
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 224

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Ardersier Harbour Revision Order 2014

Made - - - - *18th August 2014*

Coming into force - - *19th August 2014*

The Scottish Ministers (“the Ministers”) make the following Order in exercise of the powers conferred by section 14(1) of the Harbours Act 1964(1) and all other powers enabling them to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(2).

In accordance with section 14(2) of that Act—

- (a) this Order is made following a written application to the Ministers by Port of Ardersier Ltd. (“the applicant”) being the authority engaged in improving, maintaining or managing the harbour; and
- (b) the Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner and facilitating the efficient and economic transport of goods or passengers by sea.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

In accordance with paragraph 4 of Schedule 3 to that Act(3), Ministers have decided that the application relates to a project which falls within Annex II to Council Directive 85/337/EEC(4), as relevantly amended by Council Directive 97/11/EC(5) and Council Directive 2003/35/EC(6), on the assessment of the effects of certain public and private projects on the environment and, taking into account the criteria set out in Annex III to that Directive, that the project is a relevant project.

In accordance with paragraph 6 of that Schedule, the Ministers have—

- (a) informed the applicant of that decision, and the reasons for it; and

(1) 1964 c.40; section 14 was relevantly amended by the Transport Act 1981 (c.56), Schedule 6, paragraphs 2, 3, 4(1) and 14 and Schedule 12 and the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 1. See sections 14(7) and 57(1) of the Harbours Act 1964 for the definitions of “the appropriate Minister” and “the Minister”. The Functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 9.

(3) Schedule 3 was substituted by S.I. 1999/3445 and relevantly amended by the Transport (Scotland) Act 2005 (asp 12), section 46(5) and by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5).

(4) O.J. L 175, 5.7.1985, p.40. This Directive has now been replaced by Directive 2011/92/EU (O.J. L26, 28.1.2012, p.1).

(5) O.J. L 73, 14.3.1997, p.5.

(6) O.J. L 156, 25.6.2003, p.17.

- (b) given an opinion to the applicant about the extent of the information referred to in Annex IV to that Directive which the applicant would be required to supply in the environmental statement and—
 - (i) in giving that opinion the Ministers have taken into account the matters in subparagraph (3) of that paragraph; and
 - (ii) before giving that opinion the Ministers have consulted the applicant and such bodies with environmental responsibilities as Ministers thought appropriate.

In accordance with paragraph 8 of that Schedule, the Ministers have directed the applicant to supply them with an environmental statement and, as required by paragraph 9 of that Schedule, the applicant has complied with that direction.

Notices have been published by the applicant in accordance with the requirements of paragraph 10 of that Schedule.

In accordance with paragraph 15 of that Schedule, the Ministers have—

- (a) consulted; and
- (b) sent the environmental statement to;

such bodies who were likely to have an interest in the project by reason of their environmental responsibilities as the Ministers thought appropriate.

The provisions of paragraph 17 of that Schedule have been satisfied.

In accordance with paragraph 19(1) of that Schedule, the Ministers have considered—

- (a) the environmental statement;
- (b) the result of the consultations under paragraph 15 of that Schedule;
- (c) any objections made and not withdrawn;
- (d) any representations made under paragraph 10(2)(f) of that Schedule; and
- (e) any written representations submitted to the Ministers by the applicant or any objector in elaboration of the application or, as the case may be, objection.

In accordance with paragraph 19(2) of that Schedule, the Ministers have decided to make this Order with modifications which do not appear to Ministers substantially to affect the character of the Order.