



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

## PART II

### NATIONAL PARKS

#### [<sup>F1</sup>4A Application of Part II of this Act in Wales.

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the Countryside Commission as respects England (or areas of any description in England), the Countryside Council for Wales shall have the corresponding function as respects Wales (or areas of a similar description in Wales).]

#### Textual Amendments

- F1** S. 4A inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(4\)](#); [S.I. 1991/685, art.3](#)

#### 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 <sup>F2</sup> . . . 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,

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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 as known as, and are hereinafter referred to as, National Parks.

**Textual Amendments**

**F2** Words in s. 5(2) repealed (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), Sch. 8 para. 1(5); S.I. 1991/685, art.3

**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 <sup>F3</sup> . . . 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.
- (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 [<sup>F4</sup>the <sup>M1</sup>Town and Country Planning Act 1971] 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) . . . . . <sup>F5</sup>
  - (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;

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- (d) ..... F6
- (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 [<sup>F4</sup>the <sup>M2</sup>Town and Country Planning Act 1971] 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 [<sup>F4</sup>the <sup>M3</sup>Town and Country Planning Act 1971].
- (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.

#### Textual Amendments

- F3** Words in s. 6(1) repealed (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(5\)](#); S.I. 1991/685, [art.3](#)
- F4** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 24 para. 2](#)
- F5** S. 6(4)(b) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)
- F6** S. 6(4)(d) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)

#### Modifications etc. (not altering text)

- C1** S. 6(3)(4)(g) modified (19.9.1995) by [1995 c. 25, ss. 61\(3\)\(a\), 125\(2\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

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**Marginal Citations**

- M1** 1971 c. 78.(123:1).
- M2** 1971 c. 78.(123:1).
- M3** 1971 c. 78.(123:1).

**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 [<sup>F7</sup>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.

**Textual Amendments**

- F7** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 179(3)**

**8** ..... <sup>F8</sup>

**Textual Amendments**

- F8** [S. 8](#) repealed and superseded by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 184(6)**, [Sch. 17 Pt. I, Sch. 30](#)

**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

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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 [<sup>F9</sup>the <sup>M4</sup>Town and Country Planning Act 1971] 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.

**Textual Amendments**

**F9** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 24 para. 2](#)

**Marginal Citations**

**M4** [1971 c. 78.\(123:1\)](#)

10 ..... <sup>F10</sup>

**Textual Amendments**

**F10** [S. 10](#) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**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 [<sup>F11</sup>of any] 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) ..... <sup>F12</sup>

- (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.

**Textual Amendments**

**F11** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [s. 72\(5\)](#)

**F12** [S. 11\(3\)](#) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)

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**Modifications etc. (not altering text)**

**C2** S. 11 modified (19.9.1995) by 1995 c. 25, ss. 61(3)(a), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**C3** S. 11 excluded (19.9.1995) by 1995 c. 25, ss. 68(3), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

VALID FROM 19/09/1995

**[<sup>F13</sup>11A Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated.**

- (1) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.
- (2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.
- (3) For the purposes of this section “relevant authority” means—
  - (a) any Minister of the Crown,
  - (b) any public body,
  - (c) any statutory undertaker, or
  - (d) any person holding public office.
- (4) In subsection (3) of this section—
 

“public body” includes—

  - (a) any local authority, joint board or joint committee;
  - (b) any National Park authority;

“public office” means—

  - (a) an office under Her Majesty;
  - (b) an office created or continued in existence by a public general Act of Parliament; or
  - (c) an office the remuneration in respect of which is paid out of money provided by Parliament.
- (5) In subsection (4) of this section, “joint board” and “joint committee” mean—
  - (a) a joint or special planning board for a National Park reconstituted by order under paragraph 1 or 3 of Schedule 17 to the <sup>M5</sup>Local Government Act 1972, or a joint planning board within the meaning of section 2 of the <sup>M6</sup>Town and Country Planning Act 1990;
  - (b) a joint committee appointed under section 102(1)(b) of the <sup>M7</sup>Local Government Act 1972.
- (6) In this section, “local authority”—

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- (a) in relation to England, means a county council, district council or parish council;
- (b) in relation to Wales, means a county council, county borough council, district council or community council.]

#### Textual Amendments

**F13** S. 11A added (19.9.1995) by 1995 c. 25, ss. 62(1), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

#### Marginal Citations

**M5** 1972 c. 70.

**M6** 1990 c. 8.

**M7** 1972 c. 70.

## 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) or 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.

#### Modifications etc. (not altering text)

**C4** S. 12 extended (19.9.1995) by 1995 c. 25, ss. 68(4), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**C5** S. 12(1) extended by Countryside Act 1968 (c. 41, SIF 46:1), s. 12(1)(2)



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### **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 [<sup>F14</sup>or fishing or other forms of recreation]:

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



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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.

#### Textual Amendments

**F14** Words substituted by [Countryside Act 1968 \(c. 41, SIF 46:1\), s. 12\(6\)](#)

#### Modifications etc. (not altering text)

**C6** [S. 13\(1\)](#) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\), s. 12\(6\)](#)

**C7** [S. 13\(2\)-\(4\)](#) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\), s. 12\(7\)](#)

## 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.

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