



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 3

LAND MANAGEMENT ORDERS

29 **Proposals for land management orders**

- (1) This section applies to—
- (a) land which is, or forms part of, a site of special scientific interest,
 - (b) land which is contiguous to, or which SNH considers to be otherwise associated with, a site of special scientific interest,
 - (c) any combination of land of the type described in paragraphs (a) and (b).
- (2) Where—
- (a) any of subsections (3) to (5) applies, and
 - (b) SNH considers that an order under section 30(1) (a “land management order”) in relation to the land is necessary or expedient for the purpose of conserving, restoring or otherwise enhancing any natural feature specified in an SSSI notification,
- SNH may propose to the Scottish Ministers that they make a land management order.
- (3) This subsection applies where—
- (a) SNH has offered to enter into a management agreement in relation to land to which this section applies for the purpose specified in subsection (2)(b), and
 - (b) the offeree has refused or failed to enter into the agreement.
- (4) This subsection applies where a person fails to comply with a management agreement entered into with SNH, for the purpose specified in subsection (2)(b), in relation to land to which this section applies.

Status: This is the original version (as it was originally enacted).

- (5) This subsection applies where SNH has not, by reason of not being aware of the name or address of any owner or occupier of land to which this section applies, been able to offer to enter into a management agreement in relation to the land.
- (6) Subsection (5) does not apply unless—
- (a) SNH has given notice in accordance with section 48(10) stating that it wishes to offer to enter into a management agreement in relation to the land, and
 - (b) 28 days have passed since the notice was given.
- (7) A proposal under subsection (2) must—
- (a) describe the land to which it relates in a manner which would be sufficient to enable a document relating to the land to be recorded in the General Register of Sasines or, as the case may be, registered in the Land Register of Scotland,
 - (b) be accompanied by a map on which the land is delineated,
 - (c) describe the natural feature in question,
 - (d) explain why SNH offered to, or wishes to offer to, enter into a management agreement in relation to the land or, as the case may be, specify the failure to comply with a management agreement which has been entered into,
 - (e) specify—
 - (i) any operations (including any operations requiring consent) which should be carried out on the land for the purpose of conserving, restoring or otherwise enhancing that natural feature,
 - (ii) the persons who should carry out the operations, and
 - (iii) how and when the operations should be carried out,
 - (f) state—
 - (i) the costs which the persons referred to in paragraph (e)(ii) are likely to incur by so doing, and
 - (ii) the amounts which SNH should pay to those persons in respect of those costs, and
 - (g) specify any operations which should not be carried out on the land.