



Environment Act 1995

1995 CHAPTER 25

PART III

NATIONAL PARKS

Purposes of National Parks

61 Purposes of National Parks.

- (1) In section 5 of the National Parks and Access to the ^{M1}Countryside Act 1949 (National Parks) for subsection (1) (which provides that Part II of that Act has effect for the purpose of preserving and enhancing the natural beauty of the areas specified in subsection (2) of that section and for the purpose of promoting their enjoyment by the public) there shall be substituted—
 - “(1) The provisions of this Part of this Act shall have effect for the purpose—
 - (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
 - (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.”
- (2) The amendment made by subsection (1) above is without prejudice to the continuing validity of any designation of an area as a National Park under subsection (3) of that section.
- (3) The following enactments (which refer to the purposes specified in section 5(1) of the National Parks and Access to the ^{M2}Countryside Act 1949), that is to say—
 - (a) sections 6(3) and (4)(g), 11 and 101(3) of that Act, and
 - (b) sections 2(5)(b) and 13(4) of the ^{M3}Countryside Act 1968,shall have effect in accordance with subsection (4) below.
- (4) In the application of any provision specified in subsection (3) above, any reference to the purposes specified in subsection (1) of section 5 of the National Parks and Access to the ^{M4}Countryside Act 1949—

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- (a) in relation to any particular National Park, shall be construed as a reference to the substituted purposes as from the time when a National Park authority becomes the local planning authority for that Park; and
 - (b) in relation to National Parks generally, shall be construed as a reference—
 - (i) to the original purposes, so far as relating to National Parks in the case of which the National Park authority has not become the local planning authority since the coming into force of this section, and
 - (ii) to the substituted purposes, so far as relating to National Parks in the case of which the National Park authority has become the local planning authority since the coming into force of this section.
- (5) In subsection (4) above—
- “original purposes” means the purposes specified in subsection (1) of section 5 of that Act, as originally enacted;
- “substituted purposes” means the purposes specified in that subsection as substituted by subsection (1) above.

Marginal Citations

- M1 1949 c. 97.
- M2 1949 c. 97.
- M3 1968 c. 41.
- M4 1949 c. 97.

62 Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated.

- (1) After section 11 of the National Parks and Access to the ^{M5}Countryside Act 1949 (general powers of local planning authorities in relation to National Parks) there shall be inserted—

“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,

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- (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 ^{M6}Local Government Act 1972, or a joint planning board within the meaning of section 2 of the ^{M7}Town and Country Planning Act 1990;
 - (b) a joint committee appointed under section 102(1)(b) of the ^{M8}Local Government Act 1972.
- (6) In this section, “local authority”—
- (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.”
- (2) The duty imposed by subsection (1) of the section 11A inserted by subsection (1) above shall take effect, in the case of any particular National Park, as from the time when a National Park authority becomes the local planning authority for that Park.

Marginal Citations

- M5** 1949 c. 97.
- M6** 1972 c. 70.
- M7** 1990 c. 8.
- M8** 1972 c. 70.

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