

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No. 167**

**The Millport Harbour Revision Order 2023**

**PART 2**

**Works**

**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 sections construct and maintain the following works—

Work No. 1 – Construct a new rock revetment over the existing rock foreshore, over that area coloured pale green, located within the harbour limit, defined on the deposited plan by a purple dash and dotted line and labelled “new rock revetment” to the seaward side of Clyde Street for a total length of 150 metres which rock revetment will extend into the harbour by a length of 30 metres, with the base of the revetment measuring up to 20 metres. The rock revetment will be constructed with rock armour of between 3 and 6 tonnes.

Work No. 2 – In pursuit of the Millport Coastal Flood Protection Scheme, construct new offshore rock armour breakwaters, also coloured pale green on the deposited plan and labelled “new rock armour breakwaters” the construction and location of which dictates a requirement for a new navigation channel. The Council will mark the new navigation channel between the Leug and the shore by (a) removing certain existing lights, located on Millport Pier and Stuart Street, Millport and the seasonal light on the Eileans and (b) installing new lights and buoys, all as located and labelled on the deposited plan.

**Power to renew, etc. works**

**4.** The Council may, within the limits of deviation renew, reconstruct, replace, extend, enlarge, or relay or otherwise alter temporarily or permanently the works authorised by article 3 and may maintain the same as reconstructed, extended, enlarged or re-laid.

**Power to deviate**

**5.** In the construction or execution of the works, the Council may deviate laterally from the lines or situations of those works shown on the deposited plan and sections to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works shown on the deposited plan and sections to any extent not exceeding 2 metres upwards and to such extent downwards, as may be necessary or convenient.

**Subsidiary works**

**6.—(1)** The Council may from time to time within the harbour limit construct, maintain and operate, whether temporarily or permanently, such other works as may be necessary or convenient for the purposes, or in connection with or in consequence of, the construction, maintenance or use of the works, including—

- (a) works for the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and landing of passengers,
- (b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical lines and telecommunications apparatus,
- (c) works to remove, demolish or decommission the works as the Council deems appropriate,
- (d) carrying out and maintaining works for the benefit or protection of persons or subjects affected by the works, and
- (e) such other works as the Council may deem necessary or desirable to mitigate any adverse effects of the construction, installation or maintenance of the works.

(2) In the course of constructing, erecting, laying down, placing, removing and replacing the works, the Council may carry out construction activity, including the temporary placing of plant and equipment within the tidal waters adjoining the harbour limit.

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

7. 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).

#### **Obstruction of works**

8. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of or constructing the works or who damages, 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.

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

9.—(1) Subject to paragraph (2), if the works are not substantially completed within 3 years from the coming into force of this Order or such extended time as the Ministers may on the application of the Council allow by consent in writing, then on the expiration of that period or such extended time (as the case may be) the powers granted by this Order to the Council for constructing and maintaining the works shall cease, except as to those works as are at that time substantially commenced.

(2) Nothing in paragraph (1) shall apply to any works carried out under article 4 (power to renew) or article 6 (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 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 the Edinburgh Gazette and a local newspaper under paragraph (4), a copy of the consent referred to in that notice shall be kept by the Council at the office of the Chief Executive, The North Ayrshire Council, Cunninghame House, Irvine KA12 8EE and shall be open to public inspection without payment or be made available electronically on request.