
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made following an application by Port Babcock Rosyth Limited (“the Company”), empowers the Company to construct, maintain and operate in the Forth and on land at Rosyth in Fife, a container terminal at the port and port related facilities known as Port Babcock Rosyth.

Part 1 makes preliminary provision including provision as to interpretation (article 2) and incorporation of the 2009 Order (article 3).

Part 2 makes provision for the new limits of the port (article 4).

Part 3 makes provisions as to works.

Article 5 authorises the Company to construct works. The main works to be carried out to construct the port are at paragraphs (1) and (2). Paragraph (3) makes provision for future works.

Article 6 authorises subsidiary works required in connection with the works under article 5.

Article 7 provides for the limits of deviation for the works.

Article 8 authorises the Company to dredge to form a turning circle and access channel to the container terminal and to carry out maintenance dredging at the port.

Article 9 creates an offence of obstructing the works.

Article 10 provides for approval of tidal works.

Article 11 makes provision as to the time limit for completion of the works authorised under article 5(1) and (2).

Article 12 provides for land within the port limits to be deemed to be operational land for the purposes of the Town and Country Planning (Scotland) Act 1997 and to lie within the area of Fife Council if it otherwise would not do so.

Part 4 makes provision as to port regulation.

Article 13 authorises the Company to levy charges.

Part 5 makes miscellaneous and general provision.

Articles 14 and 15 make saving provision, including making clear that in carrying out any works or operations pursuant to this Order the Company must obtain any other consent required for those works or operations under the terms of any other enactment.

Article 16 provides as to Crown right.

Article 17 makes provision as to compliance by the Company with the Construction and Environmental Management Plan to be approved by the Scottish Ministers.

Article 18 and Schedule 2 make provision as to mitigation measures.

Article 19 makes provision for special exemptions for the works authorised by this Order from restrictions on works and dredging in the Forth.

Article 20 and Schedule 3 make provision for the protection of certain interests of Forth Ports.

Article 21 makes provision for survey of the river bed.

Article 22 makes provision for prevention of sedimentation.

Article 23 makes provision for remediation of sedimentation.

Article 24 makes provision for the exercise of jurisdiction.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Copies of the Environmental Statement for the project, the additional environmental information, the draft Construction and Environmental Management Plan and the deposited plans may be inspected, free of charge, at the offices of the Scottish Ministers at Victoria Quay, Edinburgh, EH6 6QQ between 09.00 and 16.30 (Monday to Friday, excluding public holidays).

The deposited plans and the draft Construction and Environmental Management Plan may also be inspected, free of charge, at the offices of the Company at the port between 09.00 and 16.00 (Monday to Friday, excluding public holidays).