

Director  
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Dear Charles,

## **HARBOURS ACT 1964 – Campbeltown Harbour Revision Order**

1. I refer to the application submitted on behalf of your client, The Argyll and Bute Council (the Council) on 20 June 2011 for the making of the **Campbeltown Harbour Revision Order** (the HRO) under section 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys the Scottish Ministers' decision on this application.

### **Purpose of HRO**

2. The main purpose of the HRO is to authorise the Council to construct and maintain works in Campbeltown harbour. This would involve:-

- the extension and realignment of the existing pier and slipway
- dredging of the harbour.

### **Pre-application Consideration of Environmental Impact**

3. Having been advised of the intention to make an application, Ministers consulted with the Council, Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Argyll and Bute Council Planning Services to determine whether the proposed order would authorise a project which falls within Annex I or II of Directive 85/337/EEC as amended by 97/11/EC and 2003/35/EC and if so whether it was a relevant project in terms of paragraph 4 of schedule 3 to the 1964 Act.

4. Following that consultation Ministers concluded that the works were a project falling within Annex II but that it was not a relevant project by virtue of its size. In accordance with paragraph 5 of schedule 3 to the 1964 Act they advised the Council accordingly on 22 June 2010.



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Your ref:  
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## **The Application**

5. The Council, as the authority engaged in improving, maintaining and managing the harbour, submitted an application for an HRO to Scottish Ministers on 20 June 2011.
6. Notice of the application was advertised in the Campbeltown Courier and in the Edinburgh Gazette on 1 July 2011. Scottish Ministers received one objection within the 42 day statutory notice period provided for in Schedule 3 to the 1964 Act, which ended on 12 August 2011.

## **Consultation**

7. Before Ministers determined the application they consulted with SNH, SEPA, the Council Planning Services, the Royal Yachting Association (RYA), the Northern Lighthouse Board (NLB) and the Chamber of Shipping (CoS) as their statutory consultees. NLB responded on lighting requirements but did not object. RYA and SNH responded with no objection or comment.
8. SEPA submitted a conditional objection requiring the inclusion in the order of a provision requiring the development of an Environmental Management Plan (EMP) to assess and control the risk of pollution from the works. This plan must be agreed with them and approved by Ministers prior to the commencement of the works.

## **Objections**

9. The council agreed to the provision on the EMP and SEPA confirmed the withdrawal of their objection.

## **Modifications**

10. During discussion with the applicant a number of modifications to the draft order were considered. The modifications made to the draft order include those to the definitions of the terms "harbour" and "harbour undertaking" in order to clarify what these terms cover. Modifications to articles 3 and 7 consolidated provisions for subsidiary works in one place. A new article 18 has been inserted, which requires the applicant to agree an Environmental Management Plan with Scottish Ministers and SEPA before construction commences, and this insertion allowed SEPA to withdraw their objection. Ministers consider these modifications to be minor and that they do not substantially affect the character of the order and did not require further consultation.

## **The Scottish Ministers' Consideration and Decision**

11. Section 14(2) (b) of the 1964 Act requires that a Harbour Revision Order shall not be made in relation to a harbour unless the appropriate Minister is satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economical transport of goods or passengers by sea. Ministers consider that this Order meets these objectives. They have considered the application and the results of their consultation and they have decided to make the Order with the modifications described above.

## **Right to Challenge Decision**

12. The foregoing decision of the Scottish Ministers is final but any person who desires to question the making of the HRO on the ground that there was no power to make the HRO or that a requirement of the 1964 Act was not complied with in relation to the HRO may, within six

weeks from the date on which the HRO becomes operative, make an application for the purpose to the Court of Session as the case may be.

**A person who thinks they may have grounds for challenging the decision to make the HRO is advised to take legal advice before taking any action.**

### **Availability of Decision**

13. A copy of this letter has been sent to all those who were consulted on or objected to the Order and will be published on the Scottish Government website.

Yours sincerely



**ALASTAIR WILSON**  
Director

