

TRANSPORT SCOTLAND
HARBOURS ACT 1964 (AS AMENDED)

PROPOSED CLYDEPORT HARBOUR
REVISION ORDER 20[X]

STATEMENT IN SUPPORT OF APPLICATION

FOR ORDER BY:

CLYDEPORT OPERATIONS LIMITED

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1. INTRODUCTION

- 1.1. This statement relates to the application by Clydeport Operations Limited for the proposed Clydeport Harbour Revision Order 20[X] ("the HRO"). Clydeport Operations Limited ("the Company") is the statutory harbour authority for Clydeport.
- 1.2. The application, made in an email to the Transport Scotland dated 19 May 2021 is accompanied by:
 - (a) a copy of the draft HRO;
 - (b) this statement; and
 - (c) the fee for the application, by BACS, in the sum of £4,000.00; and
 - (d) copies of the following legislation:
 - (i) The Clydeport Authority Order 1965 ("the 1965 Order")
 - (ii) The Clydeport Authority Order 1969 ("the 1969 Order")
- 1.3. The application is for a harbour revision order to be made under the powers conferred on the Scottish Ministers by section 14 of the Harbours Act 1964. The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- 1.4. The HRO clarifies the limits of the port to expressly include the docks and works. It also confers further modernised powers on the Company considered conducive to the efficient and economical operation, maintenance, management and improvement of Clydeport. These include modern powers conferred on the Company to give general directions to vessels and persons using the port, together with powers exercisable by the Harbour Master appointed by the Company to give special directions in respect of vessels. These powers, the clarification of the port limits and further amendments to the 1965 Order are required to support the effective management and operation of the port, as recommended in the Port Marine Safety Code.
- 1.5. In addition the HRO contains provisions related to the UN Climate Change Conference (COP 26) which will take place in Glasgow between 1 – 12 November 2021 in close proximity to the port. In particular, the HRO will temporarily extend the port limits between 27th October 2021 and 11.59 pm on 15th November 2021 to include:
 - (a) the area of the River Kelvin between the bridge over the River Kelvin on Benalder Street (Glasgow) and the River Clyde; and
 - (b) the area of the River Clyde between Albert Bridge and the Clyde Tidal Weir; and
- 1.6. The 'temporary additional area' is shown hatched blue on the 'Temporary Port Limits Plan' deposited with the proposed HRO.

2. CLYDEPORT HARBOUR AUTHORITY

- 2.1. Clydeport ("the port") is located on the River and firth of Clyde. It is classed as a Private Port (the statutory harbour authority is a company rather than a Trust Port or Local Authority Port). The Company, as the Statutory Harbour Authority is governed by its own local legislation collectively known as the Clydeport Acts and Orders 1858 to 2004. The Company

is responsible for the administration, maintenance and improvement of the port.

2.2. The Company is also the Competent Harbour Authority under the Pilotage Act 1987.

2.3. Clydeport is part of the Peel Ports Group, one of the largest port operators in the United Kingdom. Clydeport has four main terminals with approximately 15.4 million tonnes of cargo and thousands of passengers a year passing through the port. As statutory harbour authority, the Company manages a jurisdiction of 450 square miles of the river Clyde and its estuary, 15.4 million tonnes of cargo a year and thousands of passengers.

2.4. In managing the port, the Company strives to observe industry standards set out in Government guidelines. The Company is committed to complying with the principles of the various codes and reports applying to the ports and harbours industry, except where not relevant to the Company's constitution.

3. THE PORT MARINE SAFETY CODE

3.1. As the harbour authority for Clydeport, the Port Marine Safety Code (November 2016) published by the Department for Transport ("the Code") applies to the Company as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK. The Executive Summary to the Code explains that:

"The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope."

3.2. The Code identifies a number of tasks which harbour authorities should undertake in order to comply with the Code including reviewing and being aware of existing powers based on local and national legislation and advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the Code states "... harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already". The Company is seeking to obtain modern powers of General Direction as recommended by the Code. Although the Company has been designated with powers of Harbour Direction, Harbour Directions only apply to 'ships' and therefore are of limited use.

4. THE HARBOURS ACT 1964

4.1. Section 14 of the Harbours Act 1964 ("the 1964 Act") confers powers which have been devolved to Transport Scotland (see paragraph 1.3 above) to make an order under that section (known as a harbour revision order) 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 all or any of the objects specified in Schedule 2 of the 1964 Act.

4.2. Section 14(2)(a) of the 1964 Act requires that a written application be made to Transport

Scotland by the authority engaged in improving, maintaining or managing the harbour in question and section 14(2)(b) provides that the Minister must be:

“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 facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships”.

The matters set out in Schedule 2 to the 1964 Act include, in particular, at paragraph 4:

“Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above”.

And, at paragraph 6:

“Settling (either for all purposes or limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled”.

4.3. Because this is not an application for a harbour revision order which, directly or indirectly, authorises a project (within the meaning of paragraph 1 of Schedule 3 to the 1964 Act), prior notification to Transport Scotland under paragraph 3(a) of Schedule 3 to the 1964 Act is not required.

4.4. The application for the HRO under section 14 of the 1964 Act meets the conditions set out in that section. In particular, the application meets the requirements of:

(a) section 14(1) of the 1964 Act because it is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to the Act.

(b) section 14(2) of the 1964 Act because:

(i) the application is made upon the written application of a harbour authority engaged in improving, maintaining or managing the harbour; and

(ii) the making of the HRO 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 economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

5. PRE-APPLICATION CONSULTATION

5.1. Due to the proximity of the UN Climate Change Summit (COP 26), the Company has not carried out a preapplication public consultation prior to submission.

6. NEED AND JUSTIFICATION FOR HRO

A. GENERAL

6.1. The HRO clarifies the limits of the port to expressly include the docks and works. It also confers further modernised powers on the Company considered conducive to the efficient

and economical operation, maintenance, management and improvement of the port. These include modern powers conferred on the Company under the HRO to give general directions to vessels and persons using the port, together with powers exercisable by the Harbour Master appointed by the Company to give special directions in respect of vessels. These powers and the clarification of the port limits are required to support the effective management of Clydeport, as recommended in the Port Marine Safety Code.

- 6.2 In addition the HRO contains provisions related to the UN Climate Change Conference (COP 26) which will take place in Glasgow between 1 – 12 November 2021 in close proximity to the port. In particular, the HRO will temporarily extend the port limits between 27th October 2021 and 11.59 pm on 15th November 2021 to include:
- 6.2.1 the area of the River Kelvin between the bridge over the River Kelvin on Benalder Street (Glasgow) and the River Clyde; an
 - 6.2.2 the area of the River Clyde between Albert Bridge and the Clyde Tidal Weir;
- 6.3 The ‘temporary additional area’ is shown hatched blue on the ‘Temporary Port Limits Plan’ deposited with the proposed HRO.
- 6.4 The proposed HRO also includes a clear statement of the Company’s general functions and further amends the 1965 Order to update the definition of “vessel” included within it and the Company’s charging powers contained in article 67 of the 1965 Order.
- 6.5 All of the provisions in the proposed HRO are considered conducive to the efficient and economical operation, improvement, maintenance or management of the port.
- 6.5 An explanation of, and the need for, each substantive article in the HRO is set out below. Some examples of how the powers may be exercised are described below. These examples are not intended to be exhaustive of the ways in which the powers may lawfully be exercised.

B. PART 1: PRELIMINARY

- 7.1 Articles 1 and 2 are not dealt with below since they are ancillary to the substantive provisions of the HRO.

C. PART 2: Articles 3 – 4: DUTIES AND POWERS OF CLYDEPORT OPERATIONS LIMITED

7.2 Article 3 of the Order - Amendment of the Order of 1965 to extend the port limits.

- 7.2.1 This article provides for the amendment of articles 5(1) and 14 of the Clyde Port Authority Order 1965 (**‘the 1965 Order’**) from the date of the HRO to clarify the definition of the port and the port limits to expressly include the docks and works.
- 7.2.2 The clarification is required, because the main definitions of port and port limits that apply to the Company under its local Acts and Orders are contained in the 1965 Order. Although the *‘docks and works’* of the Company are included within the definition of the ‘port’ in article 5 of the 1965 Order, article 14 of the 1965 Order (as amended by the Clydeport Authority Order 1969) which defines the ‘port limits’ does not expressly refer to the *“docks and works”*. This creates uncertainty in relation to the exercise of the Company’s enforcement powers over those parts of the port situated above the high water mark of ordinary spring tides (below high water, the Company already has clear

express powers). Clarity is therefore required, and the proposed amendments have been included in the harbour revision order to provide this clarity. A plan of the port premises (above high water) currently forming part of the port undertaking has also been included within Annex 1 of this Statement of Support.

- 7.2.3 These amendments are necessary as part of the process of modernisation of the Company's powers as a statutory harbour authority and to support their compliance with the Port Marine Safety Code. They are desirable in the interest of the efficient and economic management of the port.

7.3 Article 4 of the Order – General Functions

- 7.3.1 This article provides that Company may take such steps as it may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the port, its approaches and facilities.
- 7.3.2 For those purposes article 4 authorises the Company to improve maintain, regulate, manage, mark and light the port and provide port facilities; carry out various activities related to works, structures and equipment at the port (including the docks and works) and do all other things which in its opinion are expedient to facilitate the proper operation, improvement or development of the port. The article does not replace the need to obtain (if required) planning permission, a marine licence or a Harbour Revision Order to authorise specific works.
- 7.3.3 The definition of port facilities highlights the importance of a number of industries including shipping, fishing and recreation to the future viability of the port.
- 7.3.4 It is efficient and economic in the interests of the management of the port to have a clear statement relating to the Company's general functions in relation to it, as it reduces the likelihood of needing to rely on implied powers.
- 7.3.5 Article 4 is authorised by paragraph 3 of Schedule 2: "Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of- (a) improving, maintaining or managing the harbour; (b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or (c) regulating the carrying on by others of activities relating to the harbour or of activities on harbour land".

D. Articles 5 – 11: HARBOUR REGULATIONS

7.3 Articles 5 to 11 of the Order – General Power of Direction and Special Directions

- 7.3.1 These articles provide the Company with modern powers of General Direction and extended powers of Special Direction. They also set out the consequences of failing to comply with a General or Special Direction.
- 7.3.2 One of the main purposes of the proposed harbour revision order is to provide the Company with modernised powers of General Direction. The Port Marine Safety Code, advises at paragraph 2.5 of Chapter 2 that:

"In particular, harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already."

- 7.3.3 The Company does have powers of Harbour Direction. However, these powers only apply to 'Ships' and as such personal watercraft such as jet skis and other similar craft may not be bound by any Harbour Directions that the Company may bring into force. Harbour Directions also cannot be exercised in an emergency.
- 7.3.4 Therefore, in line with the Port Marine Safety Code, the Company is applying for a modernised power of General Direction Article 5 of the proposed order provides a statutory right for the Chamber of Shipping, Royal Yachting Association Scotland and the Commissioners of Northern Lighthouses, along with such other persons or organisations as the Company considers appropriate, to be consulted about proposed General Directions (except in an emergency or for General Directions only required for the period of the UN Climate Change Conference (**'COP 26'**)). See paragraph 7.3.8 below).
- 7.3.5 The proposed harbour revision order itself, only grants the power to make General Directions. Any future exercise of this power will be exercised in accordance with article 5. This means that, other than when General Directions are made in accordance with article 5(4), representations received from consultees will be taken into account by the Company prior to the General Directions being made, amended or revoked.
- 7.3.6 In terms of the precise scope of General Directions, it will be seen that article 5(1) would allow the Company to give or amend directions *"...in order to promote or secure conditions conducive to the ease, convenience or safety of navigation, the safety of persons, or for the conservation or protection of property, flora, avifauna and fauna and in the port (and during the COP 26 period, the temporary additional area)"*. Such a scope is consistent with the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within the port. Article 5(1) – (3) broadly reflects the provisions contained in the Eyemouth Harbour Revision Order 2021 and the Caledonian Maritime Assets (East Loch Tarbert) Harbour Revision Order 2019.
- 7.3.7 During the UN Climate Change Conference (**'COP 26'**) taking place between the 1 – 12 November 2021, the powers of General Direction would also extend to the temporary additional area of jurisdiction (described at paragraphs 1.5 and 6.2 above). This is required to support the management of vessels and persons in the port and the temporary additional area during the COP 26 period (27th October 2021 – 11.59 pm on 15th November 2021). Increased levels of activity are expected within the port and the temporary additional area during this period making securing the powers of general direction very important in respect of compliance with the Port Marine Safety Code and safety of navigation generally.
- 7.3.8 Due to the likely proximity of the Order coming into force and COP 26 taking place, any General Directions related to COP 26 may need be made in accordance with the procedure under article 5(4) of the proposed Order (without prior consultation, in the same way that General Directions can be made in an emergency). This is a necessary requirement due to safety arrangements required for COP 26. However, the applicant hopes that the proposed HRO will be determined in time for a short prior consultation to take place in respect of any General Directions that are only required for the COP 26 period.
- 7.3.9 Failure to comply with a General Direction or Special Direction without reasonable excuse is punishable, on conviction, by a fine not exceeding level 4 on the standard scale.

7.3.10 The HRO application has been made at this time to enable the Company to obtain powers of General Direction prior to COP 26 (if the HRO application is determined in time and the application is successful). However, as explained above the Company requires powers of General Direction more generally to assist with its compliance with the Port Marine Safety Code when managing the port in an efficient and economic manner.

7.3.11 These articles are authorised by Schedule 2 to the 1964 Act include, in particular:

7.3.11.1 paragraph 3:

Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of—

(a)improving, maintaining or managing the harbour;

(b)marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or

(c)regulating the carrying on by others of activities relating to the harbour or of activities on harbour land.

7.3.11.2 paragraph 4:

“Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above”.

7.3.11.3 paragraph 16A:

“Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.”

E. PART 4: Article 12: FURTHER AMENDMENTS TO THE 1965 ORDER

7.4 Article 12 – Further amendments to the Order of 1965 to update the definition of vessel contained in article 5(2) and the charging provision contained in article 67.

7.4.1 This article amends article 5(2) of the 1965 Order to amend the definition of “Vessel” in the 1965 Order to replace it with the definition of vessel contained in article 2(1) the proposed HRO. This is to ensure that a consistent, modern definition of vessel applies to the Company’s powers and to aid the Company in complying with the Port Marine Safety Code.

7.4.2 The article also amends article 67 of the 1965 Order to ensure that the charging provision contained in article 67 can be exercised against all vessels and other floating structures which are not ‘ships’ as defined in the Harbours Act 1964. The amendment makes this provision reflective of other modern provisions in HRO such as the Weymouth Harbour Revision Order 2021.

F. PART 5: Articles 13 - 15: Miscellaneous

7.5 Article 13 – Notices

7.5.1 This article sets out how notices required under the Order are served (except where the Order expressly provides otherwise).

7.6 Articles 14 and 15

7.6.1 These articles contain standard savings for the Commissioners of the Northern Lights and the Crown.

G. PART 6: Articles 16 - 18: UN Climate Change Conference (COP 26)

7.7 Article 16 - Temporary extension of port limits for the COP 26 period

7.7.1 This article broadly reflects the drafting of article 4 of the Portland (The London Olympics and Paralympic Games) Harbour Revision Order 2011 and article 4 of the proposed St Ives (G7 Summit 2021) Harbour Revision Order 2021, which both temporarily extend the areas of jurisdiction of the relevant harbour authorities.

7.7.2 The article provides that the Company will be the harbour authority for the 'temporary additional area' during the COP 26 period (27th October to 15th November 2021 maximum). The area that is included on the temporary port limits plan is the minimum area which is considered necessary and the timescale selected is also the shortest timescale necessary. As such the additional regulation of the area is being kept to the minimum required (the area and timescale has been selected in close consultation with the Police). Its temporary inclusion within the port limits will assist in ensuring safe and efficient management of the port and approaches to it during the COP 26 period.

7.7.3 This article is required to extend the Company's jurisdictional limits for the COP 26 period. The inclusion of the temporary additional area is of benefit to the operation and management of the port by the Company, because it is anticipated that there will be significantly increased levels of and intensity of activity in the port and the additional temporary area during the COP 26 period. As the Port Authority for the port it would increase the difficulty and complexity of managing the port safely if the temporary additional area were not included in the port limits. This is because it is immediately adjacent to the port area and over a waterway through which the port is accessed. As such activities in that area (which are expected to be significantly increased during the COP 26 period) have the ability to impact on the efficient operation and management of the port.

7.7.4 If the temporary additional area is not included it would be necessary to try and rely on implied powers in the area. It is therefore considered to be much clearer and more efficient if the area is expressly included within the port limits temporarily. Enabling it to be managed safely. Management measures may include through making General Directions or giving Special Directions to regulate activity in the areas, and potentially the establishment of a restricted zone (under the provisions of the Aviation and Maritime Security Act 1990) upon direction from the Secretary of State if required (the power can be exercised over harbour authority areas).

7.7.5 The extent of the restricted zone that it is expected that the Secretary of State will direct the Company to apply for once the proposed Order is in force is shown in Annex 2 to this Statement of Support. Once designated, the management of the restricted zone would pass to the Police and Security Services for the COP 26 period. This would again

be of benefit to the Port overall by significantly reducing the burden on the resources (time, cost, equipment, personnel) of the Port. However whether the designation is made, the size of the potential restricted area, and its duration is not under the control of the Company, and as such it is important that it secures sufficient powers under this HRO to manage the temporary additional area under its own powers should it need to do so.

7.7.6 This article is authorised by paragraph 6 of Schedule 2 of the Harbours Act 1964:

"Settling (either for all purposes or limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled."

7.8 Article 17 - Incorporation of the Clydeport Act and Orders in respect of the temporary additional area

7.8.1 As the Council will be the harbour authority for the 'temporary additional area' during the COP 26 period, article 17 incorporates the provisions of some of the local harbour legislation that applies to Clydeport so that it also applies to the 'temporary additional area' during the COP 26 period. This is necessary to ensure that the Company can fulfil its function as statutory harbour authority over the temporary additional area. For example it may be necessary to give general or special directions to vessels in that area, or should a vessel sink etc. to exercise powers to assist its removal.

7.8.2 The excluded provisions relate to the powers the Company has to dredge the port. These provisions have been excluded to prevent the proposed Order being considered a 'works' Order due to the extending a statutory power to dredge over an area where currently no such power applies.

7.9 Article 18 – Saving

7.9.1 This article ensures that any proceedings, inquiries etc. relating to any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the COP 26 period so far as relating to the temporary additional area, or any part or parts of that area are not affected by the fact that the additional area of jurisdiction is temporary and that some general and special directions that may have been made will potentially cease to have effect on the COP 26 termination date (11.59pm on 15th November 2021) if they relate solely to COP 26. The article is necessary to ensure that any required proceedings etc. are not prejudiced.

8. COMPLIANCE WITH UK MARINE POLICY STATEMENT AND SCOTLAND'S NATIONAL MARINE PLAN

8.1. Clydeport is situated within the Clyde Marine Plan area. The draft Marine Plan is currently with Marine Scotland for Review and has not yet been published for consultation (a draft was published for pre-consultation in March 2019. As the plan has not yet been published for consultation it is not considered in this Statement of Support in addition to Scotland's National Marine Plan and the UK Marine Policy Statement.

- 8.2. The proposed HRO is a relatively short, non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Company's existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of Clydeport. Predominantly this modernisation of powers relates to the Company's enforcement activities. The modernisation, amends the process by which such enforcement provisions can be made, amended and repealed (General Directions instead of byelaws).
- 8.3. The proposed HRO also clarifies the existing port limits to expressly include the docks and works removing uncertainty over the exercise of the Company's enforcement powers above high water. The other provisions of the proposed HRO are predominantly administrative (updating the definition of vessel and relating to payment of charges) or relate to the UN Climate Change Summit (COP 26). As such it is expected that the effects of the proposed HRO on the Clyde Marine Plan area will be very limited and that any effects will be positive as the proposed HRO supports the economic and efficient management of Clydeport (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.

8.4. Compliance with UK Marine Policy Statement

8.4.1 The UK Marine Policy Statement ('MPS') sets out (in section 2.1) that the UK vision for the marine environment is for *'clean, healthy, safe, productive and biologically diverse oceans and seas'*. One of the core purposes of the proposed HRO is to modernise the Company's enforcement powers enabling it to keep its enforcement provisions under review and to update, amend and repeal them in a more timely and efficient manner than through byelaws. This will support the Company in ensuring it meets, both its environmental duties under s48A of the Harbours Act 1964 and compliance with the Port Marine Safety Code. Both of which will support the vision of ensuring that the marine environment in around Clydeport is kept *'clean, healthy, safe, productive and biologically diverse'*. The provisions of the proposed HRO also support the following high level objectives contained in the MPS:

- (a) **Achieving a sustainable marine economy:** Marine businesses are acting in a way which respects environmental limits and is socially responsible.
- (b) **Ensuring a strong, healthy and just society:** The coast, seas, oceans and their resources are safe to use.
- (c) **Living within environmental limits:** Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- (d) **Promoting Good Governance:** Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.

8.5. Compliance with Scotland's National Marine Plan

- 8.5.1 The proposed HRO supports the statement at Chapter 4.1 of the National Marine Plan *"Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits."*
- 8.5.2 In particular it supports *"GEN 4 Co-existence: Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of this Plan"* by supporting the Company in managing navigational safety and the environment

efficiently within a busy part of the Scottish Marine Area.

8.5.3 By supporting compliance with the Port Marine Safety Code, it also supports the Objectives in Chapter 13 of the National Marine Plan to support:

- (a) Safeguarded access to ports and harbours and navigational safety.
- (b) Sustainable growth and development of ports and harbours as a competitive sector, maximising their potential to facilitate cargo movement, passenger movement and support other sectors.

9 CONCLUSION

9.1 In addition to the specific provisions of Schedule 2 to the 1964 Act, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:

“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”

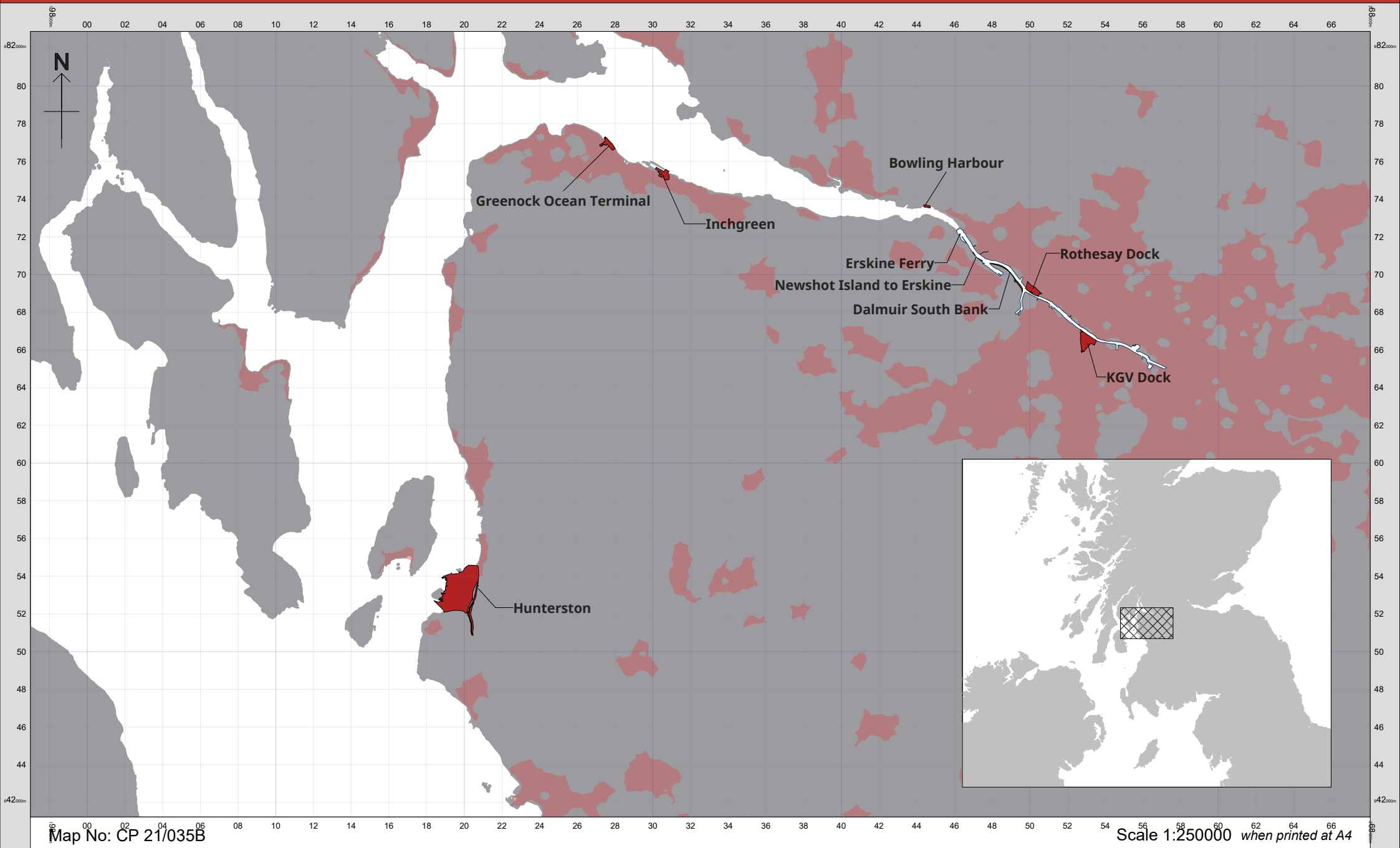
9.2 For the reasons mentioned above, it is considered that to the extent that any provision contained in the HRO does not fall specifically within any other paragraph of Schedule 2, the provisions of the HRO would be conducive to the efficient functioning of Clydeport and it is therefore within the scope of the 1964 Act for them to be included in the HRO.

Dated 18 May 2021 (updated 4 August 2021)

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Solicitors on behalf Clydeport Operations Limited.

Annex 1 – Current Docks and Works (the Port Premises)



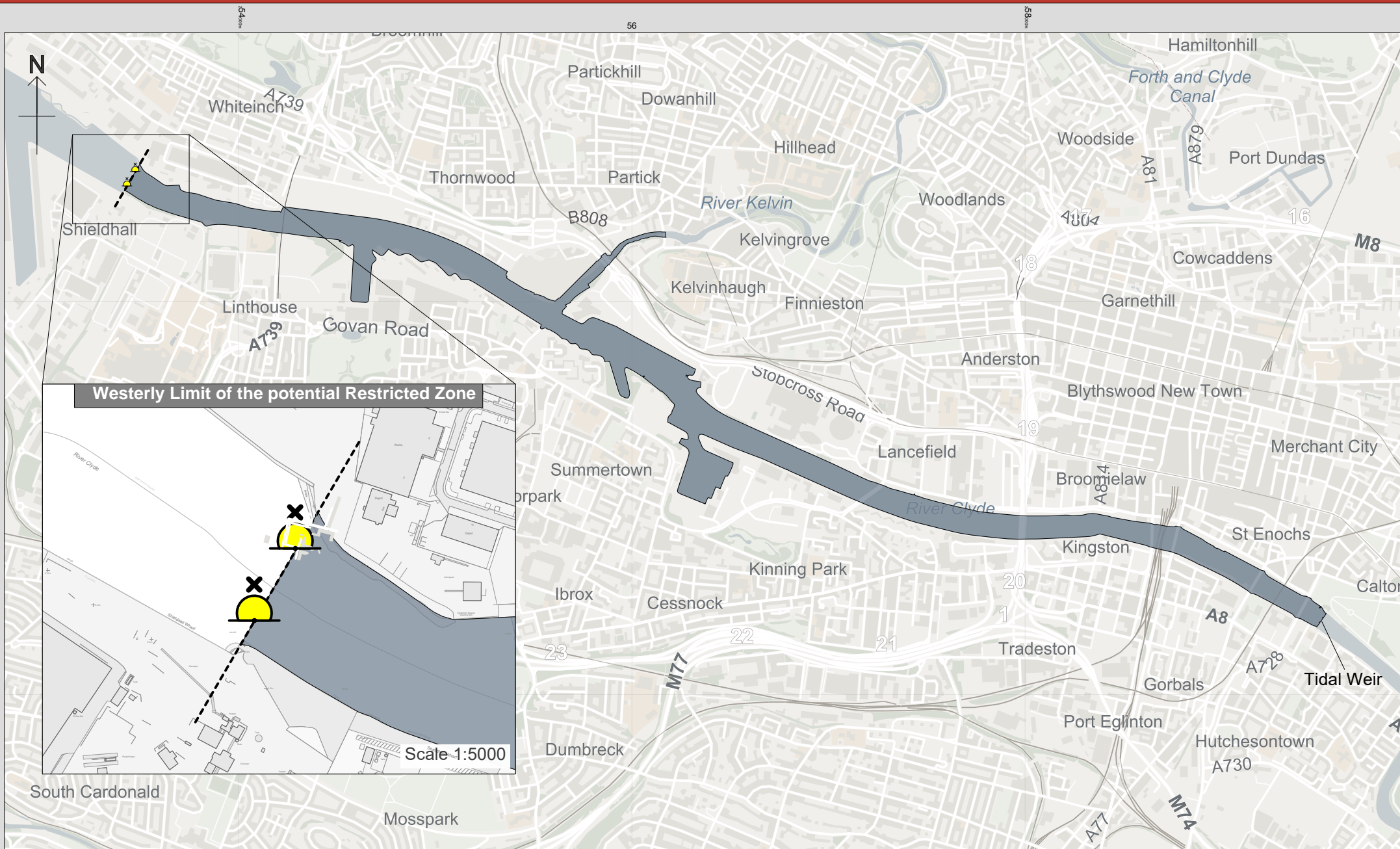
Map No: CP 21/035B

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Annex 2 – Plan of proposed Restricted Area



Westerly Limit of the potential Restricted Zone

Scale 1:5000

Map No: CP 21/034

Production Date: 18 May 2021

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TRANSPORT SCOTLAND
HARBOURS ACT 1964 (AS AMENDED)

PROPOSED CLYDEPORT HARBOUR
REVISION ORDER 20[X]

STATEMENT IN SUPPORT OF APPLICATION

FOR ORDER BY:

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