



Nature Conservation (Scotland) Act 2004

2004 asp 6

PART 2 **S**

CONSERVATION AND ENHANCEMENT OF NATURAL FEATURES

CHAPTER 1 **S**

SITES OF SPECIAL SCIENTIFIC INTEREST

Operations affecting sites of special scientific interest

15 Consent by certain regulatory authorities **S**

- (1) This section applies where the permission of a relevant regulatory authority is needed before operations may be carried out.
- (2) A reference in this Act to a relevant regulatory authority is reference to any person designated as such for the purposes of this Act by order made by the Scottish Ministers.
- (3) Before deciding whether to permit the carrying out of an operation which is likely to damage any natural feature specified in an SSSI notification, the authority must notify SNH of the proposal to carry out the operation specifying—
 - (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) Subsection (3) applies whether or not the operation would take place on land within a site of special scientific interest.
- (5) The authority must not decide whether to give its permission until the expiry of the period of 28 days beginning with the date of the notification to SNH unless SNH has notified the authority that it need not wait until then.
- (6) The authority must have regard to any advice received from SNH—
 - (a) in deciding whether to give its permission, and

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 15. (See end of Document for details)

- (b) if it does decide to do so, in deciding what (if any) conditions are to be attached to its permission.
- (7) Subsection (8) applies where the authority does not follow any such advice which—
- (a) advises it against permitting an operation, or
 - (b) advises it to attach certain conditions to a permission.
- (8) Where this subsection applies—
- (a) the permission given by the authority is subject to the conditions set out in subsection (10), and
 - (b) the authority must give notice in accordance with subsection (9) to SNH and the applicant for permission.
- (9) A notice given under subsection (8)(b) must set out the permission given and its terms and must include a statement specifying—
- (a) what the authority has done, or proposes to do, in consequence of the advice given by SNH,
 - (b) that in giving permission or, as the case may be, attaching conditions to the permission the authority has not followed advice received from SNH under subsection (6), and
 - (c) the conditions set out in subsection (10).
- (10) The conditions referred to in subsections (8)(a) and (9)(c) are that—
- (a) the permitted operation must not be commenced before the end of the period of 28 days beginning with the date on which notice under subsection (8)(b) is given, and
 - (b) the operation is carried out in such a way as to give rise to as little damage or disturbance as is reasonably practicable in all the circumstances to the natural feature referred to in subsection (3).

Commencement Information

- I1** S. 15(1) s. 15(3)-(10) in force at 29.11.2004 by [S.S.I. 2004/495](#), [art. 2](#)
- I2** S. 15(2) in force at 1.10.2004 by [S.S.I. 2004/407](#), [art. 2\(a\)](#)

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