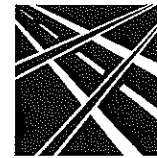


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Monica Peto
Partner
Eversheds LLP
One Wood Street
London
EC2V 7WS

Your ref:

Our ref:

Date:
4 August 2015

Dear Monica,

HARBOURS ACT 1964 – PETERHEAD PORT AUTHORITY HARBOUR REVISION ORDER 2015

1. I refer to the application submitted on behalf of your client, Peterhead Port Authority (“the applicant”) for the making of the Peterhead Port Authority Harbour Revision Order (“the HRO”) under section 14 of the Harbours Act 1964 (“the 1964 Act”). This letter conveys the Scottish Ministers' decision on this application.

Purpose of HRO

2. The purpose of the HRO is to authorise the construction of works within the harbour. These works include:-

- deepening of parts of the harbour and strengthening and resurfacing of quay walls,
- reclamation of an area of seabed to provide a new area of hard standing,
- extension of the West Jetty,
- partial demolition and reconstruction of the West Jetty Pier,
- construction of a new fish market and associated facilities,
- construction of a new office building and
- the widening of the Junction Canal, including the removal of the Queenie Bridge

The Application

3. The applicant, as the authority engaged in improving, maintaining and managing the Harbour, submitted an application for an HRO to Scottish Ministers on 4 March 2015.

4. Notice of the application was advertised in the Edinburgh Gazette on 6 March and in the Press and Journal on 5 and 12 March and the Buchan Observer on 10 and 17 March. During the 42 day consultation period which ended on 16 April, objections were received from Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Cllr Alan Buchan.

5. The objections from SNH and SEPA were both conditional on changes being made to the HRO to include further mitigation measures to protect the environment and following negotiation

modifications were proposed to the order and agreed with these objectors who withdrew their objections.

6. Scottish Ministers determined on 16 June that the remaining objection could be handled by written representations and both the applicant and objector provided further representations on their respective cases. After due consideration, it was determined that Cllr Buchan's objection did not relate in any way to the substance of the current order (as it focused on previous orders made in respect of the harbour) and therefore had no bearing on the decision on this application.

The Scottish Ministers' Consideration and Decision

7. 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. Ministers consider that this Order meets both of these objectives.

8. An appropriate assessment under regulation 48 of the Conservation (Natural Habitats, &c) Regulations 1994 was undertaken following advice from SNH and that assessment determined that subject to mitigation measures to be agreed in a Construction and Environmental Management Document and a Marine Mammal Mitigation Plan, both to be agreed by Ministers prior to work commencing, there would be no adverse effects on any relevant European designated sites.

9. Ministers determined that the substance of the remaining objection did not relate to the order under consideration and that the order should be made with the modifications agreed with the environmental objectors.

Right to Challenge Decision

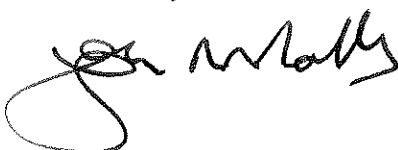
10. The foregoing decision of the Scottish Ministers is final but any person who desires to question the making of the HRO on the ground that there was no power to make the HRO or that a requirement of the 1964 Act was not complied with in relation to the HRO may, within six weeks from the date on which the HRO becomes operative, make an application for the purpose to the Court of Session as the case may be.

A person who thinks they may have grounds for challenging the decision to make the HRO is advised to take legal advice before taking any action.

Availability of Decision

11. A copy of this letter has been sent to all those who were consulted on or made objections to the Order and will be published on the Transport Scotland website.

Yours sincerely



JOHN NICHOLLS
Director – Aviation, Maritime, Freight & Canals