



# 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*

#### **14 Operations by public bodies etc.: authorised operations**

- (1) SNH's consent under section 13 is not required in relation to the carrying out of an operation of the type described in subsection (1) of that section—
- (a) in respect of which permission has been given by a relevant regulatory authority in accordance with section 15,
  - <sup>F1</sup>(aa) in accordance with a restoration notice given under section 20A(4) or a restoration order made under section 40(1),]
  - (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,
  - <sup>F2</sup>(ca) in accordance with a control scheme made under section 8 of the Deer (Scotland) Act 1996 (c.58),]
  - (d) in accordance with the terms of a management agreement between SNH and the public body or office-holder carrying out the operation, <sup>F3</sup>...
  - (e) in accordance with any plan relating to the management of land which has been prepared by the public body or office-holder and approved in writing by SNH for the purposes of this section<sup>F4</sup>, or .
  - (f) if that operation is of a type described by order made by the Scottish Ministers.]

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*Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 14. (See end of Document for details)*

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- (2) A public body or office-holder may, if all the conditions set out in subsection (3) are satisfied, carry out <sup>F5</sup>or cause or permit to be carried out ] an operation of the type described in section 13(1)—
- (a) in respect of which SNH has refused consent, or
  - (b) in a case where SNH has given consent, otherwise than in accordance with any condition to which the consent is subject.
- (3) Those conditions are—
- (a) that the public body or office-holder has, more than 28 days after the date of the application under section 13(3), given notice to SNH of—
    - (i) the date (which must be at least 28 days after the date of the notice) on which it <sup>F6</sup>is proposed that the operation be commenced ], and
    - (ii) what (if anything) the body or office-holder has done, or proposes to do, in consequence of any written advice in relation to the operation which it has received, before the date of the notice, from SNH in pursuance of section 13(6),
  - (b) that the body or office-holder carries out the operation in such a way <sup>F7</sup>, or causes or permits the operation to be carried out only in such a way, ] as to give rise to as little damage or disturbance as is reasonably practicable in all the circumstances to any natural feature specified in an SSSI notification (having had regard, in particular, to any such advice as is referred to in paragraph (a) (ii)),
  - (c) that in carrying out the operation <sup>F8</sup>or, as the case may be, in causing or permitting the carrying out of the operation, ] the body or office-holder complies with section 12(2)(c).
- (4) Subsection (5) applies where—
- (a) a public body or office-holder carries out <sup>F9</sup>or causes or permits the carrying out of an operation in circumstances in ] which it would, but for subsection (1) (a) or (c) or (2), require SNH's consent, and
  - (b) the operation damages any natural feature specified in an SSSI notification.
- (5) Where this subsection applies the body or office-holder must—
- (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).

#### Textual Amendments

- F1** S. 14(1)(aa) inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 40(1)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(q)
- F2** S. 14(1)(ca) inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F3** Word in s. 14(1) repealed (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F4** S. 14(1)(f) and word inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(a)(iii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F5** Words in s. 14(2) inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)

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**Changes to legislation:** There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 14. (See end of Document for details)

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- F6** Words in s. 14(3)(a)(i) substituted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(c)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F7** Words in s. 14(3)(b) inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(c)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F8** Words in s. 14(3)(c) inserted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(c)(iii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)
- F9** Words in s. 14(4)(a) substituted (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 39(3)(d)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(p)

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**Commencement Information**

- I1** S. 14 in force at 29.11.2004 by S.S.I. 2004/495, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 14.