

**EXPLANATORY MEMORANDUM TO**  
**THE SOUTH DOWNS NATIONAL PARK AUTHORITY (ESTABLISHMENT)**  
**ORDER 2010**

**2010 No. 497**

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

2. **Purpose of the instrument**

This Order establishes the South Downs National Park Authority (“the Authority”) as a special purpose authority to administer the new National Park coming into being on 31st March. The Authority will have the functions of a local planning authority for the area of the South Downs National Park together with certain other functions relating to the delivery of the statutory National Park purposes, including the duty to prepare a National Park Management Plan. The Authority will operate under the same legislative provisions which apply to existing English National Park authorities.

3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

None

4. **Legislative Context**

4.1 National Parks in England are designated under the National Parks and Access to the Countryside Act 1949 and may be managed by National Park authorities established under the Environment Act 1995 (‘the 1995 Act’). All of the existing National Parks have National Park authorities under the 1995 Act.

4.2 One of the main functions of the Authority will be to act as the sole local planning authority for the South Downs National Park.

4.3 The Authority will also have a range of other statutory functions, including under the National Parks and Access to the Countryside Act 1949, the Countryside Act 1968, the Wildlife and Countryside Act 1981, the 1995 Environment Act, the access provisions of the Countryside and Rights of Way Act 2000, and the Natural Environment and Rural Communities Act 2006, to provide recreational facilities for visitors, manage wildlife and conservation areas, make agricultural agreements, and undertake other relevant tasks in relation to their statutory purposes and duties.

4.4 English National Park authorities are primarily funded by Defra and receive some funding from CLG and other sources such as European Union Schemes, Lottery distribution bodies, and from their own sales (for example of maps and guidebooks) and charges (for example for car parking).

4.5 The Order provides there will be 27 members of the Authority. 14 will be appointed by the local authorities, six will be parish members, and seven others will be appointed by the Secretary of State.

## **5. Territorial Extent and Application**

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 Following a period of public consultation the Countryside Agency (as predecessor body to Natural England) made a National Park Designation Order in December 2002 detailing the area that it believed should be included within a South Downs National Park. A Variation Order was subsequently made in 2004 so as to include additional land. The proposed boundary was considered at a public local inquiry (in two phases) and at a later public hearing to consider some additional areas. Following consideration of the Inspector's reports the Secretary of State for Environment, Food and Rural Affairs decided that there was an area which met the designation criteria under the National Parks and Access to the Countryside Act 1949 and that the principle of a National Park for this area had been established. The Secretary of State decided to confirm the Designation Order and the Variation Order boundary subject to a number of modifications, as set out in his decision letters of 31st March 2009 and 12th November 2009. The Inspector also recommended the establishment of a National Park Authority, which the Secretary of State accepted.

### **Consolidation**

7.2 None.

## **8. Consultation Outcome**

As required, a consultation took place from 16<sup>th</sup> July 2009 to 9<sup>th</sup> October 2009 on the membership of the South Downs National Park Authority. Following consultation with local authorities (and others) the Secretary of State for Environment, Food and Rural Affairs announced on 10<sup>th</sup> December that having considered each of the options carefully there would be a 27 seat National Park Authority.

## **9. Guidance**

None

## **10. Impact**

An Impact Assessment has not been prepared for this SI as it applies the existing arrangements in place for establishing National Parks authorities to the new South Downs National Park Authority and does not have any impact on business

## **11. Regulating Small Business**

The legislation does not apply to small business.

## **12. Monitoring and Review**

National Park authorities are within the remit of the Audit Commission, supplemented by periodic “National Park Authority Performance Assessments” (an adapted form of the Comprehensive Performance Assessments previously conducted in local government). They are also within the remit of the local authority Ombudsman.

## **13. Contact**

John Kilner at the Department for Environment, Food and Rural Affairs Tel: 0117 372 8877 or email: [John.Kilner@defra.gsi.gov.uk](mailto:John.Kilner@defra.gsi.gov.uk) can answer any queries regarding the instrument.