

Status: Point in time view as at 12/12/2014.

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: Marine boundaries of sites of special scientific interest is up to date with all changes known to be in force on or before 25 June 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

Marine boundaries of sites of special scientific interest

- 2 (1) Section 28 of the 1981 Act (sites of special scientific interest) is amended as follows.
- (2) In subsection (1)(a) after “the local planning authority” insert “ (if any) ”.
- (3) After subsection (1) insert—
- “(1A) The reference in subsection (1) to land includes—
- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.
- (1B) Where the area of land to which a notification under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
- (a) area B adjoins area A, and
- (b) any of the conditions in subsection (1C) is satisfied.
- (1C) The conditions are—
- (a) that the flora, fauna or features leading to the notification of area A is or are also present in area B;
- (b) that the notification of area A 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, area B;
- (c) that, without the inclusion of area B, the identification of the boundary of the land notified (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 (2) for “that fact” substitute “ the fact mentioned in subsection (1) ”.
- (5) In subsection (5) (confirmation of notification of SSSIs) after paragraph (b) insert—
- “*In the case of a notification given in relation to land lying below mean low water mark by virtue of subsection (1B), this subsection is subject to section 28CB(4) and (6).*”
- (6) After subsection (6) (when notification ceases to have effect) insert—

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“(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3).”

(7) After subsection (9) insert—

“(9A) For the purposes of this Part “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).”

(8) No notification under subsection (1) of that section made before the coming into force of this paragraph may be questioned in legal proceedings on the ground that the area of land to which the notification relates includes land lying below mean low water mark.

Commencement Information

- I1** Sch. 13 para. 2 partly in force; Sch. 13 para. 2 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)
- I2** Sch. 13 para. 2 in force at 12.12.2014 in so far as not already in force by S.I. 2014/3088, art. 2(b)

3 In section 28A of the 1981 Act (variation of notification under section 28), in subsection (3)(a) after “the local planning authority” insert “ (if any) ”.

Commencement Information

- I3** Sch. 13 para. 3 partly in force; Sch. 13 para. 3 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)
- I4** Sch. 13 para. 3 in force at 12.12.2014 in so far as not already in force by S.I. 2014/3088, art. 2(b)

4 In section 52(1) of the 1981 Act (interpretation of Part 2), after the definition of “agricultural land” insert—

““estuarial waters” has the meaning given by section 28(9A);”.

Commencement Information

- I5** Sch. 13 para. 4 partly in force; Sch. 13 para. 4 in force for specified purposes at 12.1.2010 see s. 324(2)(b)(ii)
- I6** Sch. 13 para. 4 in force at 12.12.2014 in so far as not already in force by S.I. 2014/3088, art. 2(b)

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