



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]

[^{F2} 28 Sites of special scientific interest. E+W

- (1) Where [^{F3}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 [^{F3}Natural England] to notify that fact—
- to the local planning authority [^{F4}(if any)] in whose area the land is situated;
 - to every owner and occupier of any of that land; and
 - to the Secretary of State.
- [The reference in subsection (1) to land includes—
- ^{F5}(1A) (a) any land lying above mean low water mark;
- 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—
- area B adjoins area A, and
 - any of the conditions in subsection (1C) is satisfied.
- (1C) The conditions are—
- that the flora, fauna or features leading to the notification of area A is or are also present in area 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;

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Wildlife and Countryside Act 1981, Section 28 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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) [^{F3}Natural England] shall also publish a notification of [^{F6}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 [^{F3}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 [^{F3}Natural England] to be likely to damage that flora or fauna or those features,
- and shall contain a statement of [^{F7}Natural England's] views about the management of the land (including any views [^{F3}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, [^{F3}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).
- [^{F8}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.
- [Subsection (6)(b) does not apply in a case where notice has been given to Natural ^{F9}(6A) England under section 28CB(3).]
- (7) [^{F7}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.

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[For the purposes of this Part “estuarial waters” means any waters within the limits ^{F10}(9A) 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.]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F2** 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**)
- F3** Words in s. 28 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**
- F4** Words in s. 28(1)(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. 2(2)(8)**; S.I. 2014/3088, **art. 2(b)**
- F5** S. 28(1A)-(1C) 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. 2(3)(8)**; S.I. 2014/3088, **art. 2(b)**
- F6** Words in s. 28(2) 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. 2(4)(8)**; S.I. 2014/3088, **art. 2(b)**
- F7** Words in s. 28 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**
- F8** Words in s. 28(5) 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. 2(5)(8)**; S.I. 2014/3088, **art. 2(b)**
- F9** S. 28(6A) 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. 2(6)(8)**; S.I. 2014/3088, **art. 2(b)**
- F10** S. 28(9A) 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. 2(7)(8)**; S.I. 2014/3088, **art. 2(b)**

28 Areas of special scientific interest. **S**

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Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

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Textual Amendments

F11 S. 28 repealed (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 57, 59, [Sch. 7 para. 4](#) (with transitional provisions and savings in [Sch. 5 Pt. 2](#)) (S.S.I. 2004/495), {art. 2}

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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. 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. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)