

# NATURE CONSERVATION (SCOTLAND) ACT 2004

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## EXPLANATORY NOTES

### RELATED INITIATIVES AND SUPPORTING INFORMATION

#### Part 2 The SSSI system

14. [Part 2](#) of the Act creates a new system for conserving and enhancing specific areas of Scotland which are considered to be of particularly high quality in terms of their flora, fauna or geological or geomorphological features. Those features of the biological and geological natural heritage of Scotland are referred to in the Act collectively as “natural features” and the areas of land in question are sites of special scientific interest or “SSSIs”.
15. The provisions within this Part are based upon, but significantly extend, develop and, ultimately, replace the existing SSSI system which was brought into being by Part II of the 1981 Act.
16. The intention is that the new SSSI arrangements will safeguard Scotland’s biological and geological natural heritage by establishing a system designed to protect the natural features present on particular areas of land considered to be of special interest because of those natural features. The system is also intended to contribute to the conservation of the wider natural heritage of Great Britain and the member States of the European Union, by ensuring that the significance of natural features found within Scotland is considered in terms of their importance at a British and European level.
17. A significant feature of the SSSI provisions in the Act is that they regulate the degree to which, and the manner in which, land management operations can be carried out on SSSIs. In certain circumstances, the Act provides for operations to be either restricted or prohibited if they are likely to damage the natural features on an SSSI.
18. This in turn, where the operations form part of the established management of the land, may give rise to SNH offering to enter into a management agreement with the land manager to a management agreement offered by SNH. In this connection the provisions of the Act (and in particular sections 16, 17 and 18, which affect the rights of private land managers) should be read in conjunction with the *Financial guidelines for supporting the management of Sites of Special Scientific Interest and Natura 2000 sites* (referred to in these notes as the “*Financial Guidelines*”). The guidelines are available from: The Scottish Executive, Wildlife and Habitats Division, Victoria Quay, Edinburgh, EH6 6QQ (E-mail: [NCAct@scotland.gov.uk](mailto:NCAct@scotland.gov.uk) or via the Scottish Executive website: [www.scotland.gov.uk/Topics/Environment/Countryside/Wildlife-Habitats](http://www.scotland.gov.uk/Topics/Environment/Countryside/Wildlife-Habitats)). The *Financial Guidelines* will be issued as formal statutory guidance in terms of section 54 of the Act.