

Status: Point in time view as at 31/12/2010.

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Enlargement of SSSI to include subtidal land is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULES

SCHEDULE 13

MARINE BOUNDARIES OF SSSIS AND NATIONAL NATURE RESERVES

PART 2

SITES OF SPECIAL SCIENTIFIC INTEREST

Enlargement of SSSI to include subtidal land

- 6 (1) Section 28C of the 1981 Act (enlargement of SSSI) is amended as follows.
- (2) In subsection (2)(a) after “the local planning authority” insert “ (if any) ”.
- (3) After subsection (2) insert—
- “(2A) The reference in subsection (1) to land includes—
- (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 area of land to which a notification under subsection (2) relates may 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 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;
- (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.”
- (4) In subsection (3) (application of section 28(2) to (8) in relation to notifications under section 28C)—
- (a) for “and “subsection (1)(b)”” substitute “ “ , “subsection (1)(b)” and “subsection (1B)” ”;
- (b) for “and subsection (2)(b)” substitute “ , subsection (2)(b) and subsection (2B) ”.
- (5) No notification under subsection (2) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that

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the area of land to which the notification relates includes land lying below mean low water mark.

Commencement Information

- II** [Sch. 13 para. 6](#) partly in force; [Sch. 13 para. 6](#) in force for specified purposes at 12.1.2010 see [s. 324\(2\)\(b\)\(ii\)](#)

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