



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

^{F1} *Nature conservation*

[^{F1}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 the Nature Conservancy Council 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 the Council's written consent;
 - (b) that the operation is carried out in accordance with the terms of an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act;
 - (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.

Status: Point in time view as at 30/01/2001. This version of this provision has been superseded.

Changes to legislation: Wildlife and Countryside Act 1981, Section 28E is up to date with all changes known to be in force on or before 18 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)

- (5) If the Council do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).
- (6) The Council 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 the Council's 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) The Council shall have power to enforce the provisions 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](#))

Modifications etc. (not altering text)

- C1** S. 28E(1) excluded (30.1.2001) by [1987 c. 53, s. 9\(7\)\(a\)](#) (as substituted (30.1.2001) by [2000 c. 37, ss. 76\(1\), 103\(2\), Sch. 10 Pt. II para. 6](#))
- S. 28E(1) excluded (30.1.2001) by [1996 c. 61, s. 38, Sch. 10 para. 6\(a\)](#) (as substituted (30.1.2001) by [2000 c. 37, ss. 76\(1\), 103\(2\), Sch. 10 Pt. II para. 11](#))

Status:

Point in time view as at 30/01/2001. This version of this provision has been superseded.

Changes to legislation:

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