

## SCHEDULE 3

### APPLICATION OF ENACTMENTS

## PART 2

### MISCELLANEOUS FUNCTIONS

#### Water

4.—(1) Schedule 11 to the Water Industry Act 1991 (orders conferring compulsory works powers) <sup>M1</sup> applies as if the Authority were a local authority for the purposes of paragraph 1(3)(b) of that Schedule (persons to be notified of a compulsory works order application).

(2) The Water Resources Act 1991 <sup>M2</sup> applies as if—

- (a) the Authority were a local authority for the purposes of section 72(2)(a) of that Act (interpretation of Chapter 2); and
- (b) the Authority were a local authority for the purposes of section 158(1) (works agreements for water resources purposes) and section 197(5) (provision of information about water flow) of that Act, and for the purposes of paragraph 2(3)(a) of Schedule 5 (procedure) to that Act.

#### Marginal Citations

**M1** 1991 c. 56.

**M2** 1991 c. 57.

#### Transport and Works Act 1992

5. The Transport and Works Act 1992 <sup>M3</sup> applies as if the Authority were a local authority for the purposes of section 11(4) of that Act (inquiries and hearings).

#### Marginal Citations

**M3** 1992 c. 42.

#### Commons

6. The Commons (Schemes) Regulations 1982 <sup>M4</sup>, to the extent that they relate to land within the National Park, apply as if—

- (a) the Authority were a council for the purposes of those Regulations; and
- (b) in forms 1 and 2 in the Schedule to those Regulations, references to the Authority were substituted for references to the Council and District Council.

#### Marginal Citations

**M4** [S.I. 1982/209](#). Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the [Commons Act 1899 \(c. 30\)](#) (scheme for regulation) has effect in relation to a registered common within a National Park

for which a National Park authority is the local planning authority as if a National Park authority were a local authority for the purposes of that enactment.

### Areas of archaeological importance

7. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984 <sup>M5</sup> apply in relation to any area of archaeological importance wholly or partly within the National Park as if each reference to a district council were a reference to the Authority.

#### Marginal Citations

**M5** [S.I. 1984/1285](#), to which there are modifications for particular purposes not relevant to this Order. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 of the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#) (notice of operations affecting areas of archaeological importance) has effect as if any notice required to be served on a local authority under that section were required to be served, instead, on a National Park authority and the functions conferred on a local authority under that section had been conferred on the National Park authority.

### Disposal of abandoned vehicles

8. The Removal and Disposal of Vehicles Regulations 1986 <sup>M6</sup> apply as if the Authority were a council of a county for the purposes of paragraph (aa) of regulation 12(1)(e), and as if the National Park were that council's area.

#### Marginal Citations

**M6** [S.I. 1986/183](#), to which there are amendments not relevant to this Order. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#) have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority's area.

### Listed building purchase notices

9. The Planning (Listed Buildings and Conservation Areas) Regulations 1990 <sup>M7</sup> apply as if—
- the reference in regulation 9(1) (claims for compensation and listed building purchase notices) to the council of a district included reference to the Authority; and
  - the purchase notice referred to in paragraph (2) of Part 2 of Schedule 1 (notification to be sent to applicant on refusal of listed building consent etc.) were, in the case where the land is situated in the National Park, to be served on the Authority.

#### Marginal Citations

**M7** [S.I. 1990/1519](#). Paragraph (2) of the form set out in Part 2 of Schedule 1 to that Order was amended by [S.I. 1996/525](#) and [1997/2971](#); there are other amendments to that Order not relevant to this Order. By virtue of section 32(4A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (inserted by paragraph 33 of Schedule 10 to the 1995 Act), a National Park authority is a body on whom a listed building purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

## Town and country planning

10. The Town and Country Planning General Regulations 1992<sup>M8</sup> apply as if the reference to the council of a district in regulation 12(1) (claims for compensation and purchase notices) included a reference to the Authority.

### Marginal Citations

**M8** [S.I. 1992/1492](#), to which there are amendments not relevant to this Order.

11. The Town and Country Planning (General Development Procedure) Order 1995<sup>M9</sup> applies as if the reference to the district council in the final paragraph of the notification set out in Part 2 of Schedule 1 to that Order (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions) were, where the land is situated in the National Park, a reference to the Authority.

### Marginal Citations

**M9** [S.I. 1995/419](#). Section 147A of the [Town and Country Planning Act 1990 \(c.8\)](#), inserted by section 67(5) of the 1995 Act, applies Chapter 1 of Part 6 of that Act to National Park authorities.

12. Section 15 (local development scheme) of the Planning and Compulsory Purchase Act 2004<sup>M10</sup> applies in relation to the Authority as if for paragraph (b) of subsection (3) there were substituted—

“(b) submit the scheme to the Secretary of State not later than 1st July 2011;”.

### Marginal Citations

**M10** [2004 c. 5](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The South Downs National Park Authority (Establishment) Order 2010, PART 2.