
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 190

**The Dumfries and Galloway Council
(Garlieston) Harbour Empowerment Order 2008**

PART III

CONTROL OF WORKS, DREDGING, ETC.

Appeals in respect of works or dredging licences

32.—(1) Where—

- (a) the Council has refused to grant a works licence or a dredging licence and the applicant for the licence is aggrieved by the refusal, or
- (b) the Council has granted such a licence upon terms or conditions or has required modifications to be made in the plans, sections and particulars submitted by the applicant, and the applicant is aggrieved by the Council's decision as to such terms or conditions, or as to such modifications,

the applicant may within 28 days from the date on which the Council gives notice of its decision or the date on which it is under article 30 or article 31 above deemed to have refused the application, as the case may be, appeal to the Scottish Ministers.

(2) An appeal under this article shall be made by notice in writing, stating the grounds of the appeal.

(3) A person who appeals to the Scottish Ministers under this article shall at the same time send a copy of his statement of appeal to the Council and the Council shall as soon as practicable thereafter furnish the Scottish Ministers with all relevant documents, and may within 28 days from the receipt of the statement of appeal furnish the Scottish Ministers with its observations on the appeal.

(4) On an appeal under this article the Scottish Ministers may confirm, vary or revoke the decision appealed against and may require any consequential amendments to be made, including amendment of the terms and conditions or modification of the plans, sections and particulars.

(5) The Council shall give effect to any decision or requirement given or made by the Scottish Ministers under paragraph (4) above.