



Environment Act 1995

1995 CHAPTER 25

PART III

NATIONAL PARKS

Functions of National Park authorities

65 General purposes and powers.

- (1) This Part so far as it relates to the establishment and functions of National Park authorities shall have effect for the purposes specified in section 5(1) of the National Parks and Access to the ^{M1}Countryside Act 1949 (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public).
- (2) Sections 37 and 38 of the ^{M2}Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) shall apply to National Park authorities as they apply to local authorities.
- (3) The functions of a National Park authority in the period (if any) between the time when it is established and the time when it becomes the local planning authority for the relevant Park shall be confined to the taking of such steps as the authority, after consultation with the Secretary of State and any existing authority for that Park, considers appropriate for securing that it is able properly to carry out its functions after that time.
- (4) In the application of subsection (3) above in the case of a National Park authority established in relation to a National Park in Wales, the reference to any existing authority for that Park shall have effect as respects consultation carried out during so much of that period as falls before 1st April 1996 as including a reference to any principal council whose area is wholly or partly comprised in that Park.

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- (5) The powers of a National Park authority shall include power to do anything which, in the opinion of that authority, is calculated to facilitate, or is conducive or incidental to—
- (a) the accomplishment of the purposes mentioned in subsection (1) above; or
 - (b) the carrying out of any functions conferred on it by virtue of any other enactment.
- [^{F1}Paragraph (b) is subject to subsection (6A).]
- (6) The powers conferred on a National Park authority by subsection (5) above shall not include either—
- (a) power to do anything in contravention of any restriction imposed by virtue of this Part in relation to any express power of the authority; or
 - (b) a power to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from that subsection;
- but the things that may be done in exercise of those powers shall not be treated as excluding anything by reason only that it involves the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.
- [^{F2}(6A) Subsection (5)(b) does not apply in relation to a National Park authority for a National Park in England (see instead section 65A for general powers of such authorities).]
- (7) Schedule 8 to this Act shall have effect with respect to the supplemental and incidental powers of a National Park authority.

Textual Amendments

- F1** Words in s. 65(5) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), s. 25\(2\)](#), [Sch. 5 para. 14\(2\)](#)
- F2** S. 65(6A) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), s. 25\(2\)](#), [Sch. 5 para. 14\(3\)](#)

Marginal Citations

- M1** 1949 c. 97.
- M2** 1968 c. 41.

[^{F3}65A English National Park authorities: general powers

- (1) An English National Park authority may do—
- (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with—
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.

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- (2) Where subsection (1) confers power on an English National Park authority to do something, it confers power (subject to section 65B) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an English National Park authority by subsection (1) is in addition to, and is not limited by, the other powers of the authority.
- (4) In this section, and in sections 65B and 65C, “English National Park authority” means a National Park authority for a National Park in England.

Textual Amendments

- F3** Ss. 65A-65D inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), ss. 22, 25(2)

65B Boundaries of powers under section 65A

- (1) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
- (2) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (a) to its power under section 65A(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 65A(1).
- (3) If exercise of a pre-commencement power of an English National Park authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 65A(1) so far as that power is overlapped by the pre-commencement power.
- (4) Section 65A(1) does not authorise an English National Park authority to borrow money.
- (5) Section 65A(1)(a) to (c) do not authorise an English National Park authority to charge a person for anything it does otherwise than for a commercial purpose.
- (6) Section 65A(1)(d) does not authorise an English National Park authority to do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- (7) Where under section 65A(1)(d) an English National Park authority does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.
- (8) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

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- (a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 22 of that 2016 Act;
- “pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—
- (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 22 of that 2016 Act;
- “pre-commencement power” means power conferred by a statutory provision that—
- (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 22 of that 2016 Act;
- “statutory provision” means a provision of an Act or of an instrument made under an Act.

Textual Amendments

- F3** [Ss. 65A-65D](#) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [ss. 22, 25\(2\)](#)

65C Power to make provision supplemental to section 65A

- (1) The Secretary of State may by regulations make provision preventing an English National Park authority from doing under section 65A(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by English National Park authorities of the power conferred by section 65A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (3) Before making regulations under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of English National Park authorities, and
 - (b) such other persons (if any),
 as the Secretary of State considers appropriate.
- (4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—
 - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to English National Park authorities, or
 - (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply English National Park authorities.

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Textual Amendments

F3 Ss. 65A-65D inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), ss. 22, 25(2)

65D Procedure etc for regulations under section 65C

- (1) The power to make regulations under section 65C—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
 - (d) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before the Cities and Local Government Devolution Act 2016 or in the same Session as that Act.
- (2) A statutory instrument containing regulations under section 65C may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) does not apply to a statutory instrument that contains regulations only of the following kind—
 - (a) regulations under section 65C(1) that make provision for the purpose mentioned in section 65C(4)(b);
 - (b) regulations under section 65C(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose;
 - (c) regulations made by virtue of subsection (1)(c) that do not contain provision amending or repealing a provision of an Act.
- (4) A statutory instrument to which subsection (2) does not apply is subject to annulment by resolution of either House of Parliament.
- (5) If a draft of regulations under section 65C would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.]

Textual Amendments

F3 Ss. 65A-65D inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), ss. 22, 25(2)

66 National Park Management Plans.

- (1) Subject to subsection (2) below, every National Park authority shall, within three years after its operational date, prepare and publish a plan, to be known as a National Park Management Plan, which formulates its policy for the management of the relevant Park and for the carrying out of its functions in relation to that Park.
- (2) A National Park authority for a Park wholly or mainly comprising any area which, immediately before the authority's operational date, was or was included in an area for which there was a National Park Plan prepared and published under paragraph 18

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- of Schedule 17 to the 1972 Act (National Park plans) shall not be required to prepare a Management Plan under subsection (1) above if, within six months of that date, it adopts the existing National Park Plan as its Management Plan and publishes notice that it has done so.
- (3) Where a National Park authority is proposing to adopt a plan under subsection (2) above, it may review the plan before adopting it and shall do so if the plan would have fallen to be reviewed under paragraph 18 of Schedule 17 to the 1972 Act in the period of twelve months beginning with the authority's operational date.
- (4) A National Park authority shall review its National Park Management Plan within the period of five years of its operational date and, after the first review, at intervals of not more than five years.
- (5) Where a National Park authority has adopted a plan under subsection (2) above as its National Park Management Plan and has not reviewed that Plan before adopting it, the first review of that Plan under subsection (4) above shall take place no later than the time when the adopted plan would otherwise have fallen to be reviewed under paragraph 18 of Schedule 17 to the 1972 Act.
- (6) Where a National Park authority reviews any plan under this section, it shall—
- (a) determine on that review whether it would be expedient to amend the plan and what (if any) amendments would be appropriate;
 - (b) make any amendments that it considers appropriate; and
 - (c) publish a report on the review specifying any amendments made.
- (7) A National Park authority which is proposing to publish, adopt or review any plan under this section shall—
- (a) give notice of the proposal to every principal council [^{F4}and strategic planning panel] whose area is wholly or partly comprised in the relevant Park and, according to whether that Park is in England or in Wales, to [^{F5}Natural England] or to [^{F6}the Natural Resources Body for Wales];
 - (b) send a copy of the plan, together (where appropriate) with any proposed amendments of the plan, to every body to which notice of the proposal is required to be given by paragraph (a) above; and
 - (c) take into consideration any observations made by any such body.
- (8) A National Park authority shall send to the Secretary of State a copy of every plan, notice or report which it is required to publish under this section.
- (9) In this section “operational date”, in relation to a National Park authority, means the date on which the authority becomes the local planning authority for the relevant Park.
- [^{F7}(10) In this section “strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.]

Textual Amendments

- F4** Words in s. 66(7)(a) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), **Sch. 2 para. 20(2)**
- F5** Words in s. 66(7)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 143**; S.I. 2006/2541, art. 2 (with Sch.)
- F6** Words in s. 66(7)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 376** (with Sch. 7)

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F7 S. 66(10) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 20\(3\)](#)

67 National Park authority to be local planning authority.

(1) After section 4 of the ^{M3}Town and Country Planning Act 1990 (National Parks) there shall be inserted—

“4A National Parks with National Park authorities.

- (1) Where a National Park authority has been established for any area, this section, instead of section 4(1) to (4), shall apply, as from such time as may be specified for the purposes of this section in the order establishing that authority, in relation to the Park for which it is the authority.
- (2) Subject to subsections (4) and (5) below, the National Park authority for the Park shall be the sole local planning authority for the area of the Park and, accordingly—
 - (a) functions conferred by or under the planning Acts on a planning authority of any description (including the functions of a mineral planning authority under those Acts and under the ^{M4}Planning and Compensation Act 1991) shall, in relation to the Park, be functions of the National Park authority, and not of any other authority; and
 - (b) so much of the area of any other authority as is included in the Park shall be treated as excluded from any area for which that other authority is a planning authority of any description.
- (3) For the purposes of subsection (2) above functions under the planning Acts which (apart from this section) are conferred—
 - (a) in relation to some areas on the county or district planning authorities for those areas, and
 - (b) in relation to other areas on the councils for those areas,shall be treated, in relation to those other areas, as conferred on each of those councils as the local planning authority for their area.
- (4) The functions of a local planning authority by virtue of sections 198 to 201, 206 to 209 and 211 to 215, so far as they are functions of a National Park authority by virtue of this section, shall be exercisable as respects any area which is or is included in an area for which there is a district council, concurrently with the National Park authority, by that council.
- (5) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (4) above shall be deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.”

^{F8}(2)

^{F8}(3)

^{F8}(4)

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- (5) Before section 148 of that Act of 1990 (interpretation of provisions relating to purchase notices) there shall be inserted—

“147A **Application of Chapter I to National Parks.**

This Chapter shall have effect as if—

- (a) the bodies on whom a purchase notice may be served under section 137 included any National Park authority which is the local planning authority for the area in which the land is situated; and
- (b) a National Park authority were a local authority for the purposes of this Act and the National Park for which it is the local planning authority were its area;

and the references in this Chapter and in section 288(10)(a) to a council and to a local authority shall be construed accordingly.”

Textual Amendments

F8 S. 67(2)-(4) repealed (6.8.2004 for specified purposes, 28.9.2004 for E. so far as not already in force, 15.10.2005 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004](#) (c. 5), [Sch. 7 para. 19\(2\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2004/2202, art. 2(i)(k), [Sch. 1 Pt. 1](#); S.I. 2005/2847, art. 2(f)

Marginal Citations

M3 1990 c. 8.

M4 1991 c. 34.

68 Planning authority functions under National Parks legislation etc.

- (1) Where a National Park authority is the local planning authority for any National Park, section 184 of the 1972 Act and paragraph 37 of Schedule 17 to that Act (functions under certain legislation relating to the National Parks and the countryside) shall not apply as respects that Park in relation to any of the functions conferred by or under—
- (a) the ^{M5}National Parks and Access to the Countryside Act 1949 (“the 1949 Act”), or
 - (b) the ^{M6}Countryside Act 1968 (“the 1968 Act”),
- on a planning authority of any description.
- (2) In consequence of subsection (1) above, but subject to subsections (3) to (7) below—
- (a) functions which are conferred on a local planning authority by or under the 1949 Act or the 1968 Act, and the functions conferred on a county planning authority (or, in relation to Wales, a local planning authority) by section 69 of the 1949 Act (suspension of access to avoid risk of fire), shall, as respects the whole or any part of a National Park for which a National Park authority is the local planning authority, be functions of that authority and not of any other authority;
 - (b) references in those Acts to a local planning authority whose area consists of or includes the whole or any part of a National Park shall be construed, in relation to any National Park for which a National Park authority is the local planning authority, as references to the National Park authority; and

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- (c) other references in those Acts to a local planning authority and the references to a local authority in section 103 of the 1949 Act and sections 10 and 43 to 45 of the 1968 Act (which contain provision applying in relation to local authorities in their capacity as local planning authorities) shall have effect accordingly.
- (3) Section 11 of the 1949 Act (which makes provision in relation to a local planning authority that corresponds to provision made by section 65 above in relation to a National Park authority) shall not apply in relation to any National Park authority.
- (4) The functions conferred by or under section 12 of the 1949 Act or section 12 of the 1968 Act (facilities for National Parks) which are exercisable by virtue of this section by a National Park authority in a National Park—
 - (a) shall be exercisable by that authority outside the relevant Park on any land in the neighbourhood of that Park; but
 - (b) shall be so exercisable only under arrangements made with the local planning authority for the area where they are exercised.
- (5) Sections 61 to 63 of the 1949 Act (survey of access requirements and action in response to the survey) shall have effect in accordance with subsection (2) above as respects the area of any National Park for which a National Park authority has become the local planning authority—
 - (a) in the case of a Park designated after the commencement of this section, as if section 61(1) applied with the substitution for the reference to the commencement of that Act of a reference to the time when that authority became the local planning authority for that Park;
 - (b) as if no area were required by virtue of subsection (3) of section 61 of that Act, or of any previous review under that section, to be excluded from any area to be reviewed by virtue of paragraph (a) above; and
 - (c) in the case of a Park designated before the commencement of this section, as if—
 - (i) the power (if any) to make a resolution for the purposes of the proviso to that subsection (3) as respects any part of the area of the Park which has not previously been reviewed under that section, and
 - (ii) the functions which, where such a resolution has been so made, are conferred on the authority which made it or on any authority which has conducted a review in pursuance of the resolution,were a power or, as the case may be, functions of the National Park authority, and not of any other authority.
- (6) The following functions, so far as exercisable by a National Park authority in relation to land or countryside in a National Park in England for which that authority is the local planning authority, that is to say—
 - (a) those conferred by or under section 89 of the 1949 Act (planting of trees and treatment of derelict land), and
 - (b) those conferred by section 10 of the 1968 Act (camping and picnic sites),shall be exercisable in relation to so much of that Park as is comprised in a district for which there is a district council, concurrently with the National Park authority, by that district council.
- (7) For the purposes of any enactment relating to the functions of a district planning authority, the functions of a district council by virtue of subsection (6) above shall be

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deemed to be conferred on them as a district planning authority and as if the district were the area for which they are such an authority.

- (8) The following powers, that is to say—
- (a) those conferred on a local authority by or under section 92 of the 1949 Act (wardens), and
 - (b) those conferred on a local authority by or under section 41 of the 1968 Act (byelaws),

so far as they are conferred in relation to any of the functions which by virtue of this section are functions of a National Park authority as respects the relevant Park, shall be exercisable by that authority and also, in the case of those conferred by or under section 41 of the 1968 Act, by a district council in relation to that council's functions by virtue of subsection (6)(b) above, but not by any other authority.

- (9) Section 104 of the 1949 Act (general provisions as to appropriation and disposal of land), except subsection (11), shall have effect as if references in that section to a local authority included references to a National Park authority.
- (10) For the purposes of any functions conferred on a National Park authority by virtue of this section references in any enactment to the area of the authority shall be construed as references to the relevant Park.

Marginal Citations

M5 1949 c. 97.

M6 1968 c. 41.

69 Planning authority functions under the Wildlife and Countryside Act 1981.

- (1) A National Park authority which is the local planning authority for any National Park, and not any other authority, shall have all the functions under the ^{M7}Wildlife and Countryside Act 1981 which are conferred as respects that Park on a planning authority of any description.
- (2) Accordingly—
- (a) a National Park authority shall be the relevant authority for the purposes of sections 39, 41 and 50 of that Act (management agreements and duties of agriculture Ministers in relation to the countryside) as respects any land in any National Park for which that authority is the local planning authority; and
 - (b) section 52(2) of that Act (construction of references to a local planning authority) shall not apply as respects any National Park for which a National Park authority is the local planning authority.
- (3) Section 43 of that Act (maps of National Parks) shall have effect in accordance with the preceding provisions of this section—
- (a) in the case of a National Park designated after the commencement of this section, as if the relevant date for the purposes of that section were the date on which a National Park authority becomes the local planning authority for the Park; and
 - (b) in any other case, as if the function of reviewing and revising any map of a part of the Park in question included a power, in pursuance of the review and

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revisions, to consolidate that map with other maps prepared under that section as respects other parts of that Park.

- (4) In section 44 of that Act (grants and loans for purposes of National Parks), after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above shall not apply in relation to any National Park for which a National Park authority is the local planning authority; but the National Park authority for such a Park may give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the authority, is conducive to the attainment in the Park in question of any of the purposes mentioned in section 5(1) of the 1949 Act (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public).”

Marginal Citations

M7 1981 c. 69.

70 Other statutory functions.

In addition to its functions under the enactments mentioned in sections 67 to 69 above and to such of its functions under any other enactment as are conferred by virtue of its being a local planning authority within the meaning of the ^{M8}Town and Country Planning Act 1990, a National Park authority shall have the further miscellaneous functions conferred on it by virtue of Schedule 9 to this Act.

Marginal Citations

M8 1990 c. 8.

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