

EXPLANATORY MEMORANDUM TO
THE NATIONAL PARK AUTHORITIES (ENGLAND) (AMENDMENT) ORDER
2016

2016 No. 703

1. Introduction

- 1.1 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

- 2.1 The purpose of this Order is to:
- a) Amend the entries relating to the Yorkshire Dales National Park at Part 1 of Schedule 1 and Part 2 of Schedule 1 of The National Park Authorities (England) Order 2015 and;
 - b) Confirm a transitional provision regarding permitted development rights for the extensions to the Lake District and Yorkshire Dales National Parks.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The Lake District National Park was enlarged by the Lake District National Park (Designation) (Variation) Order 2012, confirmed by the Secretary of State on 23rd October 2015, taking effect on 1st August 2016.
- 4.2 The Yorkshire Dales National Park was enlarged by the Yorkshire Dales National Park (Designation) (Variation) Order 2012, confirmed by the Secretary of State on 23rd October 2015, taking effect on 1st August 2016. (Note, these Orders are not statutory instruments).

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England.
- 5.2 This instrument applies to England only.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

- 7.1 Extensions to the Yorkshire Dales National Park will cover land in 3 local authorities previously not represented on the National Park authority. This Order fulfils the legal entitlement of a place on the National Park authority for each constituent local authority, increasing the size to 25 members by adding a member each from the 3 newly constituent local authorities.
- 7.2 The extensions to the Lake District National Park were smaller, and did not bring any new local authorities into play.
- 7.3 The Order makes transitional provision, applying to the extension areas of both the Lake District and Yorkshire Dales National Parks, which allows for the completion of developments under Permitted Development Rights that will cease to apply in these areas after 1st August 2016, where prior approval is in place prior to that date (effectively a “saving” provision) or where an appeal against refusal is in progress, and that appeal is successful. The transitional provision covers only Permitted Development Rights that require prior approval and where prior approval was granted or arose prior to the extension date.

8. Consultation

- 8.1 The decision letter for each National Park underlined a Secretary of State commitment to consult on the changes to membership of the National Park Authorities that extension could bring. This commitment was fulfilled through writing direct to the principal local authorities in each National Park area inviting their views on a Defra proposal for each National Park, giving 1 month to respond. In order to allow comments from wider stakeholders, each letter and the response instructions was also published on the gov.uk consultations page.
- 8.2 The proposal for the Board of the Yorkshire Dales National Park Authority was for an increase in size by 3 members to incorporate one new representative for each of the 3 newly encompassed authorities.
- 8.3 Twenty responses were received, 1 from the NPA, 7 from principal authorities, 4 from parishes, and 8 from national/local groups or individuals. 11 respondents supported the proposal. All newly joining principal authorities confirmed their intention to take up their right to a seat on the NPA. Of the 9 objections to the proposal, 5 asked for greater Cumbrian representation, 3 asked for greater National representation, and 1 asked for greater Parish representation. Given that the majority of respondents supported our proposal, and the lack of consensus between those who requested an alternative, we decided to increase the size of the Yorkshire Dales National Park Authority from 22 to 25 members to accommodate one new member from each of the newly constituent local authorities.
- 8.4 The proposal for the Board of the Lake District National Park Authority was for no change, as no new authorities were required to be offered representation.
- 8.5 Six responses were received, 1 from the NPA, 1 from a principal authority, and 4 from national/local groups or individuals. All 6 respondents supported the proposal. Given that all respondents supported our proposal, we decided to leave the membership of the Lake District National Park Authority unchanged.

8.6 The consultation did not cover the transitional provision allowing development under certain Permitted Development Rights as this is deemed to be uncontroversial, bringing no new cost or benefit to business or individuals, and meets a reasonable expectation of stakeholders that rights already in existence or which are under appeal and subsequently granted, should be preserved. Views were obtained from main stakeholders and the Department for Communities and Local Government.

9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument does not change existing policy.

10. Impact

10.1 This Order has no impact on business, charities or voluntary bodies.

10.2 This Order has no impact on the public sector as there is no change from existing policy.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities undertaken by small businesses.

12. Monitoring & review

12.1 The Department of Environment, Food and Rural Affairs will continue to monitor the coherence and clarity of the Statutory Instruments to be listed in the Order.

13. Contact

13.1 Chris Blake at the Department for Environment, Food and Rural Affairs can answer any queries regarding the instrument. Tel 0208 0266605 or email chris.blake@defra.gsi.gov.uk Alternatively, Dave Waterman, Tel 07789 651 368, email dave.waterman@defra.gsi.gov.uk