


# s. 28 Areas of special scientific interest

Wildlife and Countryside Act 1981 c. 69 | UK ST 1981 c. 69 Pt II s. 28

## Delivery Details

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# Wildlife and Countryside Act 1981 c. 69

## s. 28 Areas of special scientific interest.



Version 8 of 8

12 December 2014 - Present

### Subjects

Animals; Criminal law; Environment

### England

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#### 28.— Sites of special scientific interest.

(1) Where Natural England are of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it shall be the duty of Natural England to notify that fact—

- (a) to the local planning authority (if any) in whose area the land is situated;
- (b) to every owner and occupier of any of that land; and
- (c) to the Secretary of State.

(1A) The reference in subsection (1) to land includes—

- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.

(1B) Where the area of land to which a notification under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—

- (a) area B adjoins area A, and
- (b) any of the conditions in subsection (1C) is satisfied.

(1C) The conditions are—

- (a) that the flora, fauna or features leading to the notification of area A is or are also present in area B;
- (b) that the notification of area A is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;

(c) that, without the inclusion of area B, the identification of the boundary of the land notified (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(2) Natural England shall also publish a notification of the fact mentioned in subsection (1) in at least one local newspaper circulating in the area in which the land is situated.

(3) A notification under subsection (1) shall specify the time (not being less than three months from the date of the giving of the notification) within which, and the manner in which, representations or objections with respect to it may be made; and Natural England shall consider any representation or objection duly made.

(4) A notification under subsection (1)(b) shall also specify—

(a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and

(b) any operations appearing to Natural England to be likely to damage that flora or fauna or those features, and shall contain a statement of Natural England's views about the management of the land (including any views Natural England may have about the conservation and enhancement of that flora or fauna or those features).

(5) Where a notification under subsection (1) has been given, Natural England may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either—

(a) give notice to the persons mentioned in subsection (1) withdrawing the notification; or

(b) give notice to those persons confirming the notification (with or without modifications).

In the case of a notification given in relation to land lying below mean low water mark by virtue of subsection (1B), this subsection is subject to [section 28CB\(4\)](#) and (6).

(6) A notification shall cease to have effect—

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (1); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to there, at the end of that period.

(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under [section 28CB\(3\)](#).

(7) Natural England's power under subsection (5)(b) to confirm a notification under subsection (1) with modifications shall not be exercised so as to add to the operations specified in the notification or extend the area to which it applies.

(8) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (1)(b) a notice under subsection (5)(b) confirming the notification with modifications, the notification shall have effect in its modified form in relation to so much (if any) of that land as remains subject to it.

(9) A notification under subsection (1)(b) of land in England and Wales shall be a local land charge.

(9A) For the purposes of this Part “*estuarial waters*” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).

(10) For the purposes of this section and sections 28A to 28D, “local planning authority”, in relation to land within the Broads, includes the Broads Authority.

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## Scotland

[...]⁸

## Wales

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### 28.— Sites of special scientific interest.

(1) Where Natural England are of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it shall be the duty of Natural England to notify that fact—

- (a) to the local planning authority [(if any)]² in whose area the land is situated;
- (b) to every owner and occupier of any of that land; and
- (c) to the Secretary of State.

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(1A) The reference in subsection (1) to land includes—

- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.

(1B) Where the area of land to which a notification under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—

- (a) area B adjoins area A, and
- (b) any of the conditions in subsection (1C) is satisfied.

(1C) The conditions are—

- (a) that the flora, fauna or features leading to the notification of area A is or are also present in area B;
- (b) that the notification of area A is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
- (c) that, without the inclusion of area B, the identification of the boundary of the land notified (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

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(2) Natural England shall also publish a notification of [the fact mentioned in subsection (1)]⁴ in at least one local newspaper circulating in the area in which the land is situated.

(3) A notification under subsection (1) shall specify the time (not being less than three months from the date of the giving of the notification) within which, and the manner in which, representations or objections with respect to it may be made; and Natural England shall consider any representation or objection duly made.

(4) A notification under subsection (1)(b) shall also specify—

(a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and

(b) any operations appearing to Natural England to be likely to damage that flora or fauna or those features, and shall contain a statement of Natural England's views about the management of the land (including any views Natural England may have about the conservation and enhancement of that flora or fauna or those features).

(5) Where a notification under subsection (1) has been given, Natural England may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either—

(a) give notice to the persons mentioned in subsection (1) withdrawing the notification; or

(b) give notice to those persons confirming the notification (with or without modifications).

[ In the case of a notification given in relation to land lying below mean low water mark by virtue of subsection (1B), this subsection is subject to [section 28CB\(4\)](#) and [\(6\)](#).]<sup>5</sup>

(6) A notification shall cease to have effect—

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (1); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to there, at the end of that period.

[

(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under [section 28CB\(3\)](#).

] <sup>6</sup>

(7) Natural England's power under subsection (5)(b) to confirm a notification under subsection (1) with modifications shall not be exercised so as to add to the operations specified in the notification or extend the area to which it applies.

(8) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (1)(b) a notice under subsection (5)(b) confirming the notification with modifications, the notification shall have effect in its modified form in relation to so much (if any) of that land as remains subject to it.

(9) A notification under subsection (1)(b) of land in England and Wales shall be a local land charge.

[

(9A) For the purposes of this Part “*estuarial waters*” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).

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(10) For the purposes of this section and sections 28A to 28D, “local planning authority” , in relation to land within the Broads, includes the Broads Authority.

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## Notes

- 1 Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)
- 2 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(2) (December 12, 2014 as SI 2014/3088)
- 3 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(3) (December 12, 2014 as SI 2014/3088)
- 4 Words substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(4) (December 12, 2014 as SI 2014/3088)
- 5 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(5) (December 12, 2014 as SI 2014/3088)
- 6 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(6) (December 12, 2014 as SI 2014/3088)
- 7 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(7) (December 12, 2014 as SI 2014/3088)
- 8 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

## Table of Amendments



8	Pt II s. 28(9A)	Added by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(7)</a> <i>December 12, 2014 as SI 2014/3088</i>
	Pt II s. 28(6A)	Added by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(6)</a> <i>December 12, 2014 as SI 2014/3088</i>
	Pt II s. 28(5)	Words inserted by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(5)</a> <i>December 12, 2014 as SI 2014/3088</i>
	Pt II s. 28(2)	Words substituted by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(4)</a> <i>December 12, 2014 as SI 2014/3088</i>
	Pt II s. 28(1A)-(1C)	Added by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(3)</a> <i>December 12, 2014 as SI 2014/3088</i>
	Pt II s. 28(1)(a)	Words inserted by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2(2)</a> <i>December 12, 2014 as SI 2014/3088</i>
7	Pt II s. 28	Amended by <a href="#">Marine and Coastal Access Act 2009 c. 23, Sch. 13(2) para. 2</a> <i>January 12, 2010 in relation to England; December 12, 2014 in relation to Wales</i>
6	Pt II s. 28	Words substituted by <a href="#">Natural Environment and Rural Communities Act 2006 c. 16, Sch. 11(1) para. 79</a> <i>October 1, 2006</i>
5	Pt II s. 28	Repealed by <a href="#">Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act), Sch. 7 para. 4</a> <i>November 29, 2004</i>

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|---|--------------------|--|
| 4 | Pt II s. 28        | Substituted by <a href="#">Countryside and Rights of Way Act 2000 c. 37, Sch. 9 para. 1</a><br><i>January 30, 2001</i>   |
|   | Pt II s. 28        | Amended by <a href="#">Countryside and Rights of Way Act 2000 c. 37, Sch. 10(I) para. 1</a><br><i>January 30, 2001</i>   |
| 3 | Pt II s. 28(1)(aa) | Added by <a href="#">National Parks (Scotland) Act 2000 asp 10 (Scottish Act), Sch. 5 para. 8(1)</a><br><i>September 8, 2000</i>   |
| 2 | Pt II s. 28(8)(a)  | Words substituted by <a href="#">Planning (Consequential Provisions) (Scotland) Act 1997 c. 11, Sch. 2 para. 34(1)</a><br><i>May 27, 1997: with transitional provisions in 1997 c.11 Sch.3 relating to repeals and consequential amendments made by this Act</i> |
| 1 |                    | Incorporates amendments made up to February 1, 1991<br><i>see commencement below</i>   |

## Commencement

Pt II s. 28                      November 30, 1981  
  1981 c. 69 Pt IV s. 74(2)

## Extent

Pt II s. 28(1)-(14)            England, Wales, Scotland

## Modifications

Pt II s. 28                      Modified by [Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA](#)

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