

WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Part 6 – Sites of Special Scientific Interest

Section 37 – Combining sites of special scientific interest

242. **Section 37** of the Act provides for Scottish Natural Heritage to combine two or more sites of special scientific interest (SSSIs) into a single SSSI, by giving notice to the persons who are interested parties in relation to the sites being combined.

Subsection (2)

243. Subsection (2) inserts a new section 5A into the 2004 Act.
Combining sites of scientific interest – inserted section 5A of the 2004 Act

244. Subsections (1) to (3) provide for SNH to give notice of the combination of the SSSIs, and for the combined site to be a single SSSI. Subsection (4) provides for SNH in addition to give notice to the general public of a notification under section 5A of the 2004 Act. Subsection (5) clarifies that SNH may not include any land in the new combined site which was not already part of one of the component sites, and may not add a new operation requiring consent as a result of this procedure.

Subsections (3) and (4)

245. Subsections (3) and (4) make consequential amendments.

246. Subsection (3) has the effect that if SNH or the Scottish Ministers fail to give notice of a combined SSSI, then SNH or Ministers must both give such notice and take such action as it or they think fit in consequence of any representation received following notice.

247. Subsection (4) amends the definitions in section 58 of the 2004 Act.