

The Highland Council

Minutes of Meeting of the **Harbours Management Board** held in the Convenor's Hospitality Room, Council Headquarters, Glenurquhart Road, Inverness, on Tuesday 17 June 2014 at 2.30 p.m.

Present:

Dr I Cockburn
Mr R Greene
Mr A Henderson

Mr G Phillips (Chair)
Ms M Smith

Non-Member also present:

Mr G MacKenzie

Officials in attendance:

Mr W Gilfillan, Director of Community Services
Mr R Evans, Head of Roads and Transport, Community Services
Mr T Usher, Harbours Manager, Community Services
Mr M Mitchell, Finance Manager (Community Services), Finance Service
Mrs F MacBain, Committee Administrator, Corporate Development Service

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr H Fraser, Mr M Rattray, Mr B Murphy and Mr H Morrison.

2. Declarations of Interest

There were no Declarations of Interest.

3. Minutes

There had been circulated Minutes of Meeting of the Harbours Management Board held on 10 April 2014, which were approved by the Community Services Committee on 15 May 2014.

The Board **NOTED** the Minutes.

4. Badentarbet Pier Closure

There had been circulated Report No HMB 14/14 dated 6 June 2014 by the Director of Community Services advising Members of the legal advice received and actions taken following the Harbours Management Board meeting on 10 April 2014 which led to the temporary closure of Badentarbet Pier, with the resident vessels being asked to operate from the nearby harbour at Old Dornie.

A summary was provided of the situation to date at Badentarbet Pier and slides were shown of the deterioration of the pier's supporting structure. While it was

accepted that the hammerhead of the pier should remain closed, the community was keen to maintain the use of the approach section and the steps which allowed access to boats during low tide. The tour boat operator was currently operating from Old Dornie, which did not have suitable low tide access. It was uncertain whether the community intended to continue using the boarding platforms beneath the hammerhead, without which the steps would be of little use, and it was pointed out that the steps themselves were, in fact, supported by the hammerhead section of the pier. It was suggested that, if appropriate, the community be asked whether they intended using the platforms or only the steps.

Attention was drawn to the advice that had been sought from the Council's Head of Corporate Governance following the meeting of the Board on 10 April 2014 as follows:

'I do not believe the letter acts to mitigate the Council's responsibilities and liabilities. The letter (and accompanying report which I believe you have had access to) establishes that this pier has significant structural defects necessitating major investment. As such the Council as landowner has been given notice of the risks posed by use of the structure. The Council cannot look to transfer that responsibility to any other body or individual nor can the Council look to exclude itself from liability.'

In those circumstances I believe the most appropriate action would be for the Council to close the pier and restrict all access. The Council will require to undertake regular checks to ensure that the pier remains secure.'

During discussion, the following points were made:-

- considerable concern was expressed at the unstable state of the pier, particularly below the water level, and reference was made to the legal advice that had been received;
- the suggestion of a rock drop to support the structure on the sea bed would be unworkable as there was no way of compacting the rocks and the quantity required would restrict low tide berthing at the pier;
- it was difficult to predict whether any major event such as a storm would cause incremental damage or an entire collapse of the structure and, in either case, daily inspections would be required including below the water;
- in response to the request from the community to meet with the Board, it was suggested that the Chairman, the Director and the Harbours Manager attend a community meeting;
- it was reported that the community were in the process of obtaining an insurance quote for their potential ownership of the pier; and
- there was uncertainty whether the Council owned or leased the structure and this would require clarification prior to any transfer of the property.

Following further consideration, Members were in favour of the entire structure being permanently closed, for the reasons stated, if it was to remain in Council ownership or lease. With regard to the transfer of the property to the community at nil cost, while there were no objections to this happening 'in principle', the meeting was adjourned from 3.07pm until 3.15pm for the Director to seek legal advice, after which the following condition was suggested:-

'That any transfer be subject to the community putting in place a funding package to address the condition of the pier that led to its closure in the first instance and that those works be carried out before the pier was re-opened.'

Members also spoke of the need to expedite improvements at Old Dornie, particularly the car parking facilities and a sharp bend on the approach road, both of which had been included in a bid to the Coastal Communities Fund, the outcome of which would be known towards the end of 2014. It was suggested that, if the bid was unsuccessful, the Council would be asked to consider assessing the work required to improve the road and parking, albeit that the funding of private enterprise was contrary to Council policy.

At this juncture, Mr Greene referred to damage that had been sustained to the slipway and coast at Aultbea and it was suggested that a report on this be submitted to the next meeting of the Board.

The Board:-

- i. **NOTED** the contents of the Wallace Stone report and two subsequent letters;
- ii. **AGREED** to recommend to the Community Services Committee the permanent closure of Badentarbet Pier to protect members of the public;
- iii. **AGREED** to recommend to the Community Services Committee the transfer "in principle" of the ownership of Badentarbet Pier to the community at nil cost, *subject to the community putting in place a funding package to address the condition of the pier that led to its closure in the first instance and that those works be carried out before the pier was re-opened;*
- iv. **AGREED** that the Chairman, Director and Harbours Manager meet with the community affected by the pier closure;
- v. **AGREED** that if the Coigach Community's bid for funding to make improvements at Badentarbet Pier proved unsuccessful, the Council through the Community Services Committee would be asked to consider assessing the work required to improve the sharp bend in the approach road and the car parking facilities at Old Dornie; and
- vi. **AGREED** that a report be submitted to the next meeting of the Harbours Management Board on the damage that had been sustained to the slipway and coast at Aultbea.

The meeting ended at 3.22 pm.