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Duncan Mackie
Aberdeenshire Council
Harbour Office
32 Shore Street
Macduff
AB44 1TX

Our Ref: MS-00009311

Date: 15 December 2022

Dear Mr Mackie,

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 inshore and offshore regions under the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009, respectively.

You submitted an application on 13 May 2021 for the approval of an exempt activity for Harbour dredging at Banff Harbour.

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

This approval is subject to the following conditions:

- 1. Aberdeenshire 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. Aberdeenshire Council must ensure that no dredging takes place within 2 km of the designated Inverboyndie Bathing Waters during the Bathing Water Season (1 June to 15 September inclusive) without prior approval of MS-LOT.*
- 4. Aberdeenshire Council 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.
5. Aberdeenshire 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 Aberdeenshire 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.

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 16 December 2022 and 15 December 2023.

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 ms.marinelicensing@gov.scot.

Yours sincerely

David Hutchison
Licensing Operations Team
Marine Scotland