



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

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.
- (2) For the purpose of restoring or improving the appearance of derelict land in their area which in the opinion of the authority is in any way unsightly, a local planning authority may—
 - (a) plant trees, or
 - (b) carry out such work or do such other things as appear to them expedient for that purpose.
- (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 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) The powers conferred by the foregoing provisions of this section do not, as respects any land, include power to do anything which the council of any county, county borough or county district are or can be authorised to do as respects that land by any enactment not contained in this Act; and nothing in the said provisions shall authorise the doing of anything in contravention of any prohibition or restriction having effect under any enactment or rule of law.

- (5) A local planning authority may acquire land compulsorily for the purpose of any of their functions under this section.
- (6) Where a local planning 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.

90 Local authority byelaws

- (1) A local planning authority may, as respects land in their area 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) Where a local authority, not being the local planning authority but being the council of a county, county borough or county district, represent to the Minister that it is expedient as respects any particular proposal to make byelaws relating to land or a waterway in their area that the powers of the local planning authority under this section should be exercised by the said council, the Minister if he thinks fit may after consultation with the local planning authority authorise the powers to be so exercised by the said council.
- (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 Utter;
 - (c) may regulate or prohibit the lighting of fires ;
 - (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:

Provided that byelaws made under paragraph (a) of this subsection shall not interfere with the exercise of any public right of way or of any functions of statutory undertakers or of a river board or other drainage authority.

- (4) Before making byelaws under the foregoing provisions of this section as respects a National Park or area of outstanding natural beauty, the local authority shall consult with the Commission.
- (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 byelaws 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

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 byelaws made under this section by another authority as respects land in the area of the council.

91 Default powers of Secretary of State as to certain byelaws

- (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, byelaws with respect to any of the matters with respect to which they are empowered by the last foregoing section to make byelaws, 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 byelaws in relation to the matters, and as respects the land or waterway, in question:

Provided that before making byelaws under this section as respects a National Park or area of outstanding natural beauty the Secretary of State shall consult with the Commission.

- (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.

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) The purposes for which wardens may be appointed by an authority under this section as respects any land or waterway are—
- to secure compliance with any byelaws made under the last but one foregoing section;
 - to advise and assist the public as to any matter for which byelaws can be made under that section ; and
 - to perform such other duties (if any) in relation to the land or waterway as the authority may determine.
- (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.

93 Restriction of traffic on certain roads

- (1) Where it appears to the council of a county or county borough, as respects a road in their area, being a road in a National Park or in an area of outstanding natural beauty or a road forming part of a long-distance route, that it is expedient that the use of the road by traffic of any particular description should be restricted on the grounds—
 - (a) in the case of a road in a National Park or area of outstanding natural beauty, that the use of the road by traffic of that description would detract from the natural beauty of the Park or area or from the enjoyment thereof by the community as a whole, and
 - (b) in the case of a road forming part of a long-distance route, that the use of the road by such traffic would prejudice the use thereof by persons journeying on foot or on horseback,the following provisions of this section shall have effect.
- (2) The council shall consider what restrictions appear to them to be requisite on the grounds mentioned in the last foregoing subsection and shall also consider the extent (if any) to which any such restrictions would interfere with—
 - (a) the reasonable requirements of members of the public as users of traffic of the description proposed to be restricted ;
 - (b) any reasonable requirements for such traffic to have access to premises situated on or near the road ; and
 - (c) any other special or local requirements as to the use of the road by traffic that description.
- (3) If after such consideration as aforesaid the council are of the opinion that it is expedient so to do, the council may make and submit to the Minister of Transport an order imposing, either generally or in such cases or subject to such exceptions as may be specified in the order, such restrictions as may be so specified on the use of the road by traffic of any such description as may be so specified.
- (4) Where, as respects a road in respect of which the council of a county propose to make an order under this section, an authority other than that council are the highway authority, the said council shall consult with the highway authority before making the order.
- (5) Where, as respects a road in a National Park or area of outstanding natural beauty or a road forming part of a long distance route, it appears to the Commission desirable that an order under this section should be made in respect of the road, and the council of the county or county borough, as the case may be, have not made the order, the Commission may apply to the Minister of Transport for an order such as is mentioned in subsection (3) of this section, and the said Minister, after considering the matters specified in subsection (2) of this section, may if he thinks fit make such an order.
- (6) Any person who contravenes an order under this section shall be liable on summary conviction, in the case of a first offence under this section, to a fine not exceeding twenty pounds and, in the case of a second or any subsequent offence thereunder, to a fine not exceeding fifty pounds.
- (7) Where an order under this section has been made by the Minister of Transport as respects any road, he may give to the highway authority directions as to the exercise by them in relation to the road of their powers under section forty-eight of the Road Traffic Act, 1930 (which provides for the erection of traffic signs); and any directions under this subsection—

- (a) may require the traffic signs to be placed in pursuance thereof to be of such size, colour and type as may be specified in the directions, notwithstanding that the size, colour or type may not be one prescribed for the purposes of the said section forty-eight;
 - (b) shall be enforceable, on the application of the Minister of Transport, by mandamus.
- (8) In this section the expression " road " means a highway other than a public path (as defined in Part IV of this Act); and for the purposes of this section a road shall be deemed to form part of a long-distance route if it is certified by the Minister that the road is comprised in a route as to which proposals have been approved by the Minister under the provisions in that behalf of the said Part IV.

94 Supplementary provisions as to orders under s. 93

- (1) An order under subsection (3) of the last foregoing section shall be in such form as may be prescribed by regulations made by the Minister of Transport or as the said Minister may in any particular case direct.
- (2) An order under subsection (3) of the last foregoing section shall not have effect unless confirmed by the Minister of Transport.
- (3) Before confirming an order under the said subsection (3) the Minister of Transport shall take into consideration the extent to which the restrictions imposed by the order would interfere with the requirements mentioned in paragraphs (a) to (c) of subsection (2) of that section.
- (4) Notwithstanding anything in the last foregoing section, the Minister of Transport shall not confirm or make an order restricting the use by traffic of any description of a trunk road or a road classified under the Ministry of Transport Act, 1919, in Class I unless he is satisfied that, having regard to any alternative routes available and to all other circumstances, the imposition of the restriction will not interfere with the reasonable requirements of traffic of the description in question.
- (5) 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 orders under the last foregoing section.