Document Revisions

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**On**

**The Transfer of Redundant Lighthouses**

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Transfer of Redundant Lighthouses

# Introduction

In recent years there has been an increasing need by lighthouse authorities to reduce the burden of many large and complex buildings on a lighthouse site originally designed to accommodate lighthouse keepers and several Aids to Navigation such as fog signals, lights, radio beacons etc. Now the requirement may only be for an LED light, an AIS box, solar panels and battery and many cases the Aid to Navigation is no longer required. What should authorities do?

# Scope

This document aims to provide general guidance on the most appropriate methods of the disposal of Historic Lighthouse properties in order to preserve the lighthouse heritage to the best level possible.

# Definitions / Acronyms

Difference between **real property estate(permanent property)** and **non-freehold property:**

A **real estate (Site)** is a exactly define and specified registered piece of land. It can be settled or not settled.  
  
A **real property estate (Fixed assets)** is “accessories” to a real estate (houses, dwellings, lighthouses, navigation marks, etc.) to the real estate - if it is same owner to the real estate and the ”accessories”.

**Non-freehold property (?)** is the “accessories” on a real estate (houses, dwellings, lighthouses, navigation marks, etc.) - when the owner is not the same to the real estate and the real property estate.  
  
Non-freehold property can become real property estate - if the real-estate owner acquires the loose property that is located on the real estate.   
  
A real property estate can as a rule not become non-freehold property - if not the real property estate to be moved from the real estate.

# Options for the future

# RETENTION

# LEASING

# dISPOSAL AND LEASE BACK

# PERMANENT dISPOSAL

# DISPOSAL PROCESS

The disposal of redundant lighthouse property shall be undertaken where appropriate by the most beneficial means available, without any due delay after the property has become redundant and wherever possible having due regard to:

a) the need to transfer or reduce maintenance outgoings.

1. the operational, historical and cultural significance of lighthouse buildings (and their equipment) as part of the national industrial heritage and as a feature of the beauty and amenity of the coast environment.
   * The authority should take note of the Heritage designation of the property and the impact that this may have on any disposal.

* achieving the best possible disposal price by using open market sales unless there is demonstrable reason to negotiate the sale e.g. if costs of preparing for disposal are greater than expected income from the sale.
* (Some words abt. that laws and regulations is varies from country to country)

There are certain proceedures and responsibílities for contracts with users and for selling real estate, this might be slightly different in different countries, institutions and administrations. So, it would be nice to find some general description in the Guideline, which can then be implemented under the rules of the specific country.

[The Act conserves and protects lighthouses in four key ways:

* By providing a process for the selection and designation of heritage lighthouses, which includes a two-year public petition period to nominate any federally-owned lighthouse for designation.
* By preventing the unauthorized alteration or disposition of lighthouses that are designated as heritage lighthouses.
* By requiring that heritage lighthouses be reasonably maintained and altered only in keeping with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
* By facilitating sales or transfers of heritage lighthouses to promote an ongoing public purpose or new uses for them while ensuring their long term protection.

The designation of a heritage lighthouse may also include related buildings that contribute to the heritage character of the lighthouse, such as keepers’ residences and fog alarm buildings. ]

## General

A decision has been made or advice has been received that ownership of an Aid to Navigation is to be transferred or an Aid to Navigation is to be decommissioned, the following information is required to advise the AtoN maintenance contractor and to maintain the Authority’s records. This information will include but not be limited to:

* + the location of the site;
  + the date of the transfer/decommission; and
  + any special requirements.

## The process

When notification is received that the site will be transferred or a decision has been made to decommission a site, the following parties need to be notified:

* + the transferee
  + the AtoN maintenance contractor
  + the UKHO (changes to VolK)
  + the AHO; and
  + if applicable, the utilities supplier or third parties.

The Maintenance and Capital Program Manager or delegate will arrange where practical an on-site handover with the transferee to present copies of maintenance history and to remove from site any of the Authority’s locks, signs or non operational equipment.

After the handover with the transferee, the Maintenance and Capital Program Manager or delegate will check Maximo for the following:

* + close all open future work orders
  + check for PMs and deactivate
  + move locks back to storerooms if required
  + change the status of the location from operating to transferred or decommissioned; and
  + notify the AtoN maintenance contractor of changes to Maximo.

The Maintenance and Capital Program Manager or delegate will also:

* + organise the removal of the ANS from the Authority’s intranet
  + contact relevant authorities eg DEH
  + organise archival of site in the Drawing register
  + organise removal of site from Aids to Navigation map
  + organise removal of site from GIS applications; and
  + notify the MSD Accountant or delegate to remove assets from Finance One.
* If Aid to Navigation is to continue in operation it may be possible to reduce the maintenance costs to the authority without selling the lighthouse. Instead of selling, the lighthouse can be leased out to other bodies.
  + Lessee to be responsible for the building maintenance
  + Possibly retain ownership of the AtoN with right to access for maintenance, and agreement to allow changes for improvements in technology.
  + Transfer responsibility for maintenance of daymark to lessee
  + additional: details of permission regarding public access, touristic activities, fees, limitations

* Keep lighthouses in the authorities’ ownership as far as possible!
  + Unlikely to be considered an option by most authorities
  + Retain property for other AtoN purposes e.g. AIS antennae
  + Retain for strategic reasons e.g. access, ownership claims, costs of remediation
  + Possible transfer to other government agency e.g. weather service

(From Framework document for the General Lighthouse Authorities -08 – amended for inclusion in this guideline)

* Finding organisations or private persons that are capable of taking care of the Lighthouse.

 a.     if heritage aspects are involved:

o      Organisation which has an interest in the protection of the heritage of the lighthouse and its long term future.

o      Organisation which is interested in running the lighthouse for the benefit of the public.

 b.     if "only" maintenance, costs, budget aspects are involved:

  °    private persons who will enjoy using the lighthouse, but "make no trouble"

* Permit the new owners to run the Lighthouse ?
  + Consider if it is useful or appropriate to continue the Aid to Navigation
  + If the lighthouse is definitely redundant, it shouldn't be continued in order to avoid confusion with relevant AtoN in the vicinity. A limited light could be accepted for touristic or heritage aspects. If the lighthouse is still needed, it should be operated by the competent authority (But look at 3.)

o      Details of permissions/conditions in relation to maintaining the light as an aid to navigation

* + Continue to provide the quality and availability of service (no)
  + If the lighthouse is definitely redundant, it shouldn't be continued in order to avoid confusion with relevant AtoN in the vicinity. A limited light could be accepted for touristic or heritage aspects. If the lighthouse is still needed, it should be operated by the competent authority. (But look at 3.)

o      Ensure accurate information charted on AtoN availability and other features

* Reducing the area required within a lighthouse site.
  + Ensure appropriate access agreements are in place to prevent compensation claims from other users during maintenance operations
  + Ensure appropriate agreements regarding maintenance of daymark as required for navigation.
* Take care of redundant equipment
  + Retained on site for exhibition
  + Transferred to museum for display
  + Appropriate disposal through sale or scrapping.
* Appropriate property transfer documents
* Educate the new owners
* Very important that any disposal should maintain safeguards on the heritage value of the lighthouse site as a whole.
* Removal of hazardous materials, for example mercury or diesel spillages.

# 

# Consequences on transfer of redundant lighthouses

1. Checklist - What to consider when transferring redundant lighthouses

# (The Swedish way!!)

Control measures to be used before planning to sell off real estates and properties, (buildings only or land and buildings).

Distinction is made when sale is made to municipality or to private individual or transfer to another State authority.

## SALE

When sale of real estates and/or buildings is made, directives from State agencies have to be followed. This may differ with the regulations within each country.

### **To check before selling of a real property estate (permanent property):**

* Is the property needed for the State? (e.g. Important example of cultural heritage, military defence, environment protection, the “free outdoor life”)
* Do other State authorities have any need of the property?
* Can the property be of any interest to the local municipality? For example for the municipality's long-term planning relating to the development of the community?
* If the property is a residential block: Does it have a culture-historical value such that it should be protected? In that case, consultation has to be made with The National Heritage Board and relevant county board!
* The sale will be made in a businesslike manner!
* The property's market value will be established through an estimate of the value!
* Specific rules apply to the sale of a residential block – e.g. rights of tenants
* As a rule all sales shall be made through auction or through a tender procedure!

Regulations relating to the above points apply to the sale of the State's permanent property. The regulations will also, in applicable sections, serve as a guide when selling a building on non-freehold property.

### **When selling it is important to check:**

### Is the current selling “object” (t.ex. a lighthouse) a real property estate or a non-freehold property? Is the item a real property estate, then there are the following alternatives:

1. The real estate with the “object” is to be sold.
2. Piece of land to the “object” is divided.
3. If the “object” is an AtoN it can be sold despite the real estate being retained.

Is the item a non-freehold property. Check with the landowner (real estate owner):

1. Is the plan to demolish the “object”: Observe that according to the lease-law the leaseholder is obliged to offer to the “site” owner the opportunity to buy the object if the leaseholder does not have any use for the “object”.

ANNEX B - amsa

Because of the Commonwealth/State arrangements in Australia there are many Aids to Navigation (AtoN) service providers.  The way it works is that the Commonwealth (AMSA) is responsible for coastal AtoN and States and Port Authorities are responsible for AtoN in ports and inland waterways. There are arrangements in place that allow for AtoNs that are identified to be surplus to operational requirements to be transferred to the States.

If after assessing the volume of traffic and degree of risk AMSAs nautical advisors determine that an AtoN is surplus to operational requirements, the AtoN will be offered to the State.  The State then needs to carry out a similar review to determine if the AtoN is required to be operated for their recreational and commercial users, if the AtoN is required by the State it is transferred to the State and continued to be operated by the State, if it is not required to be operated the AtoN is decommissioned by AMSA.

Listed below are some steps from our transfer/decommission procedure.  Most of the items are specific to AMSA but there may be some generic topics/themes that could be used in the new guideline.

**1. General**

1. A decision has been made or advice has been received that ownership of an Aid to Navigation is to be transferred or an Aid to Navigation is to be decommissioned, the following information is required to advise the AtoN maintenance contractor and to maintain the Authority’s records. This information will include but not be limited to:
   * the location of the site;
   * the date of the transfer/decommission; and
   * any special requirements.

**2. The process**

1. When notification is received that the site will be transferred or a decision has been made to decommission a site, the following parties need to be notified:
   * the transferee
   * the AtoN maintenance contractor
   * the UKHO (changes to VolK)
   * the AHO; and
   * if applicable, the utilities supplier or third parties.
2. The Maintenance and Capital Program Manager or delegate will arrange where practical an on-site handover with the transferee to present copies of maintenance history and to remove from site any of the Authority’s locks, signs or non operational equipment.
3. After the handover with the transferee, the Maintenance and Capital Program Manager or delegate will check Maximo for the following:
   * close all open future work orders
   * check for PMs and deactivate
   * move locks back to storerooms if required
   * change the status of the location from operating to transferred or decommissioned; and
   * notify the AtoN maintenance contractor of changes to Maximo.
4. The Maintenance and Capital Program Manager or delegate will also:
   * organise the removal of the ANS from the Authority’s intranet
   * contact relevant authorities eg DEH
   * organise archival of site in the Drawing register
   * organise removal of site from Aids to Navigation map
   * organise removal of site from GIS applications; and

notify the MSD Accountant or delegate to remove assets from Finance One.

ANNEX C - Canada

In Canada, when a structure is not required as an Aid to Navigation, it is required by Government policies to dispose of the property surplus to operational properties.

The Canadian Coast Guard is an agency of the Federal Department of Fisheries and Oceans.  As the department has a Real Property Management group, the CCG has to identify surplus properties to this group.  Then, they apply the following process:

1. They verify the interest of other Federal Departments for the property.  Sometimes, departments like Environment Canada (Weather office or Wildlife management)and Parks Canada may be interested by the property surplus to CCG's operations.  If they want it, a simple transfer of ownership is done and they become responsible for the site at no cost.
2. In the case no Federal department is interested, the property is offered to the Provincial Government who offers it to all its department.  If a provincial department, the transfer is done at a nominal cost (usually $1) .
3. If no provincial department is interested by the property, it is offered to the local minicipality.
4. If the municipality is not interested, it can be offered to non-profit organizations and then to private owners.  The sale is normally done at the market value.

It should be noted that if any organisation wants to keep the AtoN functional, it becomes a private AtoN and becomes fully under their responsibility.  Then, it is marked as ''Private'' on the marine charts.

The internal departmental policy indicates that when a transfer occurs, the constructions part of the transfer should be in relatively good condition.  This means that, is a building or a lighthouse is to remain on the site and used by the future owner, CCG may do some repairs prior to the transfer.  We have received recently the authorisation to give contributions to a future owner instead of us doing the repairs.  The advantage is that we transfer the responsibility of the repairs to the new owner and just have to provide some funding based on different factors like the condition of the assets, their maintenance requirements, etc...

One of the challenges is the disposal of small pieces of land supporting only a small fixed aid.  Very often, they are properties of only 40-50 square meters in the middle of a private property.  In such a case, we have to spend money to demolish the Aid and pay for the surveys, environmental clean-up and other legal fees.  This makes that we spend more than what we can get in return of the sale due to the fact that there is only one potential buyer and the small dimensions of the property.  This makes that we have hundreds of those small sites for which we have non-functional structures waiting to be demolished and removed from our operational inventory.  I am still waiting to get some funding to demolish those structures but I can tell you that in those difficult times, this is not our first priority.