



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

## PART II

### NATIONAL PARKS

#### 6 General duties of [F<sup>1</sup>Natural England ] in relation to National Parks.

- (1) It shall be the duty of [F<sup>2</sup>Natural England]<sup>F3</sup>... from time to time, to consider what areas there are in England <sup>F4</sup> . . . falling within subsection (2) of the last foregoing section, to determine in what order they should be designated under subsection (3) of that section, and to proceed with their designation at such times as [F<sup>2</sup>Natural England] may determine.
- (2) The power of the Minister to give directions under section three of this Act shall extend to the giving of directions as to the order and time of designation of the said areas, notwithstanding that the directions may be of a specific character.
- (3) As respects areas designated as National Parks, it shall be the duty of [F<sup>5</sup>Natural England]—
  - (a) to consider, generally and in relation to particular National Parks, in what way action needs to be taken under this Act and [F<sup>6</sup>the <sup>M1</sup>Town and Country Planning Act 1971] for the purposes specified in subsection (1) of the last foregoing section, and to make such recommendations with respect thereto to the Minister and to [F<sup>7</sup>National Park authorities and]local authorities as may appear to [F<sup>5</sup>Natural England ] to be necessary or expedient, and
  - (b) to keep under review the progress made from time to time in accomplishing the said purposes and to make to the Minister or, where [F<sup>5</sup>Natural England] deem it appropriate, to any other Minister or any [F<sup>7</sup>National Park authority]local authority or other persons, such representations as appear to [F<sup>5</sup>Natural England] to be necessary or expedient as to any matter affecting the accomplishment of those purposes.

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 6. (See end of Document for details)*

- (4) Without prejudice to the generality of the last foregoing subsection, it shall be the duty of [<sup>F8</sup>Natural England], subject to and in accordance with the following provisions of this Act in that behalf—
- <sup>F9</sup>(a) ..... <sup>F10</sup>
- (b) ..... <sup>F10</sup>
- <sup>F11</sup>(c) ..... <sup>F12</sup>
- (d) ..... <sup>F12</sup>
- (e) to give advice where any Minister consults [<sup>F8</sup>Natural England] as to proposals for development of land in a National Park, or the appropriate planning authority consult them (whether in compliance with a requirement imposed under this Act or [<sup>F6</sup>the <sup>M2</sup>Town and Country Planning Act 1971] or otherwise) in connection with the preparation or amendment of a development plan or in connection with an application for permission to develop any such land;
- (f) to make recommendations to the Minister and, where [<sup>F8</sup>Natural England ] deem it appropriate, to other Ministers as to any proposals for the development of land in a National Park, being proposals for development in a way which appears to [<sup>F8</sup>Natural England] to be inconsistent with the maintenance of the area as a Park;
- (g) to notify to the Minister, or where [<sup>F8</sup>Natural England] deem it appropriate to other Ministers, the general nature of the action which will in the opinion of [<sup>F8</sup>Natural England ] need to be taken as respects land in a National Park for any of the purposes specified in subsection (1) of the last foregoing section, in cases where it appears to [<sup>F8</sup>Natural England] that the Minister in question should be informed thereof before considering future proposals for the development of the land for other purposes; and
- (h) if in any case [<sup>F8</sup>Natural England ] are not satisfied that effect will be given to their recommendations or advice as to any matter mentioned in the foregoing paragraphs of this subsection, to refer the matter to the Minister and to advise the Minister as to the exercise of any powers of direction or enforcement (including powers of making orders) conferred on him by this Act or [<sup>F6</sup>the <sup>M3</sup>Town and Country Planning Act 1971].
- (5) Nothing in this section shall be construed as modifying the effect of any provision of this Act whereby any specific power or duty is conferred or imposed on [<sup>F13</sup>Natural England ] or whereby an obligation is imposed on any other person to consult with [<sup>F13</sup>Natural England ].
- (6) In this section the expression “appropriate planning authority” means [<sup>F14</sup>a National Park authority]. . . and includes a local authority, not being a local planning authority, by whom any powers of a local planning authority as respects a National Park are exercisable, whether under the following provisions of this Act in that behalf or otherwise; and references in this section to a Minister include references to any Board in charge of a Government department.

#### Textual Amendments

- F1** Words in s. 6 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 11\(4\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F2** Words in s. 6(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 10\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)

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- F3** Words in s. 6(1) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 11(2), **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F4** Words in s. 6(1) repealed (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 1(5)**; S.I. 1991/685, **art. 3**
- F5** Words in s. 6(3) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 10(b)**; S.I. 2006/2541, art. 2 (with Sch.)
- F6** Words substituted by virtue of Town and Country Planning Act 1971 (c. 78, SIF 123:1), **Sch. 24 para. 2**
- F7** Words in s. 6(3)(a)(b) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(1)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F8** Words in s. 6(4) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 10(b)**; S.I. 2006/2541, art. 2 (with Sch.)
- F9** S. 6(4)(a) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 11(3), **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F10** S. 6(4)(b) repealed by Countryside Act 1968 (c. 41, SIF 46:1), **Sch. 5**
- F11** S. 6(4)(c) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 11(3), **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F12** S. 6(4)(d) repealed by Countryside Act 1968 (c. 41, SIF 46:1), **Sch. 5**
- F13** Words in s. 6(5) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 10(b)**; S.I. 2006/2541, art. 2 (with Sch.)
- F14** Words in s. 6(6) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(1)(a)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**

#### **Modifications etc. (not altering text)**

- C1** S. 6(4)(e) applied (with modifications)(1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, **s. 84(1)(a)(2)** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**

#### **Marginal Citations**

- M1** 1971 c. 78.(123:1).
- M2** 1971 c. 78.(123:1).
- M3** 1971 c. 78.(123:1).

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 6.