

This Statutory Instrument has been made in consequence of defects in S.I. 2009/197 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2010 No. 2019

COUNTRYSIDE, ENGLAND

**The Sites of Special Scientific Interest (Appeals) (Amendment)
Regulations 2010**

<i>Made</i>	- - - -	<i>5th August 2010</i>
<i>Laid before Parliament</i>		<i>11th August 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 28F(6) and 28L(8) of the Wildlife and Countryside Act 1981(a), and, in the case of stop notices(b), section 28F(6) of that Act as applied by paragraph 11(2) of Schedule 11 to the Countryside and Rights of Way Act 2000(c).

Title, application and commencement

1.—(1) These Regulations may be cited as the Sites of Special Scientific Interest (Appeals) (Amendment) Regulations 2010.

(2) They apply in relation to England, and come into force on 1st October 2010.

Amendments to the Sites of Special Scientific Interest (Appeals) Regulations 2009

2. The Sites of Special Scientific Interest (Appeals) Regulations 2009(d) are amended in the Schedule (appeals procedure) as follows.

Amendment of paragraph 2

3. In paragraph 2 (provision of documentation), for sub-paragraph (3) substitute—

“(3) Subject to sub-paragraph (3A), all documents and copies provided by the appellant or Natural England, other than any required by paragraph 7(2) to accompany the notice of appeal, must be supplied in duplicate.

(3A) Where under paragraph 7(1)(e) a person is specified in the notice of appeal as an owner or occupier who for the purposes of that paragraph is a section 28L(2) party—

(a) 1981 c. 69; sections 28F and 28L were inserted by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 9, paragraph 1.
(b) See paragraph 9(3) of Schedule 11 to the Countryside and Rights of Way Act 2000.
(c) 2000 c. 37.
(d) S.I. 2009/197.

- (a) any copies of documents required by paragraph 7(2) to accompany the notice of appeal must be supplied in duplicate; and
- (b) any other documents or copies provided by the appellant or Natural England must be supplied in triplicate.”.

Amendment of paragraph 7

4. In paragraph 7 (contents of the notice of appeal), in sub-paragraph (2)(b), for paragraph (iii) substitute—

- “(iii) a copy of the notice given by Natural England under section 28E(7) of the 1981 Act (“Natural England’s Statement of Reasons”).”.

Amendment of paragraph 9

5. In paragraph 9 (notification by the Secretary of State to Natural England)—

- (a) in sub-paragraph (1), omit “(except the documents specified in paragraph 7(2))”; and
- (b) in sub-paragraph (2), after “notice of appeal”, insert “and any copies of documents required by paragraph 7(2) to accompany that notice,”.

Amendment of paragraph 11

6. In paragraph 11 (notification of interested parties)—

- (a) in sub-paragraph (2), omit paragraphs (c), (d) and (e); and
- (b) after sub-paragraph (2) insert—

“(2A) The notice must be accompanied by—

- (a) in the case of an appeal relating to—
 - (i) the refusal or deemed refusal of an application for a consent,
 - (ii) the period for which a consent is granted, or
 - (iii) conditions attached to a consent,
 a copy of the notice given to Natural England under section 28E(1) of the 1981 Act;
- (b) in the case of an appeal relating to—
 - (i) the period for which a consent is granted,
 - (ii) conditions attached to a consent,
 - (iii) a withdrawal of an existing consent, or
 - (iv) a modification of an existing consent,
 a copy of the consent;
- (c) in any case mentioned in paragraph (a) or (b), other than an appeal relating to a deemed refusal of consent, a copy of Natural England’s Statement of Reasons;
- (d) in the case of an appeal relating to—
 - (i) the refusal of a consent, other than a deemed refusal,
 - (ii) the withdrawal of an existing consent, or
 - (iii) the modification of an existing consent,
 a copy of the decision or notice from Natural England under section 28(E)(5) or (6) of the 1981 Act; and
- (e) in the case of an appeal relating to a management notice or stop notice, a copy of the management notice or stop notice.”.

5th August 2010

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sites of Scientific Interest (Appeals) Regulations 2009 (S.I. 2009/197). The Schedule to those Regulations sets out the procedure to be followed when there is an appeal to the Secretary of State in connection with a consent or management or stop notice relating to a site of special scientific interest. These Regulations correct certain minor defects in that Schedule relating to the provision of documents and copies.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.

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