

T: +44 (0)300 244 5046
E: ms.marinelicensing@gov.scot

Captain T Hutchison
Montrose Port Authority
Harbour Office
South Quay
Ferryden
Montrose
DD10 9SL

Our Ref: *Montrose Port Authority – Harbour Dredging – Montrose, Angus*

Date: *23 September 2021*

Dear *Captain Hutchison*,

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 regulating licensable marine activities in the Scottish marine area under the Marine (Scotland) Act 2010.

You submitted an application on 14 May 2021 for the approval of an exempted activity for Harbour dredging at Montrose Harbour under the above exemption.

This exemption is applied to dredging within an area bound by joining the points:

56° 42.213' N	002° 28.282' W
56° 42.338' N	002° 28.136' W
56° 42.195' N	002° 27.833' W
56° 42.175' N	002° 27.815' W
56° 42.167' N	002° 27.772' W
56° 42.223' N	002° 26.581' W
56° 42.223' N	002° 25.828' W
56° 42.212' N	002° 25.828' W
56° 42.166' N	002° 25.963' W
56° 42.182' N	002° 26.648' W
56° 42.131' N	002° 27.730' W
56° 42.107' N	002° 27.903' W
56° 42.142' N	002° 28.143' W
56° 42.213' N	002° 28.282' W

This exemption is subject to the following conditions:

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
ms.marinelicensing@gov.scot
<http://www.gov.scot/Topics/marine/Licensing/marine>

1. *Montrose Port Authority 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. *Montrose Port Authority must ensure that no dredging is carried out from 01 April 2022 until 31 May 2022 inclusive, unless a suitable mitigation plan is agreed in writing with Scottish Ministers, including but not limited to, dredging on a flood tide and significantly reducing the amount of dredging hours per day.*
4. *Montrose Port Authority must ensure that any dredging from 01 April 2022 until 31 May 2022 inclusive, is carried out in line with any mitigation plan approved in condition 3.*
5. *Montrose Port Authority must ensure that no dredging takes place within 2km of the designated Montrose bathing waters during the Bathing Water Season (1 June to 15 September inclusive) without prior approval of the licensing authority.*
6. *Montrose Port Authority must ensure that, if they wish to dredge during the Bathing Water Season, any request for approval includes, but is not limited to;*
 - a) *An explanation of why the proposed dredging must take place during the Bathing Water Season;*
 - b) *A plan detailing how Marine Scotland - Licensing Operations Team and Scottish Environment Protection Agency will be notified of the start and completion of the dredging activity; and*
 - c) *A method statement indicating the location, type and amount of material to be dredged, dredging technique to be used and any mitigation measures.*
7. *Montrose Port Authority 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. Montrose Port Authority must also ensure that copies of the approval letter and all other relevant documents are available for inspection by any authorised marine enforcement officer at:*
 - a) *the premises of the Montrose Port Authority;*
 - b) *the premises of any contractor responsible for the dredging operation; and*
 - c) *on board the vessel(s) employed to undertake the dredging operations.*

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 for harbour dredging by Montrose Port Authority between 24 September 2021 and 23 September 2022.

Please note that it is your responsibility to ensure that all required authorisations are in place prior to the commencement of works.

Further information or guidance

The rules covering marine licensing can be found in 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 contact us by e-mailing ms.marinelicensing@gov.scot

Yours sincerely

David Hutchison
Licensing Operations Team
Marine Scotland