EXPLANATORY MEMORANDUM TO

THE NATIONAL PARK AUTHORITIES (AMENDMENT) (ENGLAND) ORDER 2009

2009 No. 557

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 This Order amends previous legislation to change the number of members appointed to Northumberland National Park Authority by the Secretary of State and by the local authorities.

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

3.1 None

4. Legislative Context

4.1 The Environment Act 1995 provides for the establishment of National Park authorities. Secondary legislation, the National Park Authorities (England) Order 1996 (SI 1996/1243) as amended, sets out the numbers of local authority, parish and "other" members to be appointed to various National Park Authorities in England.

4.2 The Northumberland (Structural Change) Order 2008 (SI 2008/494), will abolish the District Councils in Northumberland (Tynedale District Council, Alnwick District Council and Berwick-upon-Tweed Borough Council) on 1st April 2009 and establish Northumberland Council as the sole local authority for Northumberland.

4.3 The present Order, the National Park Authorities (Amendment) (England) Order 2009 amends the National Park Authorities (England) Order 1996, so as to amend the membership of the Northumberland Park Authority from 1 April 2009. The Order does not alter the overall number of members, but reduces the number of local authority members for the Authority, and increases the number of parish members and other members appointed by the Secretary of State.

5. Territorial Extent and Application

5.1 This instrument only applies to England.

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

7.1 In December 2007 the Department for Communities and Local Government announced that all District Councils in Northumberland will be abolished on 1 April 2009 and a new unitary authority, Northumberland Council, will become the sole local authority for the area and potentially be responsible for appointing all local authority members to the National Park Authority. Given that Tynedale District Council, Alnwick District Council and Berwick-upon-Tweed Borough Council currently appoint members to the Northumberland National

Park Authority, their abolition means that the membership arrangements, as set out under the National Park Authorities (England) Order 1996, needs to be amended.

7.2 Defra consulted on proposals which would reflect the new local government structure whilst retaining the same overall size of authority and maintaining a strong local presence on the authority. The proposals were to reduce the local authority seats from 12 to 6; increase the number of parish members from 4 to 6; and increase the number of Secretary of State members from 6 to 10. Two of the extra four Secretary of State seats are to be taken by those who have experience of living or working in the National Park; one extra with experience of living or working in the Newcastle/Gateshead area; and one with particular knowledge of regional issues.

8. Consultation outcome

8.1 The consultation ran from 23 June to 17 October 2008, and on 2 February a Ministerial Statement was issued by Huw Irranca-Davies (Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs) announcing that the proposals as outlined in the consultation document had been adopted.

8.2 The consultation document and the responses are available on Defra's website at http://www.defra.gov.uk/corporate/consult/northumberland-npa/index.htm.

9. Guidance

9.1 None.

10. Impact

10.1 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.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 The National Park Authority will monitor the effectiveness of the revised membership arrangements over the next 4 years, and report to Defra accordingly.

13. Contact

Jeff Coast, Sponsorship, Recreation and Landscape Division at Defra. Tel: 0117 372 8086 or e-mail Jeff.Coast@defra.gsi.gov.uk can answer any queries relating to this instrument.