



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART II

#### NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

##### *National Parks*

#### **42 Notification of agricultural operations on moor and heath in National Parks**

- (1) The Ministers may, if satisfied that it is expedient to do so, by order apply subsection (2) to any land which is comprised in a National Park and which appears to them to consist of or include moor or heath.
- (2) Subject to subsection (3), no person shall—
  - (a) by ploughing or otherwise convert into agricultural land any land to which this subsection applies and which is moor or heath which has not been agricultural land at any time within the preceding 20 years ; or
  - (b) carry out on any such land any other agricultural operation or any forestry operation which (in either case) appears to the Ministers to be likely to affect its character or appearance and is specified in the order applying this subsection to that land.
- (3) Subsection (2) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land if—
  - (a) one of them has, after the coming into force of the order, given the county planning authority written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and
  - (b) one of the conditions specified in subsection (4) is satisfied.
- (4) The said conditions are\*—
  - (a) that the county planning authority have given their consent to the carrying out of the operation;
  - (b) where that authority have neither given nor refused their consent, that three months have expired from the giving of the notice; and

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- (c) where that authority have refused their consent, that twelve months have expired from the giving of the notice.
- (5) A person who, without reasonable excuse, contravenes subsection (2) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (6) Where the county planning authority are given notice under this section in respect of any land, the authority shall forthwith send copies of the notice to the Ministers, the Nature Conservancy Council and the Countryside Commission.
- (7) In considering for the purposes of this section whether land has been agricultural land within the preceding 20 years, no account shall be taken of any conversion of the land into agricultural land which was unlawful under the provisions of this section or section 14 of the 1968 Act.
- (8) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) The said section 14 (which is superseded by this section) shall cease to have effect; but this section shall have effect as if any order under that section in force immediately before the coming into force of this section had been made under this section.

#### **43 Maps of National Parks showing certain areas of moor or heath**

- (1) Every county planning authority whose area comprises the whole or any part of a National Park shall—
  - (a) before the expiration of the period of two years beginning with the commencement date, prepare a map of the Park or the part thereof showing any areas of moor or heath the natural beauty of which it is, in the opinion of the authority, particularly important to conserve ; and
  - (b) at such intervals thereafter as they think fit (but not less than once in any year), review the particulars contained in the map and make such revisions thereof (if any) as may be requisite.
- (2) The authority shall cause a map prepared or revised in pursuance of subsection (1) to be printed, and shall cause copies thereof to be put on sale to the public at such price as the authority may determine.

#### **44 Grants and loans for purposes of National Parks**

- (1) Without prejudice to section 11 of the 1949 Act (general powers of local planning authorities in relation to National Parks), a county planning authority may give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which in the opinion of the authority is conducive to the attainment, in any National Park the whole or part of which is comprised in that authority's area, of any of the following purposes, that is to say, the conservation and enhancement of the natural beauty of that Park and the promotion of its enjoyment by the public.
- (2) On making a grant or loan under this section a county planning authority may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.

- (3) A county planning authority shall so exercise their powers under subsection (2) as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, insofar as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.

#### **45 Power to vary order designating National Park**

The Countryside Commission (as well as the Secretary of State) shall have power to make an order amending an order made under section 5 of the 1949 Act designating a National Park, and—

- (a) section 7(5) and (6) of that Act (consultation and publicity in connection with orders under section 5 or 7) shall apply to an order under this section as they apply to an order under section 7(4) of that Act with the substitution for the reference in section 7(5) to the Secretary of State of a reference to the Countryside Commission; and
- (b) Schedule 1 to that Act (procedure in connection with the making and confirmation of orders under section 5 or 7) shall apply to an order under this section as it applies to an order designating a National Park.

#### **46 Membership of National Park authorities**

- (1) In Part I of Schedule 17 to the Local Government Act 1972 (discharge of planning and countryside functions in National Parks) in paragraph 11 after the words "one third" there shall be inserted the words " (to the nearest whole number) ".

- (2) After paragraph 12 of that Schedule there shall be inserted the following paragraph—

“12A (1) The members of a joint planning board, special planning board or National Park Committee established for an area being or comprising the whole or any part of a National Park shall include members (in this paragraph referred to as ' district council members ') who are appointed by district councils whose districts comprise any part of that Park (in this paragraph referred to as ' relevant district councils').

- (2) The number of district council members of such a board or Committee shall be equal to—

- (a) the number of relevant district councils ; or
- (b) one seventh (to the nearest whole number) of the members of the board or Committee,

whichever is the less; and for the purposes of this sub-paragraph any casual vacancy in the membership of the "board or Committee shall be disregarded.

- (3) The district council members shall be appointed by such of the relevant district councils as may be agreed between those councils or as in default of agreement may be determined by the Secretary of State.

- (4) The district council members shall hold office for a period of one year and shall be eligible for reappointment; and section 102 (5) above shall apply in relation to a district council member appointed under this paragraph

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as it applies in relation to a member of a committee appointed under that section.”

- (3) In paragraph 14 of that Schedule for the words " subject to paragraph 11 above " there shall be substituted the words " subject to paragraphs 11 and 12A above ".
- (4) In the case of a joint planning board, special planning board or National Park Committee established for an area being or comprising the whole or any part of a National Park, members who are members of relevant district councils (within the meaning of the said paragraph 12A) and are neither members of a county council nor persons appointed in pursuance of the said paragraph 11 shall cease to be members of the board or Committee as from the coming into force of this section.