



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

- 17 Operations by owners or occupiers of sites of special scientific interest: authorised operations**
- (1) SNH's consent under section 16 is not required in relation to the carrying out of an operation requiring consent—
- (a) in respect of which permission has been given by a relevant regulatory authority in accordance with section 15,
 - [^{F1}(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,
 - [^{F2}(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 person carrying out the operation or causing or permitting it to be carried out,^{F3}...
 - (e) which is carried out as required by a land management order^{F4}, or
 - (f) if that operation is of a type described by order made by the Scottish Ministers.]

Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Section 17. (See end of Document for details)

- (2) Subsection (3) applies where—
- (a) an owner or occupier of land within a site of special scientific interest carries out, or causes or permits to be carried out, an operation which would, but for subsection (1)(a) or (c), require SNH's consent, and
 - (b) the operation damages any natural feature specified in an SSSI notification.
- (3) Where this subsection applies the owner or occupier 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).
- (4) Section 16 and this section do not apply to an [F5 operation in respect of which section 13 applies.]

Textual Amendments

- F1** S. 17(1)(aa) inserted (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 40\(1\)\(c\)](#), [43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), [art. 2\(1\)\(q\)](#)
- F2** S. 17(1)(ca) inserted (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 39\(4\)\(a\)\(i\)](#), [43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), [art. 2\(1\)\(p\)](#)
- F3** Word in s. 17(1) repealed (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 39\(4\)\(a\)\(ii\)](#), [43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), [art. 2\(1\)\(p\)](#)
- F4** S. 17(1)(f) and word inserted (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 39\(4\)\(a\)\(iii\)](#), [43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), [art. 2\(1\)\(p\)](#)
- F5** Words in s. 17(4) substituted (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 39\(4\)\(b\)](#), [43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), [art. 2\(1\)\(p\)](#)

Commencement Information

- I1** S. 17 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 17.