EXECUTIVE NOTE

THE NATURE CONSERVATION (SCOTLAND) ACT 2004 (AUTHORISED OPERATIONS) ORDER 2011

SSI 2011/419

This order is made in exercise of the powers conferred by sections 14(1)(f) and 17(1)(f) of the Nature Conservation (Scotland) Act 2004 ("the 2004 Act") and all other powers enabling the Scottish Ministers to do so. The order is subject to the negative procedure.

Policy Objectives

The Wildlife and Natural Environment (Scotland) Bill proposed a number of improvements to the system governing Sites of Special Scientific Interest in Scotland. One of these related to a proposal to extend the list of situations in which a separate consent is not required from SNH for SSSI operations which are carried out in fulfilment of a contract with a government department, agency or NDPB, the intended purpose being to reduce unnecessary bureaucratic burden for both SNH and SSSI owner/occupiers and land managers (without any additional risk to SSSIs).

The Wildlife and Natural Environment (Scotland) Act 2011 expressed this intention in section 39 (3)(iii)(f) and (4)(iii)(f) which amends sections 14 and 17 (respectively) of the 2004 Act by adding to the list of situations where SNH consent is not required for certain operations if that operation is of a type described by order made by the Scottish Ministers.

This is the first such order and lists authorised operations (under paragraphs 2 (a) to (e)) where separate SNH consent is not required. In each case, SNH is either the licensing authority or is consulted under separate procedure associated with the operation. The result is that many consents for operations on SSSIs will be streamlined for both SNH and land managers without any risk of damage to Scotland's nationally important network of SSSIs.

Consultation & Business and Regulatory Impact Assessment (BRIA)

Consultation was undertaken in advance of the introduction of the Wildlife and Natural Environment Bill to the Scottish Parliament and received majority support. A BRIA has not been produced as the changes will result in no additional costs, only savings (as outlined in the Financial Memorandum submitted with the WANE Bill).

Public Sector Equality Duty

Public sector equality duties have been considered in relation to this order and an assessment is not considered necessary.