



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, Section 89. (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**
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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)**

Changes to legislation:

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