

These notes refer to the Natural Environment and Rural Communities Act 2006 (c.16) which received Royal Assent on 30 March 2006

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

EXPLANATORY NOTES

BACKGROUND

11. The Government set out its proposals for the countryside in the Rural White Paper, published in November 2000.
12. Following the creation of Defra in June 2001, the Secretary of State for Environment, Food and Rural Affairs initiated a number of steps designed to improve the focus and delivery of rural policy. These were:
 - a full review of the Rural White Paper
 - improvement of the evidence base on rural affairs
 - an independent review of rural delivery carried out by Lord Haskins.
13. The Government published the full review of the Rural White Paper in January 2004, alongside a report called “Social and Economic Change and Diversity in Rural England” whose purpose was to develop the evidence base for rural policy.
14. The review by Lord Haskins was published in November 2003, having taken evidence from 350 organisations, authorities and groups and received comments from nearly 300 individual recipients of rural policy delivery. The Government gave its initial response to Lord Haskins’ report in November 2003, agreeing with Lord Haskins that Defra’s delivery structures are confusing and too bureaucratic and centralised, and accepting the thrust of his recommendations. Lord Haskins’ review and the Government’s response are currently available on the Defra website at: <http://www.defra.gov.uk/rural>.
15. The Government published its Rural Strategy in July 2004. This contained its detailed response to Lord Haskins’ recommendations. It is currently available on the Defra website.
16. Meanwhile, since the publication of the Rural White Paper in 2000, there have also been wider policy papers and reforms that are relevant to rural policy and delivery. In particular, these include:
 - “Decentralisation – Your Region, Your Choice: Revitalising the English Regions”, White Paper, Office of the Deputy Prime Minister (“ODPM”) 2002
 - “Devolved Decision-Making Review Report”, published with the budget in 2004
 - “Strategy for Sustainable Farming and Food”, Defra 2002
 - Common Agricultural Policy reform agreed in the EU in 2003
 - Single Payment Scheme announced in 2004
 - “Sustainable Communities, Building for the Future”, ODPM 2003

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- “Energy White Paper – Our Energy Future – Creating a Low Carbon Economy”, Department of Trade and Industry/Defra 2003
 - “Working with the Grain of Nature: A Biodiversity Strategy for England”, Defra 2002
 - “Securing the Future – the UK Sustainable Development Strategy”, Defra 2005 (Cm. 6467)
17. In its 2004 Rural Strategy, the Government made a commitment to publish a draft Bill in Spring 2005 to make the changes in the law needed to give effect to the Strategy. A draft Bill was duly published on 10 February 2005. (See the *Draft Natural Environment and Rural Communities Bill*, Cm 6460.) The Environment Food and Rural Affairs Select Committee carried out pre-legislative scrutiny of the draft Bill following its publication. The Select Committee published its report on the Rural Strategy and the draft Bill on 26 March 2005 (HC 408-I, 408-II 2004-2005). This report is available on the UK Parliament’s website at: www.publications.parliament.uk/pa/cm200405/cmselect/cmenvfru/cmenvfru.htm.
 18. The Government’s response to the Select Committee’s report was published in May 2005 (Cm. 6574) and is available on Defra’s website.
 19. In relation to rights of way, following its decision that it could not implement section 34A of the Road Traffic Act 1988 (introduced by Schedule 7 to the Countryside and Rights of Way Act 2000), the Government published a consultation paper in December 2003, in which it proposed a series of alternative measures for tackling problems arising from the use of rights of way by mechanically propelled vehicles. In response, the Government received more than 14,000 representations, approximately half of which were from motor vehicle users. After considering these, the Government set out its conclusions and legislative proposals in the ‘Framework for Action’ document, which was published in January 2005. The consultation paper and ‘Framework for Action’ are available on Defra’s website, and are currently located at: www.defra.gov.uk/wildlife-countryside/cl/publicrow.htm. It is these proposals that gave rise to the main provisions of sections 66 and 67 of this Act.
 20. The Act’s rights of way provisions also respond to a judgment by the House of Lords (*Bakewell Management Ltd v Brandwood* [2004] UKHL 14, [2004] 2 AC 519) regarding the creation of rights of way for mechanically propelled vehicles. In that case the House of Lords held that a right of way may arise where mechanically propelled vehicles have used a route for a 20-year period, even where that use is illegal. The Act alters the law so that illegal use of this kind will not create public rights of way.
 21. In relation to the criteria for designating National Parks and the meaning of “natural beauty”, the Act’s provisions also respond to the High Court judgment of 3 November 2005 in the case of *Meyrick Estate Management Ltd v Secretary of State for Environment, Food and Rural Affairs* [2005] EWHC 2618 (Admin) regarding the designation of land as part of the New Forest National Park.