

Aviation, Maritime, Freight & Canals

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Tom McNamara
Bircham Dyson Bell

Date:
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Dear Tom

1. I refer to the application submitted by Bircham Dyson Bell on behalf of your client, Clydeport Operations Limited (“the Company”), for the making of the Clydeport Operations Limited (Greenock Ocean Terminal Cruise Berth) Harbour Revision Order (the Order) under section 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys the Ministers’ decision following their consideration of the application.

Purpose of the Harbour Revision Order

2. The Company requested the Order to empower it to construct, operate and maintain a new dedicated cruise ship berth and associated facilities at the Port of Greenock on the River Clyde. The works will consist of:
 - Dredging in front of the existing quay wall;
 - Construction of mono piles set into the river bed;
 - Construction of a floating pontoon;
 - Construction of a means of access for pedestrian and vehicular use; and
 - Construction of a means of access for pedestrian use, along with other ancillary works.
3. In addition, the Order authorises the Company to lease or otherwise grant rights over the works for such period and on such terms as it considers appropriate, subject to certain restrictions.

Environmental impact

4. In line with standard procedures, and as required by the Harbours Act 1964, we carried out environmental screening for the works authorised by the Order. Our view was that an Environmental Impact Assessment was not required due to the small scale of the works. The Company was advised accordingly on 11 May 2018.

Application process

5. The formal application was submitted on 3 October and public notices were placed in the Edinburgh Gazette on 10 October and the Greenock Telegraph on 8 and 15 October 2018.

Objections

6. The 42 day notice period ended on 19 November 2018 with no objections 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. Our assessment is that the proposed Order 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. When the Order is made, the Company 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.
12. 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.

Yours sincerely

Frances Pacitti

Director – Aviation, Maritime, Freight & Canals