


s. 28E Duties in relation to sites of special scientific interest

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Subjects

Environment

Keywords

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England and Wales

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28E.— Duties in relation to sites of special scientific interest.

(1) The owner or occupier of any land included in a site of special scientific interest shall not while the notification under [section 28\(1\)\(b\)](#) remains in force carry out, or cause or permit to be carried out, on that land any operation specified in the notification unless—

- (a) one of them has, after service of the notification, given [Natural England]² notice of a proposal to carry out the operation specifying its nature and the land on which it is proposed to carry it out; and
- (b) one of the conditions specified in subsection (3) is fulfilled.

(2) Subsection (1) does not apply to an owner or occupier being an authority to which [section 28G](#) applies acting in the exercise of its functions.

(3) The conditions are—

- (a) that the operation is carried out with [Natural England's]² written consent;
- (b) that the operation is carried out in accordance with the terms of an agreement under [section 16](#) of the 1949 Act [, [section 7](#) of the [Natural Environment and Rural Communities Act 2006](#) or [section 16](#) of the [Environment \(Wales\) Act 2016](#)]³ ;
- (c) that the operation is carried out in accordance with a management scheme under [section 28J](#) or a management notice under [section 28K](#).

(4) A consent under subsection (3)(a) may be given—

- (a) subject to conditions, and

(b) for a limited period,
as specified in the consent.

(5) If [Natural England]² do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).

(6) [Natural England]² may, by notice given to every owner and occupier of any of the land included in the site of special scientific interest, or the part of it to which the consent relates—

- (a) withdraw the consent; or
- (b) modify it (or further modify it) in any way.

(7) The following—

- (a) a consent under subsection (3)(a) granting consent subject to conditions or for a limited period, and
- (b) a notice under subsection (5) or (6),

must include a notice of [Natural England's]² reasons for imposing the conditions, for the limitation of the period, for refusing consent, or for withdrawing or modifying the consent, and also a notice of the matters set out in subsection (8).

(8) The matters referred to in subsection (7) are—

- (a) the rights of appeal under [section 28F](#);
- (b) the effect of subsection (9); and
- (c) in the case of a notice under subsection (6), the effect of [section 28M](#).

(9) A withdrawal or modification of a consent is not to take effect until—

- (a) the expiry of the period for appealing against it; or
- (b) if an appeal is brought, its withdrawal or final determination.

(10) [Natural England]² shall have power to enforce the provisions of this section.

]¹

Scotland

[NOTE: not yet in force otherwise.]

Notes

- 1 Substituted by Countryside and Rights of Way Act 2000 c. 37 [Sch.9 para.1](#) (January 30, 2001)
- 2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 [Sch.11\(1\) para.79](#) (October 1, 2006)
- 3 Words substituted by Environment (Wales) Act 2016 anaw. 3 [Sch.2\(1\) para.3\(2\)](#) (May 21, 2016)

Table of Amendments



| | | |
|---|--------------------|--|
| 3 | Pt II s. 28E(3)(b) | Words substituted by Environment (Wales) Act 2016 anaw. 3, Sch. 2(1) para. 3(2) <i>May 21, 2016</i> |
| 2 | Pt II s. 28E(3)(b) | Words substituted by Natural Environment and Rural Communities Act 2006 c. 16, Sch. 11(1) para. 80 <i>October 1, 2006</i> |
| | Pt II s. 28E | Words substituted by Natural Environment and Rural Communities Act 2006 c. 16, Sch. 11(1) para. 79 <i>October 1, 2006</i> |
| 1 | Pt II s. 28E | Substituted by Countryside and Rights of Way Act 2000 c. 37, Sch. 9 para. 1 <i>January 30, 2001</i> |

Commencement

Pt II s. 28E Date not available

Extent

Pt II s. 28E(1)-(10) England, Wales, Scotland

Modifications

| | |
|-----------------|--|
| Pt II s. 28E | Modified by Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(1) Pt III s. 76(2) |
| | Modified by Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA |
| Pt II s. 28E(7) | Modified by Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 8(2) Pt III s. 76(2) |
| | Modified by Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(3) Pt III s. 76(2) |
| Pt II s. 28E(8) | Modified by Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 8(2) Pt III s. 76(2) |
| | Modified by Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(3) Pt III s. 76(2) |

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