



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

General Powers of Local Planning Authorities

89 Planting of trees and treatment of derelict land.

(1) A local planning authority may plant trees on land in their area for the purpose of preserving or enhancing the natural beauty thereof.

[^{F1}(2) Where it appears to a local authority that any land in their area—

- (a) is derelict, neglected or unsightly; or
- (b) is not derelict, neglected or unsightly but is likely to become so by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out,

they may carry out, for the purpose of reclaiming or improving that land or of enabling it to be brought into use, such works on that land or any other land as appear to them expedient.

In this subsection “relevant operations” means underground mining operations other than operations for the purpose of the working and getting of coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal.]

(2A) ^{F2}

(3) The powers conferred by this section may be exercised by an authority either on land belonging to them or with the consent of all persons interested therein on other land; and in relation to such other land the said powers shall include power to make

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: General Powers of Local Planning Authorities. (See end of Document for details)

arrangements whereby the planting or work is carried out, on such terms as may be provided under the arrangements, by a person other than the authority.

- (4)^{F3} nothing in [^{F4}the foregoing provisions of this section] shall authorise the doing of anything in contravention of any prohibition or restriction having effect under any enactment or rule of law.
- (5) [^{F5}A local authority] may acquire land compulsorily for the purpose of any of their functions under this section.
- (6) Where a [^{F5}local authority] exercise their powers under the foregoing provisions of this section on land not belonging to the authority, the management of the land, so far as relates to anything done by the authority, may be undertaken either by the authority or by a person interested in the land, as may be agreed between the authority and the persons so interested, and on such terms as may be so agreed.

[^{F6}(7) In this section “local authority” means a local planning authority, the council of a county . . .^{F7} not being a local planning authority, or the council of a county district.]

Textual Amendments

- F1** S. 89(2) substituted by [Derelict Land Act 1982 \(c. 42, SIF 46:4\)](#), **s. 3(1)**
- F2** Ss. 89(2A), 90(2) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**
- F3** Words repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **Sch. 5**
- F4** Words substituted by [Local Authorities \(Land\) Act 1963 \(c. 29, SIF 81:1\)](#), **s. 6(2)**
- F5** Words substituted by [Local Authorities \(Land\) Act 1963 \(c. 29, SIF 81:1\)](#), **s. 6(1)**
- F6** S. 89(7) added by [Local Authorities \(Land\) Act 1963 \(c. 29, SIF 81:1\)](#), **s. 6(4)**
- F7** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

Modifications etc. (not altering text)

- C1** S. 89 amended by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), **s. 60(6)**
- C2** S. 89(3) excluded by [Minerals Workings Act 1985 \(c. 12, SIF 86\)](#), **s. 8(2)**

90 Local authority byelaws.

(1) A local planning authority may, as respects land in their areas belonging to them and comprised either in a National Park or area of outstanding natural beauty, or as respects land or a waterway to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of this Act, make byelaws for the preservation of order, for the prevention of damage to the land or waterway or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land or waterway by other persons.

(2)^{F8}

- (3) Without prejudice to the generality of subsection (1) of this section, byelaws under that subsection—
 - (a) may prohibit or restrict the use of the land or waterway, either generally or in any manner specified in the byelaws, by traffic of any description so specified;
 - (b) may contain provisions prohibiting the depositing of rubbish and the leaving of litter;
 - (c) may regulate or prohibit the lighting of fires;

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: General Powers of Local Planning Authorities. (See end of Document for details)

(d) may be made so as to relate either to the whole or to any part of the land or waterway, and may make different provisions for different parts thereof:

F9

(4) Before making bylaws under the foregoing provisions of this section as respects a National Park or area of outstanding natural beauty, [F10the local planning authority] shall consult with [F11Natural England][F12(as regards land in England) or the [F13Natural Resources Body for Wales] (as regards land in Wales)].

(5) A local planning authority may, as respects parking places provided in pursuance of arrangements made by them under Part II of this Act, make bylaws as to the conditions of use, and charges to be made for the use, of such parking places, and for prohibiting or restricting persons from plying for hire with vehicles at such parking places.

Nothing in this subsection shall be construed as limiting the general power of a local planning authority to make charges for any services or facilities provided by them under this Act.

(6) A county council or county district council shall have power to enforce bylaws made under this section by another authority as respects land in the area of the council.

Textual Amendments

- F8** Ss. 89(2A), 90(2) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)
- F9** S. 90(3) proviso repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)
- F10** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 17 para. 39](#)
- F11** Words in s. 90(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 10\(1\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F12** Words in s. 90(4) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(14\)](#); S.I. 1991/685, art. 3
- F13** Words in s. 90(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 22](#) (with Sch. 7)

Modifications etc. (not altering text)

- C3** S. 90 amended by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), s. 60(5) and [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 41(10)
- C4** S. 90(3) restricted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 41(12)

91 Default powers of Secretary of State as to certain bylaws.

(1) If a local planning authority, when required by the Secretary of State to make, as respects land or a waterway to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of this Act, bylaws with respect to any of the matters with respect to which they are empowered by the last foregoing section to make bylaws, do not within three months after being so required comply with the requirement to the satisfaction of the Secretary of State, he may himself make bylaws in relation to the matters, and as respects the land or waterway, in question:

Provided that before making bylaws under this section as respects a National Park or area of outstanding natural beauty[F14in Wales] the Secretary of State shall consult with [F15[F16Natural England][F17(as regards land or waterways in England) or] the [F18Natural Resources Body for Wales][F16(as regards land or waterways in Wales)]].

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: General Powers of Local Planning Authorities. (See end of Document for details)

- (2) Any byelaws made by the Secretary of State under this section shall have effect as if they had been made by the local planning authority and confirmed by the Secretary of State, and the provisions of this Act and of any enactment thereby applied shall have effect in relation to the byelaws accordingly.

Textual Amendments

- F14** Words in s. 91(1) inserted (E.) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), **Sch. 22 para. 1(a)**
- F15** Words in s. 91(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 10(m)**; S.I. 2006/2541, art. 2 (with Sch.)
- F16** Words in s. 91(1) omitted (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), **Sch. 22 para. 1(b)(c)**
- F17** Words in s. 91(1) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), **Sch. 8 para. 1(15)**; S.I. 1991/685, art. 3
- F18** Words in s. 91(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 22** (with Sch. 7)

Modifications etc. (not altering text)

- C5** S. 91 amended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 41(10)

92 Wardens.

- (1) A local authority may appoint such number of persons as may appear to the authority to be necessary or expedient to act as wardens as respects any land or waterway in relation to which byelaws made by the authority are in force under the last but one foregoing section, or in relation to which the authority have power to make such byelaws.

(2) ^{F19}

- (3) For the purpose of exercising any function conferred on him by or under this section a warden appointed thereunder may enter upon any land, or go on any waterway, comprised in an access agreement or order in force under Part V of this Act:

Provided that this subsection shall not confer any power of entry on land which is excepted land for the purposes of the said Part V.

- (4) Subject to the provisions of the last foregoing subsection, the foregoing provisions of this section shall not authorise a warden appointed by an authority thereunder, on land or a waterway in which any person other than that authority has an interest, without the consent of that person to do anything which apart from this section would be actionable at his suit by virtue of that interest.

Textual Amendments

- F19** Ss. 92(2), 93, 94 repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **Sch. 5**

Modifications etc. (not altering text)

- C6** S. 92 amended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), ss. 13(9)(10), 41(9)(10)
- C7** S. 92(1) extended by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), s 49(2)

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: General Powers of Local Planning Authorities. (See end of Document for details)

C8 S. 92(3)(4) applied (coming into force in accordance with s. 1(2)-(4) of the amending Act) by 2002 c. i, ss. 1(2)-(4), 15(6) (with ss. 38, 39)

93, 94. **F20**

Textual Amendments

F20 Ss. 92(2), 93, 94 repealed by Countryside Act 1968 (c. 41, SIF 46:1), Sch. 5

Changes to legislation:

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: General Powers of Local Planning Authorities.