

## Justification Note

This note is prepared to inform the Scottish Ministers regarding the background to the redevelopment of the Port of Ardersier and to explain to the Scottish Ministers reasons why Ardersier Port Limited (“APL”) are making an application to the Scottish Ministers for the grant of pilotage powers in relation to the Port of Ardersier. The application is made pursuant to Section 1 (as read with section 1A) of the Pilotage Act 1987.

1. **History:** The Port was developed in the 1970s as an oil rig construction yard and operated as such until closure in 2001. At its peak, the Port employed approximately 4000 people in connection with the construction of oil rigs. Since closure of the site, it has lain derelict and has been subject to marina and other development proposals none of which have come to fruition.  
The Port was acquired by Haventus in February 2023 by way of the acquisition of a controlling interest in Ardersier Port Limited. By way of explanation, the Statutory Harbour Authority is Ardersier Port Limited (Company number 03700403) which is a wholly owned subsidiary of Haventus (Ardersier) Limited whose ultimate parent company is Haventus Group Holdings Limited. Haventus are backed by Quantum Capital Group based in Houston, Texas who own a portfolio of companies which are all involved in either responsibly sourced production of petrochemicals or in energy transition and decarbonisation. The Haventus vision for Ardersier is to develop it as a specialist port catering for the offshore wind sector with full port facilities for general cargo as well as the vessels engaged in offshore wind, including Scotwind projects and INTOG developments, both fixed and floating. In addition, the substantial landholding adjoining the Port is available for assembly, storage, modification and despatch of offshore wind components and structures including fabrication, hull launch and turbine integration.  
The legislative history of the port is as follows:
  - The McDermott Scotland Order Confirmation Act (1975 c.xxiv). Granted harbour powers to the rig construction yard. Now repealed.
  - The Whiteness Marina HRO 2008 (SSI 2008/361). Authorised marina development. Now revoked.
  - The Port of Ardersier HRO 2014 (SSI 2014/224). Authorised development of commercial port.
  - Port of Ardersier Harbour Revision (Transfer) Order (SSI 2017/195). Transferred harbour authority to APL.
2. **Development timetable:** Phase 1 is expected to be open for business and available for reception of vessel traffic in Summer 2025. Phase 1 comprises a new quay wall of 659 metres in length and has a alongside depth of 12.4 metres Chart Datum.. A dredged (and marked) channel will be provided from the Moray Firth to the new quay together with turning space at the eastern end of the dredged channel. The current status in relation to the development of phase 1 is that work has substantially commenced as authorised by the 2014 Order. The works carried out to date include the construction of 1.5 miles of haul road, the construction of a piling mat for the new quay wall, the installation of a concrete batching plant, the installation of a bentonite plant and the installation of temporary site offices. The new quay will be constructed within a trench to the south of the existing 1970s quay and, following construction of that new quay wall, the space between the outer face of the new quay and the old quay will be excavated and removed.
3. **Vessels likely to use the Port:** the port facilities are designed specifically for the use by vessels involved in the development of offshore wind as well as general cargo vessels and are not intended to be used by leisure craft. The port will be available for use for assembly, storage, modification and despatch of offshore wind components and structures and also for fabrication, hull launch and turbine integration. The types of vessels which will use the Port are anticipated to be offshore installation vessels, semi-submersible carriers and General Cargo vessels (as well as associated tugs and pilot vessels). At this point it is not possible to predict precisely the number of vessel calls.
4. **Safety issues:** APL have carried out navigation simulations on 3 selected vessels:
  - An offshore installation vessel called Pacific Orca with an LOA of 161 metres and beam of 40 metres
  - A semi-submersible carrier called Xiang Yun Kou with an LOA of 217 metres and beam of 43 metres

- A semi-submersible carried called Hin Guang Hua with an LOA of 255 metres and beam of 68 metres.

The simulations were carried out using a navigational simulator and suitable experienced pilots from various ports. Further simulation work will be carried out but the 3 attached simulations illustrate adequately the safety issue. .

The attached three simulations show vessels of 40/43/68 metres beams entering a buoyed channel of 160 metres in width. As can be seen from the simulations, great care will need to be taken to ensure that vessels entering and leaving the Port remain within the dredged channel and avoid grounding and blockage of the channel.

This is particularly important given the very high charter and other operational costs of the vessels involved and the very substantial logistical and economic adverse effects of any blockage of the Port – including potential material delay to the construction and completion of offshore wind facilities. It is important that the Port at all times remains open and unblocked given the important role it will play in Scotwind and other offshore wind developments.

Manoeuvring in the approach to the Port and within the Port will require a very high degree of familiarity with the Port and the location of hazards, shoals, shallows, the edge of the buoyed channel and the location of any navigation aids. This will be particularly important in conditions of darkness or in conditions of poor weather or poor visibility.

Vessels over 100m LOA may need either tug assistance to enter or leave the port.

Having regard to the Port Marine Safety Code:

- APL will be the duty holder
- APL have general duties to ensure that those navigating in the port “may do so without danger to their lives or property”; and “to promote the safe use of the harbour and prevent loss or injury” – see para 3.3 of the PMSC
- APL will before opening of the port have in place a formal MSMS (Marine Safety Management System); however it is already clear on the basis of the simulations carried out to date that a requirement of compulsory pilotage for some vessels will be a necessary element of the MSMS and will be identified as such in the risk assessment which will precede the MSMS.

APL respectfully submit that the degree of familiarity needed is such that it would be neither safe nor prudent to permit vessels to enter the port without either (a) a pilot with the necessary and detailed knowledge being embarked or (b) the master himself being able to demonstrate the necessary knowledge as evidenced by a pilotage exemption certificate issued by APL. The only way to achieve this level of safety is for APL to have pilotage powers so as to require either the use of a pilot or a master holding a pilotage exemption certificate.

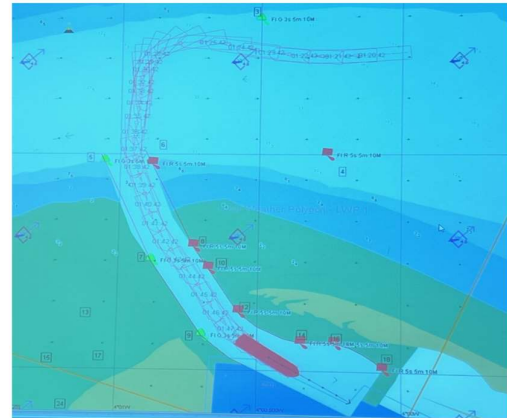
As is usual, it is intended the Port will make available pilotage exemption certificates to masters who can demonstrate an adequate level of familiarity with the Port and its approaches such that the use of a port pilot can be dispensed with.

The arrangements for provision of pilotage services have not yet fully been resolved but may involve the employment of pilots by the Port itself, or by joint working with other nearby ports or by contracting in pilotage services from suitably qualified and insured parties.

5. **Consultations:** APL have already carried out informal consultation with all relevant parties none of whom have indicated any intention to object to APL having and deploying pilotage powers.
6. **Conclusion:** APL respectfully request that the Scottish Ministers accept that, in the interest of safety and in the interests of the avoidance of economic or physical damage to the port facilities that the Port be granted pilotage powers under the Pilotage Act 1987.

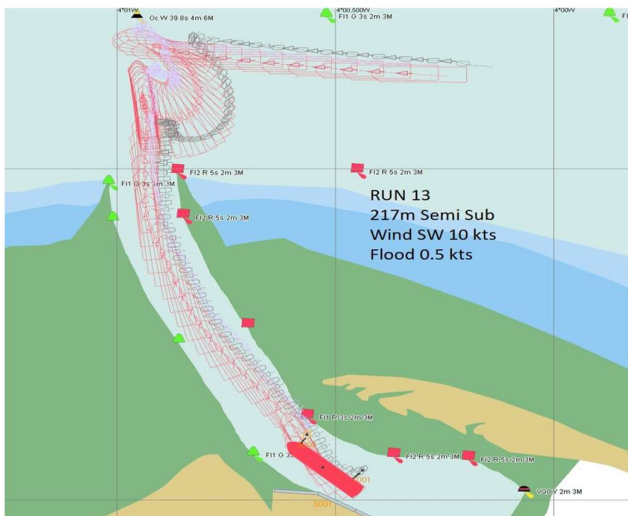
**IMAGE 1**

**Semi Sub / Carrier (Hin Guang Hua) LOA 255m x Beam 68m**



**IMAGE 2**

**Semi Sub / Carrier (Xiang Yun Kou) LOA 217m x Beam 43m**



**IMAGE 3**

**Navigation Simulation  
Offshore Installation Vessel (Pacific Orca) LOA 161m x Beam 40m**

