



# Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

## PART 6

### SITES OF SPECIAL SCIENTIFIC INTEREST

#### **38 Denotification of SSSIs: damage caused by authorised operations**

In section 9 (denotification of SSSIs) of the 2004 Act, after subsection (4) insert—

“(5) This subsection applies where—

- (a) a public body or office-holder (after consulting SNH in accordance with any enactment) permits the carrying out of an operation,
- (b) the carrying out of the operation in pursuance of that permission damages a natural feature specified in an SSSI notification,
- (c) SNH, because of that damage, gives notification under subsection (1) of its intention to revoke or modify the SSSI notification, and
- (d) the explanation given by virtue of subsection (4)(a)(ii) in the document accompanying the notification under subsection (1)—
  - (i) states that SNH considers that all or part of the site of special scientific interest is no longer of special interest by reason of the damage caused by the carrying out of the permitted operation, and
  - (ii) explains the effect of subsection (6)(b).

(6) Where subsection (5) applies—

- (a) section 11, and paragraphs 3 to 15 of schedule 1, do not apply in relation to the notification under subsection (1), and
- (b) the relevant SSSI notification is revoked or, as the case may be, modified when the notification is given under subsection (1).”.

#### **Commencement Information**

**11** S. 38 in force at 29.6.2011 by S.S.I. 2011/279, art. 2(1)(o)

**Changes to legislation:**

There are currently no known outstanding effects for the Wildlife and Natural Environment (Scotland) Act 2011, Section 38.