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STATUTORY INSTRUMENTS

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**2010 No. 497**

**COUNTRYSIDE, ENGLAND**

**The South Downs National Park  
Authority (Establishment) Order 2010**

<i>Made</i>	- - - -	<i>1st March 2010</i>
<i>Laid before Parliament</i>		<i>3rd March 2010</i>
<i>Coming into force</i>	- -	<i>24th March 2010</i>

The Secretary of State has consulted the council for every principal area the whole or any part of which is comprised in the South Downs National Park as required by paragraph 2(3) of Schedule 7 to the Environment Act 1995 <sup>M1</sup>.

In exercise of the powers conferred by section 4A(1) of the Town and Country Planning Act 1990 <sup>M2</sup>, sections 63(1) and 75(3) to (7) of, and paragraphs 1(2) and (3) and 2(1) and (2) of Schedule 7 to, the Environment Act 1995, the Secretary of State makes the following Order.

**Marginal Citations**

- M1** 1995 c. 25; Schedule 7 was amended by section 61 of the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#). For the meaning of “the relevant order” see paragraph 20 of Schedule 7.
- M2** 1990 c. 8; section 4A was inserted by section 67(1) of the [Environment Act 1995 \(c. 25\)](#).

**PART 1**

*Introductory*

**Citation and commencement**

1. This Order may be cited as the South Downs National Park Authority (Establishment) Order 2010, and comes into force on 24th March 2010.

**Interpretation**

2. In this Order—

“the 1972 Act” means the Local Government Act 1972 <sup>M3</sup>;

- “the 1989 Act” means the Local Government and Housing Act 1989 <sup>M4</sup>;
- “the 1995 Act” means the Environment Act 1995;
- “the 2000 Act” means the Countryside and Rights of Way Act 2000 <sup>M5</sup>;
- “the acting National Park officer” means the officer appointed by the Secretary of State in accordance with article 11;
- “the Authority” means the South Downs National Park Authority established by article 3;
- “the establishment date” means 1st April 2010;
- “the National Park” means the South Downs National Park <sup>M6</sup>;
- “the National Park officer” means the officer appointed by the Authority in accordance with paragraph 14 of Schedule 7 to the 1995 Act;
- “the operational date” means 1st April 2011;
- “the relevant functions” means the functions which under Part 3 of the 1995 Act or this Order become, on the operational date, functions of the Authority;
- “a South Downs local authority” means a council mentioned in article 5; and
- “the transitional period” means the period beginning with the establishment date and ending with 31st March 2011.

#### Marginal Citations

- M3** 1972 c. 70.
- M4** 1989 c. 42.
- M5** 2000 c. 37.
- M6** The South Downs National Park was designated by order of the Countryside Agency (predecessor to Natural England) on 18th December 2002 under section 7 of, and Schedule 1 to, the National Parks and Access to the Countryside Act 1949 (c. 97), and the designation was varied by the South Downs National Park (designation) Variation Order 2004; both orders were confirmed, with modifications, by the Secretary of State under paragraph 2(2) of Schedule 1 to that Act on 12th November 2009 and take effect from 31st March 2010.

## PART 2

### *Establishment, constitution and administration of the Authority*

#### Establishment

**3.** On the establishment date, an authority for the National Park, to be known as “the South Downs National Park Authority”, is established.

#### Membership of the Authority

- 4.—(1)** The specified number of local authority members of the Authority is fourteen.
- (2) The specified number of parish members of the Authority to be appointed by the Secretary of State is six.
- (3) The specified number of other members of the Authority to be appointed by the Secretary of State is seven.

### **Appointment of local authority members of the Authority**

5. The local authority members of the Authority are to be appointed as follows—
- (a) one member is to be appointed by East Sussex County Council;
  - (b) one member is to be appointed by Hampshire County Council;
  - (c) one member is to be appointed by West Sussex County Council;
  - (d) one member is to be appointed by Arun District Council;
  - (e) one member is to be appointed by Brighton and Hove City Council;
  - (f) one member is to be appointed by Chichester District Council;
  - (g) one member is to be appointed by Eastbourne Borough Council;
  - (h) one member is to be appointed by East Hampshire District Council;
  - (i) one member is to be appointed by Horsham District Council;
  - (j) one member is to be appointed by Lewes District Council;
  - (k) one member is to be appointed by Mid Sussex District Council;
  - (l) one member is to be appointed by Wealden District Council;
  - (m) one member is to be appointed by Winchester City Council; and
  - (n) one member is to be appointed by Adur District Council and Worthing Borough Council acting jointly.

### **First appointment of members of the Authority**

6.—(1) The Secretary of State and each of the South Downs local authorities must appoint their respective first members of the Authority before the establishment date, and those appointments take effect on that day.

(2) But no appointment on or after that date is to be treated as invalid by reason only of a failure to make the appointment as required by this article.

### **Resignation of office**

7. A member may at any time resign from membership of the Authority by notice in writing delivered to the Authority, and that resignation is to take effect on the receipt of the notice by the Authority.

### **Vacancies**

8. Where a vacancy arises in the membership of the Authority, it must be filled as soon as possible—

- (a) where the vacancy is for a local authority member, by the council in whose representation the vacancy arises in accordance with paragraph 2(4) to (5B) and (7) (local authority members) of Schedule 7 to the 1995 Act; and
- (b) where the vacancy is for a member appointed by the Secretary of State, by the Secretary of State in accordance with paragraph 3 (parish members of English National Park authorities) or paragraph 4 (members (other than parish members) appointed by the Secretary of State), as the case may be, of Schedule 7 to the 1995 Act.

### **Notice of appointment, etc.**

9.—(1) Where—

- (a) a member is appointed to the Authority, or
- (b) a vacancy arises in the membership of the Authority for any reason other than resignation—

the relevant authority must as soon as practicable give notice in writing to the Authority stating the information specified in paragraph (2).

(2) The information mentioned in paragraph (1) is—

- (a) in a case within paragraph (1)(a), the name of the member and the date of that member's appointment; and
- (b) in a case within paragraph (1)(b), the occurrence of the vacancy

(3) As soon as practicable after receiving a notice under article 7 or this article, the Authority must give public notice of—

- (a) the appointment or, as the case may be, the resignation, termination or vacancy; and
- (b) the name of the person concerned.

(4) In paragraph (1), “the relevant authority” means—

- (a) where the member, or the former member, was a local authority member, the council by whom that member was appointed; or
- (b) where the member, or the former member, was appointed by the Secretary of State, the Secretary of State;

and for this purpose “the former member” means the member the ending of whose membership gives rise to the vacancy.

### **Meetings and proceedings**

**10.** Schedule 1 contains provisions about the meetings and proceedings of the Authority.

### **Acting National Park officer**

**11.**—(1) Until the Authority appoints a National Park officer in accordance with paragraph 14 of Schedule 7 to the 1995 Act, the Secretary of State must appoint an officer, to be known as the “acting National Park officer”.

(2) Until the appointment of a National Park officer as described in paragraph (1), the acting National Park officer has the powers of the National Park officer for the Authority and is to act as that officer.

### **Reports and returns**

**12.** The Authority must, if so requested by the Secretary of State, forthwith send or give to Natural England and to each South Downs local authority a copy of any report, return or information which the Authority is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act<sup>M7</sup> (reports and returns).

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#### **Marginal Citations**

**M7** Section 230 of the 1972 Act applies to the Authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.

#### **Accounts, etc.**

- 13.**—(1) Subject to paragraphs (2) and (3), the Authority must—
- (a) keep a fund (known as the general fund) to which all income of the Authority must be carried, and from which all expenditure discharging liabilities must be met; and
  - (b) keep accounts of income and expenditure of the general fund.
- (2) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Authority to keep—
- (a) a specific fund or funds in respect of specified income and expenditure of the Authority; or
  - (b) specific accounts in respect of specified income and expenditure of any funds of the Authority.
- (3) Nothing in paragraph (1)(a) is to be construed as requiring or authorising the Authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

#### **Staff**

- 14.** Schedule 2 contains provisions in relation to the transfer of staff to the Authority.

## **PART 3**

### *Functions*

#### **Application of section 4A of the Town and Country Planning Act 1990**

- 15.** In relation to the South Downs National Park, the date specified as the time from which section 4A of the Town and Country Planning Act 1990 (National Parks with National Park authorities)<sup>M8</sup> applies is 1st April 2011.

#### **Marginal Citations**

- M8** From the time specified, and subject to section 4A(4) and (5), the Authority becomes the sole local planning authority.

## **PART 4**

### *Application of enactments, transitional and supplemental provision etc.*

#### **Application of enactments**

- 16.** Schedule 3 applies various enactments to the Authority with specified modifications.

#### **Transitional and supplemental provision**

- 17.** Schedule 4 contains transitional and supplemental provisions.

### **Continuity of exercise of functions**

**18.**—(1) The validity of anything done by or in relation to a South Downs local authority before the operational date is not affected by the vesting in the Authority on that date of the relevant functions of the South Downs local authorities.

(2) The Authority may continue, on or after the operational date, any action or matter commenced before that date by a South Downs local authority in relation to any relevant function, and anything done by that local authority in relation to that action or matter has effect, so far as is required for continuing its effect on and after the operational date, as if done by the Authority.

(3) Any reference, however framed, to a South Downs local authority in any document relating to any of the relevant functions is to be construed, so far as is required for giving effect to this article, as a reference to the Authority.

(4) The provisions of this article are without prejudice to any other provision made under this Order in relation to any particular relevant function.

(5) The provisions of this article are not to be taken to continue in force any contract of employment (but see paragraph 3 of Schedule 2).

Signed by authority of the Secretary of State

Department for Environment, Food and Rural  
Affairs

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State

## SCHEDULE 1

Article 10

### MEETINGS AND PROCEEDINGS OF THE AUTHORITY

#### **First meeting and other meetings of the Authority before the operational date**

1.—(1) The first meeting of the Authority must be convened by the acting National Park officer within 21 days beginning with the establishment date and are to be held at such place and hour as may be fixed by that acting officer.

(2) That meeting will be treated as the annual meeting of the Authority for the year commencing 1st April 2010.

(3) Notice of that meeting must be published at the place where the meeting is to be held and the summons must be signed by the acting National Park officer.

(4) Until the election of a chairman of the Authority at that meeting, any functions to be exercised or exercisable by the chairman of the Authority (once elected) are to be exercised or exercisable by the acting National Park officer.

(5) The acting National Park officer must not vote at the election of the chairman of the Authority unless the votes for election of the chairman are tied.

(6) The Authority will hold such further meetings before the operational date as may be necessary.

(7) So far as is consistent with the preceding provisions of this paragraph, the following provisions of this Schedule will apply to the calling and conduct of meetings under this paragraph.

#### **Annual meetings and other meetings of the Authority**

2.—(1) In the year commencing 1st April 2011 and in each subsequent year the Authority must hold an annual meeting, and those meetings are to be held at such hour as the Authority may fix, or if no hour is fixed, at twelve noon.

(2) In addition to the annual meeting, the Authority must hold in the year commencing 1st April 2011 and in every succeeding year at least three other meetings for the transaction of general business and those other meetings are to be held at such hour and on such days as the Authority may determine but must be as near as may be at regular intervals.

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

C1 Sch. 1 para. 2 disappplied (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **12(a)** (with reg. 2(4))

3.—(1) The relevant officer may call an extraordinary meeting of the Authority at any time.

(2) Not less than five members of the Authority may requisition an extraordinary meeting of the Authority at any time.

(3) A requisition under sub-paragraph (2) must be in writing and must be presented to the relevant officer.

(4) Where the relevant officer has not called an extraordinary meeting within seven days of the presentation of a requisition under sub-paragraph (2), any five members of the Authority may forthwith call an extraordinary meeting of the Authority.

(5) In this paragraph, “the relevant officer” means—

(a) if both the offices of chairman and deputy chairman are vacant, the National Park officer;

- (b) if the office of chairman (only) is vacant, the deputy chairman; and
- (c) in any other case, the chairman.

### **Chairman and deputy chairman**

4.—(1) The election of a chairman and deputy chairman must be the first business transacted at the annual meeting of the Authority.

(2) The person elected as chairman or deputy chairman of the Authority may at any time resign their office by notice in writing delivered to the National Park officer.

(3) Where a casual vacancy in the office of chairman or deputy chairman of the Authority is filled, the person appointed to fill that vacancy holds office until the date upon which the person last holding that office would have retired in the ordinary course.

(4) Where necessary, the meeting at which the casual vacancy is to be filled must be convened by the National Park officer.

### **Calling of meetings of the Authority**

5.—(1) Meetings of the Authority are to be held at such place, whether or not in the South Downs National Park, as the Authority may direct.

(2) At least three clear days before a meeting of the Authority—

- (a) notice of the time and place of the intended meeting must be published at the principal offices of the Authority and, where the meeting is called by members of the Authority, the notice must be signed by those members and specify the business to be transacted; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the National Park officer, must, subject to sub-paragraphs (3) and (4) below, be left at or sent by post to the usual place of residence of every member of the Authority; and
- (c) the National Park officer must send a copy of that summons to the proper officer of each of the South Downs local authorities, Natural England and the Secretary of State.

(3) If a member of the Authority gives notice in writing to the National Park officer requesting that any notice (“summons”) inviting or requiring the attendance of that member at a meeting of the Authority be served at some address specified in the notice other than the usual place of residence of that member, any summons so addressed and left at or sent by post to that address is to be deemed sufficient service of the summons.

(4) Where a member of the Authority and the National Park officer so agree in writing, any summons to attend meetings of the Authority may be given to that member by electronic communication.

(5) Want of service of a summons on any member of the Authority does not affect the validity of a meeting of the Authority.

(6) Except in the case of business required under this Order or any other statutory provision to be transacted at the annual meeting of the Authority and any other business brought before that meeting as a matter of urgency in accordance with the Authority's standing orders, no business may be transacted at a meeting of the Authority other than that specified in the summons relating to that meeting<sup>M9</sup>.

(7) For the purpose of calculating the period of three clear days under sub-paragraph (2) of this paragraph, any day that is a Saturday, Sunday, bank holiday (being a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>M10</sup>), Christmas Day or Good Friday is to be excluded.

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

- C2** Sch. 1 para. 5 modified (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **12(b)** (with reg. 2(4))

**Marginal Citations**

- M9** But see section 100B(4) of the 1972 Act (consideration of items of business), inserted by section 1 of the [Local Government \(Access to Information\) Act 1985 \(c. 43\)](#), and applied to National Park authorities by section 100J(1)(cd) of the 1972 Act (inserted by paragraph 12(2)(a) of Schedule 7 to the 1995 Act), which provides that an item may be considered where the chair of the meeting considers it is a matter of urgency by reason of special circumstances which are to be specified in the minutes.
- M10** [1971 c. 80](#).

**Conduct of meetings**

- 6.—(1) At a meeting of the Authority the chairman, if present, must preside.
- (2) If the chairman is absent from a meeting of the Authority the deputy chairman, if present, must preside.
- (3) If both the chairman and the deputy chairman are absent, such other member of the Authority as the members present choose is to preside.

**Quorum**

7. No business is to be transacted at a meeting of the Authority unless <sup>M11</sup>—
- (a) at least one third of the whole number of members of the Authority are present; and
- (b) of those present, at least one is a local authority member and at least one a member appointed by the Secretary of State.

**Marginal Citations**

- M11** But see paragraph 45 of Schedule 12 to the 1972 Act (quorum) which is applied to a National Park authority by paragraph 12(1)(a) of Schedule 7 to the 1995 Act. Paragraph 45 provides that, where more than one third of members are disqualified, the calculation is to be by reference to the number remaining qualified, not the full membership.

**Minutes and proceedings of meetings**

8. A copy of the minutes of the proceedings at each meeting of the Authority must be sent to the proper officer of each of the South Downs local authorities, Natural England and the Secretary of State within thirty five days of the date of the meeting at which those minutes were approved.

SCHEDULE 2

Article 14

TRANSFER OF STAFF

**Interpretation**

1. In this Schedule—  
“list of staff” means a list marked with the words “The South Downs National Park Authority-List of Staff” which—

- (a) includes a list of persons to be transferred to the Authority;
- (b) includes the date within the transitional period on which those persons are to be transferred to the Authority (“the transfer date”); and
- (c) is signed by the Secretary of State.

**Deposit of list of staff**

2. A copy of every list of staff must be deposited with the Authority and with each South Downs local authority.

**Transfer of staff**

3.—(1) This paragraph applies to any person—

- (a) whose name is included in a list of staff; and
- (b) who, immediately before the transfer date in that list of staff, was employed by a South Downs local authority under a contract of employment.

(2) The contract of employment of a person to whom this paragraph applies is not terminated on the transfer date but has effect as if made between that person and the Authority.

(3) This paragraph is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 2006 <sup>M12</sup>.

**Marginal Citations**

M12 S.I. 2006/246, to which there are amendments not relevant to this Order.

SCHEDULE 3

Article 16

APPLICATION OF ENACTMENTS

**PART 1**

ADMINISTRATION

**Members' allowances**

1.—(1) Paragraph (3B) of section 175 of the 1972 Act <sup>M13</sup> (allowances for attending conferences and meetings) applies as if the Authority were a combined body all the members of which are representatives of local authorities.

(2) For the purposes of subsection (1) of section 177 of the 1972 Act <sup>M14</sup> (provisions supplementary to sections 173 to 176 of that Act), the Authority is to be treated as a body specified in section 21(1) of the 1989 Act.

**Marginal Citations**

**M13** Subsection (3B) is inserted by section 25(3) of the [Local Government, Planning and Land Act 1980 \(c.65\)](#), and amended by paragraph 27(b) of Schedule 11 to the 1989 Act. Section 175 applies to a National Park authority by virtue of paragraph 11(1) of Schedule 7 to the 1995 Act.

**M14** Section 177(1) was substituted by paragraph 28 of Schedule 11 to the 1989 Act.

**Financial administration**

2. Part 8 (financial administration) of the Local Government Finance Act 1988 <sup>M15</sup> applies as if—
- (a) the Authority were a relevant authority for the purposes of that Part; and
  - (b) references to “the commencement day” were references to 1st April 2010.

**Marginal Citations**

**M15** [1988 c. 41](#). Section 111(1) and (2) defines “a relevant authority” for the purposes of Part 8 of the Act. Section 111(4) defines “the commencement day”.

**Standing orders**

- 3.—(1) The Local Authorities (Standing Orders) Regulations 1993 <sup>M16</sup> apply as if—
- (a) in regulations 1 to 3 and Schedule 1 (standing orders relating to chief officers), the Authority were a relevant authority within the meaning of regulation 1;
  - (b) in regulation 4 (meetings and proceedings), the Authority were a council mentioned in paragraph (1) of that regulation; and
  - (c) in paragraph 2 of Schedule 2 (signing minutes - extraordinary meetings), the reference to a meeting called under paragraph 3 of Schedule 12 to the 1972 Act were a reference to an extraordinary meeting of the Authority.
- (2) Regulations 6 and 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (standing orders in respect of disciplinary action and investigation of alleged misconduct) <sup>M17</sup> apply as if the Authority were a local authority for the purpose of those Regulations.

**Marginal Citations**

**M16** [S.I. 1993/202](#), amended by [S.I. 2001/3384](#).

**M17** [S.I. 2001/3384](#).

## PART 2

### MISCELLANEOUS FUNCTIONS

#### Water

4.—(1) Schedule 11 to the Water Industry Act 1991 (orders conferring compulsory works powers) <sup>M18</sup> applies as if the Authority were a local authority for the purposes of paragraph 1(3)(b) of that Schedule (persons to be notified of a compulsory works order application).

(2) The Water Resources Act 1991 <sup>M19</sup> applies as if—

- (a) the Authority were a local authority for the purposes of section 72(2)(a) of that Act (interpretation of Chapter 2); and
- (b) the Authority were a local authority for the purposes of section 158(1) (works agreements for water resources purposes) and section 197(5) (provision of information about water flow) of that Act, and for the purposes of paragraph 2(3)(a) of Schedule 5 (procedure) to that Act.

#### Marginal Citations

**M18** 1991 c. 56.

**M19** 1991 c. 57.

#### Transport and Works Act 1992

5. The Transport and Works Act 1992 <sup>M20</sup> applies as if the Authority were a local authority for the purposes of section 11(4) of that Act (inquiries and hearings).

#### Marginal Citations

**M20** 1992 c. 42.

#### Commons

6. The Commons (Schemes) Regulations 1982 <sup>M21</sup>, to the extent that they relate to land within the National Park, apply as if—

- (a) the Authority were a council for the purposes of those Regulations; and
- (b) in forms 1 and 2 in the Schedule to those Regulations, references to the Authority were substituted for references to the Council and District Council.

#### Marginal Citations

**M21** [S.I. 1982/209](#). Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the [Commons Act 1899 \(c. 30\)](#) (scheme for regulation) has effect in relation to a registered common within a National Park for which a National Park authority is the local planning authority as if a National Park authority were a local authority for the purposes of that enactment.

## Areas of archaeological importance

7. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984 <sup>M22</sup> apply in relation to any area of archaeological importance wholly or partly within the National Park as if each reference to a district council were a reference to the Authority.

### Marginal Citations

**M22** [S.I. 1984/1285](#), to which there are modifications for particular purposes not relevant to this Order. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 of the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#) (notice of operations affecting areas of archaeological importance) has effect as if any notice required to be served on a local authority under that section were required to be served, instead, on a National Park authority and the functions conferred on a local authority under that section had been conferred on the National Park authority.

## Disposal of abandoned vehicles

8. The Removal and Disposal of Vehicles Regulations 1986 <sup>M23</sup> apply as if the Authority were a council of a county for the purposes of paragraph (aa) of regulation 12(1)(e), and as if the National Park were that council's area.

### Marginal Citations

**M23** [S.I. 1986/183](#), to which there are amendments not relevant to this Order. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#) have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority's area.

## Listed building purchase notices

9. The Planning (Listed Buildings and Conservation Areas) Regulations 1990 <sup>M24</sup> apply as if—
- the reference in regulation 9(1) (claims for compensation and listed building purchase notices) to the council of a district included reference to the Authority; and
  - the purchase notice referred to in paragraph (2) of Part 2 of Schedule 1 (notification to be sent to applicant on refusal of listed building consent etc.) were, in the case where the land is situated in the National Park, to be served on the Authority.

### Marginal Citations

**M24** [S.I. 1990/1519](#). Paragraph (2) of the form set out in Part 2 of Schedule 1 to that Order was amended by [S.I. 1996/525](#) and [1997/2971](#); there are other amendments to that Order not relevant to this Order. By virtue of section 32(4A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (inserted by paragraph 33 of Schedule 10 to the 1995 Act), a National Park authority is a body on whom a listed building purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

## Town and country planning

**10.** The Town and Country Planning General Regulations 1992 <sup>M25</sup> apply as if the reference to the council of a district in regulation 12(1) (claims for compensation and purchase notices) included a reference to the Authority.

### Marginal Citations

**M25** [S.I. 1992/1492](#), to which there are amendments not relevant to this Order.

**11.** The Town and Country Planning (General Development Procedure) Order 1995 <sup>M26</sup> applies as if the reference to the district council in the final paragraph of the notification set out in Part 2 of Schedule 1 to that Order (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions) were, where the land is situated in the National Park, a reference to the Authority.

### Marginal Citations

**M26** [S.I. 1995/419](#). Section 147A of the [Town and Country Planning Act 1990 \(c.8\)](#), inserted by section 67(5) of the 1995 Act, applies Chapter 1 of Part 6 of that Act to National Park authorities.

**12.** Section 15 (local development scheme) of the Planning and Compulsory Purchase Act 2004 <sup>M27</sup> applies in relation to the Authority as if for paragraph (b) of subsection (3) there were substituted—

“(b) submit the scheme to the Secretary of State not later than 1st July 2011;”.

### Marginal Citations

**M27** [2004 c. 5](#).

## SCHEDULE 4

Article 17

### TRANSITIONAL AND SUPPLEMENTAL PROVISION

#### Access to the countryside

**1.** Notwithstanding subsection (2) of section 1 of the 2000 Act <sup>M28</sup> (principal definitions for Part 1), the Authority becomes the access authority for the purposes of Part 1 of that Act in relation to land in the National Park on the operational date, and until that date the local highway authority (within the meaning of section 45(1) of that Act) in whose area the land is situated continues to be the access authority for those purposes.

### Marginal Citations

**M28** See the definition of “access authority” in section 1(2) of the 2000 Act. Section 1(2) was amended by section 303(2) of the [Marine and Coastal Access Act 2009 \(c.23\)](#).

2. Notwithstanding subsection (5) of section 21 of the 2000 Act <sup>M29</sup> (interpretation of Chapter 2), the Authority becomes the relevant authority for the purposes of Chapter 2 of Part 1 of the 2000 Act (exclusion or restriction of access) on the operational date (save as provided in section 21(6) of that Act), and until that date Natural England is the relevant authority for those purposes.

**Marginal Citations**

**M29** See the definition of “relevant authority” in section 21(5) and (6) of the 2000 Act.

3. Notwithstanding subsection (2)(b) of section 94 of the 2000 Act (local access forums), the Authority becomes the appointing authority for the area of the National Park on the operational date, and until that date the local highway authority (within the meaning of that section) for any area within the National Park continues to be the appointing authority for that area.

**Disclosure of officers' interests**

4. For the purposes of section 117 of the 1972 Act <sup>M30</sup> (disclosure by officers of interests in contracts) any contract—

- (a) which was entered into by a South Downs local authority, and
- (b) to which the Authority becomes a party by virtue of this Order or any provision made under Part 3 of the 1995 Act,

will be treated as a contract entered into by the Authority.

**Marginal Citations**

**M30** Section 117 applies to a National Park authority by virtue of paragraph 13(6) of Schedule 7 to the 1995 Act.

**Application of directions etc. to the Authority**

5.—(1) This paragraph applies where under any provision relating to any relevant functions the Secretary of State may give directions or issue guidance to a South Downs local authority, or may otherwise make a decision affecting the exercise of such functions in relation to such an authority.

(2) Where this paragraph applies, the Secretary of State may give such directions or issue such guidance to the Authority, or make any such decision affecting the exercise of functions by the Authority, during the transitional period if and to the extent that doing so is consistent with the powers and duties conferred and imposed upon the Authority.

**Duty of South Downs local authorities to assist the Authority**

6. Each South Downs local authority must provide the Authority with such assistance and information as the Authority may reasonably request for the purposes of discharging any of its functions.

**Access to information**

7.—(1) The right conferred by this paragraph is exercisable by the Authority against any South Downs local authority.

(2) Upon giving reasonable notice, the Authority may at all reasonable times inspect and take copies of recorded information so far as reasonably necessary for the proper discharge of its functions, wherever, and in whatever form, such information is held.

(3) The South Downs local authority holding the information must supply all such information and assistance as may reasonably be required.

### **Registers and similar records required to be maintained**

**8.**—(1) This paragraph applies where the Authority does not receive from a South Downs local authority all of the material comprised in any register maintained by that local authority so far as relevant to the National Park.

(2) Upon giving reasonable notice, the Authority may at all reasonable times inspect such material as is referred to in sub-paragraph (1) which it has not received, to enable copies to be taken or information to be extracted.

(3) In fulfilling its obligation to maintain a register, the Authority may incorporate with any material copied or extracted in accordance with sub-paragraph (2) a certificate that it is a true copy of, or extract from, the register from which it has been copied or extracted, and the certified copy or extract may be maintained as the register, or as the case may be, part of the register, that the Authority is required to maintain.

(4) For the purposes of this paragraph, “register” means any register, map, list or other document of whatever form and in whatever medium which a local authority is required to maintain or hold.

### **Interim monitoring officer**

**9.**—(1) If, at the time of the first meeting of the Authority convened and held in accordance with paragraph 1 of Schedule 1 to this Order, the Authority is not in a position to designate a monitoring officer as required by section 5(1) of the 1989 Act<sup>M31</sup> (designation and reports of monitoring officer), it must appoint an interim monitoring officer.

(2) The Authority may not appoint as its interim monitoring officer—

- (a) a person who holds any other paid office or employment with it; or
- (b) a member of the Authority.

(3) Subject to the provisions of this paragraph, section 5 of the 1989 Act and Part 3 of the Local Government Act 2000<sup>M32</sup> (conduct of local government members and employees) apply to the interim monitoring officer as they apply to a monitoring officer, and the interim monitoring officer is, for all purposes, to be treated as the Authority's monitoring officer.

(4) The interim monitoring officer may be paid such remuneration and allowances (if any) as the Authority sees fit.

(5) The duties of the interim monitoring officer may not be delegated.

(6) During the period of appointment of any person as an interim monitoring officer, that person may not be appointed to any other paid office or employment with the Authority.

(7) Any person who ceases to be the interim monitoring officer may not be appointed to any paid office or employment with the Authority until 1st April 2011.

(8) The Authority may revoke the appointment of the interim monitoring officer if the officer—

- (a) becomes bankrupt or makes an arrangement with the officer's creditors; or
- (b) is, in the opinion of the Authority, unable or unfit to discharge the duties of an interim monitoring officer.

(9) If the appointment of the interim monitoring officer is ended for a reason other than the designation of a monitoring officer, the Authority, unless it designates a monitoring officer, must

appoint a further person as interim monitoring officer, and the provisions of this paragraph apply to that further appointment.

**Marginal Citations**

**M31** Section 5 of the 1989 Act is applied to a National Park authority by paragraph 13(7)(b) of Schedule 7 to the 1995 Act.

**M32** 2000 c. 22.

**Codes of conduct**

**10.** Section 51 of the Local Government Act 2000 (duty of relevant authorities to adopt codes of conduct) has effect with the following modifications—

- (a) in subsection (1), for “a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made” substitute— “ the South Downs National Park Authority, before the end of the period of six months beginning with the establishment date ”<sup>M33</sup>; and
- (b) in subsection (2), for “a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made” substitute— “ the South Downs National Park Authority, before the end of the period of six months beginning with the day on which any order under section 50 which applies to that Authority is made after the establishment date ”.

**Marginal Citations**

**M33** [The Local Authorities \(Model Code of Conduct\) Order 2007 \(S.I. 2007/1159\)](#) applies to National Park authorities (*see* article 1(2) of that Order).

**Planning and compulsory purchase**

**11.** Notwithstanding subsection (5) of section 37 of the Planning and Compulsory Purchase Act 2004 <sup>M34</sup> (interpretation), the Authority becomes the local planning authority for the area of the National Park for the purposes of Part 2 of that Act (local development) on the operational date, and, until that date, section 37(4) of that Act continues to apply in respect of the area of the National Park.

**Marginal Citations**

**M34** 2004 c. 5.

**Members' allowances**

**12.—**(1) The Local Authorities (Members' Allowances) (England) Regulations 2003 <sup>M35</sup> apply to the Authority from the establishment date subject to the following modifications.

(2) Notwithstanding regulation 10 of those Regulations (requirements for schemes), the Authority must, on or before 30th June 2010, make a scheme in accordance with those Regulations for the year ending 31st March 2011.

(3) The scheme made by the Authority as required by sub-paragraph (2) may make provision for any allowance payable in accordance with that scheme to be paid as if the scheme had been in force since the establishment date.

### Marginal Citations

**M35** S.I. 2003/1021 to which there are amendments not relevant to this Order.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The South Downs National Park (“the Park”) was designated on 18th December 2002 under Part 2 of the National Parks and Access to the Countryside Act 1949 by the South Downs (National Park) Designation Order 2002, and varied on the 5th January 2004 by the South Downs National Park (Designation) Variation Order 2004. The designation was confirmed with modifications on 12th November 2009 and takes effect on 31st March 2010. Copies of these orders, and of the confirmed Order, are held by Natural England and DEFRA, and will be held by the authority established by this Order. Inspection may be arranged by contacting Natural England (33 North Street, Lewes, East Sussex BN7 2PH; 01730 817285) or DEFRA (2 The Square, Temple Quay, Bristol BS1 6PN; 0117372 8877).

A map showing the boundary of the Park can be seen on Natural England's website ([www.naturalengland.org.uk/ourwork/conservation/designatedareas/new/southdowns.aspx](http://www.naturalengland.org.uk/ourwork/conservation/designatedareas/new/southdowns.aspx)), and it is anticipated it will appear on the website of the new authority in due course.

This Order establishes the South Downs National Park Authority (“the Authority”) for the area of the Park and specifies the time when the Authority becomes the local planning authority for the Park (*article 15*).

In particular, this Order makes provision for—

- (a) the establishment of the Authority on 1st April 2010 (*article 3*);
- (b) the membership of the Authority. There are to be 27 members, 13 of whom will be appointed by the Secretary of State (6 of those members being parish members), and 14 will be appointed by the local authorities for the area of the Park (*articles 4 and 5*);
- (c) the meetings and proceedings of the Authority (*article 10 and Schedule 1*);
- (d) reports, returns and accounts (*articles 12 and 13*);
- (e) staff (*article 14 and Schedule 2*);
- (f) specifying 1st April 2011 for the purposes of section 4A of the Town and Country Planning Act 1990 as the date on which the Authority becomes, for most purposes, the sole local planning authority for the Park, and in consequence of sections 68 to 70 of the Environment Act 1995, takes on various other statutory functions including planning authority functions under the National Parks and Access to the Countryside Act 1949, the Countryside Act 1968 and the Wildlife and Countryside Act 1981 (*article 15*);
- (g) applying various enactments to the Authority (*article 16 and Schedule 3*); and
- (h) transitional and supplemental matters (*article 17 and Schedule 4*).

No impact assessment has been undertaken for this instrument as it applies the existing arrangements in place for establishing National Park authorities to the new South Downs National Park and does not have any regulatory impact.

**Changes to legislation:**

There are currently no known outstanding effects for the The South Downs National Park Authority (Establishment) Order 2010.