

Status: Point in time view as at 28/04/2022.

Changes to legislation: Environment Act 1995, Cross Heading: Powers in relation to land etc. is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

SUPPLEMENTAL AND INCIDENTAL POWERS OF NATIONAL PARK AUTHORITIES

Powers in relation to land etc.

- 1 (1) Subject to sub-paragraph (2) below, the following provisions, that is to say—
- (a) sections 120, 122 and 123 of the 1972 Act (powers of local authorities to acquire and dispose of land), and
 - (b) sections 128 to 131 of that Act (general provisions in relation to land transactions),
- shall have effect as if, for the purposes of those provisions, a National Park authority were a principal council and the relevant Park were the authority's area.
- [^{F1}(1A) The reference in sub-paragraph (1) to section 123 of the 1972 Act is to be interpreted as a reference to that section as amended by section 2 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 in so far as that sub-paragraph applies to a National Park authority for a National Park in Wales.]
- (2) The following provisions of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976, that is to say—
- (a) section 13 (compulsory acquisition of rights over land),
 - ^{F2}(b)
 - (c) section 16 (obtaining information about land), and
 - (d) section 29 (repayment of unclaimed compensation),
- shall apply in relation to a National Park authority as if the authority were a local authority for the purposes of that Act.
- (3) Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land) shall have effect as if references to a principal council included references to a National Park authority and as if the relevant Park were that authority's area; and for the purposes of this paragraph the ^{M2}reference in subsection (1) of that section to section 111 of the 1972 Act shall have effect as a reference to section 65 of this Act.
- (4) This paragraph shall be without prejudice to any power conferred on a National Park authority by virtue of paragraph 2 below.

Textual Amendments

- F1** Sch. 8 para. 1(1A) inserted (W.) (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\)](#), ss. 3(2), 5(2)
- F2** Sch. 8 para. 1(2)(b) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 24\(2\)](#); S.I. 2016/733, reg. 3(h) (with reg. 6)

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Marginal Citations

- M1** 1976 c. 57.
M2 1982 c. 30.

- 2 (1) After section 244 of the ^{M3}Town and Country Planning Act 1990 (powers of joint planning boards) there shall be inserted the following section—

“244A Powers of National Park authorities under Part IX.

- (1) A National Park authority shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 226 applies have under that section.
- (2) A National Park authority shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 227 have under that subsection.
- (3) Sections 226(1) and (7), 227, 229, 230, 232, 233 and 235 to 242 shall apply with the necessary modifications as if a National Park authority were a local authority to which those sections applied and as if the Park in relation to which it carries out functions were the authority’s area.”
- (2) Every such reference in that Act to the acquisition or appropriation of land for planning purposes as falls to be construed in accordance with section 246 of that Act shall be taken (so far as it would not otherwise do so) to include a reference to an acquisition or appropriation of land under any power conferred by virtue of subparagraph (1) above.
- (3) The following provisions of that Act, that is to say—
- (a) sections 251(1), 258(1), 260(1), 261, 271, 272 and 274 (extinguishing rights of way and other rights), [^{F3}and]
- (b) sections 275 and 276 (extension and modification of functions of statutory undertakers), ^{F4}...
- ^{F4}(c)
- shall have effect as if a National Park authority were a local authority for the purposes of that Act.
- (4) The reference to a local authority in section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (which refers to the ^{M4}powers of a local authority under sections 232, 233 and 235(1) of the ^{M5}Town and Country Planning Act 1990) shall include a reference to a National Park authority.

Textual Amendments

- F3** Word in Sch. 8 para. 2(3)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 24\(3\)\(a\)](#); S.I. 2016/733, reg. 3(h) (with reg. 6)
- F4** Sch. 8 para. 2(3)(c) and preceding word omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 24\(3\)\(b\)](#); S.I. 2016/733, reg. 3(h) (with reg. 6)

Marginal Citations

- M3** 1990 c. 8.
M4 1990 c. 8.

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M5 1990 c. 9.

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