

Agenda Item	<b>13</b>
Report No	<b>HC/43/17</b>

## **HIGHLAND COUNCIL**

**Committee:** Highland Council

**Date:** 26 October 2017

**Report Title:** Uig Harbour – Harbour Revision Order and construction consents

**Report By:** Director of Development & Infrastructure

### **1. Purpose/Executive Summary**

- 1.1 Under the Scheme of Delegation, approval by full Council is required for Parliamentary Orders and therefore legal advice has confirmed that approval by full Council is recommended for Harbour Revision Orders. This report invites Members to approve the drafting and submission of a Harbour Revision Order, and other construction consents for the new infrastructure improvement works at Uig Harbour which is managed by the Highland Council as Harbour Authority.

### **2. Recommendations**

- 2.1 Members are asked to approve the drafting and submission of a Harbour Revision Order and other construction consents for the new works required at Uig Harbour.

### **3. Introduction**

- 3.1 Following the decision by the Scottish Government, to provide a larger vessel (currently under construction) for the Uig/Tarbert/Lochmaddy Triangle lifeline ferry service to the Western Isles, The Highland Council, in conjunction with Caledonian Maritime Assets Ltd (CMAL), CalMac and the Western Isles Council, has been working towards developing the three ports to accommodate the larger vessel and the potential for additional passengers and vehicle traffic.
- 3.2 Detailed discussions are ongoing between Transport Scotland, CMAL, CalMac, The Highland Council and the Western Isles Council to identify the preferred works to each terminal and also to identify the funding and phasing of the works.

### **4. Project**

- 4.1 The Uig project is a capital project led by the Head of Infrastructure, Development and Infrastructure Service, and reporting is to the Environment, Development and Infrastructure Committee. Construction works are anticipated to commence in summer 2018.
- 4.2 The funding for the capital costs of the infrastructure improvement works at Uig will be recovered through increased harbour dues which are levied on CalMac Ferries Limited, the increase in harbour dues will also cover the additional routine revenue operations. It should be noted that the harbour dues for Uig Ferry Terminal will increase from October 2017, as agreed with Transport Scotland, to cover the capital borrowing for the detailed design works which are ongoing.
- 4.3 The final Masterplan Report has been completed, identifying the preferred improvement works, and this report has been submitted to Transport Scotland for approval and confirmation of associated funding. Discussions are ongoing over the scope and timing of the terminal improvement works, together with the cost and associated increase in harbour dues.
- 4.4 The preferred improvement works options will be reported to Environment, Development and Infrastructure Committee, and the inclusion of the Uig Ferry Terminal Upgrade within the Council's capital programme will be considered by Full Council in due course.

### **5. Harbour Revision Order**

- 5.1 A Harbour Empowerment or Revision Order (HRO) is a piece of local legislation governing a port. It is made as a Scottish Statutory Instrument under the 1964 Harbours Act by Scottish Ministers.
- 5.2 An order can create and empower Harbour Authorities to undertake works or vary their existing harbour powers.
- 5.3 The Highland Regional Council (Uig Pier, Skye) Order Confirmation Act 1984 authorised the previous pier extension works, and was repealed and replaced by the Highland Regional Council (Harbours) Order ("the 1991 Order") (confirmed by the Highland Regional Council (Harbours) Order Confirmation Act 1991). The 1991 Order allows some of the preferred improvement work options to be carried out under the existing powers and includes:  
Land reclamation, berthing structure strengthening and widening, new fendering,

dredging to accommodate the new vessel, dredging to accommodate the approachway extension to maintain the existing draft depth and width available for fishing vessels berthing against the approachway, new gangway, linkspan refurbishment or replacement, passenger walkway shelter on approachway, approachway widening from and below mean low water springs (MLWS), the demolition and rebuilding of the existing old pier head, and relocation of harbourmaster's office from the old pier head to widened berthing structure.

- 5.4 The demolition of the existing ticket office, construction of the new ticket office within the new marshalling area, the relocation of the fisherman's compound and the widening of the approachway from and above MLWS will be the subject of a planning application under the Town and Country Planning (Scotland) Act 1997/ Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
- 5.5 A wave/coastal modelling study will be carried out during detailed design to consider engineering options for improving wind, wave and swell at the berth. When the new vessel comes into service it is proposed to monitor the climate and berthing conditions/difficulties/disruption which will inform if the preferred engineering option.
- 5.6 The detailed design of the preferred option to alleviate wave and swell will be progressed as an integral part of the overall design works, and will allow the preferred option to be ready and available for implementation if the data concludes that these construction works are required. These works will be funded by Transport Scotland, to maintain the operational requirements of the berth.
- 5.7 The new ferry is dual fuel, including Liquid Natural Gas (LNG), and it is proposed that the LNG tank be located at Uig.
- 5.8 It is proposed that a new HRO will be drafted to include the preferred option to alleviate wave and swell and also include the proposed LNG tank and associated protection wall, this will allow the HRO consenting process to be progressed and ensure that these new works are able to be constructed should they be required.
- 5.9 The HRO Block Plan in **Appendix 1** details the preferred improvement works to be included in the powers of the existing HRO, planning permission and new HRO. A marine license will also be progressed for all works below Mean High Water Springs.

## 6. Implications

### 6.1 Resource

Transport Scotland has identified that once the scope of works and funding is ratified by CMAL, funding will be considered by Transport Scotland through increased harbour dues, to pay off this investment over an agreed period. Confirmation on funding is expected in the coming months.

### 6.2 Legal

6.2.1 The statutory process for obtaining a Harbour Order in respect of Uig harbour, under section 14 of the Harbours Act 1964 ("the 1964 Act"), will be followed for the purposes of introducing the new harbour legislation required to accommodate the new harbour works at Uig.

6.2.2 The statutory process will include drafting of the Order, the requirement to provide an Environmental Statement (ES), Marine Licence consent, consultation with appropriate bodies, formal application, advertisement, resolution of any objections and

representations, making of the order and consideration by the Scottish Parliament.

- 6.3 Community (Equality, Poverty and Rural)  
There are no known community implications arising from this report. Consultation has been carried out with the community and key stakeholders and further community and key stakeholder consultation are planned.
- 6.4 Climate Change / Carbon Clever  
The new vessel is a dual fuel vessel which gives the flexibility of using Marine Gas Oil and LNG, and provides the opportunity to lower emissions and gives greater flexibility over future fuel costs.
- 6.5 Risk  
There remains risk over funding, but construction will only progress when confirmation of funding is received. A project risk register has been developed as part of the project governance and the HRO statutory process will require to be followed. The infrastructure improvements phasing and timings will take account of the HRO process.
- 6.6 Gaelic – There are no known Gaelic implications arising from this report

Designation: Director of Development and Infrastructure

Date: 26 October 2017

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