

David Frew
Mar Lodge Estate Office,
Braemar,
Aberdeenshire,
AB35 5YJ

If telephoning ask for:

23 May 2011

Dear Mr Frew,

**ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
WASTE MANAGEMENT LICENSING REGULATIONS 2011
POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2000 (AS AMENDED)
WASTE MATERIAL LAND ON MAR LODGE ESTATE**

It has been brought to the attention of SEPA that land within the above Estate has been used as an area for tipping waste materials. SEPA inspected this site and observed what appears to be a pit where a landfill operation appeared to be taking place. The deposited waste appears to comprise principally of household material such as mattresses, a burnt desk, a cooker, various toys and plastics and items of clothing. Also in this pit and scattered across the clearing was a quantity of metal, tyres and used fencing.

The land in question is at Grid Reference NO 07409 89837.

Such activities are required to be licensed under the Environmental Protection Act 1990 (as amended) as set out below:

Section 33(1) requires that a person shall not:

- (a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence;*
- (b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of –
 - (i). in or on any land, or*
 - (ii). By means of any mobile plant,*except under and in accordance with a waste management licence.*
- (c) Treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.*

Licensing of landfill sites is regulated by the Pollution Prevention and Control (Scotland) Regulations 2000 (as amended). SEPA can find no record of a Pollution Prevention and Control Permit or valid exemption from waste management licensing, for the activities taking place at the above site. It would appear, therefore that a breach of the above legislation has occurred. It is advisable to cease any further activities at the above site until such time you hold an appropriate licence to do so as further activities will be considered a continuing breach of the above legislation.

The deposited material should be removed and transported to an appropriately authorised facility and confirmation that this has been undertaken supplied to SEPA as soon as possible.



Chairman
David Sigsworth

Chief Executive
Dr Campbell Gemmell

Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
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If you wish to discuss this further, please do not hesitate to contact [REDACTED] at SEPA's Aberdeen office.

Yours sincerely

[REDACTED]

Environment Protection Officer
Enc Photographs.