

Aviation, Maritime, Freight & Canals

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Mark McMurray
CMS Cameron McKenna Nabarro

Date:
3 October 2018

Mark.McMurray@cms-cmno.com

Dear Mark

1. I refer to the application submitted by CMS Cameron McKenna Nabarro on behalf of your client, Renfrewshire Council (the Council), for the making of the Renfrewshire Council (Cart Navigation) Harbour Revision Order 2018 (the order) under section 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys Ministers' decision following their consideration of the application.

Purpose of the HRO

2. The Council requested the order to allow for the interference with public rights of navigation on part of the White Cart River within the local government area of Renfrewshire for the purposes of constructing, using and maintaining a bridge to be constructed over that part of the river.
3. This Order revokes The Renfrewshire Council (Cart Navigation) Harbour Revision Order 2007.

The Application

4. The Council is the statutory harbour authority for this section of the White Cart River and submitted an application for a revision order under section 14 of the 1964 Act to Scottish Ministers on 16 May 2018.
5. Public notices were placed in the Edinburgh Gazette on 22 May and the Paisley Daily Express on 22 and 29 May 2018.

Objections

6. The 42 day notice period ended on 3 July 2018 and no objections were received.

Scottish Ministers' Consideration

7. 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 or in the interests of the recreational use of sea-going ships.
8. It has been determined that the proposed HRO is conducive to improving the management of the harbour in an efficient and economical manner.

Right to Challenge Decision

9. Any person who desires to question its making 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.
10. Any person thinking of challenging the decision to make the order is advised to seek legal advice before taking any action.

Availability of Decision

11. A copy of this letter is being sent to all those who were consulted on the order and will be published on the Transport Scotland website.
12. When the order is made, the Council must publish notice of the making of the order in the Edinburgh Gazette and a local paper, send copies to the people notified of the original application and copy the notice to Transport Scotland.

Yours sincerely



FRANCES PACITTI

Director – Aviation, Maritime, Freight & Canals