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WILDLIFE AND COUNTRYSIDE BILL: CONSULTATION PAPER NO 5

Countryside Provisions

1. This is the fifth in a series of consultation papers relating to the proposed Wildlife and Countryside Bill. Any comments should be sent in time to reach this Department by 8 October 1979 and addressed to the Department of the Environment, Room 324, Tollgate House, Houlton Street, Bristol BS2 9DJ.
2. It has been widely recognised that legislation is desirable on a number of miscellaneous matters relating to the countryside and, during the last Parliament, certain provisions were included in the Countryside Bill. Ministers are disposed to include similar provisions in the new Wildlife and Countryside Bill as follows:-
 - (i) a specific power for local planning authorities, including National Park Authorities, to make management agreements with owners and occupiers of land for the purpose of preserving or enhancing the natural beauty of any land within their area or of promoting its enjoyment by the public. Local planning authorities include County and District Planning Authorities, the Greater London Council and the London Boroughs;
 - (ii) a power for local authorities to warden land to which the public are allowed access but for which there is no existing wardening power, and to warden footpaths in the countryside. The first of these powers would be exercisable only with the agreement of the owner and occupier of the land and the only purpose for which wardens could be appointed under either power would be to advise and assist the public;
 - (iii) a specific power for the National Park Authorities to make grants or loans to assist public or private projects conducive to their objectives, which are to preserve and enhance the natural beauty of the Parks and to promote public enjoyment of it;
 - (iv) a power for the Countryside Commission to make orders, which would be subject to Ministerial confirmation, varying National Park boundaries.
3. It is also proposed to provide for the further matters below:-

Nature Conservancy Council Grant Powers

4. The Government is very conscious of the valuable contribution that is being made by the voluntary bodies in the nature conservation movement, and by individuals, in furthering the cause of nature conservation in Great Britain. The cost of much of this work is met by voluntary contributions and some by grants generally of a "priming" nature, from the Nature Conservancy Council.
5. Under Section 3 of the Nature Conservancy Council Act 1973 the NCC may make grants for:
 - a. the establishment, maintenance and management of nature reserves in Great Britain;
 - b. the provision of advice and dissemination of knowledge about nature conservation;
 - c. the commissioning, support or carrying out of relevant research.

6. Thus the Council cannot make grants for activities which fall outside these functions but which would nevertheless be of benefit to nature conservation. Nor can the Council at present make loans. It is proposed to empower the NCC to make grants or loans for any projects which it considers beneficial to nature conservation by provisions similar to the powers of the Countryside Commission to make grants or loans in their particular field under Section 9 of the Local Government Act 1974 (this requires the grants or loans to be in accordance with arrangements approved by the Secretary of State and Treasury).

7. This proposal would not imply an increase in the NCC's own annual Grant-in-Aid. Its effect would be to give the Council greater latitude, within its budget, to provide assistance to nature conservation in Great Britain.

Countryside Commission - Pensionability

8. It is desirable to amend the Countryside Act 1968 to bring it into line with the policy which has been pursued since 1973 on pensionability and compensation for loss of office for part-time paid members of State Boards with substantial workloads. The 3 paid members of the Countryside Commission are in this situation but are at present at a disadvantage because the Act lacks the enabling powers for the policy to be carried into effect in the case of the Commission.

Limestone Pavements

9. The total area in Great Britain of the geological formations known as limestone pavements is a little over 5,000 acres. Most of this occurs in North Yorkshire and Cumbria, and there are smaller areas in Lancashire, Wales and Scotland. Geologically these formations are of considerable significance by reason of the evidence they present of past events and of the processes which have gone into their formation. Biologically they are important by reason of the sheltered and humid habitat in the runnels in the pavement which enables species of rare and uncommon flora to flourish.

10. In recent years limestone pavements have suffered damage from the illicit removal of rock, largely to supply the garden rockery trade. The large scale removal of rock is a quarrying operation subject to planning control, but there has been some doubt in the application of the planning regulations to the removal of loose stone. During the course of the former Countryside Bill a new clause designed for this situation received a considerable measure of general agreement.

11. It is proposed in the new Bill to strengthen the protection afforded to limestone pavements which have been notified to local planning authorities as sites of special scientific interest. A provision would be included to enable the Secretary of State and the County Planning Authorities to make a Limestone Pavement Preservation Order where it appeared to them that the character of the land, which was of geological and botanical interest, would be likely to be adversely affected by the removal or disturbance of limestone. The Order would prohibit the removal of limestone without planning permission. Thus it would become an offence if the owner or tenant occupying land covered by a Limestone Preservation Order removed or disturbed, or permitted removal or disturbance, of limestone if this were to be done in the absence of planning permission.

12. Limestone Pavement Orders would take immediate effect. Those made by the County Planning Authorities would be subject to confirmation by the Secretary of State.

13. This paper does not deal with moorland conservation, which is still under consideration.