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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 475**

**The Conservation (Natural Habitats, &c.)  
Amendment (Scotland) Regulations 2004**

*Amendments to Part IV*

**16.** In regulation 47(1) (application of the provisions of this Part)–

- (a) for “54” substitute “53A”; and
- (b) after regulation 53 insert–

**“Control of operations requiring consent**

**53A.**—(1) Regulations 48 and 49 (requirement to consider effect on European site) apply in relation to the granting of any consent under–

- (a) section 13(4) of the 2004 Act to permit a public body to carry out an operation; or
- (b) section 16(3) of the 2004 Act to permit an owner or occupier of land within a site of special scientific interest to carry out an operation requiring consent on the land.

(2) Where in such a case SNH considers that any adverse effects of the plan or project on the integrity of a European site would be avoided if the consent were subject to conditions, it may grant consent subject to those conditions.

(3) Where, in any case, whether in pursuance of sections 13(4) or 16(3) of the 2004 Act or otherwise, in light of the conclusions of an appropriate assessment made under regulation 48(1), SNH has not given consent for an operation, but it considers that there is a risk that the operation may nevertheless be carried out, it shall notify Scottish Ministers.”.