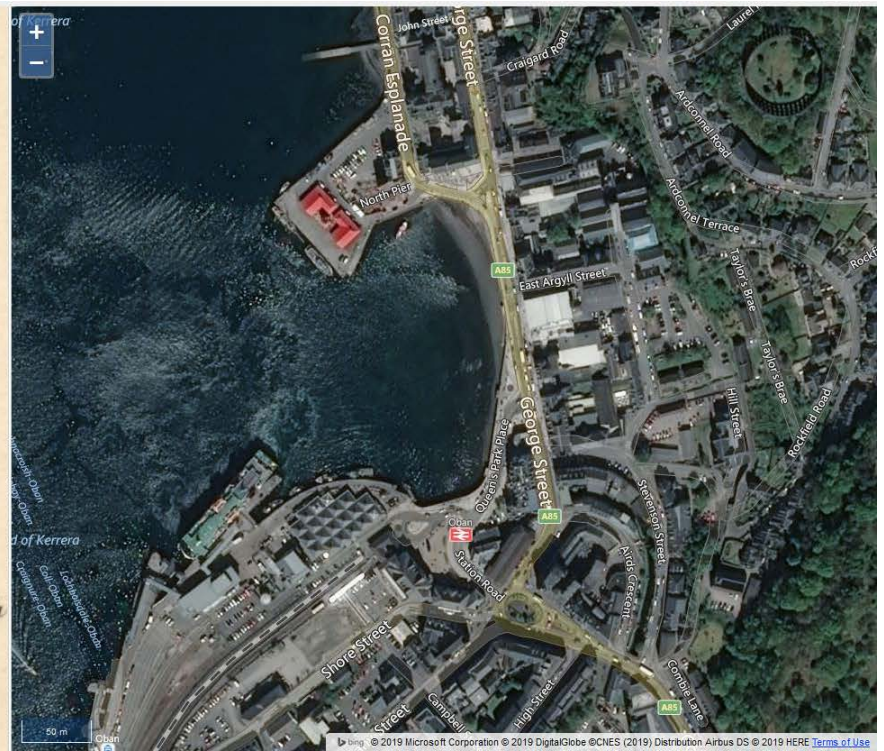
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Determination of areas



1847



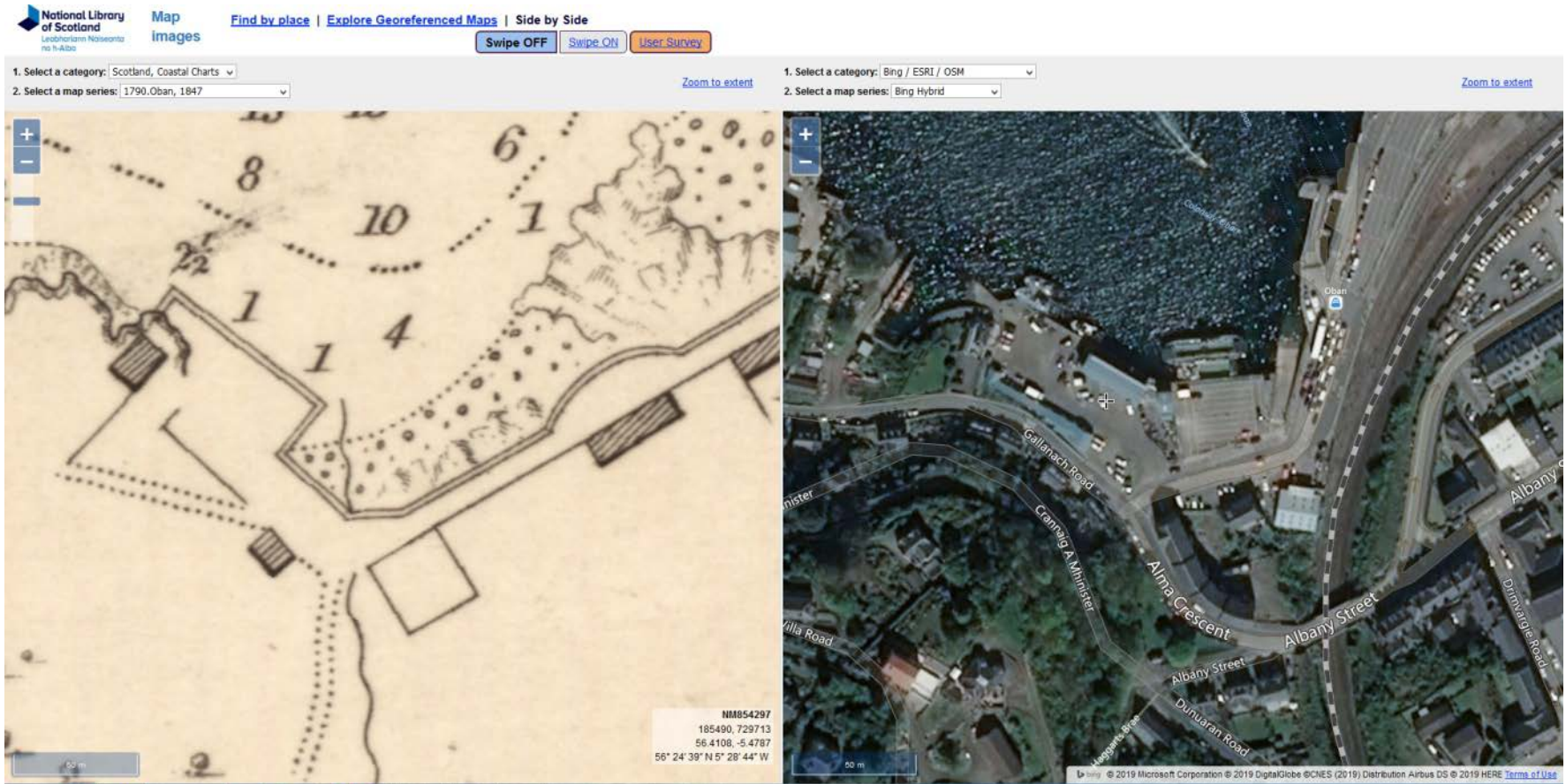
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Determination of areas



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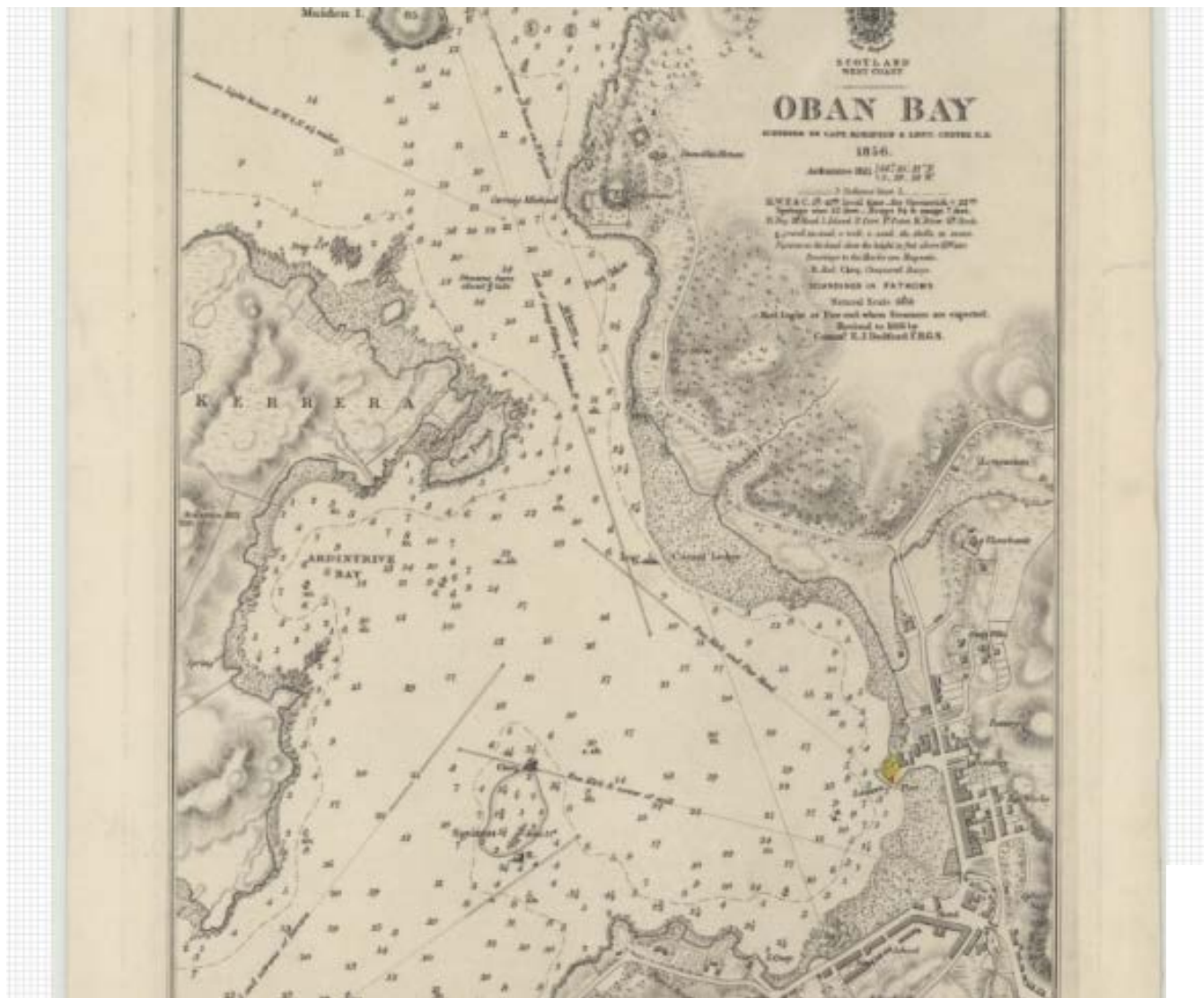
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Determination of areas





Oban Bay – 1856 chart



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Oban Bay – 1893 chart



Supporting records

21st June, 1927.

H. E. Watts, Esq.,
H. M. Inspector of Explosives,
Home Office,
London, S.W.1.

Sir,

Petroleum Acts 1871 to 1926.

I duly received your letter of 9th inst.

The Town Council of Oban are not the Harbour Authority at Oban. The Authority consists of three representatives, two from the Council as owners of the North and South Piers and one from the L. M. & S. Railway Company as proprietors of the Railway Pier. The Clerk and Treasurer of the Authority is Mr. C. R. Jolly, Alexandra Place, Oban.

As owners of the North and South Piers, the Town Council have not made any Byelaws under the Petroleum Acts 1871 to 1926.

I am,

Sir,

Your obedient Servant,

Town Clerk Depute.

THE OBAN HARBOUR AUTHORITY.
(acting under "The Callander and Oban Railway Act, 1878".)

STATEMENT of ACCOUNTS for Year ending 31st January 1934.

Income.

To received from Contributing Parties :-

For Year to 31st Jan. 1933 -

Oban Town Council	£ 15 - 0 - 0
Do. as Owners of South Pier	15 - 0 - 0
L. M. S. Railway Company	15 - 0 - 0
	<u>45 - 0 - 0</u>
" Debit Balance at 31st January 1934	53 - 11 - 0
	<u>£ 98 - 11 - 0</u>

Expenditure.

By debit Balance at 31st Jan. 1933	£ 48 - 11 - 8
" paid Salary of Harbour Master	30 - 0 - 0
" " Contributions for Health and Unemploy-	

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THE RAILWAY STATION AND THE NEW PIER c1900 O4001

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Questions?

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Trust Port viability

- Evaluation by Stakeholder working group between September and February
- Estimated annual operating costs:
 - Stakeholder estimate £325k
 - OBMG estimate >£800k
- Estimated cost of CMAL option £250k
- Using conservancy model proposed by OBMG charge would be 2p per Gross Ton (vs 1.5p)

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Request put to OBMG

“The OBSG ask the OBMG to support them in creating a Trust Port to manage the unregulated waters of Oban Bay and its approaches, and invite interested stakeholders and users to work together to produce a harbour that is both safe and compliant with all current legislation.”

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Response from A&BC Board

- The Argyll and Bute Harbour Board;
 1. Noted the report and in particular considered the proposal outlined in the Oban Bay Stakeholders' report in Appendix B;
 2. Approved that Officers continue to engage with the OBMG and continue cooperation with stakeholders in their bid to establish a trust port; and
 3. Agreed that a further update report be presented to Members at the September 2019 Harbour Board meeting.

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Response from CMAL Board

➤ Concerns Identified

1. The OCHDA financial analysis suggests harbour operating costs would be significantly lower than the estimate by OBMG and do not include establishment fees. There is a risk that the costs are underestimated and that additional unidentified costs are passed directly through to users through the harbour dues, 89% of which would be borne by the lifeline ferries.
2. There is concern that OCHDA perhaps do not fully appreciate the responsibilities associated with Statutory duties, PMSC compliance and the complexity around MSMS accommodating the other key HA's.

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Response from CMAL Board

3. OCHDA recognise there is no means to 'ring fence' posts or representation from the current stakeholder group and membership of any future Trust Port Board would need to be open to all.
4. The executive management of a Trust Port has a vitally important role to play in operation of the standards of accountable governance. The stakeholders have yet to identify any potential stakeholder members with the qualifications and experience to provide an effective balance of skills to meet the operational and strategic needs of the harbour

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Response from CMAL Board

5. The detail of the HO drafting and consideration of protective provisions will determine if CMAL will object to any legislation promoted.
6. The proposal does not fully demonstrate sustainability and value for money. It is recognised that the proposal is in its early stages

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Response from CMAL Board

➤ CMAL Board position

- The CMAL board has agreed that CMAL will not promote a Harbour Revision Order that extends their current SHA area (CMAL may look to extend the SHA area around the South Pier to align with the Railway Pier area) while the OCHDA is promoting the establishment of a Trust Port.
- The CMAL board understand the risk and responsibilities with regard to the safety of navigation in and around Oban, this risk cannot be allowed to remain indefinitely, the CMAL board will review its position if no legislation has been promoted by 1/3/2020 by the OCHDA.

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Response from CMAL Board

➤ CMAL Board position

- If no legislation has been promoted by this time and following review of progress CMAL may look to take forward the initial proposal for CMAL to extend.
- CMAL will continue to work with and assist the OCHDA, where possible, in their work to establish a Trust Port

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Response from NLB Board

1. For the purposes of Navigational Safety the NLB strongly support the establishment of a harbour authority for the wider Oban Bay and that this should be implemented in time to be in place for the 2020 summer season.
2. That NLB will give every support to the OHCDA in their efforts to establish a Trust Port but should this not be forthcoming will support CMAL in the extension of their Harbour area.
3. That given both the OBMG and stakeholder establishment costs are estimates there is a risk of costs of establishment and operation being inaccurate or under estimated

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Next steps

- OBSG/OCHDA to take the lead in drafting the new legislation – most likely a HEO;
- HEO to be submitted in early 2020;
- Operational governance to be finalised;
- Determining start-up costs and sourcing funding;
- Appointment of Project Officer?
- Ongoing consultation with all stakeholders.

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Identified 'challenges'

- Providing effective means of representation for significant users such as CalMac Ferries Ltd, etc;
- Bringing together the differing interests of all harbour users;
- Start-up costs;
- Technical input;
- Working with national agencies.

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Modern Trust Ports for Scotland

Guidance for good governance



Transport Scotland are key to the whole process and have already provided useful input and support.

However, they will need to be convinced of long term sustainability of the Trust Port, and their guidance has to be followed.

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Questions?

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