
STATUTORY INSTRUMENTS

2002 No. 3153

The Environment (Northern Ireland) Order 2002

PART IV

AREAS OF SPECIAL SCIENTIFIC INTEREST

Areas of special scientific interest

Declaration of ASSI

28.—(1) Where the Department after consultation with the Council for Nature Conservation and the Countryside (“the Council”), is satisfied—

- (a) that an area of land is of special interest by reason of any of its flora, fauna, or geological, physiographical or other features, and
- (b) that accordingly it needs to be specially protected,

the Department shall make a declaration that the area is an area of special scientific interest.

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

- (a) the flora, fauna, or geological, physiographical or other features by reason of which the land is of special interest, and
- (b) any operations appearing to the Department to be likely to damage that flora or fauna or those features,

and shall contain a statement of the Department's views about the management of the land (including any views the Department may have about the conservation and enhancement of that flora or fauna or those features).

(3) 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 land is wholly or partially situated; and
- (b) to every owner and occupier of any of that land.

(4) A notification under paragraph (3) 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

(5) The Department shall also publish in at least two newspapers circulating in the area in which the 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.

- (6) 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 (with or without modifications); or
 - (ii) rescind the declaration; and
 - (c) give notice of its decision to the persons mentioned in paragraph (3).
- (7) The Department's power under paragraph (6)(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.
- (8) A declaration under paragraph (1) has effect as from the time it is made by the Department.
- (9) If such a declaration is confirmed with modifications under paragraph (6) (b)(i), the declaration has effect in its modified form as from the time it is so confirmed by the Department.
- (10) If such a declaration is rescinded under paragraph (6)(b)(ii), it ceases to have effect as from the time it is rescinded by the Department.
- (11) In this Part “ASSI” means an area of land in relation to which a declaration under paragraph (1) has effect.

Variation of declaration

- 29.**—(1) At any time after a declaration has been confirmed (with or without modifications) under Article 28(6), the Department may vary the matters specified or stated in the confirmed declaration (whether by adding to them, changing them, or removing matter from them).
- (2) The area of land cannot be varied under this Article.
- (3) Where the Department varies a declaration in relation to any land under paragraph (1) it shall give notice setting out the variation to—
- (a) each district council in whose district the land is wholly or partially situated; and
 - (b) every owner and occupier of any of the land who in the opinion of the Department may be affected by the variation.
- (4) A notice under paragraph (3) shall specify the time (not being less than three months from the date of the giving of the notice) within which, and the manner in which, representations or objections with respect to it may be made
- (5) The Department shall—
- (a) consider any representation or objection duly made within the time specified in the notice;
 - (b) within three months of that time either—
 - (i) confirm the variation (with or without modifications); or
 - (ii) rescind the variation; and
 - (c) give notice of its decision to the persons mentioned in paragraph (3).
- (6) A variation under paragraph (1) has effect as from the time it is made by the Department.
- (7) If such a variation is confirmed with modifications under paragraph (5)(b)(i), the variation has effect in its modified form as from the time it is so confirmed by the Department.
- (8) If such a variation is rescinded under paragraph (5)(b)(ii), the variation ceases to have effect as from the time it is rescinded by the Department.

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.

Denotification

31.—(1) Where the Department, after consultation with the Council, is satisfied that all or part of an ASSI is no longer of special scientific interest by reason of any of the matters mentioned in Article 28(1), it may decide to notify that fact to—

- (a) each district council in whose district the land which the Department no longer considers to be of special scientific interest is wholly or partially situated; and
- (b) every owner and occupier of any of that land.

(2) A notification under paragraph (1) shall 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 it may be made.

(3) The Department shall also publish in at least two newspapers circulating in the area in which the land mentioned in paragraph (1) is situated notice—

- (a) of the giving of the notification under paragraph (1); and
- (b) of the places (at least one of which is in that area) at which a copy of the notification may be inspected at all reasonable hours.

(4) 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 notification (with or without modifications); or
 - (i) rescind the notification; and
- (c) give notice of its decision to the persons mentioned in paragraph (1).

(5) A notification under paragraph (1) has effect in relation to any land as from the time a notice under paragraph (4)(b)(i) is served on its owner or occupier, and from that time a declaration under Article 28(1) in relation to that land shall cease to have effect.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, Cross Heading: Areas of special scientific interest.