

Ferries & Ports Division

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1 April 2026

Dear Caroline

I refer to the proposed application on behalf of Peterhead Port Authority (the applicant) to enact the *Peterhead Port Authority Harbour Revision Order 2026* (the Order).

This letter conveys the Ministers' decision following their consideration of the application.

Purpose of the Order

This Order confers powers on the applicant to construct and maintain works in the Port, including an extension and deepening of the existing berth pocket at Smith Quay, reclamation of land to the north west of Smith Quay, partial demolition of a berthing dolphin and construction of a jetty extension and mooring dolphin at Smith Quay.

It also alters the harbour limits of the Port, provides for the possibility of differing terms of office for members of the Authority and repeals superseded, obsolete or otherwise unnecessary statutory provision affecting the Port. More specifically, the Order proposes the following:

- **Work No. 1** – An extension and deepening of the existing berth pocket at Smith Quay by means of excavation, including drilling and blasting, to a depth of 10 metres below Chart Datum (“CD”), and a width of up to 30m (excluding side slopes) of that part of Smith Quay and seabed shown on the deposited plan with a seaward extent between [E413256, N845726] & [E413124, N845723] and with the limits of deviation shown in red on the deposited plan.
- **Work No. 2** – Reclamation by infilling up to 3,500 square metres of land to the north west of the existing Smith Quay and to the north of Work No. 4 to form an area of hardstanding and having rock armoured revetted slopes and retaining wall on the seaward side to a level of +7.2mCD, the location of which is shown on the deposited plan with a seaward extent between [E413272, N845763] & [E413179, N845781] and with the limits of deviation shown in red on the deposited plan.
- **Work No. 3** – Partial demolition of the existing Smith Quay berthing dolphin (including removal of the associated walkway) at the location [E413233, N845760] shown on the deposited plan.
- **Work No. 4** – Construction of an open piled jetty extension of the existing Smith Quay comprising a deck supported on piles commencing on the western end of the existing Smith Quay at a point at [E413272, N845758], extending for a distance of up to 85 metres and terminating at a point at [E413188, N845756] having a width of up to 30 metres and to

a level of +6.2mCD, the location of which is shown on the deposited plan with the limits of deviation shown in red on the deposited plan.

- **Work No. 5** – Construction of a piled mooring dolphin to a level of +6.2mCD accessed by steel walkway extending for a distance of up to 30 metres from the western end of the new Smith Quay (Work No. 4), terminating at a point at [E413160, N845764], the location of which is shown on the deposited plan with the limits of deviation shown in red on the deposited plan.
- **Clarify the limits of the Port** – The limits of the Port within which the applicant exercises jurisdiction as the harbour authority are:
 - the seaward limits, being the area of Peterhead Bay and Peterhead Harbour shown delineated in red on the harbour limits plan, and
 - the Port land, being the area (together with existing or future works) shown shaded pink on the harbour limits plan.
- **Update the Constitution** – A member appointed, unless appointed to fill a casual vacancy and, shall hold office for a term of three years, two years, or one year, to be determined by the Authority for each appointment, and in each case shall run from 1 January next following the appointment.

Consultation

Public notices were placed in the Edinburgh Gazette on 2 December and in the Buchan Observer on 2 and 9 December 2025. The 42-day statutory notice period concluded on 13 January 2026.

Objections

No objections were received; however, observations were made by Aberdeenshire Council, the Maritime and Coastguard Agency (MCA), and the Royal Yachting Association (RYA) Scotland.

Aberdeenshire Council made an observation about construction vehicles using public roads, the observations by MCA are noted below in the modifications section and the RYA mentioned that they wished any closures or restrictions in the bay be publicised to the maritime community in a timely manner.

Proposed modifications

In addition to several stylistic and numbering revisions, the MCA's observations led to the insertion of a further definition in Article 2 – namely, “the Maritime and Coastguard Agency’ means the Maritime and Coastguard Agency, an executive agency of the Department for Transport” – and to the underlined amendments in Article 13 set out below:

Provision against danger to navigation

13.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part thereof, the Authority shall as soon as practicable notify the Commissioners of Northern Lighthouses and the Maritime and Coastguard Agency and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses and the Maritime and Coastguard Agency shall from time to time direct.

(2) If the Authority fail to comply in any respect with the provisions of this article, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

None of the proposed modifications are considered to substantially affect the basis of the Order.

Scottish Ministers' consideration

Article 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 Harbour Revision 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.

Our assessment is that the proposed Order is conducive to improving the management of the harbour in an efficient and economical manner.

Ministers agreed that the Order be made with the modifications set out above.

Decision availability

Once 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 those individuals/organisations notified of the original application.
- Forward copies of all the notices to Transport Scotland.

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

Right to challenge decision

Any person who desires to challenge the making of this Order may do so if they believe the applicant lacked the power to make the Order, and/or did not comply with a requirement of the 1964 Act.

Challenges must be carried out via an application to the Court of Session within 42 days from the date the notices of the making of the Order have been published.

Anyone thinking of challenging the decision to make the Order is advised to seek legal advice before taking any action.

Yours sincerely



Dario Dalla Costa
Ports Policy Advisor