

**EXPLANATORY MEMORANDUM TO**  
**THE NATIONAL PARK AUTHORITIES (ENGLAND) ORDER 2006**

**2006 No. 3165**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by the command of Her Majesty.
2. **Description**

This Order amends the National Park Authorities (England) Order (S.I. 1996/1243) so as to alter the number of members appointed to the National Park authorities for each of the National Parks in England other than Northumberland and the New Forest. The total membership of the Peak District National Park Authority is reduced from 38 to 30, and that of each of the other authorities is reduced from 26 to 22. These reductions affect both the number of members appointed by the Secretary of State and by local authorities. The opportunity is also taken to correct a reference in that Order, and a similar one in the New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), to a provision in the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183).
3. **Matters of Special Interest to the Joint Committee on Statutory Instruments**

None
4. **Legislative background**
  - 4.1 This Order is made under s.63 of, and Schedule 7 to, the Environment Act 1995 which prescribes the ratio of local authority, parish and “other” members to be appointed to National Park authorities. The relevant part of Schedule 7 will shortly be amended by s.61(2) of the Natural Environment and Rural Communities Act 2006 (“the NERC Act”) (the Act received Royal Assent in March 2006 but s.61(2) has not yet been commenced). The effect of the NERC Act amendment will be to make Schedule 7 less prescriptive, leaving greater flexibility to the secondary legislation to set the proportion of local authority, parish and “other” members (and perhaps to vary those proportions between authorities).
  - 4.2 However, the Government wishes to proceed with this Order under the existing legislation, in advance of Schedule 7 being amended, because:
    - (a) the reductions proposed in this Order had been publicly consulted on under the existing legislation, before the NERC Act changes received Parliamentary approval; and
    - (b) the changes proposed in this Order, are in any case, compatible with both the existing Schedule 7 and the amended version which will result from the NERC Act changes.
5. **Extent**

This instrument applies to England.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

- 7.1 In 2002, Defra undertook a review of English National Park authorities. One of the recommendations was to legislate for a maximum of between 20 to 25 members, and changing the mix to three-fifths local representatives (local authority and parish council members) and two-fifths national appointees. Defra consulted on that recommendation alongside six other recommendations in June 2003. The final outcome of that consultation was the new “formula” for National Park authority membership to be introduced by s.61 (2) of the NERC Act.
- 7.2 In addition, Defra also consulted on the possibility of making reductions in the size of authorities without altering the balance of membership – something which could be achieved by secondary legislation alone. The final outcome of that consultation is the present Order. In accordance with Schedule 7 to the 1995 Act, in 2004, Defra consulted all local authorities who had land in the English National Parks (other than the New Forest, the Authority for which was only recently established) on the proposed reductions and allocations. Details of that consultation can be found at <http://www.defra.gov.uk/corporate/consult/natpark-members/index.htm>. On 2 August 2005, the then Rural Affairs Minister announced the final outcome of the consultation.
- 7.3 Mid Devon District Council renewed its request to be excluded from representation on Dartmoor National Park Authority.
- 7.4 Northumberland National Park Authority already had only 22 members (as does the New Forest National Park Authority under its own separate Order). The higher number of members for the Peak District National Park Authority reflects the higher than usual number of local authorities (twelve) which have land within that National Park and so have the right to be represented on the National Park Authority.
- 7.5 Defra also wrote to the local authorities who had land in the Northumberland National Park to check that they were content with the membership of the Northumberland National Park Authority continuing as before. No comments were made.
- 7.6 Ministers have no current plans to change the proportion of members on existing National Park Authorities beyond those being made by this Order. But, as noted in paragraph 4 above, the Natural Environment and Rural Communities Act 2006 has prospectively amended the framework for Authority members under schedule 7 to the 1995 Act to allow greater flexibility in the future, if needed. The reduction in authority memberships effected by this SI is compatible with both the existing and soon-to-be-introduced regimes.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this Instrument because it has no impact on the costs of businesses and only negligible savings in public expense.

## **9. Contact**

John Kilner at Countryside (Recreation and Landscape) Division Defra Tel: 0117 372 8877 or e-mail [John.Kilner@countryside.gov.uk](mailto:John.Kilner@countryside.gov.uk) can answer any queries relating to this instrument.