

Aviation, Maritime, Freight & Canals

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Monica Peto
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Eversheds Sutherland

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Dear Monica

1. I refer to the application submitted by Eversheds Sutherland on behalf of your client, Highland Council (the Council), for the making of the Highland Council (Uig, Isle of Skye) Harbour Revision Order (HRO) 2019 under section 14 of the Harbours Act 1964 (the 1964 Act). This letter conveys the Ministers' decision following their consideration of the application.

Purpose of the HRO

2. This HRO empowers the Council to construct and maintain works and other harbour facilities at the Council's harbour at Uig Harbour, Isle of Skye. The works comprise:

- The widening and extension of the existing berthing facility including the construction of a wave protection wall. This will also include a passenger waiting shelter (relocated from its location on the existing berthing structure) and a fuel tank for vessels.
- The widening of part of King Edward Pier.
- The construction of a linkspan with bankseat and lifting dolphins, being a replacement of the existing linkspan, and associated infrastructure at the harbour.

3. The Order also confers a power to dredge for the purposes of constructing and maintaining the works and authorises the construction of subsidiary works:

- For the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and loading of passengers.
- To alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations, electrical lines and telecommunications apparatus.

Application process

4. The Council submitted a formal application for the HRO on 1 March 2019.
5. Public notices were placed in the Edinburgh Gazette on 1 March and the West Highland Free Press on 1 and 8 March 2019.

Objections

6. The 42 day notice period ended on 12 April 2019 with one objection received from the Scottish Environmental Protection Agency (SEPA).
7. SEPA objected to a lack of information on flood risk and stated that pollution incidents, which would have to be contained and remediated, should be built into the design and procedures of the drainage strategy. SEPA requested that this be secured by condition through the HRO, if not already covered by another consenting regime.

Objections handling

8. The applicant responded in writing to SEPA, who agreed to the applicant's proposed amendments to the design. SEPA also approved the applicant's proposed procedures – which would be covered by the Marine Licence, rather than the HRO. SEPA withdrew their objection on that basis.

Summary of modifications

9. The modifications made to the plans are not considered to substantially affect the character of the HRO.

Scottish Ministers' consideration

10. Section 14(2)(b) of the 1964 Act requires that a Harbour Revision Order shall not be made in relation to a harbour unless the appropriate Minister is satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

11. It has been determined that the proposed Order is conducive to the efficient management of the harbour and would facilitate the efficient and economical transport of goods or passengers by sea and therefore meets the criteria.

12. Based on the arguments in respect of the objection and the issues previously agreed between the applicant and objector, Ministers agreed that the HRO be made as written.

Right to challenge decision

13. Any person who desires to question its making on the grounds that there was no power to make it or that a requirement of the 1964 Act was not complied with in relation to it may, within six weeks from the date the order comes into force, make an application for this purpose to the Court of Session.

14. Any person thinking of challenging the decision to make the order is advised to seek legal advice before taking any action.

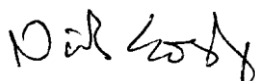
Availability of decision

15. When the order is made, the applicant must:

- Publish notice of the making of the order in the Edinburgh Gazette and one local paper.
- Send copies of the notice to the people/organisations notified of the original application.
- Copy the notice to Transport Scotland.

16. A copy of this letter will be sent to all those who were consulted on the order and will be published on the Transport Scotland website.

Yours sincerely



NICK GOSLING
Head of Maritime Policy