



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART II

NATIONAL PARKS

5 National Parks

- (1) The provisions of this Part of this Act shall have effect for the purpose of preserving and enhancing the natural beauty of the areas specified in the next following subsection, and for the purpose of promoting their enjoyment by the public.
- (2) The said areas are those extensive tracts of country in England and Wales as to which it appears to the Commission that by reason of—
 - (a) their natural beauty, and
 - (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.
- (3) The said areas, as for the time being designated by order made by the Commission and submitted to and confirmed by the Minister, shall be known as, and are hereinafter referred to as, National Parks.

6 General duties of Commission in relation to National Parks

- (1) It shall be the duty of the Commission as soon as may be after the commencement of this Act, and thereafter from time to time, to consider what areas there are in England and Wales falling within subsection (2) of the last foregoing section, to determine in what order they should be designated under subsection (3) of that section, and to proceed with their designation at such times as the Commission may determine.

Status: This is the original version (as it was originally enacted).

- (2) The power of the Minister to give directions under section three of this Act shall extend to the giving of directions as to the order and time of designation of the said areas, notwithstanding that the directions may be of a specific character.
- (3) As respects areas designated as National Parks, it shall be the duty of the Commission—
- (a) to consider, generally and in relation to particular National Parks, in what way action needs to be taken under this Act and the Act of 1947 for the purposes specified in subsection (1) of the last foregoing section, and to make such recommendations with respect thereto to the Minister and to local authorities as may appear to the Commission to be necessary or expedient, and
 - (b) to keep under review the progress made from time to time in accomplishing the said purposes and to make to the Minister or, where the Commission deem it appropriate, to any other Minister or any local authority or other persons, such representations as appear to the Commission to be necessary or expedient as to any matter affecting the accomplishment of those purposes.
- (4) Without prejudice to the generality of the last foregoing subsection, it shall be the duty of the Commission, subject to and in accordance with the following provisions of this Act in that behalf—
- (a) as respects any area designated as a National Park, to give advice to the appropriate planning authorities as to the arrangements to be made for administering the area as a National Park;
 - (b) where it appears to the Commission, as respects any particular National Park or part thereof, that the preservation or enhancement of the natural beauty thereof presents special problems or requires special professional or technical skill, to notify their opinion to the appropriate planning authorities and, on the application of any such authority in any case where it appears to the Commission expedient for the purposes specified in subsection (1) of the last foregoing section, to place the services of officers of the Commission at the disposal of the authority, for such period as may be agreed between the Commission and the authority and on such terms as to payment or otherwise as may be so agreed with the approval of the Minister;
 - (c) to assist such authorities in formulating proposals as to the exercise by such authorities of their powers under this Act for securing the provision of accommodation, access for open-air recreation and other facilities for persons visiting National Parks and otherwise as to the exercise of their powers under this Act as respects National Parks, and to consult with such authorities with respect to the recommendations to be made by the Commission as to the payment of grants by the Minister under this Act;
 - (d) to make to such authorities, as respects the exercise in relation to National Parks of the powers hereinafter conferred on them to make byelaws, recommendations as to the matters in respect of which such byelaws should be made, either generally or in the case of any particular Park;
 - (e) to give advice where any Minister consults the Commission as to proposals for development of land in a National Park, or the appropriate planning authority consult them (whether in compliance with a requirement imposed under this Act or the Act of 1947 or otherwise) in connection with the preparation or amendment of a development plan or in connection with an application for permission to develop any such land;

- (f) to make recommendations to the Minister and, where the Commission deem it appropriate, to other Ministers as to any proposals for the development of land in a National Park, being proposals for development in a way which appears to the Commission to be inconsistent with the maintenance of the area as a Park;
 - (g) to notify to the Minister, or where the Commission deem it appropriate to other Ministers, the general nature of the action which will in the opinion of the Commission need to be taken as respects land in a National Park for any of the purposes specified in subsection (1) of the last foregoing section, in cases where it appears to the Commission that the Minister in question should be informed thereof before considering future proposals for the development of the land for other purposes; and
 - (h) if in any case the Commission are not satisfied that effect will be given to their recommendations or advice as to any matter mentioned in the foregoing paragraphs of this subsection, to refer the matter to the Minister and to advise the Minister as to the exercise of any powers of direction or enforcement (including powers of making orders) conferred on him by this Act or the Act of 1947.
- (5) Nothing in this section shall be construed as modifying the effect of any provision of this Act whereby any specific power or duty is conferred or imposed on the Commission or whereby an obligation is imposed on any other person to consult with the Commission.
- (6) In this section the expression " appropriate planning authority " means a local planning authority whose area consists of or includes the whole or any part of a National Park, and includes a local authority, not being a local planning authority, by whom any powers of a local planning authority as respects a National Park are exercisable, whether under the following provisions of this Act in that behalf or otherwise; and references in this section to a Minister include references to any Board in charge of a Government department.

7 Designation and variation of National Parks

- (1) Before making an order designating a National Park the Commission shall consult with every joint planning board, county council, county borough council and county district council whose area includes any land in the area to be designated a Park.
- (2) Any such order shall describe the area to be designated a Park by reference to a map and such other descriptive matter as may appear to the Commission to be requisite.
- (3) The provisions in that behalf of the First Schedule to this Act shall have effect as to the making, confirmation, coming into operation and validity of any order designating a National Park.
- (4) The Minister may by order made after consultation with the Commission vary an order designating a National Park.
- (5) Before making an order under the last foregoing subsection the Minister shall consult with every such board and council as aforesaid whose area, or any part of whose area, is comprised in the National Park, whether as existing or as proposed to be varied; and the provisions in that behalf of the First Schedule to this Act shall apply to any order under the last foregoing subsection.

- (6) It shall be the duty of the Commission to secure that copies of any order such as is mentioned in this section shall be available, at the office of the Commission, at the offices of each joint planning board and local authority specified in subsection (1) or subsection (5) of this section, as the case may be, and at such other place or places in or near the Park in question as the Commission may determine, for inspection by the public at all reasonable times.

8 Arrangements for administration of functions of local planning authorities as respects National Parks

- (1) Not later than three months after the coming into operation of an order designating a National Park, every local planning authority whose area includes any land comprised in the Park shall consult with the Commission on the arrangements to be made for carrying out, in relation to the Park, the following provisions of this section.
- (2) Where a National Park lies partly within the area of one local planning authority and as to the rest within the area of one or more other such authorities, there shall be a joint planning board constituted under section four of the Act of 1947 for a united district consisting of the area of the Park :

Provided that where, on the representation of any of the said authorities, the Minister is satisfied after consultation with the Commission that by reason of any special circumstances it is expedient so to do for securing efficient administration in the Park, he may direct that as respects all or any of the authorities the foregoing provisions of this subsection shall not have effect unless and until the direction is revoked.

- (3) Where a National Park lies wholly within the area of one local planning authority, or while a direction under the proviso to the last foregoing subsection is in force as respects any such authority, there shall be a separate planning committee, or separate sub-committee of a planning committee, appointed under Part II of the First Schedule to the Act of 1947 for so much of the area of the authority as is comprised in the Park, and there shall be delegated to the committee or sub-committee such of the authority's functions under the Act of 1947 and this Act (other than powers to borrow money or to levy or issue a precept for a rate) as may be agreed between the authority and the Commission, or as in default of agreement the Minister may determine.
- (4) In relation to local planning authorities whose areas include land in a National Park, the purposes for which under Part III of the First Schedule to the Act of 1947 a joint advisory committee may be established by local planning authorities or the Minister shall include the purpose of advising as to the exercise of all functions under the Act of 1947 and this Act ; respects the Park ; and where a direction under the proviso to subsection (2) of this section is for the time being in force as respects any authority, there shall be a joint advisory committee established as aforesaid for the purpose of advising that authority and all other local planning authorities whose areas include land in the Park as to the exercise of their said functions as respects the Park, or for that purpose and any other purposes for which such a committee can be so established.
- (5) Where the foregoing provisions of this section require the establishment of a joint board, or a planning committee or sub-committee, for any area being or comprised in a National Park, the requirement shall be deemed to be complied with, in any case where the Minister after consultation with the Commission approves, if the board, committee or sub-committee is established for that area together with other land; and where under the said provisions a local planning authority is required to establish a

separate planning committee or sub-committee for each of two or more such areas, the same committee or subcommittee may be established for both or all the areas.

- (6) Not less than one third of the members of—
- (a) a joint board or joint advisory committee constituted for an area being or including the whole or any part of a National Park, or
 - (b) a planning committee, or sub-committee of a planning committee, for such an area, where no joint board is constituted for the area,

shall be persons appointed in accordance with the following provisions:—

- (i) in the case of a joint board or joint advisory committee, the said persons shall be appointed by the constituent authorities jointly;
- (ii) in the case of a planning committee or sub-committee of a planning committee, the said persons shall be appointed by the local planning authority;
- (iii) in any case the persons appointed shall be persons nominated by the Minister, after consultation with the Commission;
- (iv) the persons appointed in pursuance of this subsection shall hold office for such period, not being less than one year nor more than three years, as the persons appointing them may determine, and, if again nominated by the Minister, shall be eligible for re-appointment.

Provided that if in any particular case the Minister, with the agreement of the Commission, so determines, this subsection shall have effect as if for the words " one third " there were substituted the words " one quarter. "

- (7) Notwithstanding anything in section four of the Act of 1947, an order under that section constituting an area, being or including the whole or any part of a National Park, a united district for the purposes of the Act of 1947 may be made without holding a local inquiry.

9 Development plans relating to National Parks

- (1) In preparing a development plan, or proposals for any alterations of or additions to a development plan, for any area being or including the whole or any part of a National Park, the local planning authority shall consult with the Commission and take into consideration any observations made by the Commission.
- (2) Provision may be made by regulations under the Act of 1947 for enabling proceedings preliminary to the confirmation of orders designating a National Park and to the making of orders varying such orders to be taken concurrently with proceedings required under that Act to be taken in connection with the submission, making or amendment of development plans.

10 Duty of local planning authority to formulate, and carry out, proposals for the purposes of s. 5 (1)

- (1) As soon as may be after the coming into operation of the order designating a National Park, every local planning authority whose area consists of or includes the whole or any part of the Park shall formulate and notify to the Commission the authority's general proposals as to the action needed for the accomplishment, in relation to their area or so much thereof as is comprised in the Park, of the purposes specified in subsection (1) of section five of this Act.

- (2) Without prejudice to the provisions of the last foregoing subsection, every such authority shall—
- (a) not later than twelve months after the coming into operation of the order designating the National Park, formulate and notify to the Commission proposals as to what action needed as aforesaid should be taken in the period between the notification of the proposals and the end of the next following financial year of the authority; and
 - (b) not later than such date as the Commission may determine in the said next following financial year and in each following financial year of the authority, formulate and notify to the Commission proposals as to what action needed as aforesaid should be taken in the financial year of the authority next following the notification of the proposals:

Provided that the obligation to formulate and notify proposals under paragraph (b) of this subsection may at any time by agreement between the Commission and the local planning authority either be suspended or be modified by the substitution for a financial year of the authority of such longer period as may be provided by the agreement.

- (3) Proposals under either of the two last foregoing subsections shall specify how far, in the opinion of the authority, the action falls to be taken by them and how far by other authorities or persons.
- (4) If on the notification to them of any proposals under this section the Commission make any recommendations under section six of this Act—
- (a) the local planning authority shall in the light of the recommendations reconsider the proposals and make any amendment thereof (whether by way of addition or modification) appearing to them requisite;
 - (b) if on such reconsideration it does not appear to the authority requisite to give effect to any such recommendation of the Commission, the authority shall consult with the Commission.
- (5) It shall be the duty of every such authority as aforesaid so far as appears to them practicable to exercise their powers under the Act of 1947 and this Act for giving effect to proposals notified to the Commission under the foregoing provisions of this section, or to such proposals as amended in accordance with the last foregoing subsection.
- (6) Nothing in the foregoing provisions of this section shall be construed as requiring that proposals shall have been formulated and notified under those provisions before any power of a local planning authority is exercised, or as otherwise limiting the exercise of any such power.

11 General powers of local planning authorities in relation to National Parks

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park shall have power, subject to the provisions of this section, to take all such action as appears to them expedient for the accomplishment of the purposes specified in subsection (1) of section five of this Act in relation to their area or so much thereof as is comprised in the Park.
- (2) Nothing in the following provisions of this Act shall be construed as limiting the generality of the last foregoing subsection ; but in so far as those provisions confer specific powers falling within that subsection those powers shall be exercised in

accordance with the said provisions and subject to any limitations expressed or implied therein.

- (3) The powers conferred on a local planning authority by subsection (1) of this section shall not include any power conferred on that or any other authority by or under any other Act; but nothing in this subsection shall be construed as limiting the exercise of any specific power conferred by the following provisions of this Act.
- (4) Without prejudice to the powers hereinafter conferred, subsection (1) of this section shall have effect only for the purpose of removing any limitation imposed by law on the capacity of a local planning authority by virtue of its constitution, and shall not authorise any act or omission on the part of such an authority which apart from that subsection would be actionable at the suit of any person on any ground other than such a limitation.

12 Provision of accommodation, meals, refreshments, camping sites and parking places

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may make arrangements for securing the provision in their area (whether by the authority or by other persons)—
 - (a) of accommodation, meals and refreshments (including intoxicating liquor);
 - (b) of camping sites; and
 - (c) of parking places and means of access thereto and egress therefrom,and may for the purposes of such arrangements erect such buildings and carry out such work as may appear to them to be necessary or expedient:

Provided that a local planning authority shall not under this section provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (2) The functions of a local planning authority under the last foregoing subsection shall be exercisable either on land in the Park or on land in the neighbourhood thereof; and where the local planning authority is a joint planning board, land in the neighbourhood of the Park which is in the area of any of the constituent authorities shall be treated for the purposes of the last foregoing subsection as in the area of the joint planning board, whether or not it is in that area.
- (3) The foregoing provisions of this section shall not authorise an authority, on land in which any other person has an interest, without his consent to do anything which apart from this section would be actionable at his suit by virtue of that interest.
- (4) A local planning authority may acquire land compulsorily for the purpose of any of their functions under this section.

13 Improvement of waterways for purposes of open-air recreation

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may, as respects any waterway in the Park and within the area of the authority, carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waterway by the public for sailing, boating, bathing or fishing:

Status: This is the original version (as it was originally enacted).

Provided that a local planning authority shall not under this section provide facilities of any description except in cases where it appears to them that the facilities of that description are inadequate or unsatisfactory.

- (2) A local planning authority may, as respects any waterway in their area, enter into an agreement, on such terms as to payment or otherwise as may be specified in the agreement, with any other authority on whom powers of carrying out work are conferred in relation to the waterway by or under any enactment, for the exercise by the said other authority of any power of doing work conferred on the local planning authority by the last foregoing subsection.
- (3) Where an agreement is made under the last foregoing subsection for the exercise of any power by any such authority, other than a local planning authority, as is therein mentioned, no limitation imposed by law on the capacity of that authority by virtue of the constitution thereof shall operate so as to prevent the authority from exercising that power.
- (4) Where it appears to the Minister, as respects a waterway in the area of a local planning authority, that any power of doing work conferred on the authority by subsection (1) of this section should be exercised by any such other authority as is mentioned in subsection (2) of this section, and the local planning authority have not entered into an agreement with the said other authority under the said subsection (2), the Minister may direct that the said power shall be exercisable by the said other authority:

Provided that no direction shall be given under this subsection except after consultation with the local planning authority and the said other authority.

- (5) Before exercising any power conferred by or under this section an authority shall consult with such other authorities, being authorities which under any enactment have functions relating to the waterway in question, as the Minister may either generally or in any particular case direct.
- (6) Where any authority consulted under the last foregoing subsection objects to a proposed exercise of powers under this section, and the objection is not withdrawn, the proposal shall not be proceeded with unless on an application in that behalf specifying the proposal and the objection the Minister so directs, and subject to any conditions or modifications specified in the direction ; and before giving a direction under this subsection the Minister shall afford to each of the authorities an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.
- (7) The foregoing provisions of this section shall not authorise an authority to do anything on land, or as respects water over land, in which any other person has an interest, if apart from this section the doing thereof would be actionable at his suit by virtue of that interest and he does not consent to the doing thereof:

Provided that this subsection shall not apply in the case of land to which, or to water over which, the public have access by virtue of an access order under Part V of this Act, but the exercise of any power under the foregoing provisions of this section as respects such land shall be subject to the provisions in that behalf of the said Part V.

- (8) A local planning authority may acquire land compulsorily for the purpose of enabling any power conferred by or under this section to be exercised.

14 Acquisition by Minister of land in National Parks

- (1) Where, as respects any land in a National Park, the Minister is satisfied that it is expedient so to do, he may with the consent of the Treasury acquire the land by agreement, whether by way of purchase, lease or exchange.
- (2) Unless in any particular case the Minister otherwise determines, any land acquired by the Minister under this section shall be transferred to such other persons on such trusts or subject to such conditions as may appear to him expedient for securing that the land will be managed in a suitable manner for accomplishing the purposes specified in subsection (1) of section five of this Act.
- (3) Subject to the provisions of the last foregoing subsection, the transfer of land under that subsection may be on such terms as to payment or otherwise as may, with the consent of the Treasury, be provided for by the arrangements for the transfer; and where the arrangements so provide the Minister may defray or contribute to the cost of managing the land while it is managed in accordance with the trusts or conditions referred to in the last foregoing subsection.
- (4) The Minister may defray the cost of managing any land acquired by him under this section and not transferred to other persons.