



PORT MARINE SAFETY CODE

2 September 2009 Revision
Of 4 July 2008

**ADOPTED BY THE INFRASTRUCTURE SERVICES COMMITTEE OF
ABERDEENSHIRE COUNCIL ON 8 OCTOBER 2009**

Rev #1:

Changed "Designated Person" to HEAD OF ROADS AND LANDSCAPE SERVICES Page 7

Changed personnel on Organisation Chart Page 8

Changed light characteristics, Portsoy Harbour and Rosehearty Harbour Page 24

Aberdeenshire Council

Port Marine Safety Code

This document has been prepared in accordance with the “Port Marine Safety Code” issued by the Department for Transport and the “Guide to Good Practice on Port Marine Operations” as issued by the Department for Transport, Both of these documents are available on the Department for Transport website.

Section 1 Harbours Overview

1.1 Introduction

- 1.1.1 Aberdeenshire Council is the statutory Local Authority established as successor Authority to Grampian Regional Council, in 1996.
- 1.1.2 At its formation Aberdeenshire Council became responsible for 7 harbours across the Aberdeenshire Council area.
- 1.1.3 The harbours are:

- Banff Harbour
- Gourdon Harbour
- Johnshaven Harbour
- Macduff Harbour
- Portsoy Harbour
- Rosehearty Harbour
- Stonehaven Harbour

Full contact details for the Harbours are included in Appendix 3

- 1.1.4 This document indicates Aberdeenshire Council's commitment to manage and operate its Harbours in a competent manner, both in terms of safety and environmental issues.
- 1.1.5 The policies and procedures implemented by Aberdeenshire Council will aim to be of benefit to staff, vessels and their crews, other users, and the surrounding Community.
- 1.1.6 This document contains information, and guidance, to staff and harbour users involved in operations so that best practice is used to achieve safe and efficient use of the Harbours and surrounding areas.

1.2 Harbour Authority Aims

1.2.1 Aberdeenshire Council, being the Harbour Authority for the Harbours of:

Banff
Gourdon
Johnshaven
Macduff
Portsoy
Rosehearty
Stonehaven

has the followings aims:

- (i) to undertake and regulate marine operations so as to safeguard the harbour, its users, the public and the environment,
- (ii) to run a safe, efficient, cost effective, sustainable, harbour operation for the benefit of all users and the wider community,
- (iii) to fulfil its legal responsibilities whilst meeting the changing needs of all harbour users,
- (iv) to maximise the quality and value for money of its services, and to maintain dues at a competitive level so as to attract users to the harbour,
- (v) to meet the national requirements of the Port Marine Safety Code.

1.3 General Harbour Policy

1.3.1 The Harbour Authority will support the commercial, fishing, and recreational activities in the harbours through the provision of appropriate services, which represent good value.

1.3.2 The Harbour Authority will also support these activities through the efficient regulation of all shipping and users within the harbour limits.

1.3.3 The policy of the Harbour Authority is to

- (i) manage the assets of the Authority safely, economically and efficiently,
- (ii) maintain the harbours to an appropriate standard so as to ensure their structural integrity and the safety of harbour users in accordance with appropriate Codes of Practice and current legislation,
- (iii) sensitively improve and develop the harbours at Portsoy, Banff, Rosehearty, Stonehaven, Gourdon and Johnshaven. These harbours will be sensitively improved and developed where justifiable, in line with demand and where suitable finance is available, in order to encourage use by leisure craft,

- (iv) sensitively improve and develop the harbour at Macduff to accommodate commercial and fishing interests where such improvements are commercially viable,
- (v) promote work to develop the heritage features of Portsoy (Old), Banff, Rosehearty, Stonehaven and Gourdon Harbours, subject to the involvement and approval of appropriate external organisations,
- (vi) seek appropriate grants for works required to be undertaken due to the Listed Building Status of any Harbour,
- (vii) consult fully with interested parties for all significant harbour improvements or developments,
- (viii) maintain harbour craft to the industry standard,
- (ix) maintain and develop the commercial slipway at Macduff Harbour to the industry standard,
- (x) pursue modern cost effective methods relating to survey and dredging activities,
- (xi) train all operational staff to a high level of professional standards,
- (xii) ensure staff are properly trained in emergency and contingency procedures,
- (xiii) annually review Harbour Rate and Dues, taking into account current usage, facilities, developments and prevailing market forces,
- (xiv) maintain Local Harbour Advisory Committees to advise the Harbour Authority on matters relating to individual harbours. These Committees are to be Chaired by an appropriate Aberdeenshire Council Local Member,
- (xv) review the scope of the Byelaws as required, to ensure that Harbourmaster have sufficient powers to effectively and efficiently control activities within the harbour.

1.4 General Safety and Environmental Policy

1.4.1 The Harbour Authority will discharge its general and specific statutory duties in respect of:

- (i) the regulation of traffic and safety of navigation within harbour limits,
- (ii) the conservancy of the harbour and its seaward approaches,
- (iii) the protection of the environment within the harbour and its surroundings,

- (iv) ensuring so far as reasonably practicable the safety at work of its employees and other persons who may be affected by its activities.

and for the these purposes will:

- (a) facilitate the safe movement of vessels and craft into, out of, and within the harbour,
- (b) carry out the functions of the Harbour Authority with special regard to their possible impact on the environment,
- (c) prevent acts or omissions which may cause personal injury to employees and others, or damage the environment,
- (d) create and promote interest and awareness in employees and others with respect to safety and protection of the environment,
- (e) comply with the requirements of the “Aberdeenshire Council General Statement of Health and Safety Policy”; the “Transportation and Infrastructure Health and Safety Policy Statement” ; and any supporting policies and procedures,
- (f) comply with the requirements of the “Aberdeenshire Council Sustainability Charter”.

1.5 Regulatory Framework

1.5.1 Aberdeenshire Council is granted the powers to act as a Harbour Authority, under the terms of Section 57 of the Harbours Act 1964, by the Grampian Regional Council (Harbours) Order Confirmation Act 1987.

1.5.2 This Act originally assigned these powers to Grampian Regional Council, but as successor authority Aberdeenshire Council has retained this status for 7 harbours within the Aberdeenshire administrative area.

1.5.3 As a result of Local Government Reorganisation, in 1996, six further harbours originally covered by the Grampian Regional Council (Harbours) Order Confirmation Act 1987 were transferred to Moray Council, the successor authority for the North West area of Grampian Region.

1.5.4 In addition there are a range of applicable Legislation, Codes and Regulations which impact on the operation and management of the harbours. The main documents are listed below. More information is given on each piece of legislation in Appendix 1, however individual documents should be referred to for more detailed information.

- Port Marine Safety Code
- Health and Safety at Work Act
- Docks Regulations 1988 and Approved Code of Practice
- Pilotage Act 1987 and The Macduff (Pilotage Powers) Order 1989

- International Ship and Port Facility Security Code and SOLAS

1.5.5 Aberdeenshire Council also maintains a list of relevant codes etc that are most commonly applicable to our Harbours. This list is included in Appendix 2.

1.6 General Duties Powers and Responsibilities of Duty Holders

1.6.1 The PMSC defines the Duty Holder for a Harbour Authority as the Board of Management. In the case of a Local Authority the “Board” is the responsible Council Committee, currently Infrastructure Services Committee. Members are collectively and individually responsible for the safe operation and management of the harbours.

1.6.2 The PMSC allows Harbour Authorities to delegate the operation of the harbours to professional staff, but this does not remove the accountability of the Committee members.

1.6.3 The main duties of the Harbour Authority include:

- To take reasonable care that, so long as the harbours are open for public use, that all who choose to navigate them do so without danger to their lives or property,
- An obligation to conserve and facilitate the safe use of the harbours and a duty of care against loss caused by the Authority’s negligence.

1.6.4 To aid in the dispensation of these duties the Harbour Authority has the power to appoint Harbourmaster. These persons have powers to direct the operations of the harbour so that they are carried out in a safe manner.

1.6.5 A fuller description of the duties and responsibilities of a Harbour Authority are set out in the text of the PMSC (1.7.3 and 1.7.4 below).

1.6.6 The Harbour Authority has been granted power under the Grampian Regional Council (Harbours) Order Confirmation Act 1987.

1.6.7 In addition under the powers granted by Section 30 of the above Act the Harbour Authority promoted additional harbour byelaws, know as the Grampian Regional Council Harbour Byelaws 1990, confirmed by the Secretary by virtue of Section 202 of the Local Government (Scotland) Act 1973 on 4 April 1991.

1.6.8 The Harbour Authority will use these powers to control and manage activities within the harbour area.

1.7 Operational Responsibility for Aberdeenshire Council Harbours

1.7.1 INFRASTRUCTURE SERVICES COMMITTEE

- (a) This Committee equates to the Board of Management and is therefore deemed to be the Duty Holder
- (b) Reporting publicly on the safety of marine operations in accordance with PMSC

1.7.2 HEAD OF ROADS AND LANDSCAPE SERVICES,

- (a) Responsible and accountable for the operational control of the Harbour Authority
- (b) Responsible and accountable for the financial control of the Harbour Authority
- (c) Advisor to the Infrastructure Services Committee regarding the dispensation of their obligations and duties
- (d) Oversees implementation of policy
- (e) Responsible for safety of Staff, and Harbour operations
- (f) Oversees recruitment and training

1.7.3 HARBOURMASTERS - GENERAL

- (a) Safety of navigation
- (b) Dispensing General Powers of Direction
- (c) Dispensing Local Powers of Direction
- (d) Ensure compliance with harbour byelaws
- (e) Ensure charges for use of harbour are collected
- (f) Manage the operation of additional facilities at each harbour
- (g) Ensure appropriate safety inspections are undertaken
- (h) Attendance at relevant Harbour Advisory Committee
- (j) Maintenance of appropriate records

1.7.4 HARBOURMASTER – MACDUFF

The Harbourmaster at Macduff has additional responsibilities due to the commercial nature of the harbour.

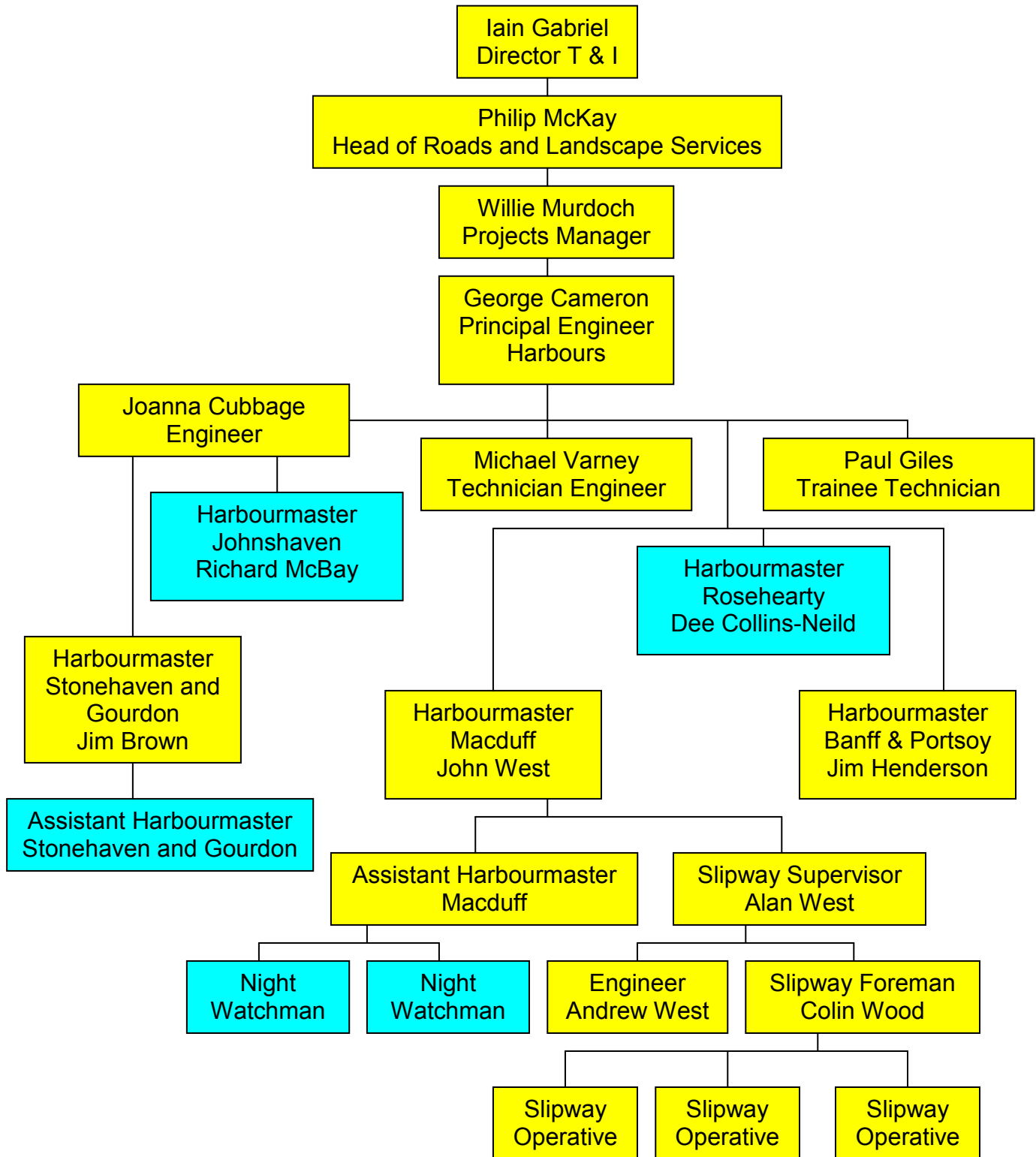
- (a) Undertake appropriate Pilotage duties at each harbour
- (b) Monitor harbour bed levels in relation to dredging requirements
- (c) Manage operation of Macduff Harbour Slipway

1.7.5 DESIGNATED PERSON

It is fundamental to an effective safety management system that each Harbour Authority should assign the functions of a 'Designated Person' to provide independent assurance to the 'Duty Holder' that the safety management system is working effectively. This function serves to ensure on behalf of the Authority that an effective safety management system is in place and operating properly, and to audit the authority's compliance with the Code.

1.8 Organisation

Current Harbours Management Structure



1.9 Training

- 1.9.1 Aberdeenshire Council is committed to the provision of adequate training to allow members of staff to undertake their duties in a professional manner. In the case of Harbour staff this includes appropriate marine qualifications and experience.
- 1.9.2 All Harbour staff are included in the Aberdeenshire Council Employee Review and Development Scheme (EDRS), which includes the formulation of Personal Training Plans and Annual Reviews.

1.10 Document Revision and Control

- 1.10.1 This document will be made available to all Harbourmasters, in the form of controlled copies in printed format. The Principal Engineer - Harbours will control any amendments to this document and issue such amendments to copy holders.
- 1.10.2 In addition a copy of the document will be posted on the Aberdeenshire Council website. Users who create uncontrolled copies of the document should check the website to ensure they have the latest version prior to use.
- 1.10.3 This document will be subject to regular review, augmented by special reviews should there be any significant changes in operations or legislation.
- 1.10.4 In addition this document will undergo a thorough review at least every 5 years.

1.11 Consultation Procedures

- 1.11.1 The Harbour Authority is committed to full and open consultation with all interested parties regarding harbour operation and development.
- 1.11.2 As such a Harbour Advisory Committee has been established for each of the seven harbours controlled by Aberdeenshire Council.
- 1.11.3 These Committees are Chaired by an Aberdeenshire Council Local Member for the area in which the individual harbour lies. The remaining membership of the Committee varies, however the membership of each one represents a broad cross section of interested parties.
- 1.11.4 The Harbour Advisory Committees meet at least annually, with special meetings called should major developments or issues require additional consultation.
- 1.11.5 The Constitutions of these Committees have been formulated by consultation and approved by the relevant Area Committee to ensure

that they represent the Users and Community in a fair and transparent manner.

Section 2 Aberdeenshire Council Harbours

2.1 Macduff Harbour

2.1.1 Macduff Harbour is the only Commercial/Fishing Harbour under the control of Aberdeenshire Council.

2.1.2 Layout

2.1.2.1 Macduff Harbour is in position 57° 40' N, 02° 30' W, on the eastern edge of the Banff Bay.

2.1.2.2 The Harbour contains three basins:

- West Basin
- Middle Basin
- Princess Royal Basin

2.1.2.3 The Harbour is protected by the North Breakwater and by a narrow North West facing entrance.

2.1.2.4 At the North East end of the Princess Royal Basin lies the patent slipway. Currently this facility has the ability to accommodate 4 vessels on hydraulic cradles in dry berths above High Water Mark. The maximum size of vessel that can be accommodated on the slipway is 350 tonnes, Overall Length 24.9m.

2.1.3 Operating Limits

2.1.3.1 Principal operating constraints are:

- Maximum LOA 61 metres
- Maximum beam 11 metres
- Maximum draft 4.0 metres (commercial traffic)
- Available draft varies and up-to-date information must be obtained from the harbour office.

In all marginal cases, the Harbour Master must be consulted.

2.1.3.2 The Harbour Limits are specified in the Grampian Regional Council (Harbours) Order Confirmation Act 1987. The Grampian Regional Council Harbour Byelaws apply to operations within the Harbour Limits.

2.1.4 Approaches

2.1.4.1 Approach from Banff Bay with the Channel bearing 127°. At the inner end of the Light House Pier 90° turn to Port for entering the outer basin.

- 2.1.4.2 When approaching the Harbour at night the Lighthouse is sectored Red, White and Green.
- 2.1.4.3 During daylight 2 orange fluorescent triangles are visible with the Channel open. Red lead in lights are visible at night.
- 2.1.4.4 West Pier end is marked by flashing Green light.
- 2.1.4.5 The Channel and Outer Basin are dredged to 3.05m (10') MLWS and Princess Royal Basin to 2.43m (8') MLWS.
- 2.1.4.6 There are no significant wrecks within the normal approaches to Macduff Harbour.

2.1.5 Anchorages

- 2.1.5.1 If tides are unsuitable for entrance to Macduff Harbour vessels will be advised to anchor five cables North West of Macduff Harbour Lighthouse.

2.1.6 Port Control

- 2.1.6.1 Vessels entering, or leaving, Macduff Harbour should contact the Harbourmaster on VHF Channel 12, or by telephone, for advice and assistance.
- 2.1.6.2 The Harbourmaster's office is manned from 12midnight Sunday to 10pm Friday. There is only emergency cover from 10pm Friday to 12pm Sunday via the telephone answering machine.
- 2.1.6.3 At all times vessels will comply with the special and general directions issued by the Harbourmaster, or his staff. In addition vessel owners, and operator, should be aware of their obligations under the Grampian Regional Council Harbour Byelaws 1990.

2.1.7 Pilotage and Towing

- 2.1.7.1 Pilotage services are available at Macduff on request. The use of a Pilot is not compulsory for entry to Macduff Harbour, although recommended for visiting vessels unsure of the local area.
- 2.1.7.2 There are currently two authorised Pilots at Macduff Harbour, the Harbourmaster and Assistant Harbourmaster. The remainder of the Pilot Boat Crew is drawn from the Harbour staff.
- 2.1.7.3 Towing is available within Macduff Harbour. Harbour staff operate a Workboat for the purpose of moving vessels in and around the Outer Basin and Princess Royal Basin, and for controlling vessels as they approach the repair slipway.

2.1.8 Navigation Aids

2.1.8.1 The following navigation aids are in use at Macduff:

- Lighthouse – WRG 6s 12m 7-9M
- West Pier End Light – QG 4-6M
- Lead In Lights – Two fixed red lights

2.1.8.2 Navigations aids are maintained by Aberdeenshire Council staff.

2.1.9 Basin Bed Levels and Conservancy

2.1.9.1 The following minimum depths are maintained in Macduff Harbour:

Channel	3.05m below MLWS
Middle Basin	3.05m below MLWS
Princess Royal Basin	2.43m below MLWS
West Basin	Fully tidal in parts

2.1.9.2 The Harbour bed is soft sand and silt.

2.1.9.3 Regular surveys of the harbour bed are carried out to determine current levels. This information is used to develop an efficient dredging programme. The aim of the dredging programme is to keep the beds of the basins and entrance at or near their design level. Further details are included in the Marine Operations Procedures and are described in the Harbours Health and Safety Plan.

2.1.10 Environmental Considerations

Tides

2.1.10.1 The extreme tide levels, relative to Chart Datum, are as follows:

MHWS: 3.9m
MHWN: 3.2m

MLWS: 0.8m
MLWN: 1.5m

Currents

2.1.10.2 The tidal streams along the Moray Firth Coast generally run east-west and do not exceed 0.6 knots. Therefore currents are not a significant factor for vessels navigating into, or out of, Macduff Harbour.

Wind

- 2.1.10.3 Northerly gales and the resultant swell make the entrance of Macduff Harbour difficult to navigate. Larger vessels may be restricted in certain circumstances. Advice should be sought from the Harbourmaster.

SSSI

- 2.1.10.4 Almost the entire Moray Firth Coast is designated as a Site of Special Scientific Interest (SSSI), including the area around Macduff Harbour. In addition sightings of cetaceans in Banff Bay are common at certain times of the year.

2.1.11 Marine Traffic

- 2.1.11.1 Macduff Harbour is predominately used by Fishing Vessels, although fish landings are irregular due to the lack of Designated Port Status.
- 2.1.11.2 A significant percentage of vessels visit Macduff Harbour to make use of the patent slipway. Aberdeenshire Council owns and operates the slipway. Private Contractors carry out a variety of work, from new build to painting and inspections.
- 2.1.11.3 Due to limitation on vessel length Macduff Harbour attracts only a limited number of Commercial vessels. Cargo is almost exclusively restricted to Road Salt.
- 2.1.11.4 Recreational vessels are not encouraged at Macduff Harbour, due to number of large fishing vessels at the Harbour. In the summer months Macduff usually sees around 10 visiting yachts.
- 2.1.11.5 In addition the annual Banff - Stavanger Boat races either starts, or finishes, at Macduff Harbour in late June. This event can attract up to 15 yachts in the harbour.
- 2.1.11.6 The use of certain types of recreation vessels is restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. At Macduff there are three classifications in relation to Byelaw 17 activities:
- Prohibited: Outer basin, Princess Royal Basin
 - By Special Arrangement: Access Channel, West Basin
 - Allowable: Remainder of Harbour Area beyond point of Lighthouse pier
- 2.1.11.7 Further guidance, full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

2.2 Stonehaven

2.2.1 Stonehaven Harbour is the second largest Harbour under the control of Aberdeenshire Council.

2.2.2 Layout

2.2.2.1 Stonehaven Harbour is in position 56° 58' N, 02° 12' W, approximately 15 miles south of Aberdeen City.

2.2.2.2 The Harbour contains three basins:

- Outer Basin
- Middle Basin
- Inner Basin

2.2.2.3 The Outer Basin is protected by a single east facing Breakwater. The Middle and Inner Basins are afforded additional protection from two further piers.

2.2.2.4 In addition there is a set of storm booms at the entrance to the Inner Basin, allowing the Inner Basin to be completely closed in storm conditions.

2.2.3 Operating Limits

2.2.3.1 Principal operating constraints are:

- Maximum LOA 15 metres
- Maximum beam 6 metres
- Maximum draft 2.0 metres (Outer Basin only)
- Available draft varies and up-to-date information must be obtained from the harbour office.

In all marginal cases, the Harbour Master must be consulted.

2.2.3.2 In addition to the limits above it should be noted that the Middle Basin of Stonehaven is not operated on a 12 month basis. Due to its exposed orientation and the prevailing wind conditions this basin is closed to mooring from October till April.

2.2.3.3 The Inner Basin is protected by a more advantageous orientation and the facility to lower storm booms across the entrance. For these reasons Winter berthing at Stonehaven is restricted to this basin.

2.2.3.4 The Harbour Limits are specified in the Grampian Regional Council (Harbours) Order Confirmation Act 1987. The Grampian Regional Council Harbour Byelaws apply to operations within the Harbour Limits.

2.2.4 Approaches

- 2.2.4.1 Approach South Breakwater on a bearing of 258°. On clearing the Breakwater turn 90° to starboard and moor on the Breakwater until berthing instructions are received.
- 2.2.4.2 When approaching the Harbour at night the navigation lights are sectored. Approach is in the white sector. Red sector is to the South and green sector is to the North of the white sector.
- 2.2.4.3 Breakwater end is marked by a white pole that supports the sector light.
- 2.2.4.4 There are no significant wrecks within the normal approaches to Stonehaven Harbour.

2.2.5 Anchorages

- 2.2.5.1 If tides are unsuitable for entrance to Stonehaven Harbour vessels will be advised to anchor five cables from the sector light, in Stonehaven Bay. This anchorage is marked on Admiralty Charts.

2.2.6 Port Control

- 2.2.6.1 Vessels entering, or leaving, Stonehaven Harbour can contact the Harbourmaster on VHF Channel 11, or by telephone, for advice and assistance.
- 2.2.6.2 At all times vessels will comply with the special and general directions issued by the Harbourmaster, or his staff. In addition vessel owners, and operator, should be aware of their obligations under the Grampian Regional Council Harbour Byelaws 1990.

2.2.7 Pilotage and Towing

- 2.2.7.1 Pilotage and Towing services are not available at Stonehaven Harbour.

2.2.8 Navigation Aids

- 2.2.8.1 The following navigation aids are in use at Stonehaven:
- Breakwater Pier End – sectored fixed white, Red South/Green/North 6m 5M
 - Lead In Light – Rear Fixed Red 8m 5M
 - Lead in Light – Front Fixed White 6m 5M
- 2.2.8.2 Navigations aids are maintained by Aberdeenshire Council staff.

2.2.9 Basin Bed Levels and Conservancy

2.2.9.1 The following minimum depths are maintained in Stonehaven Harbour:

Channel	1.0m below MLWS
Outer Basin	1.0m below MLWS
Middle Basin	Dries Out at MLWS
Inner Basin	Dries Out at MLWS

2.2.9.2 The Harbour bed is soft sand and silt.

2.2.9.3 Regular surveys of the harbour bed are carried out to determine current levels. This information is used to develop an efficient dredging programme. The aim of the dredging programme is to keep the beds of the basins and entrance at or near their design level. Further details are included in the Marine Operations Procedures and are described in the Harbours Health and Safety Plan.

2.2.10 Environmental Considerations

Tides

2.2.10.1 The extreme tide levels, relative to Chart Datum, are as follows:

MHWS: 4.3m
MHWN: 3.35m

MLWS: 0.15m
MLWN: 1.35m

Currents

2.2.10.2 The tidal streams along the East Aberdeenshire Coast generally run north-south and do not exceed 1.2 knots. Therefore currents are not a significant factor for vessels navigating into, or out of, Stonehaven Harbour.

Wind

2.2.10.3 Easterly gales and the resultant swell make the entrance of Stonehaven Harbour difficult to navigate. Larger vessels may be restricted in certain circumstances. Advice should be sought from the Harbourmaster.

2.2.10.4 Under extreme weather conditions the Harbourmaster may lower the Storm Booms at the entrance to the Inner Harbour. Should this take place the Pilot Light at the end of the South Pier will show Fixed Green.

SSSI

2.2.10.5 Almost the entire Aberdeenshire Coast is designated as a Site of Special Scientific Interest (SSSI), including the area around the Harbour.

2.2.11 Marine Traffic

2.2.11.1 Stonehaven Harbour is predominately used by Recreational Vessels.

2.2.11.2 During the Summer months there are approximately 115 moorings available within the Middle and Inner Basins.

2.2.11.3 In winter due to the exposed nature of the Middle Basin this number drops to around 68, as only the Inner Basin can be used.

2.2.11.4 A small number of fishing boats still use Stonehaven Harbour as a base although this number continues to decrease.

2.2.11.6 The use of certain types of recreation vessels are restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. In accordance with the Code Of Practice Byelaw 17 activities are restricted at Stonehaven Harbour to:

- Prohibited: Middle basin, Inner Basin
- By Special Arrangement: Outer Basin
- Allowable: Remainder of Harbour Area beyond point of Lighthouse pier

2.2.11.7 Further guidance, a full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

2.3.1 Banff

2.3.1.1 Banff Harbour is the third largest Harbour under the control of Aberdeenshire Council.

2.3.2 Layout

2.3.2.1 Banff Harbour is in position 57° 40' N, 02° 31' W, lying in the west corner of Banff Bay.

2.3.2.2 The Harbour contains three basins:

- Outer Basin
- Middle Basin
- Inner Basin

2.3.2.3 The entrance to the harbour faces east, into the bay which offers some protection from northerly storms.

2.3.2.4 The Middle and Inner Basins are dredged to a maximum depth of -2.6m MLWS and pontoon moorings are installed.

2.3.3 Operating Limits

2.3.3.1 The principal operating constraints are :

- Maximum LOA 10 metres
- Maximum beam 4 metres
- Maximum draft 1.8 metres (in a Pontoon Berth)
- Maximum draft 0.6 metres (in Access Channel)
- Available draft varies and up-to-date information must be obtained from the harbour office.

In all marginal cases, the Harbourmaster must be consulted.

2.3.3.2 Within the Middle and Inner basins there are a range of berths available. Fully floating berths are provided for 10m, 8m and 6m yachts, with drafts of 1.8m, 1.5m and 0.7m respectively at the lowest astronomical tide.

2.3.3.3 In addition to these fully floating berths there will also be a number of traditional quayside berths that will dry out at Low Water. It is intended that these berths will be predominately used by traditional craft not requiring a pontoon berth.

2.3.3.4 The Harbour Limits are specified in the Grampian Regional Council (Harbours) Order Confirmation Act 1987. The Grampian Regional Council Harbour Byelaws apply to operations within the Harbour Limits.

2.3.4 Approaches

2.3.4.1 Approach from Banff Bay keeping to the middle of the Bay. Turn to Starboard when the lead lights are in line and enter the harbour with the lighthouse to Starboard. Beware of rocks to port of the lead light line. Upon entry to the first basin turn hard to Port to enter the channel.

2.3.4.2 When approaching the Harbour at night the Lighthouse is flashing white. The lighthouse is painted white for daylight approach.

2.3.4.3 Red lead in lights are visible at night.

2.3.4.5 The Channel and Outer Basin are dredged to -0.8m MLWS and the inner basins are maintained at -2.6 to -1.4m MLWS.

2.3.4.6 There are no significant wrecks within the normal approaches to Banff Harbour.

2.3.5 Anchorages

2.3.5.1 If tides are unsuitable for entrance to Banff Harbour vessels will be advised to anchor five cables North West of Macduff Harbour Lighthouse.

2.3.6 Port Control

2.3.6.1 Vessels entering, or leaving, Banff Harbour can contact the Harbourmaster on VHF Channel 12, or by telephone, for advice and assistance.

2.3.6.2 At all times vessels will comply with the special and general directions issued by the Harbourmaster, or his staff. In addition vessel owners, and operator, should be aware of their obligations under the Grampian Regional Council Harbour Byelaws 1990.

2.3.7 Pilotage and Towage

2.3.7.1 Pilotage and Towage services are not available at Banff Harbour.

2.3.8 Navigation Aids

2.3.8.1 The following navigation aids are in use at Banff:

- New Quay Lighthouse – White 4s 3-5M
- Lead In Lights – Front Red 4s 6m 2M
Rear Red Qk. Fl. 8m 2M

2.3.8.2 Navigations aids are maintained by Aberdeenshire Council staff.

2.3.9 Basin Bed Levels and Conservancy

2.3.9.1 The following minimum depths are maintained in Banff Harbour:

Access Channel	0.8m below MLWS
Outer Basin	Dries at Low Water
Middle Basin	Between 2.6m and 2.3m below MLWS
Inner Basin Pontoon	Between 2.3m and 1.5m below MLWS
Inner Basin Traditional	Dries Out at MLWS

2.3.9.2 The Harbour bed is a combination of rock, soft sand and silt. Further advice can be sought from the Harbourmaster.

2.3.9.3 Regular surveys of the harbour bed are carried out to determine current levels. This information is used to develop an efficient dredging

programme. The aim of the dredging programme is to keep the beds of the basins and entrance at or near their design level. Further details are included in the Marine Operations Procedures, are described in the Harbours Health and Safety Plan.

2.3.10 Environmental Considerations

Tides

2.3.10.1 The extreme tide levels, relative to Chart Datum, are as follows:

MHWS: 3.9m

MHWN: 3.2m

MLWS: 0.8m

MLWN: 1.5m

Currents

2.3.10.2 The tidal streams along the Moray Firth Coast generally run east-west and do not exceed 0.6 knots. Therefore currents are not a significant factor for vessels navigating into, or out of, Banff Harbour.

Wind

2.3.10.3 Northerly gales and the resultant swell make the entrance of Banff Harbour difficult to navigate. Advice should be sought from the Harbourmaster.

SSSI

2.3.10.4 Almost the entire Moray Firth Coast is designated as a Site of Special Scientific Interest (SSSI), including the area around Banff Harbour. In addition sightings of cetaceans in Banff Bay are common at certain times of the year.

2.3.11 Marine Traffic

2.3.11.1 Banff Harbour is predominately used by Recreational Vessels.

2.3.11.2 There are approximately 92 moorings available within the Middle and Inner Basins.

2.3.11.3 A number of small traditional recreational fishing boats still use Banff Harbour as a base.

2.3.11.4 The use of certain types of recreation vessels are restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. In accordance with the Code of Practice Byelaw 17 activities are prohibited at Banff Harbour.

- Prohibited: Middle Basin, Inner Basin
- By Special Arrangement: Outer Basin

- Allowable: Remainder of Harbour Area beyond point of Lighthouse pier

2.3.11.5 Further guidance, a full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

2.4.1 Gourdon, Johnshaven, Portsoy, Rosehearty

2.4.1 These are all small Recreational Harbours. Harbourmasters are available, on a limited Part time basis, at these harbours.

2.4.2 There are no Pilotage Services available at these harbours, although the Harbourmaster may be contacted for assistance or advice.

2.4.3 The Harbour Limits are specified in the Grampian Regional Council (Harbours) Order Confirmation Act 1987. The Grampian Regional Council Harbour Byelaws apply to operations within the Harbour Limits.

2.4.4 At all times vessels will comply with the special and general directions issued by the Harbourmaster, or his staff. In addition vessel owners, and operator, should be aware of their obligations under the Grampian Regional Council Harbour Byelaws 1990.

2.4.5 Gourdon

2.4.5.1 Gourdon is located at 56° 49' N, 02 ° 17' W and consists of two harbour basins, Main Basin and the Guppy Harbour.

2.4.5.2 This is a mix of vessels using the two basins which effectively dry out a Low Water, and the Harbourmaster should be consulted regarding arrival times and access. At high tide the Harbour provides around 6.0m of water depth although this can vary.

2.4.5.3 The Inner Harbour is South facing with protective storm gates, the entrance to the Guppy Harbour is rocky and can be difficult to navigate but the Main Harbour is more accessible.

2.4.5.4 There are the following Navigation Aids in operation at Gourdon:

- West Pier End – Sectored WRG 3s 5m 7M, Red West/Green East
- East Breakwater – White Light Qk.FI. 3m 7M
- Leading Lights – Front and Rear Fixed Reds; lower lead light shows green when harbour is closed

In daylight the fixed leading lights are located on two white towers.

Navigation aids are maintained by Aberdeenshire Council staff.

2.4.5.5 The use of certain type of recreation vessels are restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. In accordance with the Code Of Practice Byelaw 17 activities are prohibited at Gourdon Harbour.

Further guidance, a full text of the Code of Practice, and location plans are reproduced in Appendix 6.

2.4.6 Johnshaven

2.4.6.1 Johnshaven is located at 56 ° 47' N, 02 ° 20' W and consists of two harbour basins, Outer Basin and the Inner Basin.

2.4.6.2 There are a mix of vessels using the two basins which effectively dry out at Low Water, and the Harbourmaster should be consulted regarding arrival times and access. At high tide the harbour provides around 6.0m water depth, but this can vary.

2.4.6.3 The very narrow access through a rocky foreshore can be difficult in winds from between the North-East and South-East directions.

2.4.6.4 There are the following Navigation Aids in operation at Johnshaven:

- Rear lead light fixed green 2M
- Front lead light fixed red 2M

Navigation aids are maintained by Aberdeenshire Council staff.

2.4.6.5 The use of certain type of recreation vessels are restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. In accordance with the Code Of Practice Byelaw 17 activities are prohibited at Johnshaven Harbour.

Further guidance, a full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

2.4.7 Portsoy

2.4.7.1 Portsoy is located at 57 ° 41' N, 02 ° 41' W and consists of two single basin harbours, the Old Harbour and the New Harbour.

2.4.7.2 There are a mix of vessels using the two harbours which effectively dry out at Low Water, and the Harbourmaster should be consulted regarding arrival times and access.

2.4.7.3 The access to the channel between the two harbours is easily accessible. From the channel access to both harbours can be taken.

2.4.7.4 There are the following Navigation Aids in operation at Portsoy:

- Lead In Lights – Front Green 4s 3M mounted in white lighthouse
Rear Green Qk. Fl. 3M on black and white pole
with red triangular signal

These lights provide a bearing into the access channel.

Navigation aids are maintained by Aberdeenshire Council staff.

2.4.7.5 The use of certain type of recreation vessels are restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the Harbours for these types of activities. In accordance with the Code Of Practice Byelaw 17 activities are prohibited in the following areas:

- New Harbour Basin
- Old Harbour Basin
- To the landward of a line from the Roundhead westward to the Harbour area boundary.

Further guidance, a full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

2.4.8 **Rosehearty**

2.4.8.1 Rosehearty is located at 57° 42' N, 02° 07' W and consists of a single basin.

2.4.8.2 There are a mix of vessels using the harbour which effectively dries out at Low Water, and the Harbourmaster should be consulted regarding arrival times and access.

2.4.8.3 The access to the harbour is relatively open, until beyond the point of the West Pier. Once past the point of the pier vessels should enter the harbour close to the line of the West Pier. Access to the harbour is not recommended when onshore winds are present.

2.4.8.4 There are the following Navigation Aids in operation at Rosehearty

- Lighthouse –White 4s
- Lead In Light – Front Red 4s 6m 2M
- Lead in Light – Rear Green Qk.Fl. 8m 2M

Navigation aids are maintained by Aberdeenshire Council staff.

2.4.8.5 The use of certain types of recreation vessels is restricted under the terms of Byelaw 17. In addition to Harbour Byelaw 17 there is an additional Code of Practice in relation to appropriateness of the

Harbours for these types of activities. In accordance with the Code of Practice Byelaw 17 activities are prohibited in the following areas:

- Harbour Basin
- To the landward of a line from the seaward point of the West Pier south-eastward to the Harbour area boundary.

Further guidance, a full text of the Code of Practice, and location plans are described in the Harbours Health and Safety Plan.

Section 3 Risk Management

3.1 Management of Risks

- 3.1.1 The Harbour Authority is committed to the concept of risk reduction via the process of Risk Assessment and mitigation, using the *As Low as Reasonably Practicable (ALARP)* principle.
- 3.1.2 Using this structured process Risks will be reduced to the lowest practical level by implementing reasonably practicable measures and processes.

3.2 Definitions

3.2.1 Hazard means the potential to cause:

- Harm including ill-health and injury
- Damage to property, plant, products or the environment
- Interruption to operations or increase liability

3.2.2 Risk is the measure of hazards:

- Risk = Severity of Harm x Likelihood of Occurrence, *or expressed differently*
- Risk = Consequences x Probability of the Event

3.2.3 Hazard Identification is the process of identifying hazards that could cause harm.

3.2.4 Risk Assessment is the process of assessing the risk that may arise from the hazards identified.

3.2.5 Risk Control is the process of implementing appropriate measures to eliminate, reduce or control risk.

3.3 Measurement of Risk

- 3.3.1 As outlined above Risk Assessment is the process of assessing the risk that may arise from the hazards identified.
- 3.3.2 As risks and hazards take many varied forms it is important to establish a objective criteria for assessment and comparison. The following Risk Measurement Matrix has been developed for that purpose.

Consequence of Hazard

Insignificant Minor Moderate Major Catastrophic

Likelihood

Almost Certain					
Likely					
Moderate					
Unlikely					
Rare					

Key

High Level Risk
 Significant Level Risk
 Moderate Level Risk
 Low Level Risk



3.3.3 The intervention action required at each level is outlined below.

3.3.4 Low Level Risk

Keep under review

3.3.5 Moderate Level Risk

Risk reduction measures and operating procedures employed to keep Risk at this level.

3.3.6 Significant Risk

This level of risk is generally unacceptable. Measures should be put in place to reduce the risk to a lower category. If this is not possible the need to carry out this function must be reassessed.

3.3.7 High Level Risk

This level of risk is not acceptable. Operations that carry this level of risk should be redesigned to reduce the category of risk, or ceased completely.

3.4 Risk Assessment

3.4.1 The principle hazards associated with the operation of Aberdeenshire Council harbours have been identified and appropriate risk assessments carried out.

- 3.4.2 These Risk Assessments will be reviewed at regular intervals, or when it becomes clear that a significant change to operating procedures has occurred.
- 3.4.3 Any new, or exceptional, operations will be subject to formal Risk Assessment in advance. As a result of these assessments operations will be altered, or control measures put in place, to ensure that the resultant risk level is acceptable.
- 3.4.4 For routine operations where a level of risk is involved, Tool Box talks may be held as a mechanism to manage the risk
- 3.4.5 A list of Generic Hazards and Control Measures is included in the Harbours Health and Safety Plan.

Section 4 Emergency Plans

- 4.1 The principal Emergency Plans which impact on the operation of Aberdeenshire Council Harbours are:
- a) Grampian Regional Harbour Emergency Plan
Apply to all Aberdeenshire Council Harbours
Last modified 2009.
 - b) Grampian Regional Council Oil Pollution Plan and Oil Spill Contingency Plans
Response to spills with Aberdeenshire Council's area
Last modified 1995.
 - c) Macduff Pollution Response Plan
Issued by Briggs Marine
Last modified 2006.
 - d) MCA National Contingency Plan for Pollution from Shipping and Offshore Installations.
- 4.2 These plans are reviewed at intervals laid down in the particular plan.
- 4.3 Grampian Emergency Planning Unit (GEPU) issues updates to plans a), b) and c).
- 4.4 Harbour staff will be familiar with the layout and contents of the above plans.
- 4.5 GEPU will arrange for desk-top and hands-on exercises based on the requirements of the specific Emergency Plan.

Section 5 System Monitoring and Review

Monitoring

- 5.1 The Authority will monitor the management and safety of navigation and the safety of all our harbour users and staff.
- 5.2 As part of the management of the safety system harbour staff will record details of inspections and incidents at the individual harbours.
- 5.3 These records will include the following:
- Inspection of life saving equipment
 - Inspection of facilities, such as power and water points
 - Condition Inspections
 - Collisions and Near Misses
 - Failed Moorings
 - Pollution Incidents
 - Berth and Slipway Usage
- 5.4 Staff and Users will complete the appropriate forms as required by the Harbours Asset Management Procedures and Plans.
- 5.5 The following information will be reported to the Northern Lighthouse Board quarterly:
- Reliability of Navigational Aids (% of operating time),
 - Average response time to a reported navaid fault or other conservancy problem and issuance of advice,
 - Average time to rectify a navaid fault/conservancy problems.
- 5.6 The Authority will review the above information recorded above to enable improvements in operational procedures and safety. This information will also be used to identify and address deteriorating trends.

Review and Reporting

- 5.7 Incidents and Near Misses will be reviewed to identify any trends and recommend improvements. Results of reviews will be incorporated into the annual Revenue Programme. Proposals that require Capital Investment will be reported in the usual manner, by the Principal Engineer – Harbours. Reviews will be carried out at least annually.
- 5.8 The records relating to Harbour Usage will be reviewed at least quarterly and the results reported as part of the Aberdeenshire Council Performance Indicator reports.

Auditing

- 5.9 The Designated Person will carry out annual audits of the Aberdeenshire Council Port Marine Safety Plan and Safety Management System. A written report on the annual audits will be presented to the Infrastructure Services Committee.
- 5.10 Special audits may also be commissioned should there be a significant change in operation procedures, or a significant incident, that results in a significant re-write of the Aberdeenshire Council Port Marine Safety Plan or Safety Management System.

Section 6 Safety Management System

- 6.1 The Harbour Authority is committed to the publication of a Safety Management System for the seven harbours for which it is the competent Harbour Authority.
- 6.2 The Safety Management System will address the following:
- Conservancy
 - Navigation Aids
 - Pilotage and Towage
 - Safe Anchorages
 - Moorings
 - Wrecks
 - Operation of Vessels within Harbour Limits
 - Use of Harbour Facilities
 - Harbour Works

Appendix 1 – Legislation and Regulations

1 Port Marine Safety Code

- 1.1 The Port Marine Safety Code (PMSC) was issued in March 2000, and sets standards for the operation of ports in the UK. The PMSC identifies the Duties and Responsibilities of Competent Harbour Authorities and requires that Risk Assessments and Safety Management Systems for the basis of all harbour operations.
- 1.2 As well as the PMSC there is an associated document, Guide to Good Practice on Port Marine Operations, which sets out further guidance on compliance with the Code. There is also a full list of relevant legislation appended to the Guide.

2 Health and Safety at Work Act

- 2.1 The Health and Safety at Work Act 1974 (HSWA) is the main piece of overarching health and safety legislation. The requirements imposed by the HSWA are applicable to harbour operations. This includes the loading and unloading vessels and particular requirements in relation to the handling of dangerous substances.
- 2.2 It is important to note that all harbour users have some responsibilities while on harbour premises. However the HSWA does **NOT** apply to activities carried out by the Master or crew on board a vessel.

3 Docks Regulations 1998 and Approved Code of Practice

- 3.1 These Regulations and ACoP are specific to quayside operations, which are generally the responsibility of the harbour user. Aberdeenshire Council have oversight duty to ensure safe practices are used within the Harbour Area. Harbour staff should therefore have an awareness and knowledge of these documents appropriate to their duties and seniority.

4 Pilotage Act 1987

- 4.1 This legislation gives powers to Competent Harbour Authorities to administer pilotage. Due to a historic issue with the drafting of the Grampian Regional Council (Harbours) Order Confirmation Act 1987 these powers did not originally apply to Macduff Harbour.
- 4.2 A secondary piece of legislation, The Macduff (Pilotage Powers) Order 1989, was promoted to transfer the requisite authority at Macduff Harbour.
- 4.3 Pilotage is not offered at any of the remaining harbours.

5 International Ship and Port Facility Security Code and SOLAS

- 5.1 The International Ship and Port Facility Security Code (ISPS) aims to put in place a series of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew, and the safety of ships.
- 5.2 Amendments to chapters V and XI of SOLAS resulted in the requirements of the ISPS Code becoming mandatory in January 2004.
- 5.3 The implications of the ISPS Code are mainly limited to Macduff Harbour and a Port Facility Security Plan (PFSP) has been prepared under the authority of the Infrastructure Services Committee of Aberdeenshire Council (the designated Duty Holder) and approved for that Port by TRANSEC on 30 April 2008.

6 Other Applicable Legislation

- 6.1 Listed below are various other regulations that place obligations on the Harbour Authority:
 - Dangerous Substances in Harbour Area Regulations 1987
 - Control of Major Accident Hazard Regulations
 - Merchant Shipping (Oil Pollution Preparedness Response and Cooperation Convention) Regulations 1998
 - Merchant Shipping Act 1995
 - Merchant Shipping (Prevention of Oil Pollution) Regulations 1996
 - Dangerous Vessels Act 1985
 - Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990
 - Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1998
 - Merchant Shipping (Port Waste Reception Facilities) Regulations 1998
 - Control of Pollution Act (Amendment) 1974 and all subsequent amendments and regulations pertaining to that Act

Appendix 2 – Aberdeenshire Council Harbour Documentation

The documents listed below are held by the Principal Engineer - Harbours, Macduff Harbourmaster, and Stonehaven Harbourmaster.

1.0 Directory of North East Council Harbours

- 1.1 This document is updated biannually and published in a joint venture with The Moray Council.
- 1.2 The Directory includes information on layout and constraints of Aberdeenshire Council Harbours, along with a set of Tide Tables. Predominately for use of vessels, skippers, recreation users, personal water craft and small craft operations.

2.0 Grampian Regional Council (Harbours) Confirmation Order Act 1987

- 2.1 The legislative document under which Aberdeenshire Council administers the 7 harbours within the Aberdeenshire Council area and establishes Aberdeenshire Council as a “competent Harbour Authority” in terms of Section 57 of the Harbours Act 1964.
- 2.2 Defines the limits of the Harbours, both in text and graphically.

3.0 Grampian Regional Council Harbour Byelaws 1990

- 3.1 Code to formalise the jurisdiction and powers of the Harbourmaster.

4.0 GRC Byelaws – ACoP in relation to Section 17 Activities 1991

- 4.1 Amplification of the interpretation of Section 17 of the Grampian Regional Council Harbour Byelaws 1990.
- 4.2 Defines areas within specific harbours, and under conditions, where the use of Section 17 craft is permitted. Includes plans of the affected areas.

5.0 Diving Operations in and Around Aberdeenshire Council Waters, Sites and Installations

- 5.1 Includes a copy of the Diving at Works Regulations 1997.
- 5.2 Provides full guidance on safe systems of work and permits that must be in place for any commercial diving operations.

6.0 Macduff Harbour Slipway – Operational Rules

- 6.1 Compendium of documents outlining the operational rules of the Repair Slipway at Macduff Harbour.

- 6.2 This document is held by the Principal Engineer Harbours and the Macduff Harbourmaster only.
- 7.0 Aberdeenshire Council – Schedule of Rates and Dues**
- 7.1 This documents formally sets out the current rates and dues applicable to the services offered at Aberdeenshire Council Harbours. This document is reviewed and republished annually in April.
- 8.0 Aberdeenshire Council Safety Statement and Policy**
- 8.1 Issued to all Council employees.
- 9.0 Safe Use of Lifting Equipment/ACoP and Guidance**
- 9.1 Relates to the operation of Macduff Slipway.
- 9.2 Also relates to Hand Davits at Portsoy, Stonehaven, Johnshaven and Gourdon Harbours.
- 10.0 Pilotage Act 1987 & The Macduff (Pilotage Powers) Order 1989**
- 10.1 Primary and secondary legislation governing the provision of pilotage services at Macduff Harbour.
- 11.0 BS 6349 Maritime Structures**
- 11.1 Guidance on the design and construction of new harbours, piers and moorings.
- 12.0 Health and Safety at Work Regulations**
- 12.1 Primary legislation governing health and safety at work. Applies to shore side activities, but does not generally apply to shipboard activities.
- 13.0 Construction Design and Management Regulations (CDM)**
- 13.1 Secondary Health and Safety legislation specifically covering health and safety associated with the design and construction of civil engineering works. Applies to works within harbour areas.
- 14.0 Harbour Emergency Plans**
- 14.1 Various plans produced by Grampian Regional Council and National Organisations. Refer to Section 4.
- 15.0 Oil Pollution Plans**
- 15.1 Various plans produced by Grampian Regional Council and National Organisations. Refer to Section 4.

16.0 Merchant Shipping Notices

16.1 Various Notices issued by MCA. Relevant Notices held by Harbourmasters.

17.0 Marine Operations Procedures

17.1 Standards, guidance and procedures relating to various aspects of Harbour and Marine works. Mainly in relation to:

Management of Harbours

Conservancy

Navigation Aids

Pilotage and Towage

Use of Harbour Facilities

Recreational Activities

17.2 The Marine Operations Procedures are described in the Harbours Health and Safety Plan.

Appendix 3 – Contact Data

Banff Harbour

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Channel 12

Gourdon Harbour

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Channel 11

Johnshaven Harbour

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Macduff Harbour

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