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STATUTORY INSTRUMENTS

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**2002 No. 3153**

**The Environment (Northern Ireland) Order 2002**

**PART IV**

**AREAS OF SPECIAL SCIENTIFIC INTEREST**

*Areas of special scientific interest*

**Declaration of additional land**

**30.**—(1) Where the Department, after consultation with the Council, is satisfied that if land adjacent to an ASSI (“the extra land”) were combined with the ASSI, the combined area of land would be of special interest by reason of any of its flora, fauna, or geological, physiographical or other features, the Department may make a declaration to that effect.

(2) No such declaration may be made until after the declaration of the ASSI has been confirmed (with or without modifications) under Article 28(6).

(3) A declaration under paragraph (1) shall specify—

- (a) the area of land constituting the ASSI;
- (b) what (as at the date of the declaration) is specified or contained in the declaration under Article 28(1) relating to the ASSI by virtue of Article 28(2);
- (c) the reasons why the Department is of the opinion referred to in paragraph (1); and
- (d) which (if any) things among the matters specified by virtue of sub-paragraph (c) are particularly relevant to the extra land.

(4) Where the Department makes a declaration under paragraph (1) in relation to any land, it shall give notification of that fact—

- (a) to each district council in whose district the extra land is wholly or partially situated; and
- (b) to every owner and occupier of any of the extra land.

(5) A notification under paragraph (4) shall—

- (a) set out the terms of the declaration;
- (b) 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 the declaration may be made

(6) The Department shall also publish in at least two newspapers circulating in the area in which the extra land is situated notice—

- (a) of the making of the declaration; and
- (b) of the places (at least one of which is in that area) at which a copy of the declaration may be inspected at all reasonable hours.

(7) The Department shall—

- (a) consider any representation or objection duly made within the time specified in the notification;
  - (b) within three months of that time either—
    - (i) confirm the declaration under paragraph (1) (with or without modifications); or
    - (ii) rescind that declaration; and
  - (c) give notice of its decision to the persons mentioned in paragraph (4).
- (8) The Department's power under paragraph (7)(b) to confirm a declaration with modifications shall not be exercised so as—
- (a) add to the operations specified in the declaration; or
  - (b) extend the area to which it applies.
- (9) As from the time a declaration is made by the Department under paragraph (1) in relation to extra land, the declaration of the ASSI under Article 28(1) shall have effect as if it included that declaration.
- (10) If a declaration under paragraph (1) is confirmed with modifications under paragraph (7)(b)(i), the declaration of the ASSI under Article 28(1) (as extended by virtue of paragraph (9)) shall have effect in its modified form.
- (11) If such a declaration is rescinded under paragraph (7)(b)(ii), it ceases to have effect as from the time it is rescinded by the Department.