

**Willis D (Derek)**

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**From:** Willis D (Derek)  
**Sent:** 14 May 2004 15:55  
**To:** Hendrie G (Gary)  
**Subject:** Inverie/Dunbar Harbour Order maps

*Gary Davis*

Gary

I have now spoken to the promoters of both of these Orders which have associated maps/plans. In both cases I have been told that there are no electronic versions of the plans available and that they are too large to scan. They have said that the plans lodged will have to be used. I assume that this is not uncommon where plans are associated with Orders and that, although not ideal, the printers can proceed without an electronic version.

Please let me know if there are any problems once you have reported this position back to the printers.

DEREK WILLIS  
ETLLD: TD4/3  
2F North  
Victoria Quay  
☎ 47878

**Tracking:**

**Recipient**  
Hendrie G (Gary)

**Delivery**  
Delivered: 14/05/2004 15:55

**Willis D (Derek)**

**From:** Boyd, Alan (McGrigors) [alan.boyd@mcgrigors.com]  
**Sent:** 14 May 2004 12:45  
**To:** Willis D (Derek)  
**Subject:** RE: Govan Basin Harbour Order

\*\*\*\*\*

This email has been received from an external party and  
has been swept for the presence of computer viruses.

\*\*\*\*\*

Derek,

Sorry I do not have such a thing.

Alan

-----Original Message-----

**From:** Derek.Willis@scotland.gsi.gov.uk [mailto:Derek.Willis@scotland.gsi.gov.uk]  
**Sent:** 14 May 2004 10:21  
**To:** Boyd, Alan (McGrigors)  
**Subject:** Govan Basin Harbour Order

\*\*\*\*\*

This email and any files transmitted with it are intended solely for the use of the  
individual or entity to whom they are addressed.

\*\*\*\*\*

Alan

As you know the Govan Basin Order has been made and has been sent for print. The  
printers have requested an electronic version of the associated plan. I would be grateful  
if you could let me know whether such a thing exists, and if so let me have one which I  
can pass on.

Thanks

Derek

DEREK WILLIS

Scottish Executive

Ports and Harbours Team

Tel: 0131 244 7878

The original of this email was scanned for viruses by the Government Secure Intranet

## Willis D (Derek)

---

**From:** Willis D (Derek)  
**Sent:** 14 May 2004 10:21  
**To:** 'alan.boyd@mcgrigors.com'  
**Subject:** Govan Basin Harbour Order

Alan

As you know the Govan Basin Order has been made and has been sent for print. The printers have requested an electronic version of the associated plan. I would be grateful if you could let me know whether such a thing exists, and if so let me have one which I can pass on.

Thanks

Derek

DEREK WILLIS  
Scottish Executive  
Ports and Harbours Team  
Tel: 0131 244 7878

## Willis D (Derek)

---

**From:** Willis D (Derek)  
**Sent:** 04 May 2004 14:57  
**To:** 'alan.boyd@mcgrigors.com'  
**Subject:** Govan Basin - Harbour Revision Order

Alan

I'm afraid that my plans to have the Govan Basin Order signed in my absence last week didn't come off. It has, however, been signed today and comes into force on 5<sup>th</sup> May. I'll let you have printed copies in due course.

Regards

DEREK WILLIS  
Scottish Executive  
Ports and Harbours Team  
Tel: 0131 244 7878

## Willis D (Derek)

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**From:** Willis D (Derek)  
**Sent:** 15 April 2004 11:31  
**To:** Skelton GM (George)  
**Subject:** Govan Basin - Harbour Revision Order

George

I enclose an electronic version of a Harbour Revision Order, the purpose of which is to close Govan Basin on the River Clyde and extinguish rights of navigation. The terms of the Order were cleared by OSSE prior to it being advertised and the 42-day public consultation period has now expired without any objections being received. I have confirmed again that OSSE are content and I would be grateful if you could now consider and advise on the Order in terms of style etc prior to me arranging to have it signed at Head of Division level.

Thanks

Derek

DEREK WILLIS  
BTLLD: TD4/3  
2F North  
Victoria Quay  
☎ 47878



Govan Basin.DOC  
(51 KB)

### Tracking:

**Recipient**  
Skelton GM (George)

**Delivery**  
Delivered: 15/04/2004 11:31

## Willis D (Derek)

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**From:** Sullivan L (Laurence)  
**Sent:** 15 April 2004 09:20  
**To:** Willis D (Derek)  
**Subject:** RE: Govan Basin - Harbour Revision Order

Derek,

I have no comments on the final Order.

Laurence

-----Original Message-----

**From:** Willis D (Derek)  
**Sent:** 13 April 2004 09:20  
**To:** Sullivan L (Laurence)  
**Subject:** Govan Basin - Harbour Revision Order

Laurence

You will recall having seen and commented on an earlier draft of this Harbour Revision Order, the purpose of which is to close Govan Basin on the River Clyde and extinguish rights of navigation. Your minute of 29 December identified a number of issues which I am satisfied that the applicant has addressed, as advised in my minute of 15 January. Since then the formal application has been made and the 42-day public consultation period expired. No objections have been received and I would welcome final clearance of the Order before I consult with the S.I. clerks on style etc and arrange to have the Order signed and made.

Thanks

Derek

<< File: Govan Basin.DOC >>

**Willis D (Derek)**

---

**From:** Willis D (Derek)  
**Sent:** 13 April 2004 09:20  
**To:** Sullivan L (Laurence)  
**Subject:** Govan Basin - Harbour Revision Order

Laurence

You will recall having seen and commented on an earlier draft of this Harbour Revision Order, the purpose of which is to close Govan Basin on the River Clyde and extinguish rights of navigation. Your minute of 29 December identified a number of issues which I am satisfied that the applicant has addressed, as advised in my minute of 15 January. Since then the formal application has been made and the 42-day public consultation period expired. No objections have been received and I would welcome final clearance of the Order before I consult with the S.I. clerks on style etc and arrange to have the Order signed and made.

Thanks

Derek



Govan Basin.DOC  
(51 KB)

**Tracking:**

**Recipient**  
Sullivan L (Laurence)

**Delivery**  
Delivered: 13/04/2004 09:20

**SCOTTISH STATUTORY INSTRUMENTS**

**2004 No. [                      ]**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**THE CLYDEPORT (CLOSURE OF GOVAN BASIN) HARBOUR REVISION ORDER 2004**

*Made* 2004

*Coming into force* 2004

**ARRANGEMENT OF ARTICLES**

**PART I**

**PRELIMINARY**

- 1 Citation, commencement and extent
- 2 Interpretation

**PART II**

**CLOSURE OF GOVAN BASIN**

- 3 Closure of Govan Basin
- 4 Removal of vessels from Govan Basin
- 5 As to vessels entering Govan Basin after date of closure
- 6 Rights of navigation on Govan Basin extinguished

Whereas Clydeport Operations Limited, a company incorporated under the Companies Act 1985 (a) with the number 134759 has applied in writing for a harbour revision order under Section 14 of the Harbours Act 1964 (b);

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(a) 1985 c.6

(b) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4 and 14 and by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 1.



And whereas no objections to the application have been made pursuant to paragraph 10(2)(f) of Schedule 3 to the said Act **(a)**

Now, therefore, the Scottish Ministers, in exercise of the powers conferred by section 14 of the said Act **(b)** and of all other powers enabling them in that behalf, hereby make the following Order:

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**(a)** Paragraph 10(2)(f) was inserted by the Harbour Works (Environmental Impact Assessment) Regulations (SI 1999/3445), Regulation 15(4) and Schedule 3.

**(b)** The Scottish Ministers are the "appropriate Minister" under section 14(7) of the Harbours Act 1964 (c.46).

**PART I**  
**PRELIMINARY**

**Citation commencement and extent**

- 1 This Order may be cited as the Clydeport (Closure of Govan Basin) Harbour Revision Order 2004 and shall come into force on [ ] 2004.

**Interpretation**

- 2 In this Order –

“Company” means Clydeport Operations Limited;

“deposited plan” means the plan prepared in duplicate and signed on behalf of the Scottish Ministers and marked “Plan referred to in Article 2 of the Clydeport (Closure of Govan Basin) Harbour Revision Order 2004” of which one is deposited with the Scottish Ministers at the Scottish Executive, Victoria Quay, Edinburgh EH6 6QQ, and the other with the harbour office of the Company;

“port” means the port within the limits defined in section 14 (Jurisdiction of Port Authority) of the Clyde Port Authority Order 1965 (a)

“Govan Basin” means the area shown coloured blue on the signed deposited plan.

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(a) Schedule to 1965 c. xlv

**PART II**  
**CLOSURE OF GOVAN BASIN**

**Closure of Govan Basin**

- 3 Subject to the provisions of this Order, the Company may close Govan Basin.

**Removal of vessels from Govan Basin**

- 4 – (1) Before exercising the power conferred on it by Article 3 (closure of Govan Basin) of this Order to close Govan Basin the Company shall –
- (a) publish a notice of its intention to do so in Lloyd's List and once in each of two successive weeks in a local newspaper published or circulating in Glasgow with an interval between the dates of publication of not less than six clear days;
  - (b) display notice thereof in a conspicuous position in the port; and
  - (c) give notice thereof in writing to the Scottish Ministers.
- (2) Each of the notices shall:-
- (a) state that the Company intends to close Govan Basin to vessels; and
  - (b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications, by which all vessels must be removed from Govan Basin.
- (3) If the master of any vessel within Govan Basin does not remove the same before the date specified in accordance with paragraph 2(b) above, the harbourmaster may cause that vessel to be removed from and moored or laid in any other place where it may without injury be moored or laid.
- (4) The Company may recover as a debt from the owner of any vessel removed as aforesaid all expenses incurred by it in respect of its removal.
- (5) The powers conferred on the Company and the harbourmaster by this Article shall be in addition to and without prejudice to the powers as to the removal of vessels conferred upon them by sections 64 and 65 of the Harbours, Docks and Piers Clauses Act 1847(a).

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(a) 1847 c. 27

**As to vessels entering Govan Basin after date of closure**

- 5 If any vessel enters Govan Basin after the date specified in accordance with paragraph (2)(b) of Article 4 (removal of vessels from Govan Basin) of this Order, the harbourmaster may direct the master of such vessel forthwith to remove the vessel from Govan Basin, and if the master of such vessel does not forthwith comply with such directions the provisions of paragraphs (3) to (5) inclusive of the said Article 4 shall apply to and in respect of such vessel as if such vessel had been within Govan Basin before the said date.

**Rights of navigation on Govan Basin extinguished**

- 6 (1) After the date specified in accordance with paragraph 2(b) of Article 4 any right of navigation on Govan Basin shall be extinguished.
- (2) After the date specified in accordance with paragraph 2(b) of Article 4 any obligation upon the Company to maintain Govan Basin for the purposes of navigation shall be extinguished.

A member of staff of the Scottish Ministers

St Andrew's House,

Edinburgh

[Date]

**EXPLANATORY NOTE**

**(This Note is not part of the Order)**

This Order empowers Clydeport Operations Limited to close Govan Basin, extinguishes any right of navigation thereon and extinguishes any obligation on Clydeport Operations Limited to maintain Govan Basin for the purposes of navigation.

Derek Willis  
Ports & Harbours Team  
The Scottish Executive  
Transport Division 4  
Victoria Quay  
Edinburgh  
EH6 6QQ

Our Ref: AXB/JNS/CL0896.000009

Your Ref:

E-mail Address: alan.boyd@mcgrigors.com

Direct Dial Number: 0141 567 9403

17 March 2004

Dear Derek

## **Clydeport Operations Limited: Govan Basin – Harbour Revision Order**

I have received the attached letter from Scottish Natural Heritage. I also attach a copy of my reply.

In my view SNH has failed to understand the purposes for which the Order is being granted. I have indicated that the Harbour Revision Order will not permit any works to be undertaken and that such will require to be carried out in accordance with the necessary statutory requirements.

I have copied the correspondence to Kerr & Co. on behalf of Citycanal Limited so that they are aware of the full picture. If you need to discuss this matter with me please get in touch.

With best wishes.

Yours sincerely



ALAN BOYD  
Director, Public Law

Enc.

copy

Ms Dorothy Simpson  
Area Officer  
Strathclyde & Ayrshire  
Scottish National Heritage  
Caspian House, 2 Mariner Court  
8 South Avenue  
Clydebank Business Park  
Clydebank  
G81 2NR

Our Ref: AXB/INS/CL0896.000009

Your Ref: CNS/DC/G

E-mail Address: alan.boyd@mcgrigors.com

Direct Dial Number: 0141 567 9403

17 March 2004

Dear Ms Simpson

**Clydeport Operations Limited  
Govan Graving Dock - Harbour Revision Order**

I thank you for your letter dated 16 March relating to the proposed Harbour Revision Order at Govan Graving Dock (referred to as Govan Basin in the draft Order).

I note that you have already commented on the planning application and highlighted a range of matters that should be addressed.

The purpose of the Harbour Revision Order is not to undertake works. The Harbour Revision Order only empowers my clients, Clydeport Operations Limited to close Govan Graving Dock, extinguish rights of navigation thereon and to extinguish any rights on my clients to maintain Govan Graving Dock for the purposes of navigation.

Any works will require to be undertaken by the owners of the solemn of Govan Basin, Citycanal Limited. It will be up to that company to comply with all necessary statutory processes in carrying out such works.

It is therefore my view that it would be wholly inappropriate to include conditions of the type that you are requesting in the Harbour Revision Order. I have copied this letter to Derek Willis at the Scottish Executive and to Messrs Kerr & Co, solicitors who act for Citycanal Limited.

If you would like to discuss the matter with me on the telephone I would be pleased to hear from you.

Yours sincerely

ALAN BOYD  
Director, Public Law



*Please quote our reference number on all correspondence*

McGrigors  
Pacific House  
70 Wellington Street  
Glasgow  
G2 6SB

Your Ref: AXB/JNS/CL0896.000009

Our Ref: CNS/DC/G

Date: 16 March 2004

Dear Sirs

**CLYDEPORT OPERATIONS LIMITED  
GOVAN GRAVING DOCK – HARBOUR REVISION ORDER**

I refer to your letter of 17 February 2004 regarding Harbour Revision Order at Govan Graving Dock. Scottish Natural Heritage (SNH) commented on the planning application for the construction of covered dry dock at this site and at that time highlighted a range of impacts that should be addressed as part of the conditions of planning and therefore should be included in any condition of this Revision Order. Below we repeat some of these and also add others of particular relevance to the closure of this basin. These should be addressed in conditions of any Order at this site:

1. The materials to be used for the construction and infilling are inert and do not contain toxic elements that may be harmful to the marine environment.
2. The risk of contamination, of disturbing the seabed at this site should be considered prior to the onset of works and measures taken to minimise this included in any works. In this regard we would be concerned if pollutants or turbidity had an adverse impact on the migration of Atlantic salmon. If this is a risk, the timing of infilling should be considered to avoid the main migrating periods.
3. A benthic survey of the site should be undertaken to identify the species composition and assess their diversity and typicalness against those normally found in soft sediments in highly brackish estuarine conditions. The results of such survey should also be used to identify any impacts on species such as migratory salmon and direct methodologies, timing or scale of works below water.

.../2






4. The impact that closure of the basin will have on the flood risk associated to the River Clyde should be assessed. This should take account of issues such as; cumulative effect of infilling or upfilling taking place in other sites within the Inner Clyde Estuary, sedimentation of the Clyde and the effects of global warming on sea levels.

We hope this information is useful, should you have any questions please contact me at this office.

Yours faithfully



 DOROTHY SIMPSON  
Area officer  
Strathclyde and Ayrshire

Derek Willis  
Ports and Harbours Team  
The Scottish Executive  
Transport Division 4  
Victoria Quay  
Edinburgh  
EH6 6QQ

Our Ref: AXB/JNS/CL0896.000009

Your Ref: 2SPP/2/14

E-mail Address: alan.boyd@mcgrigors.com

Direct Dial Number: 0141 567 9403

12 March 2004

Dear Derek

## **Clydeport Operations Limited: Govan Basin – Harbour Revision Order**

Thank you for your letter of 9 February. Referring back to your letter dated 29 January I have now dealt with the advertisement and notification of the Order as required in accordance with Schedule 3 to the Harbours Act 1964. I enclose copies of the Glasgow Herald and Edinburgh Gazette in which the advert appeared and also copies of the certificate of service and notice served on each of Scottish Natural Heritage, Scottish Environmental Protection Agency, Glasgow City Council, The Royal Yachting Association and The Chamber Shipping.

With best wishes.

Yours sincerely



ALAN BOYD  
Director, Public Law

Enc.