

Citizen Participation and Public Petitions Committee

13th Meeting, 2023 (Session 6), Wednesday
20 September 2023

PE2029: Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership

Petitioner	Robert Buirds on behalf of the Campaign to Save Inchgreen Dry Dock
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to: <ul style="list-style-type: none">• use powers under the Harbours Act 1964 and the Marine Navigation Act 2013 to revoke the Peel Ports Group, (Clydeport Operations Limited)'s, status as the Harbour Authority for the river Clyde and its estuary;• establish a municipal port authority in Clydeport's place and bring the strategic network of ports and harbours along the river Clyde into public ownership; and• compulsorily purchase Inchgreen Dry Dock for the benefit of the Inverclyde community.

Webpage <https://petitions.parliament.scot/petitions/PP3909>

Introduction

1. This is a new petition that was lodged on 5 June 2023
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 1,304 signatures have been received on this petition.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.
7. A submission has also been provided by Katy Clark MSP, which is included at **Annexe E**.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2029: Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership

Petitioner

Robert Buirds on behalf of the Campaign to Save Inchgreen Dry Dock

Date lodged

5 June 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to:

- use powers under the Harbours Act 1964 and the Marine Navigation Act 2013 revoke the Peel Ports Group, (Clydeport Operations Limited)'s, status as the Harbour Authority for the river Clyde and its estuary;
- establish a municipal port authority in Clydeport's place and bring the strategic network of ports and harbours along the river Clyde into public ownership; and
- compulsorily purchase Inchgreen Dry Dock for the benefit of the Inverclyde community.

Previous action

I have raised the issue with Katy Clark MSP, [who has called on the Scottish Government to progress the Ardrossan Harbour](#) upgrade delayed by Peel Ports intransigence. She has also lodged a motion calling for [Ardrossan Harbour to be taken into public ownership](#), and [called for a ministerial task force to look at the Hunterston Port development](#).

As Inchgreen Campaign secretary, I have written to Scottish Ministers regarding Peel Ports ownership of the dry dock and its impact on Inverclyde.

Background information

The Peel Ports Group owns Clydeport, which operates as the harbour authority for 450 square miles along the River Clyde. They have anchorages near residential areas and continually fail to engage with communities.

Clydeport admitted to safety breaches taking place between 2000 and 2007, for which they were [fined £650,000 in 2014](#). Further safety concerns were raised when two ships broke away from their moorings in 2021.

In 2021, Peel Ports leased the UK's largest dry dock, Inchgreen, to Atlas Decommissioning, and promised the creation of 100 jobs that have failed to materialise. The dry dock has lain empty for 20 years with many broken promises to maintain and return it to a fully operational marine facility.

Peel Ports receive hundreds of millions in grants; their parent companies are registered in the Cayman Islands tax haven. Inverclyde needs jobs and the dry dock could provide them, but Peel Ports have a stranglehold on our industrial development!

Annexe B

The logo for SPICe, featuring the text 'SPICe' in a white, sans-serif font on a dark purple background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in a white, sans-serif font on a dark blue background.

Briefing for the Citizen Participation and Public Petitions Committee on PE2029, Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership, submitted by Robert Buirds on behalf of the Campaign to Save Inchgreen Dry Dock

Background

Clydeport: The Clyde Port Authority, the forerunner to [Clydeport](#), was established in 1966 through the merger of the Clyde Navigation Trust, the Greenock Harbour Trust, and the Clyde Lighthouses Trust.

The Clyde Port Authority was a trust port, a type of port management organisation operating under unique, local legislation and managed by an independent board. Trust ports have no shareholders or owners and are required to reinvest any profits back into the port for the benefit of its stakeholders. Trust ports operate in a commercial environment with no direct public funding and compete in the market with private and local authority ports as well as other trust ports.

The Clyde Port Authority was privatised under the provisions of the Clyde Port Authority Scheme 1991 Confirmation Order 1992. This transferred the ownership of port infrastructure and wider harbour authority responsibilities to Clydeport Limited, a subsidiary of the Clyde Port Authority. This subsidiary was the subject of a management and employee buy-out in March 1992, with the company name changing to

Clydeport Holdings Ltd. This company was floated on the London stock exchange in December 1994, as Clydeport plc. Clydeport plc was acquired by UK and Irish port operator [Peel Ports](#) in 2003, which remain its owners.

Clydeport owns and manages several port and harbour facilities, including:

- Greenock ocean terminal
- King George V dock (Glasgow)
- Hunterston PARC
- Ardrossan harbour
- Greenock cruise terminal
- Inchgreen dry dock

Clydeport is also the harbour authority for the river Clyde and its estuary, managing an area of 450 square miles. It is responsible for maintaining the navigable channel, lighting, and buoyage as well as the provision of harbour facilities.

Legislation: The petitioners mention two Acts, these are:

1. **Harbours Act 1964**, Section 15 grants Scottish Ministers powers to reconstitute a harbour authority by means of a [Harbour Revision Order](#). Section 17A allows Scottish Ministers to make a [Harbour Closure Order](#), which relieves a harbour authority of its statutory powers – meaning it would no longer be classed as a harbour authority. Harbour Closure Orders can only be made on the application of the harbour authority, with the consent of the harbour authority or where Ministers have consulted the authority and are satisfied they are unlikely to object.
2. **Marine Navigation Act 2013**, Section 1 allows Scottish Ministers, by Order, to remove a harbour authority's [pilotage](#) duties¹, as set out in the Pilotage Act 1987. Section 6 inserted Section 17A into the Harbours Act 1964, as described above.

Compulsory purchase of Inchgreen Dry Dock: The petitioners have asked that the Scottish Government compulsorily purchase Inchgreen

¹ Pilots are specialised seafarers with detailed knowledge of the approaches to specific ports and harbours. They are normally employed by harbour authorities to guide vessels safely in and out of port – particularly where the master is unfamiliar with the area.

Dry Dock, which is in Greenock and is the UK's largest dry dock². Any decision to proceed with such action would be a matter for Scottish Ministers, taking account of factors including the legislation under which the harbour authority operates, the legislation being used to secure compulsory purchase, the reason for the compulsory purchase and its likely impact on service provision by the harbour authority.

Scottish Government Action

The Scottish Government has not previously considered the nationalisation of Clydeport.

Scottish Parliament Action

The Scottish Parliament has not previously considered the nationalisation of Clydeport.

Alan Rehfisch
Senior Researcher
24 August 2023

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot. Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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² A “dry dock” is a man-made basin that fronts onto water that can be flooded to allow a vessel to float in, then drained to allow the vessel to come to rest on a dry platform – allowing maintenance to be carried out on parts of the vessel normally underwater. They can also be used in vessel construction and decommissioning.

Annexe C

Scottish Government submission of 28 June 2023

PE2029/A: Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership

Scottish ports operate in a commercial environment usually with no direct public funding, and compete in a market with 3 main types of port ownership models; private, trust and local authority. As independent statutory bodies, ports are governed by their own local legislation and run by independent boards.

Clydeport is an established port operator, which provides benefits for the local economies in which it operates and across the Scottish economy. Clydeport is the controlling Port Authority for 450 square miles of the River Clyde, giving their customers the space, facilities and expertise to store and process more than 15.4 million tonnes of cargo a year and assist them in handling thousands of passengers. The activities Clydeport facilitates, the employment which it provides for, and the investment made in recent years, are of significant importance to the Scottish economy.

With its origins on the Clyde going back to 1858 initially as Clyde Navigation Trust, Clydeport has been a mainstay of the maritime industry importing and exporting goods, growing to 1 million tonnes of cargo from its King George V facility to 60,000 containers moving through Greenock's Ocean Terminal, Scotland's second biggest container port. Clydeport has also placed a £17m order for two new cranes at Greenock Ocean Terminal, to help future-proof the freight port as it prepares to accommodate increased demand from cargo owners. It will be the largest single investment made at the container terminal since it opened in 1969.

From the cruise facilities at the Ocean Terminal in Greenock and the regeneration of the Inchgreen dry dock, to its plans for the former coal port at Hunterston, Clydeport's facilities are creating opportunities for investment, jobs and skills that will benefit the people and businesses of Scotland, especially in growth sectors such as renewables. Clydeport,

along with their wider Peel Ports owners, also have plans in place to becoming net zero across all their sites by 2040.

The company reports that it remains a significant stakeholder in the development of the Clyde's industrial growth, providing not only the means to service local markets but to allow a global reach through in-house connectivity to other UK ports such as Liverpool and Medway. Clydeport have invested resources in various operations on the west coast, providing hundreds of direct and indirect jobs for Scotland over many years.

Clydeport announced it is set to experience its busiest year for cruise calls in 2023 – with 91 cruise liners booked into Greenock – a rise of over 25 per cent on last year. As many as 150,000 passengers and 38,000 crew members are expected to pass through the port over the course of this year, utilising a new £19.2million cruise ship visitor centre at the terminal. Inverclyde Council has estimated the development will provide a £26million boost to the Scottish economy.

Inchgreen is a strategically important asset to Clydeport and, as such, the Company has said that it will continue to market and promote the site for future port related ventures, including the use of the dry dock. Clydeport have said that they are willing to explore any fully costed, credible plan or project for the dry dock. However, it must be noted that viable projects which would make full use of the facility are limited, due to its size and the cost associated with maintaining it in its current fit-for-purpose state.

Instances of complaints about ports in Scotland are rare, despite many stakeholders regularly using a port or living in the vicinity of a port. Ports can bring huge economic and social benefits to their region. The ports sector in Scotland is deemed as an independent commercial sector and Scottish Ministers do not get involved in the day to day running of a port.

Anyone who feels a port (be it trust, private or local authority) is operating outside its powers, as set out in its legislation, should raise this with the port in the first instance, but ultimately has the option to consider a legal remedy via the courts. Anyone considering legal action is advised to take independent legal advice.

Ports are run on a commercial basis and are expected to be self-funding. Any government support for new or improved infrastructure at

ports would need to consider the strategic importance of the works, the supporting investment from the port operator and subsidy control issues.

Scottish Ministers have powers to compulsorily acquire land under planning legislation, but that is only where the acquisition is “necessary for the public service” or for planning or development purposes. The Scottish Government has no plans to explore compulsorily purchasing, revoking the powers of, or nationalising Clydeport.

Transport Scotland

Annexe D

Petitioner submission of 4 August 2023

PE2029/B: Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership

The Campaign to Save Inchgreen Drydock was created in 2017, shortly after Peel Ports had the crane at Inchgreen demolished. Many feared Peel would fill in Inchgreen to create more building land as they had done this previously with Scott Lithgow wet dock. Ferguson Marine is now the sole remaining shipbuilder in Inverclyde, where it is shoehorned into a site that prevents expansion.

The Peel Groups' successful business model is to purchase old industrial facilities and clear them to create brownfield sites where houses, retail and business parks can be built. A successful shipbuilder based at Inchgreen would be competing with the Peel Group assets elsewhere, so there was never any incentive to bring Inchgreen back into commercial shipbuilding or repair use. Instead, for the Peel Group, Inchgreen has more value as a brownfield site.

In 2018, the Campaign raised a 3500 signature petition calling for the regeneration of Inchgreen and presented it to Inverclyde Council and Scottish Government Minister, Keith Brown. Inverclyde Council passed a motion supporting the petition and forwarded it to Holyrood, but nothing developed.

With no incentive for the Peel Group to see a successful operational Inchgreen, the drydock was left to deteriorate through lack of care and maintenance. Meanwhile many CalMac ferries were sailing past Inchgreen on their way to the River Mersey for maintenance and servicing. With Peel's greenwashing target of being net zero by 2040, and CalMac ferries being maintained on the Mersey, how many excess tons of CO₂ will be generated transiting back and forth in the meantime?

Approaches were made to Peel Group's Chairman and owner John Whitaker to invest and return Inchgreen to a fully operational marine facility. He sent a delegation to meet the Campaign in May 2018 and promises and assurances were made, but nothing further happened.

However, they used the campaign on their application for the Certificate of Lawfulness for Existing Use.

Peel has received millions in state aid and is currently benefiting from £10m for Hunterston, £9m for the Greenock Ocean Terminal, £10.6m for Inchgreen and £5m for Glasgow Harbour, plus £1.5m from the Dunard Trust. They are awaiting further funds for Ardrossan Harbour and Greenock Ocean Terminal. Peel has only 100 direct employees in Scotland as the river is controlled from Merseyside like many of their operations. Greenock Ocean Terminal had 15 redundancies in 2021 leaving a head count of 74.

Inverclyde's ports have been successfully trading since 1775, 228 years prior to Peel Ports arrival and will continue to be successful when they've gone. Our ports made Glasgow the second city of the Empire and Newark was honoured by being renamed, Port of Glasgow.

91 cruise ships will visit the Greenock terminal this year, earning Peel approximately £10m from those visits, yet Inverclyde will receive nothing other than the exhaust fumes from those ships and the hundreds of buses and taxis taking passengers to other places.

The Peel Group uses hundreds of companies to move money around and uses tax havens to avoid paying tax and contributing to public services, yet they attract millions in state aid. How much more revenue could be generated for the public purse by a commercially successful shipbuilding and repair facility at Inchgreen creating hundreds of well-paid skilled jobs?

It has taken 5 years for the Ardrossan Harbour project to be agreed as Peel were holding out for more public funds. A frustrated former Transport Minister (Jenny Gilruth) [stated](#), "the legal and commercial arrangements for investment at this third party owned harbour have been challenging", adding that "can substantially slow progress in relation to improvements" and comes at a cost to the public purse.

Ayrshire councillors and local residents have continually raised concerns over the management of Peel's deep-water terminal at Hunterston regarding their operations, safety and environmental damage. Adjacent to Hunterston lies Southannan Sands, where Scottish National Heritage identified "highly productive ecosystems", "nationally scarce species", "priority habitats" and SSSIs, which are protected by law.

There appears to be a lack of will to monitor what's happening around this area. For example, the Maritime Investigation Branch refused to investigate when two drill ships broke away from their moorings during severe weather. Two weeks prior to the incident Peel had been warned about these dangers but they were ignored; residents and many councillors don't trust anything said by Peel.

Inverclyde has struggled since the demise of shipbuilding, marine engineering, and manufacturing. There are large areas of deprivation, poverty, and no prospects to work our way out of this situation. Our communities don't want to rely on handouts, food banks or well-meaning charity. Inverclyde's people demand that prime industrial facilities are used to their full potential. Our industrial revival is being strangled in favour of protecting an offshore company's assets on Merseyside, Tyneside and Teeside.

Two major companies offered to lease Inchgreen dry dock, and one even offered to buy it. Instead, Peel gave a 10-year lease to a start-up company formed in August 2021 to decommission ships, but none have arrived. Recently 3 of the 4 directors have resigned from the company and the remaining one has changed the company name, but still no ships. It's a disgrace to turn the largest dry dock in Britain into a scrapyard. We stated from the outset this was a ruse to divert attention from Peel's anti-competitive practices.

The campaign has suggested ways to develop Inchgreen, including the plan to build a new catamaran Scottish ferry fleet. Only one former minister (Kate Forbes) took the time to discuss these opportunities and costings and was keen to follow up. However, she went on maternity leave and, after the change of First Minister, interest evaporated.

The Campaign's history is available on our Facebook page, with copies of letters, papers, and reports available on request, including: 'Clydeport charges schedule for cruise ships'; 'UKs Dysfunctional Private Equity Ownership and Regulation Model'; Peel and the Liverpool City Region report on tax avoidance.

We look forward to the Committee's consideration of our petition.

Annexe E

Katy Clark MSP submission of 14 September 2023

PE2029/C: Nationalise Clydeport to bring the ports and harbours on the river Clyde into public ownership

I am writing in support of petition PE2029. I regret I am unable to attend the meeting on 20 September 2023 as I will be at a funeral.

I have previously engaged with Mr Buirds and the Campaign to Save Inchgreen Dry Dock on this issue. I however came to this issue initially through engagement constituents in North Ayrshire about issues relating to the management of ports and harbours and decisions impacted by their private ownership, particularly in Ardrossan and at Hunterston. Despite the Scottish Government's own submission to the committee stating that "instances of complaints about ports in Scotland are rare", I am aware that grievances have been raised about Clydeport by community councils, trade unions, local campaigners, environmental groups, elected representatives and even Scottish Government ministers about its business practices and management of key assets over many years. In particular, North Ayrshire Council have repeatedly and justifiably raised concerns in relation to Ardrossan Harbour. I have seen the lack of control by government at all levels of these strategic assets impact negatively.

To give some background, as an MSP representing West Scotland since 2021, and as a former MP for North Ayrshire & Arran (2005 to 2015), I have had a longstanding interest in Clydeport/Peel and the extent to which their operations and practices impact on economic development and regeneration, or lack thereof, and on communities. As is set out in the SPICe briefing provided to the committee, Clydeport was only privatised in 1992. Prior to that, the Clyde Port Authority was a trust port without private shareholders or opaque ownership structures. The model adopted in the UK is very unusual. In other countries, it remains standard for either trusts or municipal authorities to own major ports or

networks of ports. Some major ports like Amsterdam and Rotterdam are owned partly by the state and partly by the cities themselves. This is unsurprising given the strategic importance of ports as national assets, whether it be for the purposes of passenger travel, leisure, trade or naval force.

That is not the case with Clydeport, owned by a private firm which is also the harbour authority for 450 square miles along the River Clyde. This is a significant level of control and influence considering the Clyde's historic significance and industrial heritage. Along with Inchgreen Dry Dock, the UK's largest dry dock, assets in the West Scotland Region include Hunterston PARC, Scotland's largest deepwater port, and Ardrossan Harbour, where CalMac operates the Brodick ferry route, the busiest on the entire network, as well as historically significant land in Inverclyde. However, further assets are owned in other parts of Scotland, for example in Glasgow, and down south such as Merseyside. The multinational owner Peel has a reputation for land banking and taking decisions which benefit only some of their sites.

I became aware of concerns regarding Peel's operation relating to development in Ardrossan from 2005. Since then, further concerns have been raised with me such as the refusal to dredge the river beyond Braehead and alleged misuse of key facilities. In Ardrossan, it took six years for grant terms to be agreed for the overdue redevelopment of the harbour proposed by North Ayrshire Council. Equally, where there have been limited developments, residents have expressed discontent at anchorages being placed too close to residential areas and a failure to meaningfully engage with local communities about proposals. I have repeatedly been lobbied, for example, about the Hunterston site. This site is immediately adjacent to Southannan Sands, a Site of Special Scientific Interest (SSSI) comprised of three distinct areas stretching from Fairlie in the North to Hunterston in the south. Scottish National Heritage identify "highly productive ecosystems", "nationally scarce" species and "priority habitats". Despite this, many key proposals – such as shipping wind turbine blades over 100 metres long via the main jetty for the purposes of a new cable factory – have not been subject to environmental impact assessments.

Health and safety issues at the site have also been raised. The Maritime Investigation Branch refused to commit to an investigation after two drill

ships broke their moorings during a period of severe weather in February 2021. It was later revealed Peel Ports had been informed of the potential safety issues of having the two vessels berthed off the coast two weeks prior to the incident. The formal report by the Republic of the Marshall Islands Marine Accident Investigation Branch recommended all high windage vessels mooring at Hunterston must have anchors deployed at all times. This was ignored by Clydeport when a large FPSO vessel – Petrojarl Foinaven – was moored at the Hunterston jetty for a three month period in serious and significant breach of the aforementioned recommendation and the Petroleum Act 1998. Clydeport has previously admitted to safety breaches for which they were fined £650,000 in 2014. This included the deaths of crew members on a cargo vessel in 2007.

When I have previously broached these issues with the Scottish Government, it is notable that few of these points were disputed. When I raised Ardrossan Harbour delays with former Transport Minister, Jenny Gilruth, she acknowledged that the private ownership of harbours “can substantially slow progress in relation to improvements and it also comes at a cost to the public purse”. This confirms the experiences of communities in the West of Scotland over decades. As the Scottish Government’s submission notes: “Scottish Ministers have powers to compulsorily acquire land under planning legislation... where the acquisition is ‘necessary for the public service’ or for planning or development purposes.”

I believe to realise any kind of meaningful industrial strategy, the Scottish Government must consider changing its position and meaningfully engage with the points raised in this petition. I therefore believe that the issues being raised in this petition need further consideration and exploration.