

# Cross-Party Group on Recreational Boating and Marine Tourism (hybrid)

Wednesday 27<sup>th</sup> November 2024 at 6pm

Minute

## **Present**

### **MSPs**

Stuart McMillan, MSP

Clare Adamson MSP

Kenneth Gibson MSP

## **Non-MSP Group Members and Other Attendees**

### **Online attendees**

Andy Rendle, Scottish Coastal Rowing Association

Bill Stewart, Troon Berth holder

Dan Mellor

David Bell, Sailor

Derek Peters, Waverley Excursions

Ewan Macpherson, previous Chair of RYA Scotland/Largs Sailing Club

Gordon Cochrane, Largs Sailing Club

Graeme Galbraith, James Watt Dock Marina

Ian Marshall, Royal Gourock Yacht Club

Jonathan Mosse, RYA Scotland/Inland Waterways Association

Martin Anstess, Toward Sailing Club

Momchil Terziev

Ross Gordon

Sarah Kennedy, Fort William Marina & Shoreline Community Interest Company

/Chair British Marine Scotland

Sharon & Derek Hagan, Cumbrae Yacht Slip Ltd

Aileen Monk, British Marine Scotland

Anne Shedden, Forth Yacht Clubs Association

Glenn Porter, Ocean Sailing Scotland/RYA Scotland

John Kent, Bidwells

Robert Cronk, Largs Sailing Club

Simon Limb, Clyde Marina

Toby Sandison, Crown Estate Scotland

Iain Smith, Loch Long

John Ormiston, Stravaigin Sailing  
Christine Cameron, Lowland Canals  
Eilid Ormiston, University of Highlands and Islands  
Laurie Piper, Scottish Canals  
Simon McDonald, Aquaculture, Fisheries Processing Consultant/TV presenter

## **In person attendees**

Charles Bird, RYA Scotland  
Gordon Daly, RYA Scotland  
Norrie Hollywood, Royal Scottish Motor Yacht Club  
Alistair Cameron, Sailor  
Eric Sweeney, Sailing and Cruising Scotland  
Graham Russell, RYA Scotland  
Alan Kohler, RYA Scotland/Cruising Association  
Finlo Cottier, RYA Scotland  
Brendan Bocker, Fairlie Yacht Club  
Pauline McGrow, RYA Scotland

## **Apologies**

Stuart Smith, Paddle Scotland  
Clair McFarlan, Solway Firth Partnership  
Emma Harper MSP  
Ian McDonald, Clyde Yacht Clubs Association  
Annabel Lawrence, University of Highlands and Islands  
Capt Alan McPherson, Forth Ports  
Clive Reeves, RYA Scotland  
Graham Goudie, Inverkip  
Ian McDonald, CYCA  
Paul McKay  
Andrew Taylor, small boat owner/Helensburgh Sailing Club member  
Barry Schafe, Forth Estuary Forum  
Martin Latimer, British Marine UK  
Graham Wallace  
Duncan Tannahill, RYA Scotland/WHAM

## Agenda item 1 - Welcome and Apologies

Stuart McMillan MSP welcomed everyone to the meeting and apologised for the delay in start due to the late finish of the members debate in the Chamber. Then introductions were made.

## Agenda Item 2 – Minutes and Action Points from last meeting

The minutes were approved as an accurate record with the following changes:

- Page 5: Change sentence to Mark Smith (Scottish Canals) stated that we should communicate the times people can transit through the Forth and Clyde.
- Add Brendan Bocker to the attendance list.

**Proposed:** Simon McDonald

**Seconded:** Gordon Daly

### Actions from last meeting

A discussion took place on outstanding actions and updates were made (please refer to actions on page 9).

## Agenda Item 3 – AGM

The following roles were agreed:

**Convenor** Stuart McMillan MSP

**Proposed:** Kenneth Gibson MSP

**Seconded:** Charles Bird, Sarah Kennedy

**Vice Chair** Emma Harper MSP  
Proposed: SMCM

**Secretariat** RYA Scotland, agreed by all in attendance.

## Agenda Item 4 – Cruise Ship Levy Consultation

Nothing further to report at this time.

## Agenda Item 5 – Clydeport Conservancy Fee

SMCM stated that there have been quite a number of constituents who have come forward to raise this issue. It has also been good to see people approaching their MSPs regarding this important issue.

KG MSP stated that there is concern on lack of consultation and was disappointed that Peel Ports had not engaged with this CPG. This is a significant issue and could have a detrimental effect on recreational boating.

It was also noted that, once applied, it is likely that the fee could increase rapidly thereafter.

**Finlo Cottier (CEO RYA Scotland)** provided a background to the current situation. This relates to a new Harbour “Conservancy Fee” proposed to be charged by Peel Ports / Clydeport for all leisure vessels over 6m. The Clyde area over which it is proposed to charge this fee is quite unprecedented in terms of scale. It is common practice to pay fees, but these fees do not have any strong basis, facility or service to the leisure vessels attached to them. Furthermore, in our view the majority of “comparisons” of other ports quoted by Peel Ports do not stand analysis. In regards to “Right to Roam” our interpretation is that the legislative detail of the Land Reform Act is not directly applicable in this situation, however this needs testing in detail.

FC asked if it would be possible for a challenge to these fees be made to the Cabinet Secretary for Transport, and whether there are any other levers that can be applied through Scottish Government. Our big concerns include one of safety, where skippers may switch off AIS (Automatic Identification System used to minimise risk of collisions) and also the economic impact on Scotland as a sailing destination.

**Simon Limb (Clyde Marina & British Marine Scotland)** stated that, over the last few months, this has been a big issue for his business and they have had lot conversations with British Marine Scotland, and it was raised at their recent AGM. A meeting has taken place with Peel Ports’ Deputy Harbour Master, who indicated that in their view it is their right to apply the fee and they intend to do so. We raised concerns about the massive cost to short term visitors, particularly as it is structured as a flat fee for 6 month or 12 months. They agreed that they would consider “visiting boats”. We also raised concern about the flat fee regardless of size of boat, and they agreed that they would consider this aspect and consult. There has been no further information since October.

SL agreed with earlier comments that this is the first step and they will charge something higher over preceding years. If the costs they charge are proportional to the 4 themes listed within the harbour revision orders, little would be related to leisure boating. The Clyde needs little dredging, particularly in areas used by small craft, and lights are primarily there for commercial shipping. We make the point that the marinas protect them from the abandoned boats issue, as this is the marinas responsibility. Any abandoned boats on moorings would fall into the Clyde Moorings Committee. We are unsure of what they will spend this money on, we need to look at higher up the tree through CPG or Scottish Government to get a list of items that that will be spent within the conservancy fee and then we can hold them accountable.

**Norrie Hollywood (Royal Scottish Motor Yacht Club)** said he would like to go back a stage, as it starts off with a wrong premise. It could be interpreted Peel Ports can do what they like, but we need to stop this in its tracks. The costs that are suggested are a drop in the ocean, it is the principle of the thing. He wanted the whole business addressed and requested that we get the Act changed as it would stop them from being able to wontedly do this without any recourse.

**Kenneth Gibson MSP** asked for clarity of which specific Act(s) they refer to.

**Eric Sweeney (Sailing Cruising Scotland)** reported that the Clydeport Harbour Revision Order 2021 has set a precedent. This was initiated by Peel Ports itself, when they requested the Scottish Ministers make an amendment under Sections 14.1 and 14.3 of the Harbours Act 1964. ES suggested that MSPs could initiate a similar Order which could override all discussion on how much they charge. Currently Peel Ports are overriding the Scottish Government.

**Alan Kohler (Cruising Association)** said that, like many others here, he had written to Peel Ports on behalf of the CA setting out their concerns. He noted that Conservancy Fees for leisure craft are not unusual in places like the South of England. However, these are generally in much smaller areas, in recognisably busy harbours - and, importantly, they do provide services specifically for leisure craft, and have the manpower and harbour launches to do so (e.g. Salcombe, Chichester, Poole etc). But as FC has indicated, the Clydeport area is massively bigger than any of these and doesn't provide any such services for leisure craft (other than perhaps navigation buoys / lights – though these are generally only in areas used by commercial shipping).

It would have been useful for Peel Ports to be here to explain their claimed purposes, as we have many questions – for example:

- They refer to “Regular & Annual Surveys”, but we are not aware that they have done any such surveys for areas used primarily by leisure craft in the past 10 years (unlike the 43 surveys done by Antares Charts in the Clyde);
- Regarding “Accident & Investigation costs” - have Clydeport investigated any such accidents involving leisure craft in the past 10 years? Isn't this a MAIB responsibility?
- Yachts do not use any of the designated ships Anchorage areas – they anchor in shallow bays, where Clydeport provides no services. Charging for anchoring in these bays would be a very dangerous new precedent for Scotland.
- If an “increase in recovery costs for sunken vessels” is such a concern, why is this capped at under 5% of the Fee? And they don't seem to have been in any hurry to remove the Sugar Ship yet (wrecked in 1974)!

If increasing costs are a concern to Clydeport, then perhaps Scottish ministers could assist them by reviewing the boundaries to the Clydeport area. Shipping has changed dramatically in the Clyde since 1964. Compressing their scope and focussing Clydeport purely on the areas still used substantially by commercial traffic, could release them from having to worry about the huge areas now primarily used only by leisure craft – such as Loch Fyne, Kyles of Bute, Largs Channel etc. This would surely reduce their costs and avoid the need for this fee?

**Laurie Piper (Scottish Canals)** said that Scottish Canals (SC) do not agree with this, and it will seriously impact on their transit business. SC operate a harbour at Ardishaig and have a long-standing matter over relative jurisdiction in this area. They atone with others in the room and do not feel that engagement has been adequate. This needs to be moved forward very positively, as Peel Ports have made no attempt to engage. SC are here to make our presence felt and known.

SMCM asked about the legal advice that they have access to within SC - e.g. are Peel Ports acting within the law on what they are proposing here. SC have their own jurisdiction and are looking at the this within their harbour area. SMCM asked whether SC would be able to share any legal advice they get with regards to Ardishaig. LP sought to manage expectations, as their matter has been going on for the last 10-15 years.

GR stated in the Clyde there is cross jurisdiction between a number of different areas, and this will come up again when CMAL put through their Harbour Revision Orders. There are two bodies covering the same area of water. SMCM stated that we need to get the seascape clarified and we should come back to a bigger point after the conservancy fee issue is progressed.

**Simon McDonald (Aquaculture, Fisheries Processing Consultant/TV presenter)** asked is this an annual fee? If so, what is the situation for boats coming down the coast and going through the Crinan Canal, do they need to pay the full fee? SL explained that there is a proposed 6-month and 12-month

fees, and BM have made a strong case for a short-term visitor fee. However, ES suggested that we should not negotiate fees but rather kill off the proposed conservancy fee completely.

**Clare Adamson MSP** reported that Water Safety Scotland are hosting a reception at Parliament to celebrate 10 years of water safety and can discuss these issues at the event. **Action: Details of event to be sent round the CPG members.**

**Laurie Piper, (Scottish Canals)** suggested that a small fee could be added at point-of-sale when they buy their navigation licence. However, this was not received favourably by some attendees. NH stated that he thought that the fee should be killed off and should not be paid. NH has discussed this matter with marinas and yacht clubs. NH asked that legal action should be taken to change the Act (via a harbour Revision Order).

**Sarah Kennedy (Fort William Marina & Shoreline Community Interest Company /British Marine Scotland)** - SK provided further feedback from the meeting with Peel Ports and reported that Peel Ports do not envisage a consultation until the start of next year. They are looking at different options based upon size of boats, and they do not expect marinas to collect the fees. If they push to launch the consultation in January 2025 then they believe this could be finalised in time to commence the fee in April 2025. One of their concerns is to get an understanding of vessel ownership and abandoned boats. We are not going to know any more until the consultation is in process. If we want to repeal the HRO who would pay for the legal costs for the harbour revision order to be put through? SMCM stated that the Scottish government would have to take this forward and would have to pay for it. It can be a lengthy process.

**Glenn Porter** noted there has been an incredible amount of work done. He suggested there could be an argument that it could apply to small commercial craft, but it should not apply to leisure boats.

SMCM stated that the work of this Cross Party Group has been extensive and has resulted in the production of Marine Tourism Strategies since the CPG came into effect in 2009. The impact of the proposed fees should be assessed against this strategy.

**SL (Clyde Marina)** again emphasised that the size of the waters is disproportionate. This will impact nearly 50% of Scottish boat fleet. Peel Ports have been shocked at the level of adverse reaction to their document. We need to maximise the level of noise. Furthermore, Peel Ports need to establish a base line so that they cannot increase costs in the future.

**Alistair Cameron** – stated that he thought that the only way forward is via a HRO as a matter of urgency. The Clyde port area is 6 times bigger than Forth Port Authority, for example. He has written to Jackie Baillie MSP and the Transport Secretary. Peel Ports have given examples of where they think it applies in other areas of Scotland, but these are not valid.

**Charles Bird (Chair of Cruising and General Purposes Committee, RYA Scotland)** noted that part of the remit of this CPG is tourism and there are issues of real concern to the Scottish government as this will have an effect of discouraging boats visiting the Clyde area. The weather is also an issue for boaters coming from other areas and if they hear that there is going to be fees levied then this is going to reinforce this. Scottish Government supports Scottish Canals and it would seem strange that a levy that is going to impact SC negatively would be supported by them.

**Alan Kohler (Cruising Association)** Regarding the point raised by an earlier speaker that "*Peel Ports are concerned about the number of unregistered yachts*", he sought to clarify that the policy on small craft registration is a matter for the Marine Coastguard Agency (MCA) and the UK Ship Register (UKSR). There has been a long-standing principle that registration is not compulsory for small craft unless they "*go foreign*". Peel Ports do not have the right to tell the UK or indeed Scottish Governments what they should be doing about small craft registration, particularly where, as has been suggested, this impacts perhaps 50% of the Scottish fleet.

**Brendan Bocker (Fairlie Yacht Club)** agreed with Kenneth Gibson MSP that Peel Ports are showing lack of respect for authority by non-attendance at these CPG meetings. He stated that the CPG's remit is to represent Scotland, and we should not negotiate with Peel Ports on the fee. Instead a change to the Harbour Act, a revision order, should be the way to proceed.

He did not agree that the "Right to Roam" Act principles did not apply. He made the analogy of hill walking, and somebody seeking to make you pay to climb a Munro. We should maintain our claim to the right to use this vast expanse of waters, and not squeeze out the leisure craft and fisherman. We should expect the same level of right to roam – and proposed lobbying of other MSPs for the "Right to Sail".

KG MSP stated that he was happy to support this. CA MSP also agreed with this principle.

**Kenneth Gibson MSP** said that it is coming clear; we need to get exact route to get this changed. We should ask the Parliamentary Support group what the timescales would be, and we should raise with the cabinet secretary. We spoke at a public meeting about the issues at Ardrossan Marina and how these were handled by Peel Ports. We should reject the conservancy fee and make it clear to Peel Ports that we are disappointed by the contemptuous treatment of the CPG and if they do not withdraw we will not accept this and will go through legal channels.

**Graham Russell** noted that the position is unclear regarding the Land Reform Act and its applicability to these waters.

**Gordon Daly (RYA Scotland)** asked what will Peel Ports do if people refuse to pay conservancy fee?

**Simon Limb (Clyde Marina)** – There is historical legislation with regards to "the right to roam" and "freedom of navigation" and this should apply to Scottish waters.

**Eric Sweeney** stated that Sailing Cruising Scotland has 13,000 members and their reaction has generally been that they will not pay.

**Following the points and discussion, following actions were agreed:**

1. **Press Release** to be drafted with contributions from CPG members expressing our concerns about proposal from Peel Ports and declare that the sector disagrees with the proposal. CB stated that the press release should indicate that Peel Ports have, for a second time, refused to engage with the CPG. Daniel Steel from Sail Scotland will also contribute. Draft to be sent round CPG members and will be issued before Christmas.

CPG members are able to speak directly to local press and boating press on their concerns.

Scottish Parliament will deal with the national press.

CPG members can speak directly to the BBC if they so wish.

2. **Open Letter** to be sent to Peel Ports and copied to local and national press, including key points raised at this CPG.
3. **Report** to be drafted on discussions at this meeting and will be issued to everyone in attendance tonight for their input. This will be published and sent to Scottish Government and Peel Ports. A section will be included on existing legislation and for legislation to be amended/changed. Also include "freedom of navigation" legislation. Alistair Cameron will provide the written report that was draft to help with the drafting of report. Local marinas will not collect fees. IWA to add weight to Peel Ports. (J Mosse)  
Report to be finalised by Friday 6th December for issue on Wednesday 11<sup>th</sup> December.

4. Carry out a survey (e.g. using Survey Monkey) to get further evidence from the sailing community to add weight to the issues.
5. Make enquiries with SPICe about the relevant legislative framework regarding Harbour Orders.

**Eric Sweeney** (Sailing Cruising Scotland) thanked the CPG for what they are doing. **SMCM** provided background to the work of the CPG and that they have been successful in creating working partnerships.

**Martin Anstiss (Toward Sailing Club)** stated that it is gratifying to hear that the CPG are objecting to the conservancy fee and will feed this back to the Toward Sailing Club AGM.

## **Agenda Item 6 – AOCB/Future Business**

- National Marine Plan 2 - GR reported that a position statement on progress so far is available online for consultation. He has raised with the NMP2 team the fact that they have not yet approached the marine and tourism sector.  
**Action: Position statement to be circulated to CPG members.**
- GD reported that Scottish Inland Waterways for All are seeking a new Chair.

## **Date of Next Meeting**

Tuesday 25th February 2025 at 6pm at the Scottish Parliament in person and online. It was agreed however that, if required, an earlier meeting will be arranged prior to this to focus on the conservancy fee item.

SCM thanked everyone for their attendance and contributions.

Vote of thanks was given to Convenor.



## Action Points from 14<sup>th</sup> May 2024 Meeting

- **Presentations**  
The following presentation slides to be shared:
  - a. **Andy Harmer, Cruise Lines International Association, – to follow.**
- **East Coast** - Discussion to take place between DAM and AS.
- **Marine toilets** – A Shedden reported an issue with sea water toilets due to lack of pump out facilities. **Action: SMCM and PM will do a follow up discussion to look at it as a future agenda item.**
- **East connected to west and Lowland canals navigability** - AS reported that she attended the Lowland Canals meeting, and the depth has been reduced so there is an issue with getting small boats moving through and also asked for update on weed clearing. **Action: DAM will follow up with Laurie Piper at a future meeting to discuss this further.** GR has said that these issues have been raised with Scottish Canals already and is due to budget issues. AS stated that canals were used as an environmental method to divert water away to stop flooding issues in other areas.
- **Invitations to meetings:**
  - Invite Skills Development Scotland to a future meeting (ongoing).
  - Greenports – unable to attend, look at future date.
  - Crown Estate Scotland, awaiting response.
- **Lochmaddy**
  - SMCM to send email out to MSPs who represents the Highlands so that they are all aware. **Update: Ongoing**

## Action Points from 24<sup>th</sup> September 2024 Meeting

### Scottish Water

- Scottish water slides to be circulated (**Update: sent on 4<sup>th</sup> October 2024**)
- SK will send the map worked up and they will update the systems. Scott Fraser and Dee contact details. (**Update: Contacts circulated**).
- SGB's to have further discussion with Scott Fraser.
- SF and GD to have a further discussion on sewage system in Kippford.
- SF/KD will update CPG on progress on monitors and also the business case progress.

### Sustainability

- Slides to be circulated to CPG members. (**Update: sent on 4<sup>th</sup> Oct 2024**)

### British Marine Scotland

- Giant Strides paper is being updated by EKOS and to be presented at a future meeting.

### Circular economy

- Add as an agenda item to meeting in February 2025.

## Action Points from 27<sup>th</sup> November 2024 Meeting

- Conservancy fee actions detailed under Agenda topic 5 (page 7).
- National Marine Plan 2 Position statement to be circulated to CPG members.