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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 298**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Peterhead Port Authority Harbour Revision Order 2015**

*Made* - - - - - *4th August 2015*

*Coming into force* - - - - - *5th August 2015*

The Scottish Ministers (“the Ministers”) make the following Order in exercise of the powers conferred by section 14(1) and (3) 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 Peterhead Port Authority (“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.

In accordance with paragraph 4 of Schedule 3 to that Act(3), the 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(7), the Ministers have—

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

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(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) Paragraph 4 of Schedule 3 was substituted by S.I. 1999/3445.

(4) O.J. L 175, 5.7.1985, p.40.

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

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

(7) Paragraph 6 of Schedule 3 was substituted by S.I. 1999/3445.

- (i) in giving that opinion the Ministers have taken into account the matters in sub-paragraph (3) of that paragraph; and
- (ii) before giving that opinion the Ministers have consulted the applicant and such bodies with environmental responsibilities as the Ministers thought appropriate.

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

Notices have been published by the applicant in accordance with the requirements of paragraphs 10 and 10A of that Schedule(10).

In accordance with paragraph 15 of that Schedule(11), 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(12) have been satisfied. All objections to the application have been withdrawn or paragraph 18(1A) of that Schedule(13) applied in respect of those objections.

In accordance with paragraph 19(1) of that Schedule(14), 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(15), the Ministers have decided to make this Order with modifications which do not appear to them substantially to affect the character of the Order.

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(8) Paragraph 8 of Schedule 3 was substituted by S.I. 1999/3445.  
(9) Paragraph 9 of Schedule 3 was substituted by S.I. 1999/3445.  
(10) Paragraph 10 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(b) and (c). Paragraph 10A of Schedule 3 was inserted by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(d).  
(11) Paragraph 15 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(e).  
(12) Paragraph 17 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(g).  
(13) Paragraph 18 of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport (Scotland) Act 2005 (asp 12), section 46 and the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(h).  
(14) Paragraph 19(1) of Schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport (Scotland) Act 2005 (asp 12), section 46 and the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(i).  
(15) Paragraph 19(2) of Schedule 3 was substituted by S.I. 1999/3445.