

The Highland Council

Minutes of Meeting of the **Harbours Management Board** held in Committee Room 1, Council headquarters, Glenurquhart Road, Inverness on Tuesday 28 October 2014 at 11.25 a.m.

Present:

Dr I Cockburn
Mr R Greene
Mr H Fraser

Mr A Henderson
Mr G MacKenzie
Mr B Murphy

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
Miss J MacLennan, Principal Administrator, Corporate Development Service

In the absence of Mr G Phillips, in terms of Standing Order 11.1, the Board **AGREED** to appoint Mr G MacKenzie, having being duly proposed and seconded, to preside as Chairman for the meeting.

Preliminaries

Prior to the commencement of formal business, the Director referred to the heavy rain that had affected several parts of Highland over the previous two days. He informed Members that a Liaison meeting in Dingwall was currently taking place, led by Police Scotland, and at which officers of Highland Council were in attendance. There had been no major instances but several land slips had occurred and Community Services staff had attended incidents as and when they arose. Better weather was forecast in the next 24 hours but further rain was forecast for Thursday.

The Board **NOTED** the position.

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr H Morrison, Mr G Phillips and Mr M Rattray.

2. Declarations of Interest

The Board **NOTED** the following declaration of interest:-

Item 7 – Mr A Henderson (financial).

3. Minutes

There had been circulated, and was **NOTED**, Draft Minutes of Meeting of the Harbours Management Board held on 11 September 2014, which were due to be approved by the Community Services Committee on 6 November 2014.

Arising from the Minutes, in relation to the ownership of Diabaig Pier, as a result of correspondence received, there was now a question of uncertainty as to its ownership. Establishing the exact position and responsibility for maintenance had necessitated some detailed investigation, including accessing archive material, but it was hoped confirmation of the position could be reported to the Community Services Committee on 6 November 2014.

The Board **NOTED** the position.

4. Loch Coruisk Landing Steps Lease

There had been circulated Report No HMB 23/14 dated 16 October 2014 by the Director of Community Services advising the Board that the lease between MacLeod Estates and the Skye & Lochalsh District Council for the landing steps at Loch Coruisk had expired in May 2014 and was currently continuing on the same conditions as previously existed.

Members were informed that a full inspection of the structure had taken place in 2013 and some minor works were highlighted and which had since been addressed. Further repairs were not anticipated in the next 5 years although at some point in the future the steps would need to be replaced at an estimated cost of £50-70k.

The Board having considered the options presented in relation to the future of the tenancy for the landing steps at Loch Coruisk, **AGREED** to recommend to the Community Services Committee continuance of the lease in "Tacit Relocation".

5. Seasonal Pontoon, Elgol Jetty

There had been circulated Report No HMB 24/14 dated 20 October 2014 by the Director of Community Services advising Members of progress with the proposal to provide a seasonal pontoon at Elgol Harbour to alleviate berthing congestion and the result of the open consultation responses received from stakeholders and the general public.

The initial consultation had received some support but the more detailed public and stakeholder consultation which had taken place at the end of August had overwhelmingly rejected the proposal, the main reasons being the loss of access to the beach adjacent to the jetty and that the view across to the Cuillins would be spoiled.

During discussion, disappointment was expressed that the project had not received more support but it was important to take cognisance of the views of the community. The possibility of using the funding that had been awarded to the Council for this project to install pontoons elsewhere in Skye was suggested but, while this proposal would be investigated, it was considered unlikely as it was believed that this would necessitate another application to the fund which was now closed and that any residual monies left in the fund would be directed to projects who had already submitted bids.

The Board:-

- i. **APPROVED** the discontinuation of the proposal to install a seasonal pontoon at Elgol harbour In light of the consultation response; and
- ii. **NOTED** that the Harbours Manager would seek the re-allocation of the £65k Access 4 grant from the European Fisheries Fund to Council projects, with Board Members being informed as to whether or not this was successful.

6. Power Generation by Wave Power

There had been circulated Report No HMB 25/14 dated 16 October 2014 by the Director of Community Services advising Members of an enquiry from a manufacturer and installer of wave energy devices wishing to install their machines at harbours and marine facilities around the Highland Region. The Harbour Manager had identified four Highland Council facilities that might suit their needs and they were requesting the Council's permission to further explore their feasibility.

In considering the proposal, Members emphasised the need for all implications and engineering issues to be considered. It would be important too, to highlight from the outset, the Council's expectations that any development would have to involve a degree of community benefit. At such an early stage, it was also suggested that there should be no exclusivity agreement that would preclude the Council discussing similar proposals with other renewable energy companies.

The Board **AGREED** to recommend to the Community Services Committee:-

- i. subject to the Director taking into account all implications and engineering issues which might arise, the signing of a non-binding agreement to enable this proposal by Eco Wave Power to be investigated further; and
- ii. that the outcome of the investigation be reported to a future meeting of the Harbours Board for further consideration.

7. Consultation on proposals for a Harbours (Scotland) Bill

Declarations of Interest

Mr A Henderson declared a financial interest in this item on the grounds of being a Director of Mallaig Harbour Authority but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement.

There had been circulated Report No HMB 26/14 dated 16 October 2014 by the Director of Community Services advising the Board of the consultation being undertaken by the Scottish Government on a proposed Bill to repeal Section 10 of the Ports Act 1991, to introduce a mediation step in section 31 of the Harbours Act 1964 and a further amendment to remove the requirement to provide 6 copies of a draft Harbour Order to be submitted with an application for an Order.

Having been advised of the detail surrounding the proposed responses to the consultation questions, the Board **AGREED** to recommend to the Community Services Committee that the response be submitted to the Scottish Government.

8. Loch Linnhe Harbour Revision Order

There had been circulated Report No HMB 27/14 dated 16 October 2014 by the Director of Community Services advising the Board of the present and possible future increase in shipping and other marine traffic on Loch Linnhe and of the associated hazards. Members were asked to consider a request from the Local Councillors to investigate the feasibility of obtaining a Harbour Revision Order for the Loch to regulate marine traffic by

forming a “Statutory Harbour Area” and possibly a “Competent Harbour Authority”. The report set out the implications and benefits that would arise if such a Revision Order was pursued.

During discussion, Members were of the view that a Revision Order would encourage more cruise liner and commercial traffic to the area. At present, some were nervous about navigating the stretch of water known as the Corran Narrows and yet, with the overnight rail service from London to Fort William, the opportunities for increased tourism were significant. A local group were already investigating the possibility of providing a breakwater facility which, itself, would allow liners to tie up alongside. Furthermore, there was a demand for marina facilities at the southern end of the Caledonian Canal and the amount of timber yet to be extracted from the area was significant. Similarly, the potential projects that the local Underwater Centre could develop were highlighted and could have substantial economic benefit for the area. However, it was suggested that, rather than confining the area of the loch considered for regulation to that area upstream of the Corran Narrows, the area be extended south to include the Corran Narrows.

The Board:-

- i. **AGREED** to recommend to the Community Services Committee that the Director of Community Services investigate the feasibility and options for obtaining a Harbour Revision Order for Loch Linnhe to regulate marine traffic by forming a “Statutory Harbour Area” and possibly a “Competent Harbour Authority” and that this include the area of the Loch south of the Corran Narrows; and
- ii. **NOTED** that funding for a feasibility study would have to be sourced from existing budgets unless grant funding could be found to assist with the costs of the study.

9. Financial Performance 1 April 2014 to 30 September 2014

There had been circulated Report No HMB 28/14 dated 17 October 2014 by the Director of Community Services setting out the financial performance of Highland Council Harbours for the period 1 April 2014 to 30 September 2014.

Fuel sales for the six month period were down on last year’s figure and the price of fuel had also dropped. As a result, while a surplus would still be generated, this would be lower than predicated, a situation which would be reported to the Community Services Committee on 6 November 2014. The situation would be closely monitored and expenditure controlled as appropriate.

In discussion, Members commented that not all Harbours had seen a drop in sales and this was hopefully an indication that the decline was slowing down. There could be many reasons for this, one of which was suggested was the good performance of shellfish vessels.

The Board **APPROVED** the financial position to 30 September 2014.

The meeting ended at 12.35 pm.