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The Argyll and Bute Council (Oban) Harbour Revision Order 2023

I am writing to provide comment on behalf of Crown Estate Scotland to the draft Argyll and Bute Council (Oban) Harbour Revision Order 2023 (the 'HRO').

Crown Estate Scotland is not a statutory navigation authority, hence the comments provided here are solely in our role as the manager of the seabed in Oban Bay under the terms of the Scottish Crown Estate Act 2019.

Crown Estate Scotland provided feedback to Argyll & Bute Council on an early draft of the HRO in November 2022 and we welcome the changes to Section 42(1) 'Crown Rights' alongside the defining of the proposed harbour limits and the inclusion of the 'Statement of Support' (SoS) to accompany the HRO.

The following general comments are grouped by theme, referencing specific Articles where necessary.

Existing Marine Licences

Seabed users would benefit from clarity on whether the HRO affects the status of existing marine licences granted by Marine Scotland (now Marine Directorate). Some of these licences will have been granted for a 25-year period and all licence holders will retain their seabed occupation rights via their agreement with Crown Estate Scotland.

The Right to Appeal

Section 38 of the Marine (Scotland) Act 2010 includes provision for appeals against licensing decisions, seabed users may benefit from clarity on what appeals process will subsist within the limits of the HRO.

Harbour Limits

We note that the proposed harbour area will include Ardantrive Bay, the majority of which is occupied by a commercial marina. We think clarification of the rationale for its inclusion within the harbour limits would benefit the local community.

Restriction of works and dredging

The HRO would benefit from clarity as to the meaning of 'works' and whether the provisions in the HRO link with terrestrial planning. It would also be helpful to better define what 'contracted with the Council' means in Article 10 (1).

Moorings

Article 16 (6) states that mooring licences will be granted with a one-year validity period. Notwithstanding the provision for '*a longer period as seems to the Council to be desirable in the circumstances*' this could prove to be administratively burdensome for all concerned and introduce uncertainty for individuals and businesses. By comparison, Marine Scotland has increased the validity of mooring licences from 6yrs to 25yrs.

Summary

The Oban HRO will create one of the largest harbours in Scotland with a wide-ranging user group. Crown Estate Scotland has experience working with a wide range of regulators and user groups in the marine environment and would be pleased to share our experience and knowledge to contribute to a safe and sustainable future for Oban Harbour.

For example, the management of moorings can be a complex and protracted process. In the Clydeport Statutory Harbour area, a long-standing group called the "Clyde Moorings Committee" (CMC) manages the moorings application process. The CMC is comprised of relevant statutory and non-statutory stakeholders, with a remit to process applications for leisure moorings within the Clyde area. The CMC also acts as a conduit for other related issues within the harbour extent e.g. protection of recognised anchorages.

I hope these comments are useful as the HRO progresses.

Your faithfully



Asset Manager