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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 422**

**The Campbeltown Harbour Revision Order 2011**

**PART 2**

**WORKS PROVISIONS**

**Power to construct works**

**3.** The Council may in the lines and situations and within the limits of deviation and according to the levels shown on the deposited plan and deposited sections, construct and maintain the following works—

Work No. 1 – an openwork widening extension of the open deck portion of the existing pier consisting of a reinforced concrete deck supported on steel piles, as shown coloured red on the deposited plan and shown at section 1-1 on the deposited sections, commencing at a point at NR 72312 20377 and extending in a north-easterly direction for a distance of 43 metres to a point at NR 72344 20407, from there turning south-east through an arc of 6 metres radius to a point at NR 72352 20406 and proceeding from there in a south-easterly direction for a distance of 3 metres to a point at NR 72353 20405 and there terminating.

Work No. 2 – a realignment of the north-west face of the solid portion of the existing pier constructed by infilling and faced by steel piled wall, as shown coloured orange on the deposited plan and shown at section 2-2 on the deposited sections, commencing at a point at NR 72252 20319 and extending in a north-easterly direction for a distance of 84 metres to a point at NR 72312 20377 and there terminating at the commencement of Work No. 1.

Work No. 3 – a realignment of the northeast and northwest faces of the existing slipway structure adjacent to the existing pier constructed by infilling and faced by steel piled wall, as shown coloured green on the deposited plan and shown at section 4-4 on the deposited sections, commencing at a point at NR 72228 20323, 40 metres from Hall Street harbour wall, and extending in a north-easterly direction for a distance of 15 metres to a point at NR 72239 20333, and from there in a south-easterly direction for a distance of 20 metres to a point at NR 72252 20319 and there terminating at the commencement of Work No. 2.

Work No. 4 – dredging, followed by any slope protection found necessary, of an area of seabed generally rectangular in shape, 66 metres wide and 183 metres long, said area being bounded by an imaginary line commencing at the existing pier at a point at NR 72356 20399 and following the north-east and north-west faces of the existing pier to a point at NR 72228 20323, and proceeding from there in a generally west-north-westerly direction to a point 35 metres north-east of the Hall Street harbour wall at NR 72214 20329, from there in a generally north-north-westerly direction to a point at NR 72205 20362, from there in a generally north-easterly direction to a point at NR 72225 20380, from there in a generally east-north-easterly direction to a point at NR 72253 20396, from there in a generally north-easterly direction to a point at NR 72285 20428, from there in a generally north-westerly direction to a point at NR 72272 20440, from there in a generally north-easterly direction to meet the south-western face of the existing Old Quay at a point at NR 72274 20442, from there following the perimeter of the end of the existing Old Quay in a south-easterly, then north-easterly, then north-westerly

direction to a point on the north-eastern face of the existing Old Quay at NR 72287 20455, from there proceeding in a generally north-easterly direction to a point at NR 72289 20457, from there in a generally south-easterly direction to a point at NR 72301 20444, from there in a generally north-easterly direction to a point at NR 72312 20466, from there in a generally east-south-easterly direction to a point at NR 72345 20456, from there in a generally south-easterly direction to a point at NR 72399 20408, and from there in a west-south-westerly direction, rejoining the existing pier at a point at NR72356 20399 and there terminating, said area being shown hatched and coloured yellow on the deposited plan, and said dredging to be carried out to a depth of up to 7.8 metres below Chart Datum, as shown at sections 1-1, 2-2 and 4-4 on the deposited sections.

Work No. 5 – reclamation by infilling, levelling and surfacing of a predominantly triangular area of the foreshore and seabed of 800 square metres, said area being shown on section 6-6 of the deposited sections and coloured blue on the deposited plan and being bounded on its north-north-western and south-western sides by the existing harbour walls and on its east-north-eastern face commencing at the Hall Street harbour wall at point NR 72105 20395 and extending a distance of 54 metres in a generally north-north-westerly direction to point NR 72092 20444 and there terminating at the existing Old Quay, 250 square metres of which area is to be levelled and surfaced at a height of 4.6 metres above Chart Datum, being a height level with Hall Street, with the seaward face of the said levelled and surfaced area to be protected by crest wall and reveted concrete block slopes.

#### **Power to deviate**

4. In carrying out the works authorised by article 3 (power to construct works) the Council may deviate laterally from the lines or situations of those works as shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

#### **Rights of navigation to be interfered with**

5. On the day on which this Order comes into force any rights of navigation within the harbour shall be extinguished to the extent only that the exercise of such rights would be prevented or hindered by the construction, presence, use or maintenance of the works authorised by article 3 (power to construct works) or the following works:

Work A – the portion of the existing pier constructed by infilling 22 metres wide and extending from the Hall Street harbour wall for a distance of 43 metres, and faced on the north-west by a concrete wall, as shown hatched in brown on the deposited plan, being bounded on the south-west by the line of the adjoining portion of the Hall Street harbour wall running in a north-westerly direction for a distance of 22 metres from a point at NR 72227 20262 to a point at NR 72210 20280, and on the other sides by an imaginary line running in a north-easterly direction for a distance of 43 metres from a point at NR 72210 20280 to a point at NR 72245 20309, from there in a south-easterly direction for a distance of 22 metres to a point at NR 72265 20287, and from there running in a south-westerly direction for a distance of 43 metres to a point at NR 72227 20262.

Work B – the portion of the existing pier constructed by infilling 19 metres wide and 97 metres long, and faced by a steel piled wall, as shown hatched in green on the deposited plan, being bounded on the south-west by the north-eastern boundary of Work A, and on the other sides by an imaginary line running in a north-easterly direction for a distance of 97 metres from a point at NR 72245 20309 to a point at NR 72314 20376, from there in a south-easterly direction for a distance of 19 metres to a point at NR 72342 20347, from there in a south-westerly direction for a distance of 93 metres to a point at NR 72260 20297, from there in a south-easterly direction

for a distance of 3 metres to a point at NR 72262 20295, and from there in a south-westerly direction for a distance of 4 metres to a point at NR 72265 20287.

Work C – the openwork portion of the existing pier consisting of a reinforced concrete deck 19 metres wide and 47 metres long, and supported on steel piles, as shown hatched in blue on the deposited plan, being bounded on the south-east and south-west by that part of the face of the solid portion of the existing pier extending in a south-westerly direction for a distance of 45 metres from a point at NR 72362 20396 to a point at NR 72342 20347, and from there in a north-easterly direction to a point at NR 72314 20376, and on the other sides by an imaginary line running in a north-easterly direction for a distance of 45 metres from a point at NR 72314 20376 to a point at NR 72348 20407, and from there in a south-easterly direction for a distance of 17 metres to a point at NR 72362 20396.

Work D – the portion of the existing pier constructed by infilling 12 metres wide and 2 metres long, and faced by a steel piled wall, as shown hatched in purple on the deposited plan, being bounded on the north-west by the adjoining portion of the south-east boundary of Work C extending for a distance of 2 metres from a point at NR 72359 20393 to a point at NR 72362 20396, and on the other sides by an imaginary line running in a south-easterly direction for a distance of 12 metres from a point at NR 72362 20396 to a point at NR 72370 20386, from there in a south-westerly direction for a distance of 2 metres to a point at NR 72367 20385, and from there in a north-westerly direction for a distance of 12 metres to a point at NR 72359 20393.

Work E – the existing slipway structure, 21 metres wide and extending from the Hall Street harbour wall for 55 metres in a north-easterly direction, topped with concrete and faced by a steel piled wall, as shown hatched in pink on the deposited plan, being bounded on the south-east by that portion of the north-western boundary of Work B extending for a distance of 12 metres from a point at NR 72253 20317 to a point at NR 72245 20309 and by the north-western boundary of Work A, on the south-west by the line of the adjoining portion of the Hall Street harbour wall running in a north-westerly direction for a distance of 21 metres from a point at NR 72211 20280 to a point at NR 72199 20294, and on the other sides by an imaginary line running in a north-easterly direction for a distance of 55 metres from a point at NR 72199 20294 to a point at NR 72238 20332, and from there in a south-easterly direction for a distance of 21 metres to a point at NR 72252 20316.

### **Maintenance etc. of works**

6. The Council may, within the limits of deviation, maintain, reconstruct, extend, enlarge, replace, re-lay or otherwise alter the works and the existing works, and may maintain and operate the works and the existing works as reconstructed, extended, enlarged, replaced, re-laid or otherwise altered.

### **Subsidiary works**

7. The Council may, within the limits of deviation, from time to time erect, construct, maintain and operate, whether temporarily or permanently, and may remove, repair or replace, all such subsidiary or incidental works and conveniences as may be necessary, proper or expedient for the purposes of, in connection with or incidental to the construction, maintenance or use of the works or the existing works; including works for the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and landing of passengers.

### **Power to dredge**

8.—(1) Without prejudice to any other powers which may be exercisable by the Council within the harbour, the Council may, for the purposes of constructing and maintaining the works, the existing works or the harbour undertaking, and of affording access to the works, the existing works and the harbour undertaking by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve

so much of the bed, shores and channels of the harbour as lie within the limits of the harbour and within the approaches and the channels leading to those limits and may blast any rock in the area so described and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1995), from time to time dredged by them.

(2) No such materials shall be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Scottish Ministers.

(3) The Council shall not blast any rock except with the consent of the Scottish Ministers, and in accordance with any conditions and restrictions imposed by the Scottish Ministers before blasting operations have begun or while blasting operations are still in progress.

### **Obstruction of work**

9. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of or in constructing the works, or who interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Works to be deemed part of harbour undertaking**

10. The works and the existing works shall be deemed for all purposes to be part of the harbour undertaking and all byelaws, rules and regulations of the Council for the time being in force relating to the harbour undertaking shall apply to the works and the existing works and may be enforced by the Council accordingly.

### **Tidal works not to be executed without approval of the Scottish Ministers**

11.—(1) A tidal work shall not be demolished, constructed, renewed, reconstructed or altered except in accordance with plans and sections approved by the Scottish Ministers and subject to any conditions and restrictions imposed by the Scottish Ministers before the work is begun or while work is still in progress.

(2) If a tidal work is constructed, reconstructed, executed, renewed or altered in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Scottish Ministers may by notice in writing require the Council at their own expense to remove the tidal work or any part of it and restore the site of the tidal work to its former condition; and if on the expiration of 30 days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice; or
- (b) if it appears to the Scottish Ministers urgently necessary to do so, they may themselves remove the tidal work or part of it and restore the site to its former condition,

and any expenditure incurred by the Scottish Ministers in so doing shall be recoverable from the Council as a debt.

### **Survey of tidal works**

12. The Scottish Ministers may at any time if they deem it expedient order a survey and examination of a tidal work or a site upon which it is proposed to construct the work and any expense incurred by them in such a survey and examination shall be recoverable from the Council as a debt.

### **Provision against danger to navigation**

13.—(1) In the case of injury to or destruction or decay of a tidal work or any part thereof, the Council shall as soon as practicable notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Council fails to comply in any respect with the provisions of this article, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Abatement of works abandoned or decayed**

14.—(1) Where a tidal work is abandoned or has fallen into decay the Scottish Ministers may by notice in writing require the Council at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Scottish Ministers think proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Scottish Ministers may include that part of the work, or any portion thereof, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Council, it has failed to comply with the requirements of the notice, the Scottish Ministers may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Council as a debt.

### **Lights on tidal works during construction**

15.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Council shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Council fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Permanent lights on tidal works**

16.—(1) After completion of a tidal work the Council shall at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Council fails to comply in any respect with a direction given under this article it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Period for completion of works**

17.—(1) Subject to paragraph (2), if the works authorised by article 3 (power to construct works) are not completed within three years from the coming into force of this Order or such extended time as the Scottish Ministers may on the application of the Council allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Council

for constructing those works shall cease except as to those works as are at that time substantially commenced.

(2) Nothing in paragraph (1) shall apply to the existing works or to any works carried out under article 6 (maintenance etc. of works) or article 7 (subsidiary works).

(3) A consent given under paragraph (1) may be given unconditionally or subject to terms and conditions.

(4) As soon as reasonably practicable after a consent is given under paragraph (1), the Council shall arrange for a notice to be published in the Edinburgh Gazette and in a local newspaper circulating in the area where the harbour is situated and the notice shall contain a concise summary of that consent.

(5) During the period of one month beginning with the date on which any notice is published in a local newspaper under paragraph (3), a copy of the consent referred to in that notice shall be kept by the Council at each of the offices of the Council at Kilmory, Lochgilphead, Argyll PA31 8RT and the Harbour Master's Office, Old Quay, Campbeltown, Argyll PA28 6EF and shall at reasonable hours be open to public inspection without payment.