



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}28H Statutory undertakers, etc.: duty in relation to carrying out operations.

- (1) A section 28G authority shall give notice to [^{F2}Natural England] before carrying out, in the exercise of its functions, operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.
- (2) Subsection (1) applies even if the operations would not take place on land included in a site of special scientific interest.
- (3) In response to the notice referred to in subsection (1), [^{F2}Natural England] may send a notice—
 - (a) saying that they do not assent to the proposed operations, or
 - (b) assenting to them (with or without conditions),but if they do not send a notice under paragraph (b) within the period of 28 days beginning with the date of the notice under subsection (1) they shall be treated as having declined to assent.
- (4) If [^{F2}Natural England] do not assent, or if the authority proposes to carry out the operations otherwise than in accordance with the terms of the Council's assent, the authority—
 - (a) shall not carry out the operations unless the condition set out in subsection (5) is satisfied, and
 - (b) shall comply with the requirements set out in subsection (6) when carrying them out.

Changes to legislation: *Wildlife and Countryside Act 1981, Section 28H is up to date with all changes known to be in force on or before 17 January 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*

- (5) The condition is that the authority has, after the expiry of the period of 28 days beginning with the date of the notice under subsection (1), notified the Council of—
- (a) the date on which it proposes to start the operations (which must be after the expiry of the period of 28 days beginning with the date of the notification under this paragraph), and
 - (b) how (if at all) it has taken account of any written advice it received from [^{F2}Natural England], before the date of the notification under this paragraph, in response to the notice under subsection (1).
- (6) The requirements are—
- (a) that the authority carry out the operations in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological or physiographical features by reason of which the site is of special interest (taking account, in particular, of any such advice as is referred to in subsection (5)(b)); and
 - (b) that the authority restore the site to its former condition, so far as is reasonably practicable, if any such damage does occur.]

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. 28H 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**

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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](#)