



# Nature Conservation (Scotland) Act 2004

## 2004 asp 6

### PART 2

#### CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

### CHAPTER 1

#### SITES OF SPECIAL SCIENTIFIC INTEREST

##### *Operations affecting sites of special scientific interest*

- 17 Operations by owners or occupiers of sites of special scientific interest: authorised operations**
- (1) SNH's consent under section 16 is not required in relation to the carrying out of an operation requiring consent—
- (a) in respect of which permission has been given by a relevant regulatory authority in accordance with section 15,
  - (b) which is authorised by a planning permission granted on an application under Part III of the Town and Country Planning (Scotland) Act 1997 (c. 8),
  - (c) which is an emergency operation particulars of which (including details of the emergency) are notified to SNH as soon as practicable after the necessity for the operation becomes apparent,
  - (d) in accordance with the terms of a management agreement between SNH and the person carrying out the operation or causing or permitting it to be carried out, or
  - (e) which is carried out as required by a land management order.
- (2) Subsection (3) applies where—
- (a) an owner or occupier of land within a site of special scientific interest carries out, or causes or permits to be carried out, an operation which would, but for subsection (1)(a) or (c), require SNH's consent, and
  - (b) the operation damages any natural feature specified in an SSSI notification.
- (3) Where this subsection applies the owner or occupier must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) consult SNH as to the manner in which the natural feature should be restored to its former condition, and
  - (b) restore it, so far as is reasonably practicable, to that condition in accordance with any advice given by SNH in pursuance of paragraph (a).
- (4) Section 16 and this section do not apply to an owner or occupier being a public body or office-holder acting in the exercise of its functions.