
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 288

**The Rosyth International Container
Terminal (Harbour Revision) Order 2013**

PART 3

WORKS PROVISIONS

Power to construct works

- 5.—(1) The Company may within the works site construct and maintain the following works—
- Work No. 1 – quay walls, sea walls and revetment at the locations which are shown on sheet no. III of the deposited plans;
 - Work No. 2 – in-filling of the void behind the quay walls formed by Work No. 1;
 - Work No. 3 – lighting columns with elevations not exceeding 25 metres in height;
 - Work No. 4 – an electrical substation extending to approximately 70 square metres at the location shown on sheet no. III of the deposited plans;
 - Work No. 5 – a truck holding area at the location shown on sheet no. III of the deposited plans;
 - Work No. 6 – a single storey welfare building at the location shown on sheet no. III of the deposited plans;
 - Work No. 7 – a single storey container freight station building extending to approximately 3,000 square metres, with a floor level suitable to receive containers directly off truck trailers, and comprising facilities for the inspection and search of vehicles and containers, offices, staff accommodation, interview rooms and toilets, together with entry and exit gatehouses equipped with overhead inspection gantries under cover of an overall roof, at the location shown on sheet no. III of the deposited plans;
 - Work No. 8 – a weighbridge adjacent to Work No. 7;
 - Work No. 9 – security fencing of a design and specification to satisfy HM Revenue & Customs and ISPS port security code requirements, erected where shown by a blue line on sheet no. III of the deposited plans;
 - Work No. 10 – a two storey administration building extending to approximately 1,000 square metres and separate single storey services, canteen and office buildings at the respective locations shown on sheet no. III of the deposited plans;
 - Work No. 11 – a single storey workshop building, a single storey equipment maintenance building and an RTG maintenance area at the respective locations shown on sheet no. III of the deposited plans;
 - Work No. 12 – two car parking areas, each comprising forty in number spaces of 5.5 metres by 2.8 metres, at the locations shown on sheet no. III of the deposited plans;
 - Work No. 13 – rail mounted ship to shore cranes, not exceeding two in number with an elevation not exceeding 50 metres in height as shown on sheet nos. III and V of the deposited plans;

Work No. 14 – mobile harbour cranes, not exceeding two in number with an elevation (with boom up) not exceeding 40 metres in height as shown on sheet nos. III and V of the deposited plans;

Work No. 15 – container stack areas in which containers shall not be stacked more than five high or above an elevation of 15 metres in height as shown on sheet nos. III and V of the deposited plans;

Work No. 16 – rubber tyre gantry cranes used for stacking or otherwise handling containers with an elevation not exceeding 30 metres in height as shown on sheet no. V of the deposited plans;

Work No. 17 – preparation for use as a berthing pocket of the proportion of the base of the existing void at the works site as remains exposed after completion of Work No. 1;

Work No. 18 – removal of the section of sea wall embankment behind and revetment in front shown crosshatched on sheet no. IV of the deposited plans, reduction of underlying bed level and stabilisation of the entrance portal so created and flooding of the berthing pocket formed by such and Work No. 1;

Work No. 19 – dolphin structures and associated walkways at the locations shown on sheet no. III of the deposited plans;

Work No. 20 – repair and maintenance of the Contractor’s Jetty with associated piling; and

Work No 21 – an acoustic barrier and visual screen wall 3 metres in height along the port limits boundary between the points marked 32 and 33 on Sheet I(1) rev D of the deposited plans.

(2) Notwithstanding anything in any other enactment, the Company may for the purpose of constructing the works authorised by paragraph (1) dismantle, remove, deal with and dispose of the whole or any part or parts of any vegetation and of all structures and equipment lying within the works site (including the Contractor’s Jetty) and enclose and reclaim any part of the bed of the Forth and the foreshore; and any public rights over the same are extinguished.

(3) The Company may from time to time, within the works site, alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the works and may maintain and use the same as altered, enlarged, replaced, relayed, extended or reconstructed.

(4) The Company may authorise any person to carry out the works.

Subsidiary works

6.—(1) The Company may from time to time within the works site (whether temporarily or permanently) provide, construct, maintain and operate such ancillary works as may be necessary or convenient for the purposes of, or in connection with, the construction and maintenance of the works authorised by article 5 or the operation of the port undertaking.

(2) Without prejudice to paragraph (1), the Company may within the works site provide, construct, maintain and use such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance and use of the works, including—

- (a) works for the accommodation or convenience of vessels (including but not limited to navigation signals, marks and lights, berthing heads, mooring posts, ladders, buoys, bollards, dolphins, fenders, rubbing strips and fender panels, fender units and pontoons);
- (b) CCTV cameras and security installations; hydrants and drains; paving and surfacing; container washing and repairing facilities for up to twenty in number 40 foot containers together with waste water treatment facilities; and a refuelling point with double skinned tank or tanks for storage of diesel and other fuel for the purposes of the operation of the port undertaking;

- (c) works to alter the position of apparatus, including mains, sewers, drains, pipes, pipelines, conduits, cables, electrical substations and electrical lines; and
- (d) landscaping, habitat creation and other works to mitigate any adverse effect of the construction, maintenance and operation of the works or to benefit or protect any person or premises affected by the construction, maintenance and operation of the works.

Power to deviate

7.—(1) In constructing and maintaining the landside works authorised by article 5, the Company may deviate laterally from the lines or situations as shown on the deposited plans to any extent not exceeding 5 metres and may deviate vertically from the levels of the works referred to in article 5 or as shown on sheet VIII of the deposited plans to any extent downwards and up to 5 metres upwards.

(2) In constructing and maintaining the works authorised by article 8, the Company may deviate laterally to any extent not exceeding dredging limits and may deviate vertically to any extent upwards.

(3) In paragraph (1), “the landside works” means the works referred to in article 5(1), other than work nos. 18 to 20.

Power to dredge

8.—(1) The Company may, in substitution for the power contained in article 7 (power to dredge) of the 2009 Order, deepen, dredge, scour, blast rock, cleanse, alter and improve the bed, shores and channels of the Forth as lie within the port limits and within the approaches and the channels leading to the port limits—

- (a) to form a turning area and channel 150 metres wide dredged to 9.5 metres below chart datum within the dredging limits, to allow vessels access to and egress from the works site;
- (b) as may be required for the purpose of maintaining the works so described, the berthing pocket to be formed by Work No. 18 or any existing berthing pocket, turning area, channel within or approach or channel leading to the port limits, to enable uninterrupted means of access to the port by vessels and enabling the use of the port at all states of the tide.

(2) The power to dredge described in paragraph (1) includes the power to carry out such additional dredging as may be required to provide side slopes or otherwise secure the dredged areas against siltation, scouring or collapse.

(3) Any materials dredged, taken or collected by the Company in the exercise of the powers of this article (other than wreck within the meaning of Part 9 of the Merchant Shipping Act 1995⁽¹⁾) shall be the property of the Company and may be used, sold, deposited or otherwise disposed of as the Company thinks fit.

(4) No such materials shall be laid down or deposited 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.

Obstruction of work

9. Any person who—

- (a) intentionally obstructs any person acting under the authority of the Company in setting out the lines of or in constructing the works; or
- (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

(1) 1995 c.21.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Scottish Ministers' approval of tidal works

10.—(1) At the end of the definition of "tidal work" in article 2(1) of the 2009 Order, insert "but excluding any operations authorised by article 8 of the Rosyth International Container Terminal (Harbour Revision) Order 2013 and excluding the projection over waters by booms, cranes and similar plant and machinery operating within the port".

(2) Paragraph (1) of article 10 (tidal works not to be executed without the approval of the Scottish Ministers) of the 2009 Order shall not apply to any work authorised by paragraph (1) of article 5 of this Order and any related works authorised by article 6 of this Order.

Period for completion of works

11.—(1) If the works authorised by paragraphs (1) and (2) of article 5 are not completed within five years from the later of—

- (a) the date of the coming into force of this Order; or
- (b) Ministers' first approval of a CEMP,

or such extended time as the Scottish Ministers may on the application of the Company allow by consent given in writing, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining those works shall cease except as to so much of those works as is then substantially commenced.

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

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

(4) 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 Company at the offices of the Company situated at the port and shall at reasonable hours be open to public inspection without payment.

(5) The works shall be deemed to have been substantially commenced for the purposes of paragraph (1) where so much of Work No. 1 has been constructed as will enable other works to be constructed, maintained and managed together with that part of Work No. 1 as a harbour for the efficient and economic transport of goods or passengers by sea.

(6) Nothing in paragraph (1) shall apply to works carried out under paragraph (3) of article 5 or article 6, or to any maintenance dredging of existing berthing pockets, turning areas or channel within or approach or channel leading to the port limits authorised by paragraph (1)(b) of article 8.

Operational land and land within area of Fife Council

12. The land situated within the port limits shown outlined blue on the port map shall—

- (a) be deemed to be operational land within the meaning and for the purposes of the Town and Country Planning (Scotland) Act 1997; and
- (b) to the extent that it lies outwith the area of Fife Council, be deemed to be part of that area.