



# Environment Act 1995

## 1995 CHAPTER 25

### PART III

#### NATIONAL PARKS

##### *Functions of National Park authorities*

#### **65 General purposes and powers.**

- (1) This Part so far as it relates to the establishment and functions of National Park authorities shall have effect for the purposes specified in section 5(1) of the National Parks and Access to the <sup>M1</sup>Countryside Act 1949 (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public).
- (2) Sections 37 and 38 of the <sup>M2</sup>Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) shall apply to National Park authorities as they apply to local authorities.
- (3) The functions of a National Park authority in the period (if any) between the time when it is established and the time when it becomes the local planning authority for the relevant Park shall be confined to the taking of such steps as the authority, after consultation with the Secretary of State and any existing authority for that Park, considers appropriate for securing that it is able properly to carry out its functions after that time.
- (4) In the application of subsection (3) above in the case of a National Park authority established in relation to a National Park in Wales, the reference to any existing authority for that Park shall have effect as respects consultation carried out during so much of that period as falls before 1st April 1996 as including a reference to any principal council whose area is wholly or partly comprised in that Park.

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- (5) The powers of a National Park authority shall include power to do anything which, in the opinion of that authority, is calculated to facilitate, or is conducive or incidental to—
- (a) the accomplishment of the purposes mentioned in subsection (1) above; or
  - (b) the carrying out of any functions conferred on it by virtue of any other enactment.
- (6) The powers conferred on a National Park authority by subsection (5) above shall not include either—
- (a) power to do anything in contravention of any restriction imposed by virtue of this Part in relation to any express power of the authority; or
  - (b) a power to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from that subsection;
- but the things that may be done in exercise of those powers shall not be treated as excluding anything by reason only that it involves the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.
- (7) Schedule 8 to this Act shall have effect with respect to the supplemental and incidental powers of a National Park authority.

#### **Marginal Citations**

**M1** 1949 c. 97.

**M2** 1968 c. 41.

## **66 National Park Management Plans.**

- (1) Subject to subsection (2) below, every National Park authority shall, within three years after its operational date, prepare and publish a plan, to be known as a National Park Management Plan, which formulates its policy for the management of the relevant Park and for the carrying out of its functions in relation to that Park.
- (2) A National Park authority for a Park wholly or mainly comprising any area which, immediately before the authority's operational date, was or was included in an area for which there was a National Park Plan prepared and published under paragraph 18 of Schedule 17 to the 1972 Act (National Park plans) shall not be required to prepare a Management Plan under subsection (1) above if, within six months of that date, it adopts the existing National Park Plan as its Management Plan and publishes notice that it has done so.
- (3) Where a National Park authority is proposing to adopt a plan under subsection (2) above, it may review the plan before adopting it and shall do so if the plan would have fallen to be reviewed under paragraph 18 of Schedule 17 to the 1972 Act in the period of twelve months beginning with the authority's operational date.
- (4) A National Park authority shall review its National Park Management Plan within the period of five years of its operational date and, after the first review, at intervals of not more than five years.
- (5) Where a National Park authority has adopted a plan under subsection (2) above as its National Park Management Plan and has not reviewed that Plan before adopting it, the first review of that Plan under subsection (4) above shall take place no later than

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the time when the adopted plan would otherwise have fallen to be reviewed under paragraph 18 of Schedule 17 to the 1972 Act.

- (6) Where a National Park authority reviews any plan under this section, it shall—
- (a) determine on that review whether it would be expedient to amend the plan and what (if any) amendments would be appropriate;
  - (b) make any amendments that it considers appropriate; and
  - (c) publish a report on the review specifying any amendments made.
- (7) A National Park authority which is proposing to publish, adopt or review any plan under this section shall—
- (a) give notice of the proposal to every principal council whose area is wholly or partly comprised in the relevant Park and, according to whether that Park is in England or in Wales, to the [<sup>F1</sup>Countryside Agency] and [<sup>F2</sup>English Nature] or to the Countryside Council for Wales;
  - (b) send a copy of the plan, together (where appropriate) with any proposed amendments of the plan, to every body to which notice of the proposal is required to be given by paragraph (a) above; and
  - (c) take into consideration any observations made by any such body.
- (8) A National Park authority shall send to the Secretary of State a copy of every plan, notice or report which it is required to publish under this section.
- (9) In this section “operational date”, in relation to a National Park authority, means the date on which the authority becomes the local planning authority for the relevant Park.

#### Textual Amendments

**F1** Words in s. 66(7) substituted (20.2.1999) by S.I. 1999/416, art. 3, Sch. 1 para. 17(3)

**F2** Words in s. 66(7)(a) substituted (30.1.2001) by 2000 c. 37, ss. 73(4), 103(2), Sch. 8 para. 1(t)(iii)

#### 67 National Park authority to be local planning authority.

- (1) After section 4 of the <sup>M3</sup>Town and Country Planning Act 1990 (National Parks) there shall be inserted—

##### “4A National Parks with National Park authorities.

- (1) Where a National Park authority has been established for any area, this section, instead of section 4(1) to (4), shall apply, as from such time as may be specified for the purposes of this section in the order establishing that authority, in relation to the Park for which it is the authority.
- (2) Subject to subsections (4) and (5) below, the National Park authority for the Park shall be the sole local planning authority for the area of the Park and, accordingly—
  - (a) functions conferred by or under the planning Acts on a planning authority of any description (including the functions of a mineral planning authority under those Acts and under the <sup>M4</sup>Planning and Compensation Act 1991) shall, in relation to the Park, be functions of the National Park authority, and not of any other authority; and

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- (b) so much of the area of any other authority as is included in the Park shall be treated as excluded from any area for which that other authority is a planning authority of any description.
- (3) For the purposes of subsection (2) above functions under the planning Acts which (apart from this section) are conferred—
  - (a) in relation to some areas on the county or district planning authorities for those areas, and
  - (b) in relation to other areas on the councils for those areas,
 shall be treated, in relation to those other areas, as conferred on each of those councils as the local planning authority for their area.
- (4) The functions of a local planning authority by virtue of sections 198 to 201, 206 to 209 and 211 to 215, so far as they are functions of a National Park authority by virtue of this section, shall be exercisable as respects any area which is or is included in an area for which there is a district council, concurrently with the National Park authority, by that council.
- (5) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (4) above shall be deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.”
- (2) The Secretary of State may by order make provision—
  - (a) for applying Chapter I of Part II of that Act of 1990 (unitary development plans), instead of provisions of Chapter II of that Part (structure and local plans), in relation to the area of any National Park; or
  - (b) for applying Chapter II of that Part in relation to the area of such a Park—
    - (i) as if functions under that Chapter of a planning authority of any description were functions of such public authority as may be specified in the order (and not of the National Park authority); and
    - (ii) as if that Part had effect with such other modifications as may be so specified in relation to the carrying out of those functions by an authority so specified.
- (3) Without prejudice to any power conferred by virtue of section 75 below, the Secretary of State shall have power by order, for the purposes of any provision made by virtue of this section, to modify the provisions of Part II of that Act of 1990 (development plans) in relation to any such area of a local planning authority as, but for any exclusion by virtue of section 4A of that Act, would include the whole or any part of a National Park.
- (4) References in this section to provisions of Part II of that Act of 1990 include references to any provisions for modifying those provisions which are contained in any enactment passed after this Act.
- (5) Before section 148 of that Act of 1990 (interpretation of provisions relating to purchase notices) there shall be inserted—

**“147A Application of Chapter I to National Parks.**

This Chapter shall have effect as if—

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- (a) the bodies on whom a purchase notice may be served under section 137 included any National Park authority which is the local planning authority for the area in which the land is situated; and
  - (b) a National Park authority were a local authority for the purposes of this Act and the National Park for which it is the local planning authority were its area;
- and the references in this Chapter and in section 288(10)(a) to a council and to a local authority shall be construed accordingly.”

#### Marginal Citations

- M3 1990 c. 8.
- M4 1991 c. 34.

### 68 Planning authority functions under National Parks legislation etc.

- (1) Where a National Park authority is the local planning authority for any National Park, section 184 of the 1972 Act and paragraph 37 of Schedule 17 to that Act (functions under certain legislation relating to the National Parks and the countryside) shall not apply as respects that Park in relation to any of the functions conferred by or under—
  - (a) the <sup>M5</sup>National Parks and Access to the Countryside Act 1949 (“the 1949 Act”), or
  - (b) the <sup>M6</sup>Countryside Act 1968 (“the 1968 Act”),on a planning authority of any description.
- (2) In consequence of subsection (1) above, but subject to subsections (3) to (7) below—
  - (a) functions which are conferred on a local planning authority by or under the 1949 Act or the 1968 Act, and the functions conferred on a county planning authority (or, in relation to Wales, a local planning authority) by section 69 of the 1949 Act (suspension of access to avoid risk of fire), shall, as respects the whole or any part of a National Park for which a National Park authority is the local planning authority, be functions of that authority and not of any other authority;
  - (b) references in those Acts to a local planning authority whose area consists of or includes the whole or any part of a National Park shall be construed, in relation to any National Park for which a National Park authority is the local planning authority, as references to the National Park authority; and
  - (c) other references in those Acts to a local planning authority and the references to a local authority in section 103 of the 1949 Act and sections 10 and 43 to 45 of the 1968 Act (which contain provision applying in relation to local authorities in their capacity as local planning authorities) shall have effect accordingly.
- (3) Section 11 of the 1949 Act (which makes provision in relation to a local planning authority that corresponds to provision made by section 65 above in relation to a National Park authority) shall not apply in relation to any National Park authority.
- (4) The functions conferred by or under section 12 of the 1949 Act or section 12 of the 1968 Act (facilities for National Parks) which are exercisable by virtue of this section by a National Park authority in a National Park—

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- (a) shall be exercisable by that authority outside the relevant Park on any land in the neighbourhood of that Park; but
  - (b) shall be so exercisable only under arrangements made with the local planning authority for the area where they are exercised.
- (5) Sections 61 to 63 of the 1949 Act (survey of access requirements and action in response to the survey) shall have effect in accordance with subsection (2) above as respects the area of any National Park for which a National Park authority has become the local planning authority—
- (a) in the case of a Park designated after the commencement of this section, as if section 61(1) applied with the substitution for the reference to the commencement of that Act of a reference to the time when that authority became the local planning authority for that Park;
  - (b) as if no area were required by virtue of subsection (3) of section 61 of that Act, or of any previous review under that section, to be excluded from any area to be reviewed by virtue of paragraph (a) above; and
  - (c) in the case of a Park designated before the commencement of this section, as if—
    - (i) the power (if any) to make a resolution for the purposes of the proviso to that subsection (3) as respects any part of the area of the Park which has not previously been reviewed under that section, and
    - (ii) the functions which, where such a resolution has been so made, are conferred on the authority which made it or on any authority which has conducted a review in pursuance of the resolution,
 were a power or, as the case may be, functions of the National Park authority, and not of any other authority.
- (6) The following functions, so far as exercisable by a National Park authority in relation to land or countryside in a National Park in England for which that authority is the local planning authority, that is to say—
- (a) those conferred by or under section 89 of the 1949 Act (planting of trees and treatment of derelict land), and
  - (b) those conferred by section 10 of the 1968 Act (camping and picnic sites),
- shall be exercisable in relation to so much of that Park as is comprised in a district for which there is a district council, concurrently with the National Park authority, by that district council.
- (7) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (6) above shall be deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.
- (8) The following powers, that is to say—
- (a) those conferred on a local authority by or under section 92 of the 1949 Act (wardens), and
  - (b) those conferred on a local authority by or under section 41 of the 1968 Act (byelaws),
- so far as they are conferred in relation to any of the functions which by virtue of this section are functions of a National Park authority as respects the relevant Park, shall be exercisable by that authority and also, in the case of those conferred by or under section 41 of the 1968 Act, by a district council in relation to that council's functions by virtue of subsection (6)(b) above, but not by any other authority.

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- (9) Section 104 of the 1949 Act (general provisions as to appropriation and disposal of land), except subsection (11), shall have effect as if references in that section to a local authority included references to a National Park authority.
- (10) For the purposes of any functions conferred on a National Park authority by virtue of this section references in any enactment to the area of the authority shall be construed as references to the relevant Park.

#### Marginal Citations

**M5** 1949 c. 97.

**M6** 1968 c. 41.

### 69 Planning authority functions under the Wildlife and Countryside Act 1981.

- (1) A National Park authority which is the local planning authority for any National Park, and not any other authority, shall have all the functions under the <sup>M7</sup>Wildlife and Countryside Act 1981 which are conferred as respects that Park on a planning authority of any description.
- (2) Accordingly—
- (a) a National Park authority shall be the relevant authority for the purposes of sections 39, 41 and 50 of that Act (management agreements and duties of agriculture Ministers in relation to the countryside) as respects any land in any National Park for which that authority is the local planning authority; and
- (b) section 52(2) of that Act (construction of references to a local planning authority) shall not apply as respects any National Park for which a National Park authority is the local planning authority.
- (3) Section 43 of that Act (maps of National Parks) shall have effect in accordance with the preceding provisions of this section—
- (a) in the case of a National Park designated after the commencement of this section, as if the relevant date for the purposes of that section were the date on which a National Park authority becomes the local planning authority for the Park; and
- (b) in any other case, as if the function of reviewing and revising any map of a part of the Park in question included a power, in pursuance of the review and revisions, to consolidate that map with other maps prepared under that section as respects other parts of that Park.
- (4) In section 44 of that Act (grants and loans for purposes of National Parks), after subsection (1) there shall be inserted the following subsection—
- “(1A) Subsection (1) above shall not apply in relation to any National Park for which a National Park authority is the local planning authority; but the National Park authority for such a Park 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 the Park in question of any of the purposes mentioned in section 5(1) of the 1949 Act (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National

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Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public).”

**Marginal Citations**

M7 1981 c. 69.

**70 Other statutory functions.**

In addition to its functions under the enactments mentioned in sections 67 to 69 above and to such of its functions under any other enactment as are conferred by virtue of its being a local planning authority within the meaning of the <sup>M8</sup>Town and Country Planning Act 1990, a National Park authority shall have the further miscellaneous functions conferred on it by virtue of Schedule 9 to this Act.

**Marginal Citations**

M8 1990 c. 8.



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