



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}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—
- one of them has, after service of the notification, given [^{F2}Natural England] 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
 - 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—
- that the operation is carried out with [^{F3}Natural England's] written consent;
 - that the operation is carried out in accordance with the terms of an agreement under section 16 of the 1949 Act [^{F4}, section 7 of the Natural Environment and Rural Communities Act 2006 or section 16 of the Environment (Wales) Act 2016];
 - 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—
- subject to conditions, and
 - for a limited period,

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 27 May 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

as specified in the consent.

- (5) If [^{F2}Natural England] do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).
- (6) [^{F2}Natural England] 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 [^{F3}Natural England'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) [^{F2}Natural England] 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**)
- F2** Words in s. 28E 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. 28E 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. 28E(3)(b) substituted (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 3(2)**

Modifications etc. (not altering text)

- C1** S. 28E excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **3(1)(f)** (with arts. 4, 5(3))
- C2** S. 28E excluded (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **45(1)(d)** (with art. 45(7), Sch. 13 Pt. 1 para. 19)
- C3** S. 28E excluded (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), arts. 1, **44(1)(e)** (with art. 44(8))
- C4** S. 28E excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **3(1)(f)** (with arts. 6, 34)
- C5** S. 28E excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **3(1)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

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 27 May 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*

- C6** S. 28E excluded (28.3.2024) by [The A66 Northern Trans-Pennine Development Consent Order 2024 \(S.I. 2024/360\)](#), arts. 1, **3(1)** (with arts. 18, 35, Sch. 9)
- C7** 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**)

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 27 May 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. View outstanding changes

Changes and effects yet to be applied to :

- s. 28E excluded by [S.I. 2020/1297 art. 3\(1\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))

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](#)