



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

^{x1}[^{F1} Sites of special scientific interest and limestone pavements]

[^{F1}28B Notification of additional land.

- (1) Where [^{F2} Natural England] are of the opinion that if land adjacent to a site of special scientific interest (“the extra land”) were combined with the site of special scientific interest (“the SSSI ”), the combined area of land would be of special interest by reason of any of its flora, fauna, or geological or physiographical features, [^{F2} Natural England] may decide to notify that fact.
 - (2) If they do so decide, the persons whom they must notify are—
 - (a) the local planning authority [^{F3}(if any)] in whose area the extra land is situated;
 - (b) every owner and occupier of any of that extra land; and
 - (c) the Secretary of State.
- [The reference in subsection (1) to land includes—
- ^{F4}(2A) (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.
- (2B) If any of the conditions in subsection (2C) is satisfied, the extra land may consist of or include an area of land not falling within subsection (2A)(a) or (b).
- (2C) The conditions are—
- (a) that the flora, fauna or features that led to the notification of the SSSI is or are also present in the area of the extra land not falling within subsection (2A) (a) or (b);
 - (b) that the notification of the SSSI 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, that area;

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- (c) that, without the inclusion of that area, the identification of the boundary of the SSSI (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.]
- (3) No [F5 notification under subsection (2)] may be given until after notice has been given under section 28(5)(b) confirming (with or without modifications) the notification under section 28(1) relating to the SSSI.
- (4) Subsections (2) and (3) of section 28 shall apply for the purposes of this section as they apply for the purposes of that section.
- (5) A notification under subsection (2)(b) shall also specify—
- (a) the area of land constituting the SSSI;
 - (b) what (as at the date of the notification under subsection (2)(b)) is specified or contained in the notification under section 28(1)(b) relating to the SSSI by virtue of section 28(4); and
 - (c) the reasons why [F2 Natural England] is of the opinion referred to in subsection (1).
- (6) In addition, the notification under subsection (2)(b) shall include a statement—
- (a) saying whether or not anything among the matters specified in the notification by virtue of subsection (5)(c) is particularly relevant to the extra land; and
 - (b) if any such thing is of particular relevance, specifying which.
- (7) Subsections (5) to (7) of section 28 apply in relation to a notification under subsection (2) of this section as they apply in relation to a notification under subsection (1) of that section, as if references to “subsection (1)” [F6 and “subsection (1B)”] in section 28(5) to (7) were references to subsection (2) [F7 and subsection (2B) of this section respectively].
- (8) As from the time when a notification under subsection (2)(b) is served on the owner or occupier of any land, the notification under section 28(1)(b) shall have effect as if it included the notification under subsection (2)(b).
- (9) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (2)(b) a notice under section 28(5)(b) (as applied by subsection (7) of this section) confirming the notification under subsection (2)(b) with modifications, the notification under section 28(1)(b) (as extended by virtue of subsection (8) of this section) shall have effect in its modified form.
- (10) A local land charge existing by virtue of section 28(9) shall be varied in accordance with a notification under subsection (2) or under section 28(5)(b) as applied by subsection (7) of this section.]

Textual Amendments

- F1** Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1** (with **Sch. 11 paras. 1-17, 20**)
- F2** Words in s. 28B substituted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, ss. 105(1), 107, **Sch. 11 para. 79**; S.I. 2006/2541, **art. 2**
- F3** Words in s. 28B(2)(a) inserted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by **Marine and Coastal Access Act 2009 (c. 23)**, ss. 148, 324(2)(b)(ii), **Sch. 13 para. 5(2)(6)**; S.I. 2014/3088, **art. 2(b)**

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- F4** S. 28B(2A)-(2C) inserted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 148, 324(2)(b)(ii), **Sch. 13 para. 5(3)(6)**; S.I. 2014/3088, art. 2(b)
- F5** Words in s. 28B(3) substituted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 148, 324(2)(b)(ii), **Sch. 13 para. 5(4)(6)**; S.I. 2014/3088, art. 2(b)
- F6** Words in s. 28B(7) inserted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 148, 324(2)(b)(ii), **Sch. 13 para. 5(5)(a)(6)**; S.I. 2014/3088, art. 2(b)
- F7** Words in s. 28B(7) substituted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 148, 324(2)(b)(ii), **Sch. 13 para. 5(5)(b)(6)**; S.I. 2014/3088, art. 2(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1A)-(1D) substituted for s. 2(1A) by 2024 asp 4 s. 9(2)(a)
- s. 2(3A)(a)(ii) word repealed by 2024 asp 4 s. 9(2)(b)(i)
- s. 2(3C)(c) and word inserted by 2024 asp 4 s. 9(2)(b)(ii)
- s. 11(1)(ab)-(ad) substituted for s. 11(1)(a)(aa) by 2024 asp 4 s. 6(2)(a)
- s. 11(2)(aa)(ab) inserted by 2024 asp 4 s. 6(2)(c)(ii)
- s. 11(2A) inserted by 2024 asp 4 s. 1(6)(b)
- s. 11(3CA) inserted by 2024 asp 4 s. 6(2)(e)
- s. 12A-12G and cross-heading inserted by 2024 asp 4 s. 7(2)
- s. 16(1A)(c)(d) inserted by 2024 asp 4 s. 6(4)(a)(ii)
- s. 16A(ab) inserted by 2024 asp 4 s. 7(4)(b)
- s. 16A(1A) inserted by 2024 asp 4 s. 7(4)(a)
- s. 16A(1B) inserted by 2024 asp 4 s. 10(3)(a)
- s. 16A(5)(aa) inserted by 2024 asp 4 s. 10(3)(c)
- s. 16A(5A) inserted by 2024 asp 4 s. 10(3)(d)
- s. 16A(5B) inserted by 2024 asp 4 s. 7(4)(c)
- s. 16AA-16AF inserted by 2024 asp 4 s. 10(2)
- s. 21(ga)(gb) inserted by 2024 asp 4 s. 7(6)
- s. 26(2)(c) inserted by 2024 asp 4 s. 7(7)(a)(ii)
- s. 26(2)(d) inserted by 2024 asp 4 s. 9(3)(a)
- s. 26(2)(d)(e) inserted by 2024 asp 4 s. 10(5)(a)
- s. 26(2)(f) and word inserted by 2024 asp 4 s. 6(7)(a)
- s. 26(3)(c) inserted by 2024 asp 4 s. 7(7)(b)(ii)
- s. 26(3)(d) inserted by 2024 asp 4 s. 9(3)(b)
- s. 26(3)(d)(e) inserted by 2024 asp 4 s. 10(5)(b)
- s. 26(3)(f) and word inserted by 2024 asp 4 s. 6(7)(b)
- s. 53(3)(c)(ia) inserted by 2015 c. 20 Sch. 7 para. 2(b)
- s. 53B(4A)(4B) inserted by 2015 c. 20 Sch. 7 para. 4
- s. 53ZA inserted by 2015 c. 20 Sch. 7 para. 3
- s. 54B54C inserted by 2015 c. 20 Sch. 7 para. 5
- Sch. 2 Pt. 1B inserted by 2024 asp 4 s. 9(5)
- Sch. 13A inserted by 2015 c. 20 Sch. 7 para. 6
- Sch. 14A inserted by 2015 c. 20 Sch. 7 para. 7