Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 5 E+W

NATIONAL PARKS AND THE BROADS

59 Criteria for designating National Parks E+W

(1) In section 5 of the National Parks and Access to the Countryside Act 1949 (c. 97) (criteria for designating National Parks), after subsection (2) insert—

"(2A) Natural England may—

(a) when applying subsection (2)(a) in relation to an area, take into account its wildlife and cultural heritage, and

(b) when applying subsection (2)(b) in relation to that area, take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public."

(2) The amendment made by subsection (1) applies for the purposes of the confirmation or variation on or after the day on which this section comes into force of orders made before that day as it applies for the purposes of the confirmation or variation of orders made on or after that day.

60 Procedure for orders designating National Parks E+W

(1) Amend the 1949 Act as follows.

(2) In section 7 (designation and variation of National Parks), in subsection (1), for "county council, county borough council and county district council" substitute " and local authority ".

(3) After subsection (6) of that section insert—

"(7) In this section and Schedule 1 "local authority" means—

(a) in relation to England, a county council, district council or parish council;

(b) in relation to Wales, a county council, county borough council or community council."

(4) In section 9 (development plans relating to National Parks), omit subsection (2).

(5) In Schedule 1, in paragraph 2, after sub-paragraph (2) (local inquiries to be held where objection by local authority not withdrawn) insert—

"(2A) In sub-paragraph (2) "local authority" does not include—

(a) in relation to an order designating a National Park in England, a parish council, or

(b) in relation to an order designating a National Park in Wales, a community council."

Commencement Information

I1 S. 60 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

61 Members of National Park authorities E+W

(1) Amend Schedule 7 to the Environment Act 1995 (c. 25) (National Park authorities) as follows.

(2) In paragraph 1, for sub-paragraphs (2) to (6) (constitution of National Park authorities) substitute—

"(2) A National Park authority shall consist of—

(a) a specified number of local authority members,

(b) in the case of a National Park in England, a specified number of parish members to be appointed by the Secretary of State, and

(c) a specified number of other members to be appointed by the Secretary of State;

and "specified" means specified in the relevant order.

(3) The total number of—

(a) local authority members, and

(b) parish members,

must exceed the number of other members."

(3) In paragraph 2 (local authority members), for sub-paragraph (6) substitute—

"(5A) Sub-paragraph (5B) applies to a person who retires from being a member of a council by virtue of an election.

(5B) Sub-paragraph (5)(a) does not terminate his office as member of a National Park authority until—

(a) three months after he retires from being a member of the council, or

(b) if earlier, the day on which the National Park authority receives notice of a proposed replacement appointment;

but if he is re-elected he is eligible for re-appointment to the National Park authority."

(4) In paragraph 3 (parish members of English National Park authorities), for sub-paragraph (4) substitute—

"(4A) Sub-paragraph (4B) applies to a person who retires from being a member of a parish council by virtue of an election.

(4B) Sub-paragraph (3) does not terminate his office as member of a National Park authority until—

(a) three months after he ceases to be a member of the parish council, or

(b) if earlier, the day on which the National Park authority receives notice of a proposed replacement appointment;

but if he is re-elected he is eligible for re-appointment to the National Park authority."

(5) For sub-paragraph (6) of that paragraph substitute—

"(5A) Sub-paragraph (5B) applies to a person who retires from being chairman of a parish meeting by virtue of an election.

(5B) Sub-paragraph (5) does not terminate his office as member of a National Park authority until—

(a) three months after he retires from being chairman, or

(b) if earlier, the day on which the National Park authority receives notice of a proposed replacement appointment;

but if he is re-elected as chairman he is eligible for re-appointment to the National Park authority."

(6) In paragraph 4 (members, other than parish members, appointed by the Secretary of State), in sub-paragraph (2)(a) for "three years" substitute " four years ".

Commencement Information

I2 S. 61(1) in force at 1.10.2006 for specified purposes by S.I. 2006/2541, **art. 2** (with Sch.)

I3 S. 61(1) in force at 10.5.2007 in so far as not already in force by S.I. 2007/816, **art. 3**

I4 S. 61(2)-(5) in force at 10.5.2007 by S.I. 2007/816, **art. 3**

I5 S. 61(6) in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

62 Expenditure by National Parks authorities E+W

In section 11A of the National Parks and Access to the Countryside Act 1949 (c. 97), in subsection (1) (duty of National Park authority to foster economic and social well-being of local communities in National Park), omit ", but without incurring significant expenditure in doing so,".

Commencement Information

I6 S. 62 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

63 Notification of agricultural operations on moor and heath in National Parks E+W

(1) Amend section 42 of the Wildlife and Countryside Act 1981 (c. 69) (notification of agricultural operations on moor and heath in National Parks) as follows.

(2) In subsection (1)—

(a) for "The Ministers" substitute " A National Park authority ", and

(b) for "a National Park" substitute " the relevant Park ".

(3) In subsection (2)(b), for "the Ministers" substitute " the National Park authority ".

(4) In subsection (6), for "the Ministers, the Nature Conservancy Council and the Countryside Agency" substitute " Natural England ".

(5) For subsection (8) substitute—

"(8) An order under this section shall be made by statutory instrument and the Statutory Instruments Act 1946 shall apply to such an instrument as if the order had been made by a Minister of the Crown."

(6) In section 51 (powers of entry), in subsection (2)(c), omit "the Ministers or".

Commencement Information

I7 S. 63 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

64 Functions of Broads Authority and others in relation to the Broads E+W

(1) Amend the Norfolk and Suffolk Broads Act 1988 (c. 4) as follows.

(2) In section 2 (functions of the Authority: general), in subsection (1), for paragraphs (a) and (b) substitute—

"(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

(b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and".

(3) In section 17A (general duty of public bodies etc.), in subsection (1), for paragraphs (a) and (b) substitute—

"(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

(b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and".

(4) Any increase in the expenses of the Broads Authority attributable to subsection (2) and not related to protecting the interests of navigation is to be met otherwise than by means of—

(a) charges of a kind mentioned in section 13(1) of the 1988 Act, or

(b) levies under section 14(1) of the 1988 Act.

Commencement Information

I8 S. 64 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

65 Emergency financial assistance E+W

(1) Amend section 155(4) of the Local Government and Housing Act 1989 (c. 42) (authorities eligible for emergency financial assistance) as follows.

(2) After paragraph (h) insert—

"(i) a National Park authority; or

(j) the Broads Authority."

(3) Omit "or" preceding paragraph (h).

Commencement Information

I9 S. 65 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

Changes to legislation:
There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Part 5.