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**Aberdeen Harbour Board
Harbour Office
16 Regent Quay
Aberdeen
AB11 5SS**

Our Ref: 06593

Date: 05 March 2019

Dear Redacted

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

I write to you on behalf of the Marine Scotland - Licensing Operations Team (MS-LOT). MS-LOT is responsible, on behalf of the Scottish Ministers, for licensing deposits in, and removals from, the seas adjacent to Scotland under the Marine (Scotland) Act 2010 (The Act).

You submitted an application for a marine licence to deposit dredged material at sea dated 25 January 2018. In addition to obtaining a marine licence for the deposit of the dredged material you require Scottish Ministers approval for the above exemption.

I am pleased to inform you that the licensing authority has no objections to the exemption from the requirement to obtain a marine licence for the harbour dredging at Aberdeen within the area bounded by joining the points:

Dredge Area A

57° 08.992' N 002° 03.399' W
57° 08.736' N 002° 03.273' W
57° 08.362' N 002° 04.403' W
57° 08.440' N 002° 04.540' W
57° 08.514' N 002° 04.358' W
57° 08.509' N 002° 04.348' W

Dredge Area B

57° 08.449' N 002° 04.556' W
57° 08.362' N 002° 04.403' W
57° 08.362' N 002° 05.352' W
57° 08.449' N 002° 05.397' W

Dredge Area C

57° 08.536' N 002° 04.323' W
57° 08.514' N 002° 04.358' W

57° 08.440' N 002° 04.540' W
57° 08.449' N 002° 04.556' W
57° 08.471' N 002° 04.546' W
57° 08.486' N 002° 04.873' W

This exemption shall be valid from 05 March 2019 until 04 March 2020 and is subject to the following conditions:

1. Aberdeen Harbour Board 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. Aberdeen Harbour Board must ensure that all dredging is undertaken in strict accordance with the mitigation strategy Version 4 (28 January 2019) unless otherwise agreed in writing with the licensing authority.
4. Aberdeen Harbour Board must inform the licensing authority of the intended dates of the dredging and disposal programme as early as possible.
5. Plough dredging must only be carried out during daylight hours. If plough dredging is required outwith daylight hours, it must not take place without further written consent of the licensing authority.
6. Trailer suction hopper dredging must not take place between 13 April 2019 and 24 May 2019 inclusive.
7. By 08 April 2019 Aberdeen Harbour Board must provide the licensing authority with a written update on progress of the trailer suction hopper dredging campaign and whether further dredging is required after 12 April 2019.
8. Aberdeen Harbour Board must provide the Master(s) of the vessel(s) employed to undertake the trailer suction hopper dredging operations with a copy of the approval letter. Aberdeen Harbour Board must also ensure that copies of the approval letter and all other relevant documents are available for inspection by any authorised Enforcement Officer at:
 - a. the premises of the Aberdeen Harbour Board;
 - b. the premises of any contractor responsible for the dredging operation; and
 - c. on board the vessel(s) employed to undertake the dredging operations.
9. Aberdeen Harbour Board must ensure no dredging shall take place within 2 km of the designated Aberdeen Bathing Water during bathing season (15 May and 15 September) without the prior approval of the Licensing Authority.
10. Aberdeen Harbour Board must ensure, if they wish to dredge during the bathing season, any request for approval includes, but is not limited to;

- a. An explanation of why the proposed dredging must take place during bathing season.
- b. A plan detailing how MS-LOT and SEPA will be notified of the start and completion of the proposed dredging activity
- c. A method statement indicating the location, type and amount of material to be dredged, dredging technique to be used and any proposed mitigation measures.

If you require any clarification on the conditions above, contact the licensing authority immediately at ms.marinelicensing@gov.scot. Under Part 4, section 32(3) of The Act approval for an exempt activity may be subject to such conditions as Scottish Ministers consider appropriate. If the conditions are not adhered to, the dredging activity would no longer be considered exempt and a marine licence would be required for any dredging. Under Part 4, section 39 (1) of The Act a person who carries on a licensable activity without a marine licence commits an offence. Please note the target duration for the processing of a new marine licence application is fourteen weeks from the date of receipt of the application fee.

This letter constitutes Scottish Ministers approval under article 26 of The Order.

Further information or guidance

The rules covering marine licensing can be found at Part 4 of the Marine (Scotland) Act 2010. A copy of the Marine (Scotland) Act 2010 can be obtained at:

<http://www.legislation.gov.uk/asp/2010/5/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 that apply to your activity and your attention is drawn to the advice given above. If you have further questions, please do not hesitate to get in contact using the details below or by e-mailing ms.marinelicensing@gov.scot

Yours sincerely,

Redacted

Marine Licensing Casework Manager
Marine Scotland - Marine Planning & Policy

Redacted

Cc:

