

From: navigation safety <navigationsafety@mcga.gov.uk>

Sent: 04 February 2022 13:03

To: MS Marine Licensing <MS.MarineLicensing@gov.scot>

Subject: query RE: 00009582 - Staffin Community Trust (per Affric Ltd) - Harbour Development - Staffin Slipway, Isle of Skye - Consultation - Response required by 27 January 2022

Dear Jack,

Thank you for the opportunity to comment on the harbour development project at Staffin Slipway.

We welcome that the EIA addresses the potential impact of the proposed Staffin Community Harbour (SCH) development on navigation during both the construction and operational phases. It is likely that more vessels will be attracted to the harbour, without local knowledge, and possibly bigger vessels from outside of the area. We further welcome that navigation impacts were scoped in to the assessment. We note that a navigation risk assessment (NRA) will consider restrictions to the navigational routes associated with construction but also the adverse effects of collision and grounding during the operational phase

The report states that during the construction phase there is likely to be an impact on the navigational route into and out of the Harbour, and the need for safety boat within close proximity to the navigational access route to the slipway. There may be periods during construction when access to the slipway will be restricted due to construction activities, and the construction of the marine elements may restrict boats entering or existing the harbour area (i.e. restricting access to the slipway). As the harbour development is likely to attract more boats, especially visiting vessels, there is an increased risk of grounding due to skippers being unfamiliar with the shallow nature of the water.

The MCA would expect a NRA to be carried out to identify the required risk mitigation measures to ensure the risk is ALARP. We note the absence of a Statutory Harbour Authority (SHA) on this occasion, and the NRA should identify suitable risk controls to support for construction and ongoing safe operation of the harbour. This may or may not involve the formation of a SHA. The applicant should consider discussion with Transport Scotland for an appropriate Harbour Empowerment Order (HEO), to provide the necessary powers to manage the harbour to ensure the safe ongoing operation of the site. The Marine Licence is likely to only address the construction of the harbour works.

There are clear advantages for a marine facility seeking a HEO to establish an SHA, as it legally establishes the role of a harbourmaster who would be responsible for the safety of navigation at the site, the control of vessel movements, responding to pollution events and other emergencies, and maintaining navigational aids. Both SHA and non-statutory harbours should be guided by compliance with the Port Marie Safety Code and without the statutory power there would be no clear accountability for overseeing the navigational safety at the site.

From a navigation perspective, it is recommended that harbour operators (which are not harbour authorities) work to the Port Marine Safety Code (PMSC) . This code lays out the harbour operators' accountability for marine safety, the key measures required to secure marine safety, and their duties and powers. The Marine Safety Management System (MSMS) described in the PMSC is the principal mechanism to ensure operations are safely managed. This is based on formal risk assessments and refers to an appropriate approach to incident investigation.

The MCA would essentially like to ensure an effective safety management system is in place for this harbour. The EIA states that a Marine Safety Management Plan will be produced and implemented by the Harbour Manager, and the MCA would like to see a copy of this plan before formally providing its response to the Marine Licence, with our appropriate conditions and advisories.

We would welcome feedback from the applicant on the above aspects.

Kind Regards

Sam Chudley

Maritime Licence Advisor

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