



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

13 Operations by public bodies etc.

- (1) A public body or office-holder must not carry out ^[F1], or cause or permit to be carried out on land owned or occupied by the public body or office-holder,] any operation which is likely to damage any natural feature specified in an SSSI notification except—
 - (a) with the written consent of SNH given on an application under subsection (3),
 - (b) where subsection (1) of section 14 applies, or
 - (c) in accordance with subsection (2) of that section.
- (2) Subsection (1) of this section applies whether or not the operation would take place on land within a site of special scientific interest.
- (3) An application for SNH's consent must specify—
 - (a) the nature of the operation,
 - (b) the proposed dates of commencement and completion, and
 - (c) the land on which it is proposed to carry out the operation.
- (4) On an application under subsection (3) SNH may—
 - (a) give consent to the operation being carried out, whether or not subject to conditions, or
 - (b) refuse such consent.
- (5) The conditions referred to in subsection (4)(a) may, in particular, provide—

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 13. (See end of Document for details)

- (a) that, despite the terms of the application under subsection (3), the operation may be carried out—
 - (i) only in such manner as SNH may specify,
 - (ii) on part only of the land on which the public body or office-holder wishes to carry out the operation,
 - (b) that the operation may be carried out only for, or within, such period as SNH may specify.
- (6) SNH must, in giving or refusing consent, provide the public body or office-holder with written advice in relation to the operation, including advice on minimising such damage as is referred to in subsection (1).
- (7) SNH must give a public body or office-holder reasons for a decision under this section—
- (a) to give consent subject to conditions,
 - (b) to refuse consent.
- (8) SNH is, if it neither gives nor refuses consent within 28 days of the date of the application under subsection (3), to be treated as having refused consent.

Textual Amendments

- F1** Words in s. 13(1) inserted (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 39(2)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)

Commencement Information

- I1** S. 13 in force at 29.11.2004 by [S.S.I. 2004/495](#), **art. 2**

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