

Mr S Akass
Moray Council
Council Offices
High Street
Elgin
IV30 1BX

Moray Council – Maintenance Dredging – Portnockie Harbour

Date: 07 February 2024

Dear Mr Akass,

**THE MARINE LICENSING (EXEMPTED ACTIVITIES) (SCOTTISH INSHORE REGION)
ORDER 2011 – ARTICLE 26 HARBOUR DREDGING**

I write to you on behalf of the Marine Directorate - Licensing Operations Team (MD-LOT). MD-LOT is responsible, on behalf of the Scottish Ministers, for regulating licensable marine activities in the Scottish inshore and offshore regions under the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009, respectively.

You submitted an application on 20 April 2023 for the approval of an exempt activity for harbour dredging at Portnockie Harbour.

This approval is applied to works in the following approximate location:

Portnockie Harbour entrance, within the area bounded by joining the points:

57° 42.290 'N 02° 51.810' W
57° 42.300 'N 02° 51.750' W
57° 42.300 'N 02° 51.740' W
57° 42.280 'N 02° 51.810' W

Portnockie Harbour inner basin, within the area bounded by joining the points:

57° 42.310 'N 02° 51.740' W
57° 42.300 'N 02° 51.700' W
57° 42.270 'N 02° 51.700' W
57° 42.260 'N 02° 51.730' W
57° 42.290 'N 02° 51.740' W
57° 42.300 'N 02° 51.740' W

This approval is subject to the following conditions:

1. Moray Council must ensure the activity involves the dredged material being contained within a secure structure and transported for deposit other than at the place of dredging, or the activity involves the use of plough dredging as part of a dredging operation in respect of which any other dredging involves the dredged material being contained within a secure structure and transported for deposit other than at the place of dredging.

2. The activity is authorised by or under and carried out in accordance with any local Act or any order under section 14 or 16 of the Harbours Act 1964.

3. Moray Council must provide any agents, contractors and sub-contractors employed to undertake the exempt activity with a copy of the approval letter. Copies of the approval letter must be available for inspection by any authorised marine enforcement officer at:

- a) the premises of Moray Council;
- b) the premises of any contractor or sub-contractor employed to carry out the exempt activity; and
- c) at the location of the exempt activity.

4. The Licensee must ensure no Licensed Activities take place within 2km of the designated Cullen during the bathing season (01 June to 15 September inclusive) without prior approval of the Licensing Authority.

This letter constitutes Scottish Ministers approval under article 26 of The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011. The approval is valid between 07 February 2024 and 06 February 2027.

Please note that it is your responsibility to ensure that all required authorisations are in place prior to the commencement of the exempt activity. Under Part 4, section 32(3) of the Marine (Scotland) Act 2010 and Part 4, section 74(3) of the Marine and Coastal Access Act 2009, approval for an exempt activity may be subject to such conditions as the Scottish Ministers consider appropriate. If the conditions are not adhered to, the activity would no longer be considered exempt and a marine licence would be required. Under Part 4, section 39 (1) of the Marine (Scotland) Act 2010 and Part 4, section 85 of the Marine and Coastal Access act 2009, a person who carries on a licensable activity without a marine licence commits an offence.

Further information or guidance

The rules covering marine licensing can be found in Part 4 of the Marine (Scotland) Act 2010 and Part 4 of the Marine and Coastal Access Act 2009.

A copy of the Marine (Scotland) Act 2010 can be obtained at:

<http://www.legislation.gov.uk/asp/2010/5/contents>

A copy of the Marine and Coastal Access Act 2009 can be obtained at:

<https://www.legislation.gov.uk/ukpga/2009/23/contents>

Further information on marine licensing can be obtained from our website at:

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine>

It is important that you are fully conversant with all of the rules and conditions that apply to your exempted activity. If you have further questions, please do not hesitate to contact us by e-mailing md.marinelicensing@gov.scot

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Yours sincerely

Thomas Inglis
Marine Directorate - Licensing Operations Team

