

**Maritime & Shipping
Ferries Directorate**

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Dear Paul

1. I refer to the application submitted by Dumfries and Galloway Council (the Council), to enact the “Dumfries and Galloway (Stranraer) Harbour Revision Order 2024” (the Order) under Article 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys the Ministers’ decision following their consideration of the application.

Purpose of the Order

2. The Order establishes the Council as the harbour authority for Stranraer Harbour. It defines the harbour limits and confers powers on the Council, including powers to lease and powers as regards the making of byelaws and issuing of general and special directions. It also repeals superseded, obsolete or otherwise unnecessary statutory provision affecting the harbour.

3. The Order removes powers and responsibilities from Stena Line for the southern half of Loch Ryan and gives the Council full powers for this area. Stena Line have not used Stranraer Harbour since they moved their operations to their own purpose built port at Loch Ryan in 2011, and P&O Ferries use their own facility at Cairnryan.

4. Ultimately, the Order would allow the Council to improve, maintain and manage the southern half of Loch Ryan and Stranraer Harbour.

Application process

5. Public notices were placed in the Edinburgh Gazette on 19 January 2024, and the Wigtown Free Press on 19 and 26 January 2024.

6. The 42-day statutory notice period concluded on 1 March 2024.

Objections

7. Observations were received from the Northern Lighthouse Board and the Maritime and Coastguard Agency. One objection was received from the Royal Yachting Association (RYA).
8. In addition, Transport Scotland (TS), the national transport agency for Scotland, suggested a number of minor changes to clarify the wording of the Order.

Objections handling

9. The applicant consulted with the RYA, and both parties agreed to several amendments. The RYA withdrew their objection upon that basis.

Proposed modifications

10. TS proposed that the definition to “harbour premises plan” be updated to read:

“harbour premises plan” means the plan signed in duplicate with reference to this order and marked ‘The Stranraer Harbour Revision Order 2024 and subtitled ‘harbour premises’ dated August 2024.

11. TS proposed that the definition for “undertaking” be removed as the defined term “harbour undertaking” is used throughout the document, except for one occasion where it refers to “similar undertakings”, which is self explanatory and does not require a definition.

12. TS proposed that Article 4(1)(b) be amended to read:

The harbour land (together with existing or future works) vested in or administered by the Council as part of the harbour being the area delineated in green on the harbour premises plan.

13. Following consultation with the RYA, Article 8(4) has been amended to read:

Any licence granted under paragraph (2) shall be valid only for a period of one year (or other such longer or shorter period as the Council considers appropriate) commencing with the date on which it takes effect.

14. TS proposed that Article 16(9) be amended to read:

For the purposes of paragraph (8), the Scottish Ministers shall give the Council and any person who is to be informed of a proposed modification the opportunity to make representations in writing about that proposed modification during a period determined by Ministers and the Ministers shall take such representations into account before making a decision under paragraph (7).

15. TS proposed that Article 17(1) and (2) be amended to read:

(1) The Council may, after consultation with the Compulsory Consultees, give general directions for the safe management of the harbour in accordance with the Port Marine Safety Code.

(2) Directions given under paragraph (1) may, in particular, make provision—

16. The modifications made are not considered to substantially affect the character of the Order.

Scottish Ministers' consideration

17. Article 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 Harbour Revision 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 or in the interests of the recreational use of sea-going ships.

18. Our assessment is that the proposed Order is conducive to improving the management of the harbour in an efficient and economical manner.

19. Based on the arguments in respect of the objection and the issues previously agreed between the Council and objector, Ministers agreed that the Order be made with the proposed modifications.

Right to challenge decision

20. Any person who desires to question the making of this Order on the grounds that there was no power to make it or that a requirement of the 1964 Act was not complied with in relation to it may, within six weeks from the date the Order comes into force, make an application for this purpose to the Court of Session.

21. Any person thinking of challenging the decision to make the Order is advised to seek legal advice before taking any action.

Availability of decision

22. Once the Order is made, the applicant must:

- Publish notice of the making of the Order in the Edinburgh Gazette and one local paper;
- Send copies of the notice to those individuals/organisations notified of the original application; and
- Forward copies of all the notices to TS.

23. A copy of this letter will be sent to all those who were consulted on the Order and be published on the TS website.

Yours sincerely



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