

ORIGINS AND INTENTIONS OF 1949 ACT NATURAL BEAUTY

**COMPANION VOLUME
TO THE
REPORT
TO
THE COUNTRYSIDE COUNCIL FOR WALES**

**BY
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Introduction

This companion volume to the main Report on 1949 Act Natural Beauty contains copies of the original sources of the extracts quoted in the main report, together with the source reference. They are numbered NB 1 to NB 95 as in the text of the main report. The quotes are highlighted with a black sideline.

The following sources were used in the research:

Acts of Parliament

- National Parks and Access to the Countryside Act 1949

Hansard Reports on debates during the passage of the Bill

- House of Commons – bound volume held in the Natural England library
- House of Lords Debates – bound volume held in Natural England library
- The changes to the Bill during passage through Parliament – bound volume held in the Natural England Library
- National Parks etc Bill - Notes on Clauses Bill as amended 4 October 1949 – bound volume held in Natural England Library

Government Reports

- Report ‘National Parks in England and Wales’ by John Dower, published in May 1945 [Cmd 6628]
- Report of the National Parks Committee (England and Wales), chaired by Sir Arthur Hobhouse, and published in July 1947 [Cmd 7121]
- Report of the Wild Life Conservation Special Committee (England and Wales) ‘Conservation of Nature in England and Wales’, chaired by Dr J.S. Huxley, and published in July 1947 [Cmd 7122]
- Report of the Special Committee (England and Wales), ‘Footpaths and Access to the Countryside’, chaired by Sir Arthur Hobhouse, and published in September 1947 [Cmd 7207]

Departmental Files - all sourced from the Public Record Office

The following files provided material relevant to the object of the research:

- CAB 124/443 National Parks: preliminary report of Minister of Town and Country Planning
- CAB 124/444 National Parks draft Bill April 1948 – March 1949
- CAB 124/445 National Parks draft Bill March 1949 – July 1949
- HLG 29/334 National Parks and Access to the Countryside Bill: consultations with Parliamentary Counsel
- HLG 29/335 National Parks and Access to the Countryside Bill: consultations with Parliamentary Counsel
- HLG 89/334 National Parks Bill
- HLG 54/86 National Trust for places of Historic Interest and Natural Beauty Act 1937: consideration of clauses
- T 227/41 – 46 [inclusive] National Parks and Access to the Countryside Bill: papers from 1943 to 1949; T227/43 was particularly useful

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to the Countryside*

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PART II

A.D. 1949

NATIONAL PARKS

5.—(1) The provisions of this Part of this Act shall have effect for the purpose of preserving and enhancing the natural beauty of the areas specified in the next following subsection, and for the purpose of promoting their enjoyment by the community as a whole. National Parks.

(2) The said areas are those extensive tracts of country in England and Wales as to which it appears to the Commission that by reason of—

(a) their natural beauty, and

(b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,

it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.

(3) The said areas, as for the time being designated by order made by the Commission and submitted to and confirmed by the Minister, shall be known as, and are hereinafter referred to as, National Parks.

(4) In the exercise at any time of their functions as respects any National Park the Commission and local authorities shall have due regard to the need for securing that agriculture and forestry, as then established in the Park, shall be efficiently maintained.

6.—(1) Before making an order designating a National Park the Commission shall consult with every joint planning board, county council, county borough council and county district council whose area includes any land in the area to be designated a Park. Designation and variation of National Parks.

(2) Any such order shall be in such form as may be prescribed by regulations made by the Minister, and shall describe the area to be designated a Park by reference to a map and such other descriptive matter as may be so prescribed or as may appear to the Commission to be requisite.

(3) The provisions in that behalf of the First Schedule to this Act shall have effect as to the making, confirmation, coming into operation and validity of any order designating a National Park.

(4) The Minister may by order made after consultation with the Commission vary an order designating a National Park.

(5) Before making an order under the last foregoing subsection the Minister shall consult with the Commission and with every such board and council as aforesaid whose area, or any part of

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Areas of outstanding natural beauty

PART VI
—cont.
Designation of
areas of
outstanding
natural beauty.

70.—(1) The Commission may, by order made as respects any area in England or Wales, not being in a National Park, which appears to them—

(a) to be of such outstanding natural beauty that it is desirable that the provisions of this Act relating to such areas should apply thereto, but

(b) by reason of its small extent, or for any other reason, to be unsuitable for designation as a National Park,

designate the area for the purposes of this Act as an area of outstanding natural beauty; and references in this Act to such an area shall be construed as references to an area designated under this section.

(2) Before making an order under this section the Commission shall publish, in such manner as appears requisite to them for informing persons and bodies of persons concerned, notice that they propose to make the order, indicating the effect of the order and stating the time within which and manner in which representations with respect thereto may be made to the Commission, and shall consider any representations duly made and consult with every local planning authority whose area includes any part of the area to which the order relates.

(3) An order under this section shall not come into operation unless and until submitted to and confirmed by the Minister.

(4) The Minister may confirm an order submitted to him under this section either as submitted or with such modifications as he thinks expedient.

(5) Before refusing to confirm an order under this section, or determining to confirm it with modifications, the Minister shall consult with the Commission and with every joint planning board, county council, county borough council and county district council whose area includes any land to which the order as submitted, or as proposed to be modified, relates.

Interpretation. 93.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Act of 1947” means the Town and Country Planning Act, 1947; 30

“area of outstanding natural beauty” has the meaning assigned to it by subsection (1) of section seventy of this Act;

“interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable 35 by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;

“land” includes land covered by water;

“the Minister” as respects England and Wales means the 40 Minister of Town and Country Planning, and as respects Scotland means the Secretary of State;

“National Park” has the meaning assigned to it by subsection (3) of section five of this Act;

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“open-air recreation” does not include organized games;

“owner”, in relation to any land, means, except in Part III of this Act, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to 5 receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part III of this Act, as respects England and Wales means any person being either entitled 10 to the fee simple or being a mortgagee in possession of the land and as respects Scotland has the meaning assigned to it by section twenty-six of this Act;

“vehicle” does not include a vessel, except any vessel adapted for use on land while it is being so used;

15 “waterway” means any lake, river or other waters, being (in any case) waters suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing or fishing;

and, except where the context otherwise requires, other expressions have the same meanings respectively as in the Act of 1947. 20

(2) References in this Act to the preservation of the natural beauty of an area shall be construed as including references to the preservation of the characteristic natural features, flora and fauna thereof.

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PART VI
—cont.

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ORDERS OF THE DAY

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE BILL

Order for Second Reading read.

3.50 p.m.

The Minister of Town and Country Planning (Mr. Silkin): I beg to move "That the Bill be now read a Second time."

This long-awaited Bill will be received with great pleasure by a large number of people all over the country who have witnessed with considerable concern disturbing trends in the development of these islands. We are today one of the most densely populated countries in the world. More and more people are living in towns. Today four out of every five are living in urban communities, and this has resulted in almost a complete separation of town and country. There are almost two different peoples with differing mentalities with a lack of understanding by the townsmen of the countryman's point of view. In particular, there is a very considerable lack of knowledge and appreciation on the needs of the countryside and its preservation. Yet with the increasing nervous strain of life it makes it all the more necessary that we should be able to enjoy the peace and spiritual refreshment which only contact with nature can give.

There is first of all the disfigurement of the countryside. This has been going on for 100 years or more. We have shacks, ribbon development, unsightly coastal development, mineral workings, quarrying, power stations, gas works, poles and pylons supporting overhead electricity, telegraph and telephone wires, radar and radio establishments, reservoirs, outdoor advertisements, nissen huts, hutments, hangars and other Service buildings. Each of these more or less necessary appurtenances of modern science, progress and civilisation makes a great contribution to the disfigurement of the countryside.

Then we have suffered a considerable loss of agricultural land. This is of primary importance to us today in view of the economic situation, but it is not so much with that aspect of it that I want to deal this afternoon, but with the fact that agricultural land contributes very greatly through its pattern of cultivation

to the unique character and the beauty of our landscape. It is from this loss that we are suffering now. In recent years there has been a considerable loss of access to the countryside through the ploughing up of footpaths during the war, land required by the Service Departments, gathering grounds and so on.

Although owners of uncultivated land in various parts of the country have tacitly permitted trespass on their land, there are still many places where access is difficult, for instance, in the High Peak, where often the only contact with the lovely countryside is the remote one of being able to look at it from concrete or tarmac roads, despite the fact that there are millions of people living in conditions of great congestion within 25 miles of the Peak district, whose only outlet to the countryside practically is in that area. Coupled with these trends is a considerable lack of public facilities for open-air recreation, and for opportunities of getting to the countryside and enjoying it.

The Bill before the House is directed to arresting and reversing these various trends. Its objects broadly are, first, to preserve and enhance the beauty of the countryside; and, secondly, to enable our people to see it, get to it, and enjoy it. This Bill is the culmination of the pioneering efforts of many public spirited persons who devoted themselves to the open-air cause through the agency of voluntary organisations. Some of them were formed as far back as the second half of the last century. If I may, I should like to mention some of the names of these organisations, and in doing so I hope I am not leaving out any body which ought to be mentioned. There is the Council for the Preservation of Rural England, the Commons, Open Spaces and Footpaths Preservation Society, the Ramblers' Association, the Cyclists' Touring Club, the Youth Hostels Association and many others. Their endeavours to interest and arouse public opinion have been slow but steady.

Today, for example, there are, I understand, 150,000 registered ramblers, walkers, cyclists and climbers, and other similar organisations have large memberships. Youth hostels are being put up in increasing numbers all over the country. That is a very good sign. The Town and Country Planning Act, 1947,

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This Bill is the third piece of important legislation which I have been privileged to introduce into this Parliament, all of them major implementations of great State Reports—Barlow, Scott, Uthwatt, Reith, and Hobhouse. That, in itself, I may humbly claim, is a unique record. All these documents will live in the history of town and country planning. It is a source of special pride to me that these Measures, together constituting the complete trilogy of planning, represent a code fashioned in this one Parliament by the same Minister. The New Towns Act and the Town and Country Planning Act, 1947, were designed to improve the broad material conditions in which we spend our lives, but the present Bill has a more direct and specific purpose. By preserving and developing the beautiful parts of our countryside we are seeking to promote happiness for ordinary men and women.

It is perhaps a reason for our country's greatness that in a difficult period like the present we are not afraid to set aside time and energy for the practical measures needed to help people to enjoy these beautiful areas. No one will wish to disagree with the wisdom of doing so, because the enjoyment of our leisure in the open air and the ability to leave our towns and walk on the moors and in the dales without fear of interruption are, with all respect to my right hon. Friends the Ministers of Health and of National Insurance, just as much a part of positive health and wellbeing as are the building of hospitals or insurance against sickness. I am particularly proud to introduce this Bill because it represents something which men and women have wanted for a long time and have struggled for, often with little hope of success.

Now at last we shall be able to see that the mountains of Snowdonia, the lakes and the waters of the Boards, the moors and dales of the Peak, the South Downs and the tors of the West Country belong to the people as a right and not as a concession. This is not just a Bill. It is a people's charter—a people's charter for the open air, for the hikers and the ramblers, for everyone who lives to get out into the open air and enjoy the countryside. Without it they are fettered, deprived of their powers of access and facilities needed to make holidays enjoyable. With it the countryside is theirs

to preserve, to cherish, to enjoy and to make their own.

5.22 p.m.

Mr. W. S. Morrison (Cirencester and Tewkesbury): I am sure the whole House will wish me to congratulate the Minister on having survived a considerable mental and physical ordeal in the careful and exhaustive survey which he has given us in presenting this Bill today. The right hon. Gentleman took us fully into past history and voiced, in the concluding passages of his speech, so many of the aspirations which are common to all of us that I shall be able to limit the compass of my remarks. I need hardly say that I welcome the Bill. We all rejoice in anything which will make an understanding of the countryside a more general possession of our people. I agree with all the right hon. Gentleman said about the value, to body and mind, of encouraging proper access to our open spaces. He was good enough to mention my own contribution to this question during my term of office but, of course, much work was done before I came on the scene. Enthusiastic private persons had long agitated for something of this kind and have done, in the meantime, invaluable work in preserving from depredation many of the areas which they one day hope to see made national parks. If the right hon. Gentleman occasionally feels irritated by the zeal of these societies I am sure he would be the first to acknowledge that they have done wonderful work in preserving for this generation areas which might otherwise have been spoilt.

Mr. Silkin indicated assent.

Mr. Morrison: In that task it is worth while noting which were the chief potential dangers to these areas. They did not, as is generally the case under town planning, arise from the private developer, although he might, by an unsightly building, ruin a fair prospect. Of course, quarrying carried out in thoughtless fashion can be a danger, but in the open spaces which are now considered to be potential national parks the main potential depredators have been Government Departments and statutory undertakings. It is against these powerful forces that those who wish to preserve the beauty of these areas have had to fight. That they have succeeded so well is a

compass of the ambition, of almost everyone, and it is those new circumstances which have given birth to this Bill, which I regard as a token tribute to the spirit of travel, adventure and exploration which we like to see and want to see abroad in the land. That is the challenge we seek to meet and that is the genesis of the demand for access to open country, long-distance footpaths and the like.

It may be asked where this work will be apparent to the naked eye, and how soon. Perhaps I may sum up what we have in mind. For example, we see the provision of long-distance footpaths which the National Parks Commission will survey and submit to the Minister for approval. What will the Rambler find within the park? Any unsightly development which has existed is being removed. I am not suggesting that these things will happen at once, but as shortly as can be. Higher standards than normally may be imposed in the case of new development. A wanderer may pass some country house or estate of architectural merit standing upon land acquired by the Minister and paid for by the Exchequer, open for him to enter; the house maintained perhaps by the National Trust or some other body; the home or the adjoining farm managed by the Agricultural Land Commission.

He may pass on to a parking place, hostel or camping site which, aided by generous Exchequer grants, will be provided by the local park planning authority, although perhaps run by the Youth Hostels Association. He may stop at some rambler's rest, perhaps expressly provided not by a park planning authority but by a neighbouring city—a point which has not been touched on—as their contribution to a place with amenities which their citizens enjoy in their leisure hours. If it is uncertain what is open to him, the Rambler may make use of the services of a warden who may guide or advise no less in the interests of farming than out of a desire to reveal sources of entertainment and natural beauty. He may ride, or bathe, or sail, or fish, or cycle, or drive, or walk, perhaps on paths treed and shady, from which traffic is excluded, or he may just laze. In any event, the cost of what he does will be aided by the Exchequer and he will, we hope, go back refreshed and reinvigorated, and once again, when the

week's work is done, he may return to the things he loves. Above all, he will be there a free citizen as of right, and if chance has brought him to one of those spots, one of many which used to bristle with wire or "Keep Out" notices, or about which tales were told of past battles between keepers and owners and rambles, now he may reflect that those are things of the unhappy, far-off long ago, best forgotten by all.

I think we have had a good two days' Debate. There are few points appropriate to a Second Reading Debate which have not been touched on. I know my right hon. Friend is grateful for the reception this Measure has had. In this Parliament we have often had to discuss and divide over bitter matters, but here, in this piece of legislation, we are glad to feel that we are indeed one Parliament, and however we may vary in our ideas of administrative detail, we are united in the determination to secure and enjoy the peace of the English countryside.

Mr. Beechman: The hon. Gentleman did not reply to one or two points I made. I take no exception to that, because it may be difficult to reply to them now, but I would like to know some time how it is intended that the coastal paths, which we all desire to see, are to be paid for. I am really wondering whether the county councils, which have so many charges put upon them nowadays, will have to pay for them. Also I should have liked to hear something about minerals, such as tin.

Question put, and agreed to.

Bill read a Second time and committed to a Standing Committee.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE [MONEY]

Considered in Committee of the Whole House under Standing Order No. 84 (Money Committees).—(*King's Recommendation signified.*)

[Mr. BOWLES in the Chair]

Resolved:

"That, for the purposes of any Act of the present Session to make provision for National Parks and for other matters, it is expedient

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[MR. SILKIN.]
additional number of visitors. It is presumed that this additional number of visitors will bring increased trade and, therefore, revenue to the areas, which will assist them in meeting the burden. At any rate, wealthy authorities who are capable of bearing the burden of large capital expenditure do not hesitate to incur millions of pounds of capital expenditure with the intention of asking visitors to their areas, realising that the benefit to their ratepayers will recoup them for the large burdens which they are incurring. I believe that those considerations will apply also to the national park areas.

There are considerable safeguards in the Bill as well. There is the presence of not less than 25 per cent. of members on the parks committees who will put forward national considerations. There is the right of the National Parks Commission to be informed and to make representations to the Minister both generally and on specific cases in respect of private development and development by Government Departments and statutory undertakers. Then there is the power of the Minister to call in applications or to revoke decisions under the 1947 Act. I know that some people may say, as they always do say about every Minister, that they can trust the present Minister but that they cannot trust his successor. I remember that it used to be said about the right hon. Member for Cirencester and Tewkesbury (Mr. W. S. Morrison). Of course, the Minister and the Government have to be trusted; if we have a bad Minister or a bad or unsympathetic Government the national parks will not be well administered. One must recognise that.

The alternative is to have some body or organisation which is above the Government and more powerful than the Government, and which can carry out its will regardless of the policy or the desires of the Government. I do not think anyone would particularly recommend that state of affairs; therefore, it seems to me that it is inevitable that we should in the last resort depend upon the local authorities, the National Parks Commission, the Minister and the Government for securing that our beautiful land is properly preserved, its beauty

enhanced and the other functions of this Bill properly carried out.

I want to make it quite clear that I can give no guarantee whatever that it might not be essential to permit a certain amount of what some hon. Members will regard as undesirable development in the national park areas. It may be necessary in the future as it has been in the past to permit some part of the national park areas to be used for purposes of national defence. It may be necessary to utilise the mineral wealth which lies in those areas for the purpose of ensuring the economic life of our people. I do not think anybody would seriously suggest that we should ignore the existence of this mineral wealth and fail to utilise it, subject to a number of conditions. The first condition is that it must be demonstrated quite clearly that the exploitation of those minerals is absolutely necessary in the public interest. It must be clear beyond all doubt that there is no possible alternative source of supply, and if those two conditions are satisfied then the permission must be subject to the condition that restoration takes place at the earliest possible opportunity.

I realise that this Bill, good as it is, is capable of improvement, and during the remaining stages I shall welcome the co-operation and assistance of hon. Members in all parties, many of whom will have a wider knowledge of the subject matter in this Bill than I can possibly claim to have. I shall be very ready to consider any suggestions also from voluntary organisations, with their expert knowledge. But however good may be the machinery of this Bill as it finally emerges, it is largely machinery. Its success must depend on the courageous, determined and imaginative spirit in which it is carried out by the parties concerned, by the local planning authorities, the Commission, my Ministry and the Government. It has immense possibilities for enhancing the beauties of this island, but even more by providing closer contact with nature and in improving the physical, moral and spiritual welfare of our people. With all sincerity I can promise that, so far as this Government and I, as Minister, are concerned, we will do everything in our power to give life and reality to the terms of this Measure.

[MR. MORRISON.]
 matter for congratulation to them and to us all.

If the House will permit me I should like to mention my late friend John Dower, whose report is with us today as a memorial to his own great knowledge, faith and zeal in the public interest. I am sorry that he is not with us today to see the introduction of this Bill, but I should like to mention the great debt that all these various societies owe to his untiring labours and skilled perception. Perhaps I may also say a word of thanks to Sir Arthur Hobhouse and his colleagues, because I appointed the Hobhouse Committee although, due to causes over which I had no control, I was not in office at the time they reported. There is no doubt that the whole House and the country owe these gentlemen a great debt of gratitude for the enthusiasm and public spirit which they brought to this difficult task. Further, we should not forget, when remembering famous men, Lord Chief Justice Scott's Committee on the Utilisation of Land in Rural Areas. Many of the proposals which appear in later reports, and in this Bill, find their origin in that excellent Report, and I should like to pay tribute to those who laboured to produce it.

When so much divides hon. Members from one another it is good to see a piece of good work, which has gone through several Departments, persevered with and coming to the prospect of fruition. I have, however, a complaint which I must make, namely, that considering the size and importance of the Bill so short a time has been allowed to the House and the public to study its provisions between publication and today's Second Reading. To those of us who are more or less familiar with the subject that is not so much a hardship, but this is a Bill which must affect many interests—not necessarily financial. Many people are interested in the multifarious aspects of this problem, and I think it would have been convenient if sufficient time had been allowed to enable those people to communicate with Members in all parts of the House. If that had been done we might perhaps have had a more informed Second Reading Debate today.

As the right hon. Gentleman truly said, this is a machinery Bill and many of its

provisions can be more adequately discussed in Committee. I understand that we shall not commence that stage until after Easter and, that being so, I hope there will be time for representations which people desire to make to be put in the hands of hon. Members. I do not want it to be said in Committee, if a point is raised there for the first time, that it should have been mentioned on Second Reading. I have heard that done occasionally by Ministers, but on this Bill, on which I hope we shall all collaborate to make it a success, I hope we shall not hear that sort of reproach.

The feature of the Bill which arraigns the chief question of principle, and which has incurred for the Minister the express displeasure of some of the societies he mentioned in the latter part of his speech, is the position to which he has relegated the proposed National Parks Commission. Both the Dower and Hobhouse Reports, following the practice in the United States, Canada and South Africa, recommended that for national parks there should be established a national commission. Paragraph 46 of the Hobhouse Report states:

"We concur with the view expressed in the Dower Report that the central administration of the National Parks scheme will require 'a body of high standing, expert qualification, substantial independence and permanent constitution, which will uphold, and be regarded by the public as holding, the landscape, architectural and recreational values whose dominance is the essential purpose of National Parks' and that these requirements will be fulfilled by a National Parks Commission. This body should be composed of persons whose qualities of judgment and wisdom will command the respect of Parliament and the nation, and should contain at least a proportion of members who have personal knowledge of some of the National Park areas and their particular problems and requirements."

The report sets out what the Commission's responsibility should be:

"to frame policy for the planning and management of the Parks, to see that it is fully and effectively applied, and to supervise the expenditure of money for this purpose. They will further be responsible for the provision of advice and guidance, and the allocation of monetary grants, to the local authorities concerned with the planning and management of Conservation Areas."

That was the definition of the functions and status of the Commission which emerged from these two reports. It is clear that this conception in the meantime has been through the departmental

ORDERS OF THE DAY

NATIONAL PARKS AND ACCESS
TO THE COUNTRYSIDE BILL

Order for Second Reading read.

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The Minister of Town and Country Planning (Mr. Silkin): I beg to move
“That the Bill be now read a Second time.”

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There is first of all the disfigurement of the countryside. This has been going on for 100 years or more. We have shacks, ribbon development, unsightly coastal development, mineral workings, quarrying, power stations, gas works, poles and pylons supporting overhead electricity, telegraph and telephone wires, radar and radio establishments, reservoirs, outdoor advertisements, nissen huts, hutments, hangars and other Service buildings. Each of these more or less necessary appurtenances of modern science, progress and civilisation makes a great contribution to the disfigurement of the countryside.

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to the unique character and the beauty of our landscape. It is, from this loss that we are suffering now. In recent years there has been a considerable loss of access to the countryside through the ploughing up of footpaths during the war, land required by the Service Departments, gathering grounds and so on.

Although owners of uncultivated land in various parts of the country have tacitly permitted trespass on their land, there are still many places where access is difficult, for instance, in the High Peak, where often the only contact with the lovely countryside is the remote one of being able to look at it from concrete or tarmacadamed roads, despite the fact that there are millions of people living in conditions of great congestion within 25 miles of the Peak district, whose only outlet to the countryside practically is in that area. Coupled with these trends is a considerable lack of public facilities for open-air recreation, and for opportunities of getting to the countryside and enjoying it.

The Bill before the House is directed to arresting and reversing these various trends. Its objects broadly are, first, to preserve and enhance the beauty of the countryside; and, secondly, to enable our people to see it, get to it, and enjoy it. This Bill is the culmination of the pioneering efforts of many public spirited persons who devoted themselves to the open-air cause through the agency of voluntary organisations. Some of them were formed as far back as the second half of the last century. If I may, I should like to mention some of the names of these organisations, and in doing so I hope I am not leaving out any body which ought to be mentioned. There is the Council for the Preservation of Rural England, the Commons, Open Spaces and Footpaths Preservation Society, the Ramblers' Association, the Cyclists' Touring Club, the Youth Hostels Association and many others. Their endeavours to interest and arouse public opinion have been slow but steady.

Today, for example, there are, I understand, 150,000 registered ramblers, walkers, cyclists and climbers, and other similar organisations have large memberships. Youth hostels are being put up in increasing numbers all over the country. That is a very good sign. The Town and Country Planning Act, 1947,

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National Parks Bill—

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[MR. SILKIN.]
was a landmark in the history of these movements. It went a long way to protecting the countryside in general and agriculture in particular from further arbitrary and unnecessary inroads. There is now effective control over general development. There are provisions relating to the preservation of trees and of buildings of historic and architectural interests. There is control over outdoor advertisements, and the Act provides for areas of special control in which there may not be any outdoor advertisements at all in the countryside. That is a great step forward.

In addition, various efforts have been made in recent years to secure better access to the countryside for the public. The earliest attempt, so far as I have been able to trace it, was the unsuccessful Bill, Access to Mountains Bill, introduced by the late James Bryce in 1888. A later Measure, the Access to the Mountains Act, 1939, introduced by my right hon. Friend the Colonial Secretary, then Member for Shipley, met with a somewhat better fate. It passed into law in a very attenuated form—in such a form that it was regarded by the amenity societies as entirely unsatisfactory and unworkable. Indeed, one of the main planks in their programme in recent years has been the repeal of this Measure.

The national parks movement in this country goes back about half a century, but after the First World War the conception of National Parks made more rapid strides. In 1930 the Government set up a committee to explore the question of national parks under the chairmanship of Lord Addison. This committee reported in 1931 at a moment when it was somewhat inauspicious for embarking on ventures of this kind. Sir Leslie Scott, as Chairman of the Scott Committee, made a number of valuable recommendations regarding national parks in his report in 1942, but quite naturally no action was taken during the war. In 1945, the late Mr. John Dower issued a report on National Parks in England and Wales. He was a great champion of the open air, and it is a source of deep regret to us all that he has not survived to see the fruition of his efforts; but his work lives.

In 1947, we had a series of reports, published under the chairmanship of Sir Arthur Hobhouse. He published three

reports, one on national parks, one on footpaths and access to the countryside, and one on wild life conservation. I should like to express my own great indebtedness and that of the whole community, to Sir Arthur Hobhouse and to his committee for the very valuable reports which they published. These reports are informative and stimulating and they have had a very great influence in the preparation of the Measure today. May I say also, in all fairness, that the House is indebted to my predecessor the right hon. Member for Cirencester and Tewkesbury (Mr. W. S. Morrison), for having appointed the late Mr. John Dower and the Hobhouse Committee who produced these very valuable documents? The Government have accepted the Hobhouse reports as to some 90 per cent. I should like to say to Sir Arthur Hobhouse that that is not bad going and that very few chairmen of committees have had the satisfaction of seeing their reports implemented within so short a time and to such a considerable extent. The Government have accepted the policy of creating a number of national parks in this country. The first two parts of the Bill provide the necessary machinery and powers.

At this stage, I should like to explain to the House the conception of a national park as applied to this country. The term "park" is misleading. Some hon. Members later in the Debate may even say that the term "national" is misleading, but we shall deal with it when we come to it. The term "park" in the Oxford Dictionary is defined as

"a large, enclosed piece of ground, usually with woodland and pasture, attached to a country house or devoted to public use; an enclosure in a town ornamentally laid out for public recreation."

Of course, the national park is neither of those. The national park is defined in the Bill, both implicitly and explicitly, as

"an extensive area of outstanding beauty, suitable for open air recreation by the general public, but where the normal life of the existing community goes on."

Such an area may run into hundreds of square miles. The largest of those that we propose is more than 800 square miles in area.

There are national parks in a great many countries throughout the world. The earliest of them to be created was in 1872 in the United States of America.

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There must be a number of hon. Members who have been to Yellowstone Park, which is, indeed, a very great inspiration. It was followed by a great number of similar national parks throughout the United States of America, owned either by the Federal Government or, in a number of cases, by State Governments. There are a great number of national parks in other parts of the world. For instance, Canada has 26, South Africa, Australia and the Belgium Congo have parks, and New Zealand has 10. There are other parks in places like Kenya and Eire, and in many European countries.

Generally speaking, those parks differ in a number of respects from what is proposed in this country. Many of those national parks have, for one of their purposes, the preservation of wild life or of flora and fauna. They are, in fact, to a considerable degree, large nature or game reserves. For instance, Yellowstone Park has a very large number of wild bears and other specimens of wild life which the public are recommended not to tease or to get into too close contact with. It has an area of 3,471 square miles, which is about four times the area of the largest of the proposed national parks, the Lake District. Nevertheless, it contains a number of features which are of interest and value to us in this country, and many of the facilities for recreation in Yellowstone Park and other national parks throughout the world will, it is hoped, be provided in our own national parks. They have hiking, fishing, boating, swimming, riding, motor-bus tours, museums and information facilities. They have accommodation in the way of camping sites and tents and cabins that can be hired, and they have hotels, lodgings and refreshment houses distributed all over the area.

The most fundamental difference from our proposed national parks is that it is essential, and I think very desirable too, that in our national parks the ordinary rural life, such as farming, rural industry and afforestation, should continue to function. This is a small country, and we cannot afford, as can the United States, to set aside large areas solely for the purpose of public recreation or establishing a museum. National park areas such as are proposed in the Hobhouse Report represent no less than 10 per cent. of the total area of England and Wales. The conservation areas, some 52, that are

recommended in the Hobhouse Report, account for another 15 per cent., so that the acceptance of the reports on both national parks and conservation areas will involve 25 per cent. of the area of this country. We have to be extremely careful how far we sterilise an area of that size. Those areas must be used to maintain the economic life of the community. It may be inevitable that different uses of land should exist cheek by jowl.

I have been severely criticised, particularly by the hon. Member for the High Peak (Mr. Molson), for permitting a limited extension of a cement works in the Peak district, but the hon. Gentleman would not hesitate to attack me on the following day for the non-provision of houses. Cement is one of the necessary ingredients for houses. The hon. Gentleman cannot have it both ways; or perhaps, as a Member of the Opposition, he can; but I cannot have it both ways. If we stop the production of cement we are automatically stopping the production of those items and articles from which cement is made.

Just as all life is dynamic and circumstances and conditions change, so must we be prepared for necessary and inevitable changes in our national parks. Any other outlook would be fatal to the success of the national parks themselves. Among other changes, there may be a need for further afforestation, and there will be discussions between the Forestry Commission and the National Parks Commission before it takes place. Other forms of development may also be necessary. The Bill does, however, recognise the special position of agriculture and forestry. In Clause 4(5) it provides that both the National Parks Commission and the local authorities are to have due regard to the need for securing that agriculture and forestry as established in the parks shall be efficiently maintained.

Here I should like to make it quite clear that the closest consultation will take place between my right hon. Friend the Minister of Agriculture and myself on any proposals affecting land used for agriculture whether in a proposed national park or in an area of open country to which the public is to have access or on the creation of a new public right of way. Indeed, this is merely

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This is a drafting Amendment. There was a great deal of discussion on these words, and I think the word "public" is right.

Mr. W. S. Morrison: As I suggested the word "public" to the right hon. Gentleman, I shall support his Amendment.

Amendment agreed to.

Mr. Silkin: I beg to move, in page 3, line 30, to leave out from "the," to end of line 32, and insert: "needs of agriculture and forestry."

The object of this Amendment is to require the National Parks Commission and the local planning authorities to have due regard to the needs of agriculture and forestry. Here again there was a great deal of discussion in Committee, when the Clause as originally drawn contained a number of phrases which I admit were a little uncertain in their implication and also confusing. I offered to take the matter back and see whether I could improve on it, and I believe that this is an improvement. There are two points. The first is that the words "as then established in the parks" have gone entirely, and there was also the point about whether we should refer to local industry or rural industry. On the whole, I have come to the conclusion that it is quite unnecessary to refer to these matters.

What we want to emphasise is that the authorities, in planning the area, should have regard to the needs of agriculture and forestry. Those are the outstanding and dominating questions which really determine the character of the national parks, and to incorporate a great many other forms of activity would simply make the whole thing meaningless. I hope that, while I wish to repeat what I said in the Committee that the intention is to maintain the general character of the national park areas, it is to be a living community and the life of the area will go on. Nevertheless, agriculture and forestry will always be the dominating forms of activity, and I think it right that this, and this alone, should be emphasised.

Colonel Clarke: I was glad to hear the Minister say that it has got to be a living community because the Clause as

originally drafted implied that it should be static. Agriculture can never be static; obviously, to be static would be to die. I am glad the right hon. Gentleman has altered the Clause in the way he has.

Amendment agreed to.

Clause 6.—(DESIGNATION AND VARIATION OF NATIONAL PARKS.)

Amendment made: In page 4, line 17, leave out "of this section," and insert:

"or subsection (5) of this section, as the case may be."—[Mr. Silkin.]

Clause 7.—(ARRANGEMENTS FOR ADMINISTRATION OF FUNCTIONS OF LOCAL PLANNING AUTHORITIES AS RESPECTS NATIONAL PARKS.)

Mr. Silkin: I beg to move, in page 4, line 34, to leave out "it is expedient so to do," and to insert:

"by reason of any special circumstances it is expedient so to do for securing efficient administration in the park."

During the discussion in Committee there was a strong feeling that in the normal case where a national park was in the area of a number of authorities, the responsible planning authority should be a joint planning board rather than an advisory committee, which was the alternative referred to in the Bill. I hope I have made it clear that the normal position would be a joint board, and that an advisory committee would only be set up in special circumstances. It was contended that that was not clear in the Clause as it then stood, and I gave an undertaking to see if I could define more clearly what "special circumstances" were. This Amendment is the result. It provides that an advisory committee will only be set up if it is expedient so to do by reason of any special circumstances for securing the efficient administration of the park. In other words, the onus is on those wanting to set up an advisory committee to establish that that is a more efficient way of administration, and unless that can be shown then the joint board will be set up.

Amendment agreed to.

Mr. Silkin: I beg to move, in page 4, line 36, to leave out from "shall," to end of line, and to insert:

"not have effect unless and until the direction is revoked."

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ORDERS OF THE DAY

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE BILL

Order for Second Reading read.

3.50 p.m.

The Minister of Town and Country Planning (Mr. Silkin): I beg to move That the Bill be now read a Second time.

This long-awaited Bill will be received with great pleasure by a large number of people all over the country who have witnessed with considerable concern disturbing trends in the development of these islands. We are today one of the most densely populated countries in the world. More and more people are living in towns. Today four out of every five are living in urban communities, and this has resulted in almost a complete separation of town and country. There are almost two different peoples with differing mentalities with a lack of understanding by the townsmen of the countryman's point of view. In particular, there is a very considerable lack of knowledge and appreciation on the needs of the countryside and its preservation. Yet with the increasing nervous strain of life it makes it all the more necessary that we should be able to enjoy the peace and spiritual refreshment which only contact with nature can give.

There is first of all the disfigurement of the countryside. This has been going on for 100 years or more. We have shacks, ribbon development, unsightly coastal development, mineral workings, quarrying, power stations, gas works, poles and pylons supporting overhead electricity, telegraph and telephone wires, radar and radio establishments, reservoirs, outdoor advertisements, nissen huts, hutments, hangars and other Service buildings. Each of these more or less necessary appurtenances of modern science, progress and civilisation makes a great contribution to the disfigurement of the countryside.

Then we have suffered a considerable loss of agricultural land. This is of primary importance to us today in view of the economic situation, but it is not so much with that aspect of it that I want to deal this afternoon, but with the fact that agricultural land contributes very greatly through its pattern of cultivation

to the unique character and the beauty of our landscape. It is, from this loss that we are suffering now. In recent years there has been a considerable loss of access to the countryside through the ploughing up of footpaths during the war, land required by the Service Departments, gathering grounds and so on.

Although owners of uncultivated land in various parts of the country have tacitly permitted trespass on their land, there are still many places where access is difficult, for instance, in the High Peak, where often the only contact with the lovely countryside is the remote one of being able to look at it from concrete or tarmacadamed roads, despite the fact that there are millions of people living in conditions of great congestion within 25 miles of the Peak district, whose only outlet to the countryside practically is in that area. Coupled with these trends is a considerable lack of public facilities for open-air recreation, and for opportunities of getting to the countryside and enjoying it.

The Bill before the House is directed to arresting and reversing these various trends. Its objects broadly are, first, to preserve and enhance the beauty of the countryside; and, secondly, to enable our people to see it, get to it, and enjoy it. This Bill is the culmination of the pioneering efforts of many public spirited persons who devoted themselves to the open-air cause through the agency of voluntary organisations. Some of them were formed as far back as the second half of the last century. If I may, I should like to mention some of the names of these organisations, and in doing so I hope I am not leaving out any body which ought to be mentioned. There is the Council for the Preservation of Rural England, the Commons, Open Spaces and Footpaths Preservation Society, the Ramblers' Association, the Cyclists' Touring Club, the Youth Hostels Association and many others. Their endeavours to interest and arouse public opinion have been slow but steady.

Today, for example, there are, I understand, 150,000 registered ramblers, walkers, cyclists and climbers, and other similar organisations have large memberships. Youth hostels are being put up in increasing numbers all over the country. That is a very good sign. The Town and Country Planning Act, 1947,

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perpetuating the existing practice, but I think it right to place on record that these consultations will take place. Incidentally, I hope that the national parks as well as the areas of exceptional beauty will be well signposted, and that, while I do not visualise anything in the nature of a physical fence running round them, the public will nevertheless be informed when coming into a national park or an area of exceptional beauty—and when they are actually in such an area—and will learn to take a pride in it and feel that it belongs to them.

I shall now briefly describe the proposals in the Bill for national parks. The proposals are contained in Parts I and II. It is proposed to set up a National Parks Commission. This will consist of a chairman, a deputy chairman and a number of members. The Bill does not prescribe the number of members. I think that we should probably begin with a small number and increase them as the number of national parks and areas of exceptional beauty increases. It would be a mistake to appoint a large number of people at the beginning without giving them an adequate amount of work to do. It is proposed that the chairman, the deputy chairman and the members should all serve part-time and that only the chairman and the deputy chairman should be paid. As regards the membership, no particular qualifications are mentioned in the Bill, but I have in mind that they should be persons with a love of the countryside and with a knowledge and understanding of open-air life and needs for recreation. I should like to see on such a Commission somebody with considerable experience in the provision of recreational facilities.

Mr. Lipson (Cheltenham): Such as Mr. Butlin?

Mr. Silkin: Why not? He might make a very useful member. Anyway it would mean that he could not go into business in national park areas. There should be on the Commission people who are able to speak of the needs of the users of the national parks. I hope that generally the Commission will consist of people of wide experience of the need for national parks and the best way in which they can be used.

Sir Hugh Lucas-Tooth (Hendon, South): Does the right hon. Gentleman contemplate hon. Members as members of the Commission?

Mr. Silkin: Speaking off-hand, unless there are legal difficulties which would prevent it, I would not rule hon. Members out of membership if they possess the necessary qualifications.

Colonel Dower (Penrith and Cockermouth): Would that be as unpaid members?

Mr. Silkin: Yes, Sir.

I now want to discuss the powers of the Commission. This is one of the matters upon which the Bill has received some criticism. It has been said that the Commission will not have sufficient powers and that it will merely be an advisory committee. I want to tell the House what those powers are. They are unfortunately distributed throughout the Bill, for reasons which are inevitable; they arise under different aspects of the functions of the Bill, under access, footpaths, national parks, areas of exceptional beauty, and so on. It may be convenient to hon. Members who form the Committee on the Bill if those powers are put together in a form which will enable the Committee to see what the powers are as a whole, with a reference to the Clauses from which the powers are derived. I hope that the House will allow me to distribute a memorandum on the subject when we come to the Committee stage.

The first task of the Commission will be to select the areas of designation as national parks. They will be asked to look at the areas recommended by the Hobhouse Committee first, and it may be that I shall ask them to look at specific areas from the point of view of urgency. It is more urgent to deal with some areas than with others, and I hope that that will be the criterion for selecting the first areas for designation. The Commission will advise the Minister on how park planning authorities are to be constituted; that is, on the question of joint boards, joint committees, special committees and so on. They will advise the Minister as to the persons to be nominated for co-option to the park committees. They will assist the park committees in formulating detailed proposals

for administering the national parks and providing facilities, and generally keep under review the activities of local authorities in the national park areas.

a. They will advise the local authorities and the Minister on the development plans in the national park areas and in areas of special beauty. They will be consulted on particular proposals for development—whether by private persons, local authorities, statutory undertakers or Government departments—as well as generally. They will recommend to the Minister what grants are to be paid to local planning authorities. That is very important. The power of the purse is perhaps the most important of all, and although no Minister would consent to be bound by the recommendations of a Commission, I am sure that the House will agree that equally no Minister would lightly disregard the recommendations of a Commission. They will be responsible for telling the public about the park, about its history and its features, where accommodation is to be found, and where buildings of architectural and historical interest are and all about such buildings. In this respect, they will function as an information service.

c. Generally the Commission will be responsible for drawing attention to any question affecting natural beauty in any part of England and Wales. I suggest that is a function of great importance, and one which is far wider than any proposed by the Hobhouse Committee, where the duties of the Commission were to be confined to specific areas. They will also be responsible for selecting the other areas of natural beauty to which special powers are to apply. These areas are defined in Clause 70. They will be normally smaller in extent than the national parks and for that, or some other reason, therefore unsuitable for designation as national parks.

b. The Commission will also be responsible for selecting the long-distance footpaths. They will report annually to Parliament and so to the public about their progress, and if they are frustrated in any way by the Minister or by Government Departments, they will have a full opportunity of drawing the attention of the public to these frustrations in their annual report. I would say that much will depend on the quality of the Commission. They have pretty formidable

powers. They are capable of creating for themselves an outstanding position in relation to the natural beauty and the open-air life of this country, and it is certainly my intention to appoint a Commission which will be a responsible and important body, and one which is capable of undertaking the great powers with which they will be entrusted.

Now I want to discuss the detailed administration of the national parks. It is proposed that this shall be carried out by special park committees. It will be inevitable that most of the national parks which will be set up will be within the area of a number of authorities. Few will be in the area of one single authority, but where this is the case they will set up a special committee to deal with that national park. Where there is more than one, the Bill provides that there shall be set up a joint board consisting of representatives of the different local authorities or, with general agreement, an advisory committee. It is normally my intention to set up a joint board because I recognise the importance of uniform administration in a national park area. It would be contrary to the purpose of a national park that it should be possible to have different authorities administering different parts of it in different ways, and the normal and obvious method of that administration will be by way of a joint board.

Only in exceptional cases would I consider an advisory committee at all, and those would be where a large part of the national park area is in the area of one authority and a small portion is in the area of another or several others. Take, for example, the proposed Brecon Beacons. Of course, it does not follow that the areas set out in the Hobhouse Report will eventually be exactly the national parks but, taking those as an example, out of 327,000 acres in the Brecon Beacons, 1,344 are in Glamorgan and 12,000 in Hereford. It would seem to be somewhat absurd in such a case to set up a joint board giving Glamorgan representation and the opportunity of administering a very large area indeed in which it has little or no interest, merely because one-three-hundredths of the area of the national park happens to be within the area of the Glamorgan County Council.

The same applies to the South Downs where, out of 176,000 acres, 800 are in

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the County Borough of Brighton and 4,000 in Eastbourne. While I do not wish to commit myself at this stage, even in those cases, to the setting up of an advisory committee, I suggest that it might be a matter for consideration as to whether, where there are authorities having so slight an interest in the national park it would not be wise to set up an advisory committee rather than a joint board, but it is not one of those matters about which I would wish to be dogmatic. The joint board is an instrument of administration which has so far hardly been used. I would like to have an opportunity of trying both the joint board and the advisory committee, and there is nothing in the Bill which would prevent one from creating a joint board if an advisory committee were found to be unsatisfactory.

The Bill provides that at least a quarter of the board or of the committee shall be appointed by the local planning authority on the nomination of the Minister, after consultation with the National Parks Commission. This will enable the Minister to ensure that persons are appointed to the parks committee without local interest or prejudices, who are able to put before the committee the so-called "national" point of view, whatever that may mean. Probably what is meant is the amenity point of view. At any rate, these people will be on the committee and they will be of a calibre and with qualifications which will enable them to put the wider amenity point of view to the committee.

General powers are conferred in the Bill upon the local planning authorities to take any action to secure the purposes for which the parks are created. A great many of the purposes for which these are parks are being established can be carried out under existing legislation, under the Town and Country Planning Act, 1947, and other enactments. Where it is possible for that to be done, it is proposed that it should be done under existing enactments, but specific powers are conferred to enable the local planning authorities to provide accommodation, camping sites, parking places, refreshments—including licensed premises—improved access for the planting of trees, the removal of disfigurements, such as shacks, and other unsightly objects,

and the restoration of derelict land in the national park area. It is intended that in the provision of these facilities which I have mentioned—accommodation, camping and refreshments—the fullest use should be made of voluntary associations such as the Youth Hostels Association, the Workers' Travel Association, and others, by means of a subsidy, where necessary, from the local planning authority. But the local planning authority can provide these services where they are satisfied that no other body is able or willing to do so.

Powers are conferred on the planning authorities to improve waterways; I have particularly in mind the Broads, which represent a serious problem. The most serious threat to the Broads as a holiday area is the encroachment of sea vegetation on the open water. The only remedy is clearing and dredging. In addition, certain Broads once freely used are now closed to the public and, consequently, are overgrown. Thirdly, the three most popular yachting centres are greatly congested in the holiday season and new centres are needed. Finally, there are the further problems of pollution from sewage and the protection of wild life which is to be found on the Broads. This provision for dealing with the Broads and other waterways will be a source of considerable satisfaction to my hon. Friend the Member for Lowestoft (Mr. Edward Evans) who has, both in this House and outside, carried on a lively and well-informed agitation for the improvement of the Broads.

Under the Bill there is power to provide a warden service. I would like to make it quite clear that the wardens will not in any sense be a police force. Their main job will be to explain to visitors what they can and what they cannot do in the parks and to report damage to fences, trees and so on. It is not intended that this service will be a large one, for we believe that once people know what is expected of them we can rely upon them not to damage the parks.

There is power to restrict traffic of any particular description in a national park area and areas of extensive beauty or roads forming a long-distance route, subject to the approval of the Minister of Transport. These powers will be reinforced in three ways. First, there is the system of Exchequer grant, which

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courts. It is possible under Clause 84 to authorise another local authority to act in place of the local planning authority. This is an additional default measure. There is provision for other local authorities to assist financially, or to act in a particular case, by agreement, in the place of the local planning authority. For instance, a city could provide accommodation, or other facilities, for ramblers in a nearby park.

The next part of the Bill is that dealing with nature conservation. As some hon. Members know, a Nature Conservancy was recently set up by Royal Charter—

Colonel Dower: Is compensation for injury provided for under this Clause?

Mr. Silkin: I shall deal with that under access and under footpaths. The Nature Conservancy will work under the authority of the Privy Council and the Lord President will be responsible in this House. The objects of the conservancy are stated in the Charter to be to provide scientific advice on the conservation and control of the natural flora and fauna of Great Britain; to establish, maintain and manage nature reserves in Great Britain; including the maintenance of physical features of scientific interest; and to organise and develop the research and scientific services related thereto. Three hon. Members of this House have, among others, been appointed as the first members of the Nature Conservancy, the hon. Members for Twickenham (Mr. Keeling), Forest of Dean (Mr. Philips Price) and Motherwell (Mr. Alex Anderson) and the hon. Members for Motherwell and for Orkney and Shetland (Sir B. Neven-Spence) on the Scottish Committee.

The beauty of the scenery in the national parks and areas of beauty depends, to a large extent, upon the trees and other plants that grow there. To maintain and enhance the beauty of this natural flora calls for scientific knowledge and advice. It is obvious, therefore, that close contact will have to exist between the Nature Conservancy and the national parks. This contact will be provided in a variety of ways, one of which will be by overlapping membership. I intend to appoint one or more members of the Conservancy to serve on the Commission and

my right hon. Friend the Lord President has left seats vacant on the Conservancy for the reverse process.

Sir Ian Fraser (Lonsdale): With all respect, the right hon. Gentleman has not the power to appoint anyone to the Conservancy has he?

Mr. Silkin: The Lord President would suggest names for the Commission. These things can be done by good will, if we want to do them. I agree that I cannot directly appoint to the Conservancy; that is the function of the Lord President.

The Conservancy will, no doubt, follow the report of the Wild Life Conservation Special Committee, which recommends the setting up in England and Wales of about 70 nature reserves, having a total area of about 70,000 acres. It is expected that the total acreage needed in Scotland will be of the same order. The Bill empowers the Conservancy in England and Wales as well as in Scotland—and this is the only part of the Bill in which Scotland is concerned—to agree with owners of land for securing that the land is managed as a nature reserve, to pay compensation for the effect of any restriction on the land imposed by the agreement, and, in certain circumstances, to acquire land compulsorily. Local authorities are also empowered to set up local nature reserves. These provisions should, in the long run, be of great scientific value to the community and should provide considerable interest and pleasure for many people in every walk of life. There are a great many more people interested in nature reserves than one might imagine.

Part IV of the Bill deals with public rights of way. Broadly speaking, it carries out the recommendations of the Special Committee on Footpaths and Access to the Countryside and also of the Scott Report. Its main purpose is to provide a simple procedure for the settlement and establishment of existing rights of way. It requires the county councils to make a survey of existing rights of way within three years. It requires that, wherever possible, the district councils and parish councils should be used in making this survey. I think it is right that they should be used, because, obviously, district councils and the parishes would have a much more detailed knowledge of the existing rights of way than a county council might have.

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additional number of visitors. It is presumed that this additional number of visitors will bring increased trade and, therefore, revenue to the areas, which will assist them in meeting the burden. At any rate, wealthy authorities who are capable of bearing the burden of large capital expenditure do not hesitate to incur millions of pounds of capital expenditure with the intention of asking visitors to their areas, realising that the benefit to their ratepayers will recoup them for the large burdens which they are incurring. I believe that those considerations will apply also to the national park areas.

There are considerable safeguards in the Bill as well. There is the presence of not less than 25 per cent. of members on the parks committees who will put forward national considerations. There is the right of the National Parks Commission to be informed and to make representations to the Minister both generally and on specific cases in respect of private development and development by Government Departments and statutory undertakers. Then there is the power of the Minister to call in applications or to revoke decisions under the 1947 Act. I know that some people may say, as they always do say about every Minister, that they can trust the present Minister but that they cannot trust his successor. I remember that it used to be said about the right hon. Member for Cirencester and Tewkesbury (Mr. W. S. Morrison). Of course, the Minister and the Government have to be trusted; if we have a bad Minister or a bad or unsympathetic Government the national parks will not be well administered. One must recognise that.

The alternative is to have some body or organisation which is above the Government and more powerful than the Government, and which can carry out its will regardless of the policy or the desires of the Government. I do not think anyone would particularly recommend that state of affairs; therefore, it seems to me that it is inevitable that we should in the last resort depend upon the local authorities, the National Parks Commission, the Minister and the Government for securing that our beautiful land is properly preserved, its beauty

enhanced and the other functions of this Bill properly carried out.

I want to make it quite clear that I can give no guarantee whatever that it might not be essential to permit a certain amount of what some hon. Members will regard as undesirable development in the national park areas. It may be necessary in the future as it has been in the past to permit some part of the national park areas to be used for purposes of national defence. It may be necessary to utilise the mineral wealth which lies in those areas for the purpose of ensuring the economic life of our people. I do not think anybody would seriously suggest that we should ignore the existence of this mineral wealth and fail to utilise it, subject to a number of conditions. The first condition is that it must be demonstrated quite clearly that the exploitation of those minerals is absolutely necessary in the public interest. It must be clear beyond all doubt that there is no possible alternative source of supply, and if those two conditions are satisfied then the permission must be subject to the condition that restoration takes place at the earliest possible opportunity.

I realise that this Bill, good as it is, is capable of improvement, and during the remaining stages I shall welcome the co-operation and assistance of hon. Members in all parties, many of whom will have a wider knowledge of the subject matter in this Bill than I can possibly claim to have. I shall be very ready to consider any suggestions also from voluntary organisations, with their expert knowledge. But however good may be the machinery of this Bill as it finally emerges, it is largely machinery. Its success must depend on the courageous, determined and imaginative spirit in which it is carried out by the parties concerned, by the local planning authorities, the Commission, my Ministry and the Government. It has immense possibilities for enhancing the beauties of this island, but even more by providing closer contact with nature and in improving the physical, moral and spiritual welfare of our people. With all sincerity I can promise that, so far as this Government and I, as Minister, are concerned, we will do everything in our power to give life and reality to the terms of this Measure.

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a. This Bill is the third piece of important legislation which I have been privileged to introduce into this Parliament, all of them major implementations of great State Reports—Barlow, Scott, Uthwaite, Reith, and Hobhouse. That, in itself, I may humbly claim, is a unique record. All these documents will live in the history of town and country planning. It is a source of special pride to me that these Measures, together constituting the complete trilogy of planning, represent a code fashioned in this one Parliament by the same Minister. The New Towns Act and the Town and Country Planning Act, 1947, were designed to improve the broad material conditions in which we spend our lives, but the present Bill has a more direct and specific purpose. By preserving and developing the beautiful parts of our countryside we are seeking to promote happiness for ordinary men and women.

b. It is perhaps a reason for our country's greatness that in a difficult period like the present we are not afraid to set aside time and energy for the practical measures needed to help people to enjoy these beautiful areas. No one will wish to disagree with the wisdom of doing so, because the enjoyment of our leisure in the open air and the ability to leave our towns and walk on the moors and in the dales without fear of interruption are, with all respect to my right hon. Friends the Ministers of Health and of National Insurance, just as much a part of positive health and wellbeing as are the building of hospitals or insurance against sickness. I am particularly proud to introduce this Bill because it represents something which men and women have wanted for a long time and have struggled for, often with little hope of success.

c. Now at last we shall be able to see that the mountains of Snowdonia, the lakes and the waters of the Boards, the moors and dales of the Peak, the South Downs and the tors of the West Country belong to the people as a right and not as a concession. This is not just a Bill. It is a people's charter—a people's charter for the open air, for the hikers and the ramblers, for everyone who lives to get out into the open air and enjoy the countryside. Without it they are fettered, deprived of their powers of access and facilities needed to make holidays enjoyable. With it the countryside is theirs

to preserve, to cherish, to enjoy and to make their own.

5.22 p.m.

Mr. W. S. Morrison (Cirencester and Tewkesbury) : I am sure the whole House will wish me to congratulate the Minister on having survived a considerable mental and physical ordeal in the careful and exhaustive survey which he has given us in presenting this Bill today. The right hon. Gentleman took us fully into past history and voiced, in the concluding passages of his speech, so many of the aspirations which are common to all of us that I shall be able to limit the compass of my remarks. I need hardly say that I welcome the Bill. We all rejoice in anything which will make an understanding of the countryside a more general possession of our people. I agree with all the right hon. Gentleman said about the value, to body and mind, of encouraging proper access to our open spaces. He was good enough to mention my own contribution to this question during my term of office but, of course, much work was done before I came on the scene. Enthusiastic private persons had long agitated for something of this kind and have done, in the meantime, invaluable work in preserving from depredation many of the areas which they one day hope to see made national parks. If the right hon. Gentleman occasionally feels irritated by the zeal of these societies I am sure he would be the first to acknowledge that they have done wonderful work in preserving for this generation areas which might otherwise have been spoilt.

Mr. Silkin indicated assent.

Mr. Morrison : In that task it is worth while noting which were the chief potential dangers to these areas. They did not, as is generally the case under town planning, arise from the private developer, although he might, by an unsightly building, ruin a fair prospect. Of course, quarrying carried out in thoughtless fashion can be a danger, but in the open spaces which are now considered to be potential national parks the main potential depredators have been Government Departments and statutory undertakings. It is against these powerful forces that those who wish to preserve the beauty of these areas have had to fight. That they have succeeded so well is a

compass of the ambition, of almost everyone, and it is those new circumstances which have given birth to this Bill, which I regard as a token tribute to the spirit of travel, adventure and exploration which we like to see and want to see abroad in the land. That is the challenge we seek to meet and that is the genesis of the demand for access to open country, long-distance footpaths and the like.

It may be asked where this work will be apparent to the naked eye, and how soon. Perhaps I may sum up what we have in mind. For example, we see the provision of long-distance footpaths which the National Parks Commission will survey and submit to the Minister for approval. What will the Rambler find within the park? Any unsightly development which has existed is being removed. I am not suggesting that these things will happen at once, but as shortly as can be. Higher standards than normally may be imposed in the case of new development. A wanderer may pass some country house or estate of architectural merit standing upon land acquired by the Minister and paid for by the Exchequer, open for him to enter; the house maintained perhaps by the National Trust or some other body; the home or the adjoining farm managed by the Agricultural Land Commission.

He may pass on to a parking place, hostel or camping site which, aided by generous Exchequer grants, will be provided by the local park planning authority, although perhaps run by the Youth Hostels Association. He may stop at some rambler's rest, perhaps expressly provided not by a park planning authority but by a neighbouring city—a point which has not been touched on—as their contribution to a place with amenities which their citizens enjoy in their leisure hours. If it is uncertain what is open to him, the Rambler may make use of the services of a warden who may guide or advise no less in the interests of farming than out of a desire to reveal sources of entertainment and natural beauty. He may ride, or bathe, or sail, or fish, or cycle, or drive, or walk, perhaps on paths treed and shady, from which traffic is excluded, or he may just laze. In any event, the cost of what he does will be aided by the Exchequer and he will, we hope, go back refreshed and reinvigorated, and once again, when the

week's work is done, he may return to the things he loves. Above all, he will be there a free citizen as of right, and if chance has brought him to one of those spots, one of many which used to bristle with wire or "Keep Out" notices, or about which tales were told of past battles between keepers and owners and rambles, now he may reflect that those are things of the unhappy, far-off long ago, best forgotten by all.

I think we have had a good two days' Debate. There are few points appropriate to a Second Reading Debate which have not been touched on. I know my right hon. Friend is grateful for the reception this Measure has had. In this Parliament we have often had to discuss and divide over bitter matters, but here, in this piece of legislation, we are glad to feel that we are indeed one Parliament, and however we may vary in our ideas of administrative detail, we are united in the determination to secure and enjoy the peace of the English countryside.

Mr. Beechman: The hon. Gentleman did not reply to one or two points I made. I take no exception to that, because it may be difficult to reply to them now, but I would like to know some time how it is intended that the coastal paths, which we all desire to see, are to be paid for. I am really wondering whether the county councils, which have so many charges put upon them nowadays, will have to pay for them. Also I should have liked to hear something about minerals, such as tin.

Question put, and agreed to.

Bill read a Second time and committed to a Standing Committee.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE [MONEY]

Considered in Committee of the Whole House under Standing Order No. 84 (Money Committees).—(*King's Recommendation signified.*)

[Mr. BOWLES in the Chair]

Resolved:

"That, for the purposes of any Act of the present Session to make provision for National Parks and for other matters, it is expedient

[Lord Macdonald of Gwaenysgor.] suggestions and recommendations made, but not many, and very few of them are of any substance:

It appears that the earlier Reports have been the basis for the later Reports, and those responsible for the later Reports were good enough to acknowledge their debt to those responsible for the earlier. I have been reading the Dower Report, in which the late John Dower (I need not tell your Lordships that few men had a greater knowledge or interest in this question than the late John Dower) makes reference to the Report of an earlier Committee, set up almost exactly twenty years ago. It will interest your Lordships to know that the Chairman of that Committee was my noble friend Lord Addison, the Leader of the House. The Dower Report uses this sentence in reference to the Addison Report:

"The Report remains a valuable assembly of facts and opinions, on which I have drawn freely and to which I acknowledge my debt."

The Hobhouse Committee pay a similar compliment to the Dower Committee. I copied out their words referring to the Dower Report. They said:

"Its comprehensive exposition of the problems involved and its wise proposals for their solution have been the basis of our whole inquiry and have formed a sound foundation upon which we have built."

As regards the Hobhouse Report itself, few Reports have been more appreciated in the country and by both Houses of Parliament. In fact, the test of this legislation seems to be to what extent it agrees or disagrees with the Hobhouse recommendations. Those who criticise the legislation suggested do so largely on the grounds that it does not carry out some of the many recommendations made by the Hobhouse Committee. Another interesting feature which will appeal to your Lordships is that we have with us to-day two members of your Lordships' House who took part in the preparatory work. They are my noble friend Lord Chorley—who the House will be pleased to know is likely to intervene in the debate later and deal with the points raised—and the noble Lord, Lord Merthyr, who himself took a great part in the work of that Committee.

When we try to make percentage calculations to decide how much of a Report has been embodied in a Bill, I think we are in danger of being misled. It would

be futile to tell your Lordships that 90 per cent. of the recommendations made by the Hobhouse Committee had been implemented in this Bill. Your Lordships would at once say: "Yes, but are you aware that the other 10 per cent. consists of major recommendations and, therefore, your percentage calculation is utterly useless?" I will not make any percentage calculation, except to say this: that much as many are disappointed, I think there is sufficient of the Hobhouse Report in the Bill to make it acceptable to your Lordships' House. I hope that during the passage of the Bill through your Lordships' House we shall be able to allay many of the anxieties which I know exist. I said that the Bill did not divide us on Party lines; that there would be no Party passions aroused and no Party feeling fostered; but I suspect that we may find a little personal feeling being shown here and there during the discussions, merely because, as I have already suggested, the Bill is on some points at variance with the Hobhouse Report.

Before I deal with the provisions of the Bill—not in great detail, but in general—I would refer to three questions which it seems to me would suggest themselves to any of us in reading the Bill. The first is: Why national parks? Then we ask ourselves: How national parks? And finally we ask that very important question: Exactly what do we mean by national parks? Now the word "park" has a clear and definite connotation to most of us. The park which I thought of at once was the park with which I was best acquainted—the park in Wigan. It may surprise some of your Lordships to learn that there is a park in Wigan, but there is, and it is a very attractive park. Let me also mention that there are other very attractive spots in and about Wigan. It was the park where I spent much of my boyhood. It is an area of ground covering several acres and is surrounded by railings. It is very neat; there are pleasant walks; a number of ornamental gardens, a pond and a bandstand. I need not tell your Lordships that such a park is not closely related to the national parks envisaged in this Bill. Nor are those other parks I saw overseas—those vast stretches of attractive country in the United States, Canada, or elsewhere. We have to rid ourselves of that conception of a park when dealing with this Bill.

I think the Hobhouse Committee were very wise when they decided that they would accept the definition of "national parks" given by the late John Dower. Perhaps your Lordships would like me to read that definition. It is:

"... an extensive area of beautiful and relatively wild country in which, for the nation's benefit and by appropriate national decision and action, (a) the characteristic landscape beauty is strictly preserved, (b) access and facilities for public open-air enjoyment are amply provided, (c) wild life and buildings and places of architectural and historic interest are suitably protected, while (d) established farming use is effectively maintained."

That was the definition accepted by the Hobhouse Committee, and that is the definition which the Minister and Government had in mind when designing this Bill.

There is another question which will be raised in general discussion, but which I think it advisable to mention here and now: If this Bill is intended to make the countryside and certain areas known as designated areas more attractive, what power does it give to deal with the British Electricity Authority and other undertakings which may despoil that beauty and rob the park of one or more of its attractive features? I thought it desirable that that question should be brought out at once. Indeed, in dealing with it, I would like to emphasise that the Bill does not give much power to the Minister or to anyone else to deal with this problem. Let me put it bluntly: there is no guarantee in this Bill that such activities will not be carried on in the areas designated as national parks. Your Lordships know that from the point of view of area this is a very small country. It is a country very thickly populated, and it is deeply engaged in the struggle to survive. The parks may cover as much as 10 per cent. of our land—a much higher proportion of our still undeveloped land. No responsible Government of any Party, could possibly undertake that developments of the kind referred to would be completely prevented in whatever areas may come to be designated as parks.

What I can say on behalf of the Government is this: that the Government do undertake that every development of that kind will be considered by the appropriate planning authority from the point of view of the interests of the park; and that any development that is likely to injure the interests of the park will be pre-

vented if—and it is a mighty "if"—it is feasible to do so without serious injury to economic or other equally vital interests. Let me emphasise here that the National Parks Commission set up under this Bill will be consulted on any important development of the kind before any decision is taken which would allow the development to proceed. As we all realise, the view of the Commission cannot be final—the final decision must be left to the Government—but the view of the Commission will carry very great weight, and the Bill provides that they are to submit a report on recommendations they have made, whether accepted or rejected by the Government. More, I cannot say, but I would urge your Lordships to keep very much in mind that the economic and industrial development of the country is sometimes so essential that we cannot always guarantee that areas designated as national parks will not be interfered with by these activities.

Now I will try briefly (I realise that many of your Lordships are anxious to intervene in this debate) to give some idea of what is involved in the Bill. It may help if I take each part separately. I have looked at Part I very carefully, so much so that I could almost recite it; but I do not think it is likely to give rise to any question, except that some of your Lordships may fear that Clause 3 gives power of direction to the Minister. During the Committee stage in another place, the Minister suggested that he had no special subjects in mind, and expressed the hope that it would be possible to proceed for a very long time without giving directions. Apart from that particular reference in Clause 3, however, I feel sure that the relationship between the Minister himself and the Commission, as set out in this Bill, will be acceptable to your Lordships. All the Bill says is that he will instruct or advise the Commission from time to time.

It also provides for an annual report by the Commission to be submitted to the Minister, and for the Minister to place a copy of it before both Houses of Parliament. This obligation to publish an annual report is not simply a formality. I know there are members of your Lordships' House who will seize upon this report and will consider every suggestion made by the Commission—especially those not accepted by the

[Lord Macdonald of Gwaenysgor.]
Minister of Town and Country Planning. I think the very fact that the Commission are in a position to advise and, having advised, to report as to what happened to the advice, does in fact strengthen their position. I hope that noble Lords will not feel too concerned because the whole of the Hobhouse Committee's Report on this question was not accepted.

In Part II the general duties of the National Parks Commission are laid down. The Commission, subject to confirmation by the Minister, will carry the main responsibility for the designation of areas as parks. They will carry the main responsibility for the care and development of the parks. The Hobhouse Committee's recommendation that the National Parks Commission should be empowered to compensate farmers in special cases for damage by national parks visitors has not been accepted, for to do so would place farmers in national parks in a privileged position as compared with farmers in, say, the Home Counties. There is also the difficulty of proving who caused the damage. It should be remembered that one function of the Commission is to see that the public do not do damage.

I know that Part II of the Bill will appeal to many of your Lordships. Here I propose to read a summary of Clause 6 because in that clause your Lordships will find the general duties of the Commission outlined. A brief summary of Clause 6 would read as follows: The Commission will be responsible for designating the parks, for producing programmes for them and seeing those programmes through, and for seeing that both general and particular park authorities are doing their job properly. It will be necessary for them to keep under surveillance any development in the parks, whether by Government Departments or private individuals or bodies, and they will have to advise the Minister in the carrying out of any of his functions in relation to the parks. There we get the responsibilities of the National Parks Commission very clearly set out.

The Town and Country Planning Act, 1947, must be kept very much in mind when considering this Bill. That Act came into operation only in July last and it was bound to be closely related to this

Bill. Let us look briefly at what that Act does in relation to the work envisaged in this Bill. As your Lordships are well aware, under that Act, the local planning authorities are the county councils and the county borough councils. They have extensive powers to control development, to prevent building or other development in the wrong place and to insist upon its being carried out in the right place. The Minister also has extensive powers under the 1947 Act. There is appeal to him for permission if any development is refused. He can direct that any proposals for development or proposals of a certain class must be referred to him for decision. He must approve plans. He can contribute towards various types of expenditure on planning purposes by the local planning authorities. Thus already under the Act of 1947, a planning authority—or the Minister—can refuse to allow disfiguring development in one of the national park areas; or they can insist on any development that is allowed being of a very high quality. And they can do these things without, broadly speaking, incurring a liability to compensation.

So far as national parks are concerned, the Bill only adds to the powers in the Act of 1947. It increases the rate of exchequer grant available for certain purposes, provides new grants for other purposes, and insists that in the exercise of powers within the national parks the Minister must consult and be advised by the National Parks Commission. I have already mentioned compensation. All I would say now is that the Bill enables the Minister—this is a concession made in another place—to nominate one-third of the members to serve on every joint board, advisory committee or local authority with responsibility for the care and management of a park or part of a park.

As your Lordships are aware, the decision to use the local planning authorities and to limit the National Parks Commission to an advisory rôle has created almost endless controversy. This controversy nevertheless served a very useful purpose in another place. The Bill that was introduced in another place differed drastically from this one, because the Minister showed great willingness to accept Amendments; and in this regard he has strengthened the position of the Commission immensely. The summary

does not go so far but, in an attempt to meet this demand in another place, it now provides that planning authorities must survey all their uncultivated land before deciding how much action they ought to take. In the Bill the public are given the opportunity of criticising their action if it is considered inadequate.

As to the financial arrangements contained in the Bill, it will be remembered by your Lordships that the Hobhouse Committee recommended that the whole of the cost of administration by the National Parks Commission should be borne by the Exchequer. This the Minister was unable to accept—and I shall be surprised if your Lordships press for more than is provided in the Bill. He went as far as he could to meet the point. It has been suggested, that although the grants reach up to 75 per cent., and in some cases 100 per cent., they are not big enough to induce authorities to do everything that should be done in the parks. It may be that I ought to remind your Lordships that the poorer county councils—and there are some to which I have no doubt the noble Lord, Lord Merthyr, will refer—already receive assistance from the Exchequer under the Exchequer equalisation grants which are given to all needy authorities by the Minister of Health. The result is that in some cases an authority will receive over 90 per cent. towards its expenditure on national parks. So the financial provisions can hardly be termed ungenerous, especially to-day. It may be that at the end of March, when this Bill goes back to another place, it may be possible to improve on those provisions. Having regard to the present position, however, I do not think any of your Lordships will ask for more than the Bill provides.

On the whole, this Bill has been well received throughout the country, though like most, if not all, Bills it has failed to give complete satisfaction. But even its most outspoken critics—and there are a good number—agree that it is a substantial step in the right direction. If, as I think it will, it enables thousands of our fellow countrymen to discover for the first time what peace and quiet and the beauty of the countryside can do for the human race; if, as I think it will, it helps to create a healthy mental outlook, to develop that steadiness and stability so greatly needed in the world

to-day, then it will be fully justified. I sometimes think that whilst mechanisation in industry has made possible greater leisure for the masses, mechanisation has also created for the worker, if he is to develop fully, and for his family, a greater need of days and weeks far removed from mechanised industry. This Bill is designed to help in that direction, and I beg to move.

Moved, That the Bill be now read 2^a.
—(Lord Macdonald of Gwaenysgor.)

3.14 p.m.

EARL DE LA WARR: My Lords, we are all grateful to the noble Lord for the charming manner in which he has presented this Bill to us. I do not know that he has told us a great deal about the Bill, but what he has done has been done extremely pleasantly. From my side of the House I should like to say straight away that there is virtually universal acceptance of the objectives of the Bill before us to-day. How could there be anything else! The objectives are the preservation of the countryside, the prevention of spoliation, the opening up of greater access to the enjoyment of the countryside. When one thinks of that great body of 150,000 or 200,000 young ramblers organised throughout the country who to-day are finding immense enjoyment, and who in future may get more, I think we must all be pleased. Looking at it from the point of agriculture, one must feel that anything which builds up a greater feeling of understanding and friendliness between town and country is all to the good.

As the noble Lord rightly said, this is certainly not a political Bill. It owes its immediate inception to Mr. "Shakespeare" Morrison in appointing the Dower and Hobhouse Committees. Sir Arthur Hobhouse was a great Liberal, I think, and therefore we owe that debt to the Liberals. And now the Labour Government are introducing the Bill. I am very glad the noble Lord reminded us of what we owe to the noble Viscount, Lord Addison, and I may claim a little responsibility for that appointment. I was Under-Secretary in that Department at the time, and on the dual grounds that it would keep the noble Viscount from criticising and that he would do the job extremely well, we decided to make the appointment. If, therefore, some of us are a little critical of some parts

2. The publication of the Report on National Parks and its associated reports (to which I refer later) has undoubtedly aroused a general expectation among the open-air interests and the amenity societies that machinery will be created to implement the proposals made for the establishment and running of national parks in this country. The movement in favour of national parks is part of the general trend of demand for access to the open country by urban dwellers; and the recent enthusiasm inspired by the Hobhouse Reports and the considerable publicity accorded to them are only the culmination of some twenty years of advocacy and propaganda for the national park idea. Moreover, there have in recent years been several public statements by Ministers expressing favour towards the principles underlying the demand for national parks. I have accordingly given close and sympathetic consideration to the proposals made by the Hobhouse Committee on National Parks and have held out the hope of legislation on the subject within the lifetime of the present Parliament.

3. While I accept the aims, I do not feel convinced that the somewhat elaborate machinery proposed for realising those aims is necessary. About

the Hobhouse proposals there hangs a general implication that neither the local planning authorities nor, indeed, the Minister of Planning himself can be trusted to show a proper appreciation of the value of preserving national parks and other areas of high scenic value. This scepticism no doubt underlies the idea that special machinery is necessary to realise the national park ideal, though the point is not argued in the Reports.

**NB 26 Memorandum from Minister of Town and Country Planning to Lord Presidents
Committee 25 June 1948, T 227/43**

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25th June, 1948.

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CABINET

LORD PRESIDENT'S COMMITTEE

NATIONAL PARKS, FOOTPATHS AND ACCESS TO UNCULTIVATED LAND

Memorandum by the Minister of Town and Country Planning

1. At the meeting of the Lord President's Committee on 23rd April, 1948, (L.P.(48) 6th meeting) I was instructed to consider further a number of outstanding points on the proposals for legislation dealing with National Parks, Rights of Way and Access to Uncultivated Land. My Department has consulted all Departments likely to be seriously affected, and there is now general agreement on the line which legislation should take.
2. The heart of my proposals is the setting up of a National Commission with power to advise on the administration of the National Park areas, while leaving administration in the hands of the ordinary planning authorities. Naturally, the interested Departments do not welcome the proposal that in the National Park Areas they may encounter even stronger opposition than at present to such development as military use, quarrying for minerals, overhead cables, any large building project; the War Office, especially have expressed concern. But it is inherent in the conception of National Parks that in these areas public enjoyment shall be even more closely safeguarded than at present. If that is conceded, then Departments generally agree that my proposals are acceptable in outline. Some details will need further discussion.

**NB 27 Memorandum from Minister of Town and Country Planning to Lord Presidents
Committee 25 June 1948, T 227/43**

County Council Responsibility

4. Another point that was made was that if I proposed to leave the administration of the National Parks to County Councils as the planning authorities "I ought to consider what might be done when a County Council failed to carry out a desirable National Park development". The main thing needed in the National Park areas of England and Wales is that nothing should be allowed which would be likely to spoil their natural beauty, or to restrict enjoyment of them by the public. This is something which, in my opinion, the County Councils can be relied on to secure, though in some cases, particularly where it is necessary to remove existing unsightly development, they may need special financial assistance. Should a County Council fail to do what is needed in any particular case, I should have my ordinary power to "call in" the case and deal with it myself. The Bill would further oblige County Councils (or County Borough Councils which are involved in some areas) to consult the National Commission before reaching a decision on any project likely to prejudice the character of a Park area, and to refer to me any case in which there was a difference of opinion. My attention would therefore be called to any such project in good time.

5. As regards "development" of the Parks, I think that the main requirements will be acquisition of some stretches in the public interest, provision of access by creation and improvement of rights of way, enhancement of landscape by tree preservation and tree planting, development of hotel and catering accommodation, some clearing of waterways, etc. In all these matters the Commission would be empowered to take the initiative and an Exchequer contribution to the cost, in some cases up to the whole cost, would be available.

6. I should also propose to take power to act in default of a County Council or County Borough Council in any case where that seemed necessary. It seems to me, therefore, that the point - i.e. whether the planning authorities can be relied on to do the job - will be adequately met; and, the more I think of it, the more convinced I am that it would be wrong to take their planning powers away from planning authorities in relation to these areas within a few months of their acquiring the powers. In several cases the areas will amount to a substantial proportion of a whole county.

NATIONAL PARKS AND OTHER AREAS OF NATURAL BEAUTY

9. National Park Areas. I said in my earlier Memorandum that I thought that the responsibilities of the National Commission should extend to most, if not all, of the Conservation Areas proposed in the Hobhouse Report as well as to the twelve National Park areas. I still think that the Commission's responsibilities should extend beyond the National Park areas; but I now propose that the areas to be defined as National Parks should be limited to extensive areas of beautiful and relatively wild country (this is the Hobhouse definition) of special value for public enjoyment and recreation as well as for their basic use of agriculture, forestry, etc; and that, outside those defined areas, which I would not expect to exceed twelve to fifteen in number, the Commission should have certain limited functions for the protection and preservation of any area of outstanding natural beauty. These areas would not have to be defined. The Commission would be expected to satisfy me about the case for action ad hoc as they considered necessary.

**NB 29 a, b, Memorandum from Minister of Town and Country Planning to Lord Presidents
Committee 25 June 1948, T 227/43**

16. Functions of the Commission outside National Park Areas. The Parks by definition are to be extensive areas of beautiful and relatively wild country.

Other rural and coastal areas which are neither extensive nor relatively wild may, however, be just as beautiful, and from that point of view of just as much national importance, e.g. the Cotswolds, the Wye Valley, various stretches of coast. I do not want these areas to be defined on maps. If that is done, it might well give rise to a demand that the National Parks Commission should have the same right to

be consulted about projected development in these areas as they will have in the National Parks. But I think it is essential that there should be the same power to contribute to the protection and enhancement of natural beauty in these areas as there is in the National Parks. For example, I do not see how I could defend taking power to contribute at a specially high rate to the removal of disfigurements on, say, the Pembroke coast and not on, say, the Dorset coast. I therefore propose that my Department should be empowered, on the advice of the Commission, to make a special contribution towards the preservation or planting of trees, to the removal of unsightly development, and perhaps other "amenity" purposes, in any area which the Commission could satisfy me is of outstanding natural beauty, and ought to be specially assisted. I would not propose any special contribution towards land acquisition, works, or the provision of hotel and catering accommodation in these areas, since I do not think that the same case for facilitating public enjoyment will arise.

17. It will follow that the Commission must be entitled to express views on the protection of any area of natural beauty. This is at present within the terms of reference of the Royal Fine Art Commission which is appointed "to enquire into such questions of public amenity or of artistic importance as may be referred to them from time to time by any Department and to call the attention of any Department or of the appropriate public or quasi public bodies to any project or development which in the opinion of the said Commission may appear to affect amenities of a national or public character." I would propose that in relation to National Park areas, or to areas of outstanding national beauty, this function should be taken over by the National Parks Commission. The Royal Fine Art Commission in practice concern themselves mainly with urban amenities.

CONFIDENTIAL

AMENITIES BILL

Instructions to Parliamentary Counsel.

General Description of Proposals

1. The Minister of Town and Country Planning desires to have prepared a Bill dealing with three main matters -

- a.
- (a) the preservation and promotion of amenity and recreational facilities in areas to be defined and selected as "National Park" areas, and other areas of outstanding natural beauty;
 - (b) the survey of existing rights of way; the procedure by which the existence of public rights of way shall be determined; powers and responsibility for their maintenance and improvement; provisions for the closure or diversion of existing rights of way, or the creation of new rights of way; and provisions for access to uncultivated land;
 - (c) the conservation of nature.

2. These matters are dealt with as to National Parks in a report of the Hobhouse Committee (Cmd. 7121), and as to the other two matters in reports of special committees set up by the Hobhouse Committee (Cmd. 7207 Footpaths and Access to the Countryside; Cmd. 7122 Conservation of Nature in England and Wales). To avoid confusion it should perhaps be said that the conception of conservation areas so-called in the Hobhouse Report (see Part VIII of the Report) is dead, although the areas of outstanding natural beauty referred to in these instructions will be areas which on the Hobhouse proposal would have been conservation areas. This will have a bearing on the way in which the recommendations of the Wild Life Conservation Special Committee are to be dealt with. It may also be mentioned that the local organisation proposed for dealing with National Parks (see below) will be radically different from that recommended by the Hobhouse Committee (Part V of the Report).

3. There will, of course, be some inter-relation between the provisions in these matters. In particular the provisions in respect of access would apply outside as well as inside National Park areas, and again, provisions in regard to conservation of nature would, of course, be exercisable in any part of the country, including National Parks and other areas of outstanding natural beauty.

b.

4. It may be useful to Counsel first of all to state in very broad terms what is in mind in regard to National Park areas and other areas of outstanding natural beauty. This reduces to making special arrangements to secure two main aims - (a) the protection of amenity; and (b) the enjoyment of that amenity by the public. The main point under (a) would be to establish a National Commission and to give it a watch-dog and advisory function over amenity interests, generally in the National Park areas, and to a more limited extent in other special amenity areas; and as regards (b) the concept is that the National Commission would determine, in respect of the various Park areas, what needs to be done by way of clearing up disfigurements, promoting better standards of building, tree planting, etc., and in National Park areas the provision of additional holiday accommodation; would make recommendations as to what Exchequer assistance to the various agencies, including local authorities and such bodies as the National Trust, is necessary

Definition of National Park Areas.

- a. 5. The definition of a National Park area is not easy. The Hobhouse Committee (paragraph 29 of their Report) accept the definition of a National Park in the Dower Report (Cmd. 6628) namely:-
- b. "An extensive area of beautiful and relatively wild country in which, for the nation's benefit and by appropriate national decision and action, (a) the characteristic landscape beauty is strictly preserved, (b) access and facilities for public open-air enjoyment are amply provided, (c) wild life and buildings and places of architectural and historic interest are suitably protected, while (d) established farming use is effectively maintained".
- c. This, however, is in large measure a definition not of the characteristics of the land to be included, but of what the aims and consequences are of inclusion of the land in a National Park area. It would seem doubtful, therefore, whether the definition can be carried much beyond saying that the areas in question are (as in the Dower definition) "extensive areas of beautiful and relatively wild country", subject to this, that they must also be areas in which there is no such conflicting user as to make any enjoyment by the public out of the question as would be the case if, for example, the whole of Dartmoor were used by the Services as a battle training area. It would be desirable, if possible, to import this practical consideration into the definition. This would seem to point to a provision on the lines that the Commission shall submit for the consideration of the Minister of Town and Country Planning proposals for the designation as National Parks of extensive areas of beautiful and relatively wild country of which the use for the recreation and enjoyment of the public is in their opinion practicable.
- d.

Designation of National Park Areas.

6. The intention is that the National Commission should be required, after consultation with local planning authorities in the matter, to submit proposals to the Minister of Town and Country Planning for the areas to be defined as National Parks. There would appear to be two alternative ways of securing this result - the first, by requiring the Commission to make recommendations to the Minister of Town and Country Planning in the matter, the second, to require them to submit for his approval, with or without modifications, an order designating the Park area. From the practical point of view there would not appear to be much between the alternative courses, but Counsel would perhaps consider whether, from the point of view of the structure of the Bill, there is no advantage one way or the other. The Commission would be required, before making their recommendations (or submitting an order for approval), to consult with the Council of any County or County Borough any part of whose area would be within the area proposed for designation as a National Park.
7. It is not proposed that the Minister should have power independently of the recommendation of the National Commission to designate an area as a National Park, but it is proposed that he should have power either (a) to reject the recommendation of (or refuse to approve the order submitted by) the National Commission, or (b) to modify the boundaries of the area proposed to be designated either by inclusion or exclusion of land.

Responsibilities of the Commission.

a. 12. It is desired to give to the National Commission the general jurisdiction in relation to areas of outstanding natural beauty at present possessed by the Royal Fine Art Commission under the general description in their terms of reference (reproduced in full in the Appendix) of "questions of public amenity or of artistic importance".

13. It is desired that the National Commission should have functions under the same three heads, namely -

- b.
- (a) inquiry into such questions as might be referred to them from time to time by Government Departments;
 - (b) to give advice on similar questions when so requested by public or quasi-public bodies where it appears to the Commission that assistance would be advantageous; and
 - (c) drawing the attention of Government Departments to projects and developments which appear to the Commission to affect amenities.

c. 14. It is not desired that the National Commission should have any jurisdiction in regard to amenities depending on buildings or architectural composition even though the buildings or the groups of buildings may be in the countryside. It is not, for example, desired that they should have any jurisdiction to express views on the preservation of the beauties of Bath. The reference to the Commission should therefore as regards (a) apparently be in some such terms as "questions affecting the natural beauty of the countryside" and as regards (c) to "any project or development which in the opinion of the Commission may appear to affect the maintenance or enjoyment by the public of the natural beauty

of the countryside". A provision giving the National Commission the same power as the Royal Fine Art Commission have under the Royal Warrant to call persons before them and to call for, and have access to, documents, etc. would seem to be equally necessary for the National Commission, and Counsel is requested to include a provision on the point in square brackets so that it may be further considered. Administrative arrangements will be made with the Royal Fine Art Commission to avoid overlap of jurisdiction.

15. It is desired that this general duty of the National Commission should, as regards National Park areas, be supplemented by provision requiring the Commission to make such recommendations to the Minister, or, after consultation with him, to the local planning authorities concerned, as may seem to them necessary about the treatment and development of National Park areas generally or of any particular Park.

16. Further provisions are required:

- (1) That local planning authorities shall consult the National Commission before submitting for the approval of the Minister of Town and Country Planning, development plans for areas including land within any area designated as a National Park, and that they shall, consult the Commission in accordance with any directions which may be given by the Minister either generally or in a particular case before giving permission under a development order for development to which the direction relates. The intention is that this consultation shall be limited to matters such, for example, as limestone quarrying where there would be, or might be, major detriment to the whole purpose of a National Park. The only way seen at present of sorting out the things which matter from the things which don't is by a direction of the Minister.
- (2) Empowering the Minister to give directions regarding consultation with the Commission by local planning authorities on the same matters in regard to any area of outstanding natural beauty for which money has been expended or is likely to be expended under the Act (see below). (See additional para. 16a at end)

Provisions to facilitate public recreation and enjoyment (see (b) in paragraph 4).

17. Broadly the things in mind are more accommodation, better access (dealt with generally below) some cleaning up by removal of disfigurements e.g. shacks on the coast, or screening them, e.g. by planting trees round a disused quarry dump, or stops for the enhancement of amenity such as tree planting for landscape effect or the promotion of better building, e.g. in natural stone.

18. This may entail any one of (a) acquisition of land, (b) actual development, e.g. hostels, or (c) provision of a service, e.g. running the hostel, or (d) financial contribution from the Exchequer, or some or all of these things in combination. The powers proposed in these various matters are not identical as between National Parks and other areas of outstanding natural beauty. It is necessary, therefore, in setting out what powers are desirable under these various heads to distinguish between the National Parks and the other amenity areas; but as regards none of the powers in either type of area is it proposed that the National Commission should exercise the powers themselves, but merely advise what should be done, e.g. that they should advise the Minister what grant should be paid or that they should stimulate some agency to do what is necessary, e.g. the Youth Hostels Association to provide a new hostel.

-4-

Exchequer Contributions

19. (a) National Park Areas. Provision is desired that the Minister should be empowered to contribute, on the advice of the National Commission and in accordance with arrangements approved by the Treasury, towards expenditure for the following purposes:-

- 9.
- (i) The acquisition of land by the local planning authority, the National Trust, or other appropriate organisations (see below as to powers of land acquisition), or agreement with land owners, where required to facilitate public recreation or enjoyment. Land, for example, might be required for an additional hostel, or for tree planting. An agreement with the land owner might be necessary, for example, that he should allow camping in his fields.
 - (ii) The execution of works required to facilitate open air recreation. The case mainly in point is the clearing of waterways. (The work would normally be carried out by the River Board or other appropriate authority. The Norfolk Broads is the case mainly in mind, and probably the authority would be the Great Yarmouth Port and Haven Authorities. There have been no discussions with this body and it probably is the case that they will need wider powers to do what is necessary. This point will be looked into further and supplementary instructions sent to Counsel if necessary).
 - (iii) The provision of hotel and catering accommodation. The Minister would normally assist such bodies as the Youth Hostels Association, e.g. by making buildings available to them on favourable terms.
 - (iv) Tree preservation. The proposal is that the Minister should be empowered to increase the grant already available under the Act of 1947 towards tree preservation.
 - (v) Tree planting. A new power to local planning authorities generally is proposed (see below).
 - (vi) The removal or amelioration, e.g. by screening, of unsightly development. This again is a question of the increase in the amount of grant for a purpose for which grant is already available under the 1947 Act.
 - (vii) The use of more expensive building materials where necessary to protect or enhance existing beauty.
 - (viii) The provision by the highway authority of parking places, pull-in bays, view points and other subsidiary roadworks which are needed for the benefit of National Park visitors and yet are outside the scope of the highway authorities' normal operations.

6.

20. Other purposes, not now in mind, may come to light in which Exchequer assistance on the recommendations of the National Commission might be desirable. It would accordingly seem to be desirable that the provisions should take the form of a power to the Minister in general terms to make contributions, on the recommendation of the National Commission, towards expenditure incurred by any local authority or other body for the preservation or promotion of amenity, or the provision of facilities for public recreation, and in particular the purposes especially mentioned in the immediately preceding paragraph.

Acquisition of Land

23. As stated, the assumption is that in many instances the land required for the "development" of a National Park will be acquired by agreement by some voluntary agency like the Youth Hostels Associations or the National Trust, but there will be cases in which purchase by agreement will not be possible, and it is therefore desired:-

- (i) that there should be power to the local planning authority by a purchase order approved by the Minister, to purchase land and convey it to any other body for development in the interests of the National Park; and
- (ii) that there should be power to the Minister of Works to purchase land for a similar purpose in default of the local planning authority.

24. Outside the National Park area land may be required, and it is desired that power to acquire land by agreement, or failing agreement, compulsorily should be conferred on the local planning authority for any area of outstanding natural beauty, but without power to convey it to any other body, nor is it desired that the power of compulsory acquisition should be conferred on the Minister of Works other than in respect of land in National Park areas.

25. As to the purposes for which land may be acquired whether in National Park areas or in other areas of outstanding natural beauty, it would be best to provide generally that land may (as above) be purchased for the purpose of the maintenance, enhancement or enjoyment of the natural beauty of the area, and in particular for (i) provision of accommodation, (ii) execution of works required for the maintenance or enhancement of the beauty of the area, or its recreational enjoyment, (iii) the provision of hotel and catering accommodation, (iv) tree preservation, (v) tree planting, and (vi) car parking, pull-in bays, view points and other subsidiary roadworks.

Closing or diverting footpaths.

44. For amenity purposes in the ordinary sense it is not likely to be necessary to stop up or divert a footpath, etc., but for conservation of wild life (see below) it may be necessary to stop up or divert a footpath, etc. for the protection of a nature reserve. It is desired that power should be included for this purpose. (See a similar power in Section 49(1) of the 1947 Act). Whether the order should be made by the Minister of Town and Country Planning or the Minister of Transport is for further consideration, but Counsel is requested for the time being to give the power (in square brackets) to the Minister of Transport.

(6)

CLAUSE 5

This clause defines National Parks and sets out the purposes which all the powers in this Part of the Bill are intended to serve.

a. *Subsection (1)* sets out these purposes as preserving and enhancing the natural beauty of the Parks and promoting their enjoyment by the public. These are parallel to the purposes for which the Commission are required by Clause 1 to exercise their functions with regard to the Parks. Preservation of natural beauty is defined in Clause 114 (2) as including references to the preservation of the characteristic natural features, flora and fauna of an area.

Subsection (2) defines National Parks as extensive tracts of country in England and Wales which the Commission consider suitable on account of

(a) their natural beauty, and

(b) the opportunities they afford for open-air recreation. These opportunities are to be judged in each case not only by the area itself but also by its position in relation to the large centres of population from which most of the visitors to the Parks would be expected to come.

b. Subsections (1) and (2) combined agree in substance with the definition of a National Park in the Dower Report (para. 4) which was accepted by the Hobhouse Committee. This was "an extensive area of beautiful and relatively wild country in which, for the nation's benefit and by appropriate national decision and action (a) the characteristic landscape beauty is strictly preserved, (b) access and facilities for public open-air enjoyment are amply provided, (c) wild life and buildings and places of architectural and historic interest are suitably protected, while (d) established farming use is effectively maintained."

Subsection (3) provides for the areas defined by subsection (2) to be designated by the National Parks Commission by Orders submitted to and confirmed by the Minister, and for the designated areas to be known thereafter as National Parks.

Subsection (4) requires both the Commission and the local planning authorities to have due regard to the needs of agriculture and forestry in the Parks.

CLAUSE 86

Designation of areas of outstanding natural beauty

This clause gives the Commission power to make orders designating areas of outstanding natural beauty. The Hobhouse report recommended 52 Conservation Areas covering a total of 9,826 square miles, for which special planning machinery should be set up. This, added to the 5,682 square miles of the proposed National Parks would have brought approximately one quarter of the country under special control. The Bill does not provide for such special machinery in the areas of outstanding natural beauty, although it follows the Hobhouse recommendations that the planning authorities for these areas should have special powers for the preservation and enhancement of natural beauty and that grants should be available for various purposes in these areas. It is not the intention, however, that the areas of outstanding natural beauty should be either so numerous or so extensive as the Hobhouse conservation areas.

Subsection (1) gives the Commission power to designate by order areas of outstanding natural beauty outside the National Parks. The criterion by which the Commission must judge such areas is that their natural beauty should be sufficiently outstanding to justify applying the special provisions of the Act to them (including certain of the grant provisions) and that their small extent or any other reason, for example the administrative inconvenience of having a separate planning authority for a long narrow strip of coastline like the Cornish coast, makes them unsuitable for designation as National Parks.

VIII. Conservation Areas

DEFINITION AND PURPOSE

227. There are many areas of fine country and coast in England and Wales which are not included in our selection of National Parks but yet possess outstanding landscape beauty, are often of great scientific interest and, in many cases, include important holiday areas. While in the main they do not call for the degree of positive management required in National Parks, nor for the closer scientific control which may be necessary in National Nature Reserves, their contribution to the wider enjoyment of the countryside is so important that special measures should be taken to preserve their natural beauty and interest. Indeed we regard our proposals for these areas as an essential corollary to our National Park scheme.

228. In carrying out their duties in relation to National Parks, the Commission and their staff will accumulate a wealth of experience and technical knowledge which we feel should be placed at the disposal of the local authorities responsible for the planning and administration of these other areas of special beauty and interest. Further we consider that the expert advice from the Commission should on occasion be accompanied by some financial assistance, in the form of grants to local authorities or to other appropriate bodies, for the protection of natural beauty and interest or to promote the enjoyment of these areas by the visiting public. We recommend, therefore, that the Minister of Town and Country Planning should designate areas of high landscape quality, scientific interest and recreational value as CONSERVATION AREAS, to be dealt with in the manner indicated in succeeding paragraphs of this chapter.

CLAUSE 60

Provision for Public Access to Open Country

This clause defines the land to which the public may be given access, whether by means of an access agreement or order, or by acquisition of the land.

Subsection (1) is declaratory of the intentions of this Part of the Bill. The provisions of this Part are to have effect for enabling the public to have access for open air recreation to open country, (a) to which they are given access by access agreements or orders, (b) acquired under Clauses 77 or 78.

The definition of open air recreation in Clause 114 (1) excludes organised games, but would not exclude walking, sitting, picnicking, and the other normal incidents of a country ramble. The term "open air recreation" has been chosen instead of the 1939 Act's "air and pedestrian exercise", since the latter phrase is both ungrammatical and too narrow.

Subsection (2) defines open country as land which, in the opinion of the authority responsible for making the agreement or order, or for acquiring the land, consists wholly or predominantly of mountain, moor, heath, down, cliff, or foreshore. The definition is based on the 1939 Act, with the addition, as suggested by the Footpaths and Access Report, of "foreshore"—which, by the definition in this subsection, includes not only the foreshore proper, but any bank, barrier, dune, beach, flat, or other land adjacent to it. This is an interpretation of the land referred to in the Report as a "strip consisting of sand, shingle, dunes or rough land . . . known loosely as shore, beach or coast", interposed between the sea and the cultivated land behind.

The words "wholly or predominantly" enable an access agreement or order to be made in respect of a broad expanse of country without specifically excluding every building and every parcel of land which is not mountain, moor, heath, etc. This is designed to guard against the danger that, without these words, an order which happened to include some buildings might be held by the courts to be ultra vires, on the ground that it could not possibly have appeared to the authority making the order that land covered by a building was moor, heath or down.

12 & 13 GEO. 6 *Access to the Countryside*

3

PART II

A.D. 1948

NATIONAL PARKS

5 5.—(1) The provisions of this Part of this Act shall have effect National
for the purpose of preserving such extensive tracts of country in Parks.
5 England or Wales as, by reason of—

(a) their natural beauty,

10 (b) the opportunities they afford for open-air recreation,
having regard both to their character and to their posi-
tion in relation to centres of population,

10 it appears especially desirable to preserve, and of securing that
the necessary action will be taken to enable such tracts to be
enjoyed by the community as a whole.

15 (2) The said tracts, as for the time being designated by order
made by the Commission and submitted to and confirmed by
15 the Minister, shall be known as, and are hereinafter referred to
as, National Parks.

20 (3) In this section references to preservation shall be con-
strued as references to the preservation of characteristic natural
features, flora and fauna and the protection of buildings and
20 works of architectural or historical interest; and the Commission
and local authorities shall in the exercise of their functions relat-
ing to National Parks have regard to the need for securing that
25 the preservation thereof, and the taking of the measures men-
tioned in subsection (1) of this section, shall be carried out with-
out detriment to the maintenance of the efficient use for
25 agricultural purposes of land devoted to use for those purposes.

CCCLXXI—G (3)

21st December, 1948

PART II

NATIONAL PARKS

National
Parks.

5.—(1) The provisions of this Part of this Act shall have effect for the purpose of preserving, and rendering available for enjoyment by the community as a whole, such extensive tracts of country in England and Wales as, by reason of—

- (a) their natural beauty,
- (b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population, and
- (c) the degree to which they remain unaffected by development or use which would be inconsistent with their enjoyment by the public,

it appears especially desirable to preserve and render available as aforesaid.

(2) The said tracts, as by order made by the Commission and confirmed by the Minister in accordance with the provisions of the next following section, shall be known as, and are hereinafter referred to as, National Parks.

(3) In this section references to preservation shall be construed as references to the preservation of characteristic natural features, flora and fauna and the protection of buildings and works of architectural or historical interest, together with the maintenance of the efficient use for agricultural purposes of land devoted to use for those purposes.

- 38.—(1) The Minister may, by order made as respects any area of land which appears to him—
- (a) to be of such natural beauty (having regard both to the natural features of the area and to the development which has taken place therein) that it is desirable that the provisions of this Act relating to such areas should apply thereto, but
- (b) by reason of its small extent or for any other reason, to be unsuitable for designation as a National Park, designate the area for the purposes of this Act as an area of
- Designation of areas of outstanding natural beauty.

outstanding natural beauty; and references in this Act to such an area shall be construed as references to an area designated under this subsection.

(2) An order under the last foregoing subsection shall be made after consultation with the Commission and with every local planning authority whose area includes any part of the area to which the order relates.

(3) An order under subsection (1) of this section may be varied or revoked by a subsequent order of the Minister made after the like consultation.

CCCLXXI—G (1)

3rd November, 1948

Reference.....

Mr. E. S. Hill

(Copy to Miss Jenkins)

Here are my considered views on policy questions so far as national parks are concerned. I will let you have shortly my views about Access, Footpaths, and certain other matters in connection with the proposed Amenities Bill.

Proposed Amenities Bill.

Policy Questions on National Parks.

1. The Report recommends that Park Committees should be set up by Order as the statutory local planning authorities for national parks. A decision is required whether or not in national park areas it is necessary to constitute a different class of planning authority from that which exists in the rest of the country. Further decisions on the form which should be taken by any proposed National Parks Commission and any Park Committees for individual parks are largely dependent upon the decision reached on the planning issue.
2. The purpose of a national park is defined as the preservation of landscape beauty, the provision of access and facilities for open-air enjoyment, and the maintenance of established farming use. All these objectives could be achieved by the planning authorities constituted under the 1947 Act, although certain powers will be required which do not exist under that Act.
3. The local authorities concerned have a strong and proper interest in the establishment of national parks, but the Report seeks to justify the policy of according special treatment to national parks under planning by the need for subordinating local to national interests. It can, on the other hand, be argued that the national park interest is only one among a number of conflicting interests in the use of land, and that it is precisely to co-ordinate such interests that the Ministry of Town and Country Planning exists.
4. It would be possible, in order to ensure flexibility pending further experience, to empower planning authorities, with the consent of the Minister, to devolve upon Park Committees any part of the work of planning or managing national parks. On the other hand it cannot be argued that it would be unreasonable to burden planning authorities, which are, after all, the elected constitutional authorities, with the detailed work involved /in

analysis. I am still persuaded that there are only two sizable jobs to be done in national parks: (a) the protection and enhancement of landscape beauty, and (b) the provision of holiday accommodation. And of these I find it very difficult to regard (a) as other than a planning function, i.e. something to be achieved through the normal machinery of planning with an adequate positive bias to secure the higher standard of planning administration demanded by the 'national' ingredient in the proposed parks. (By the way, I cannot think that it is either desirable or wise to limit the application of superior planning standards to national park areas. Many far smaller and in themselves equally beautiful bits of country are equally deserving of protection and sometimes far more vulnerable to damage). As to function (b), I have never seen any factual evidence that anything more is required in national parks as such, than the many organisations already catering for this sort of activity (the Board of Trade have recently sent us a list of 50 such bodies) would be capable of providing with a certain amount of financial assistance. Moreover, we already know that the Tourist and Holiday Board regard themselves as having a mandate which covers the supervision of this particular field.

Reference.....94928/1/5

Wiltshire

Amenities Bill

I have the following additional comments on the draft instructions to Parliamentary Counsel.

Paragraph 5

I am a bit doubtful about the suggested definition of National Park areas. Surely the question of practicability is one which the Minister will have to take into account when deciding whether to make the order, and we really cannot get any closer than saying that a National Park area is whatever the Minister says it is.

Paragraph 6

We ought to make it clear what happens if the National Commission and the local planning authorities cannot agree. I suggest that when the Commission submit the draft order to the Minister it should be accompanied by a statement of any points of disagreement. The alternatives seem to be -

- (i) to publish the draft order in the form in which the Commission want it and let the planning authorities put in their objections in the same way as anybody else; or
- (ii) holding a preliminary hearing before the Minister to decide the points in dispute between the Commission and the local planning authorities.

The arguments in favour of publishing a statement with the draft order are that it will make the issues plain to the public from the beginning and should reduce the risk of obstructive tactics or purely destructive criticism on the part of local planning authorities.

Paragraph 11

I think we must make provision for the points covered in Section 2(5) of the 1947 Act. I suggest, however, that we could avoid unnecessary regulations by putting the provisions into a schedule to the Act itself. There is certainly

/nothing

Minister:

National Parks and Access to the Countryside

Below are comments on your marginal notes. (Where I do not make a note I am following up the point with Counsel.) If you are not satisfied with my explanation of the various points perhaps you would note in the margin and we will go into it further. I am also including one or two points that have come up in the consultation we have now had with the A.M.C., and various points of substance which have occurred to us on going through the Bill.

We are seeing the C.C.A. ^{on Thursday} tomorrow. If there is time after we finish with them, I will dictate a supplementary note covering any major points which they have raised.

Part II: National Parks

5. National Parks

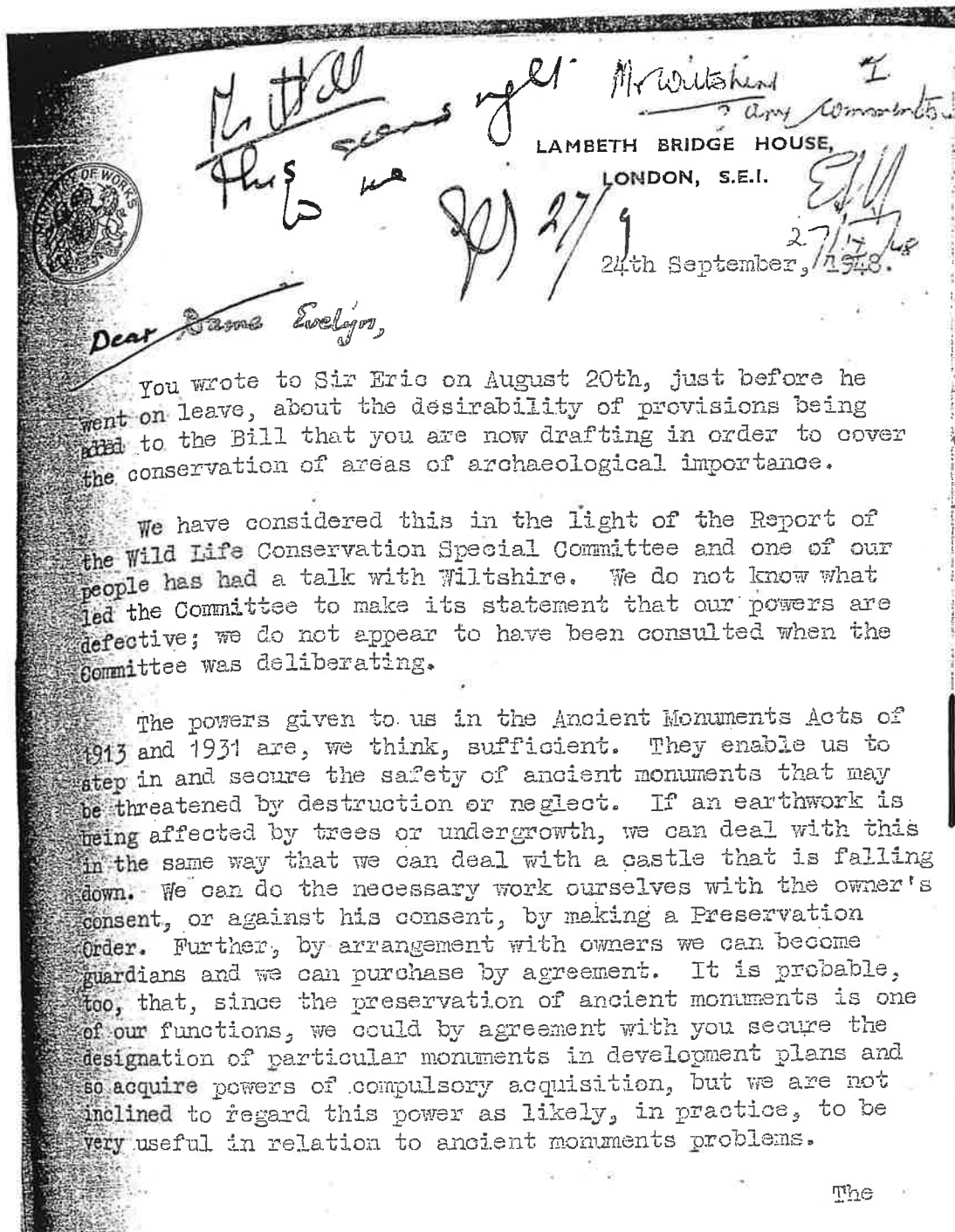
Agree

You have commented that our description of the conditions which must be satisfied before land is designated as a Park is "bare", but it seems to me that the more we elaborate the conditions, the more we limit the kind of area which can be designated as a Park. Considered from this angle, do you not think the description about right?

7. Local Planning Authorities

A

The A.M.C. made a general point which runs right through the Bill. This is that the ~~normal~~ delegation arrangements should apply in National Parks as outside them. I said that there was certainly no set intention to have no delegation in the Parks; but that as we should be looking for a very high standard of administration in the Park, we might well take a stiffer view of the competence of district councils to handle certain matters.



The powers over ancient monuments to which I have referred, are, of course, limited to the physical extent of the monuments, except that we can include a small amount of surrounding land, on grounds of amenity or convenience of management, when we become guardians or purchase by agreement.

Your proposal to set up a Nature Conservation Board which will, presumably, have resources of staff and finance to secure the proper oversight and control of large and small areas, seems to us to be one with which we shall be very anxious to co-operate. At the moment, we do not see why further legislation for the protection of ancient monuments should be necessary; but it would perhaps be easier for us to be clear on this if we could see your draft Bill as soon as it was available. With a clearer idea of what you propose to do and how you propose to set about it, we could see how the interests of ancient monuments are affected. Our representative gathered, from his talk with Wiltshire, that this seemed likely to be the most useful line, at the moment, for both of us.

Yours sincerely,

F. J. Root.

Dame Evelyn Sharp, D.B.E.,
Ministry of Town and Country Planning,
32, St. James's Square,
S.W.1.

Observations on the Access to the Countryside Bill.

With these preliminary remarks, I pass on to the details of the Bill, and first would draw attention to the proposed title which seems to me lacking in the element of imagination, which even with a parliamentary enactment, ~~has~~ not to be ignored when getting something across to the public. They are looking forward to legislation which will create National Parks, and in my opinion, that should be reflected in the title. I would suggest "National Parks and Access Bill".

3. Are the two conditions to be specified in (a) and (b) in the alternative or conjunctive? If the latter, there may I think, be difficulties in view of the right to challenge an order in the Courts given under paragraph 3(2) of the First Schedule. There may be considerable ^{homogeneous} ~~homologous~~ tracks in a proposed National Park which have no particular beauty; the tendency will be to interpret "natural beauty" as being something rather more than is found generally in the countryside as a whole. Parts of the Broads for example, have no particular beauty at all, but very great attraction for open-air recreation.

Sub-clause (3) includes the protection of buildings and works of architectural and historic interest in references to preservation. Has this any real significance in a Bill of this type and where the creation of National Parks is in mind? Such buildings and works are already amply protected under the 1947 Act and under the Ancient Monuments Acts. May I suggest, nevertheless, that if a decision has not already been reached and there is still room for making amendments now, this is a tag upon which the amendments I have proposed to be made in Sections 29 and 30 of the 1947 Act, could be attached.

20th January, 1949.

Access to the Countryside Bill
General Comments

This letter embodies what I hope will be our
comments on Print G.3.

Clause 5(1). Clauses 1 and 11 both refer to
"preservation" and "enhancement". Should there
be a similar provision in this clause?

Clause 5(3), line 19. We are not sure, on
further consideration, that the reference to protec-
tion of buildings and works of architectural or his-
toric interest has much significance in this context
since the local authorities cannot do any more to
protect historic buildings in the Bill than they can
under the 1947 Act. Unless you see a good reason
for retaining the words, we should like them to come
out and an additional reason for wanting them out is
that the Georgian Group and others are pressing us
to do something about contributing to the owners'
costs of maintaining historic buildings, and we do
not want to give them a peg on which to hang amend-
ments. Line 25. It has been suggested that the words
"without detriment to" may be rather tight since

/there

The meaning of "National Parks"

3. It is important to be clear at the outset what is or should be meant by a "National Park," for the name, though firmly established here and abroad, is somewhat misleading. "Park" has an obvious flavour either of the town park with its railings and shrubberies and "Keep off the grass" notices, or of the tree-dotted pasture land surrounding a large country house; while "National" may well suggest a comprehensive public acquisition or other state action more drastic than the true purpose justifies or requires. Moreover, the many "National Parks" which already exist in the United States (whose first great Park, the Yellowstone, dates back to 1872), Canada, South Africa and other countries, though they give a fair notion of the scale and purpose, do not sufficiently indicate the nature of a National Park in application to this island. Most of the American and African Parks are continuously "virgin" country, whether of high mountains, forests or jungle. We have no such country here. Our remotest areas have long supported some settled population and, even in the most mountainous and infertile districts, there are no considerable stretches in England and Wales, and few even in the Scottish Highlands, whose landscape has not been to a significant degree modified by farming or other human uses.

a. 4. A National Park may be defined, in application to Great Britain, as an extensive area of beautiful and relatively wild country in which, for the nation's benefit and by appropriate national decision and action, (a) the characteristic landscape beauty is strictly preserved, (b) access and facilities for public open-air enjoyment are amply provided, (c) wild life and buildings and places of architectural and historic interest are suitably protected, while (d) established farming use is effectively maintained. The several requirements and qualifications of this definition are all important, and may suitably form the framework for more extended comment.

The potential National Park areas

b.
c. 5. First and obviously, the concern of National Parks must be broadly confined to relatively wild country, for, generally speaking, it is only in such country that the public at large either desires or can satisfactorily be given a wide measure of recreational access. This *relatively wild country*,* of mountains and moors with the associated farm lands of their valleys and fringes, of heaths, of rocky or infertile coastlines, and of the rougher parts of numerous downs, hills and forests, comprises over one-third of the land area of Great Britain—in England and Wales about one-fifth or some 12,000 out of 58,000 square miles; and in Scotland (with which, except where it is specifically mentioned, this report is not concerned) fully two-thirds. The whole of this total extent is not, however, either required or, indeed, available and suitable

* The areas coloured yellow on the maps of the Land Utilization Survey give the best available picture of the distribution of the "relatively wild country." The main adjustments needed to give a closer picture are the *addition* of (a) various coastline stretches, (b) most of the narrower valleys (mainly pale green) contained by the larger yellow masses, and (c) several of the rougher and more open woodland areas (dark green) such as the New Forest; and the *omission* of many of the smaller yellow areas, largely representing ill-drained or neglected farmland.

Landscape preservation

16. "Landscape preservation" is the generally accepted, though somewhat inadequate, description of the task of maintaining the characteristic landscape beauty of wide areas: inadequate because it suggests a purely negative process and an artificial and lifeless result. The most obvious and urgent requirements are, indeed, of a negative or restrictive nature. The first essential is to impose control over all kinds of building development or changes in the use of land; and to administer the control so as to prevent, except where they are shown to be essential in the national interest, all developments or changes, other than for agriculture, for open-air recreation and for a limited residential and tourist expansion of the existing centres—small towns and selected larger villages—in each National Park area. Where development of *any* kind is permitted, careful control must also be exercised over its form—siting, size, design, materials and colours—so as to ensure that it harmonizes as fully as possible with its natural setting and with any neighbouring buildings. So far as ordinary "private enterprise" development is concerned, powers for the necessary controls are already generally available under the Town and Country Planning Act, 1932, as amended and reinforced by the Town and Country Planning Acts, 1943 and 1944. The outstanding requirements are

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Positive measures for conservation and improvement

23. The *negative* and restrictive measures required to prevent all kinds of inharmonious development are, however, but one side of the task of landscape preservation; they must be balanced by complementary and no less varied *positive* measures to conserve and, progressively, to recreate and enrich the scenic beauty. Almost everywhere, save on the rock summits, faces and screes of mountains and on the peat-hag tops of high moorlands, the landscape to be preserved is the joint product of nature and of human use over many generations; it cannot be preserved in anything like its present aspect unless that human use is kept fully going. Many of the most delightful features of our most beautiful countrysides—"the intricacy with which the fields and coppice-woods are often intermingled"* in Lake District valleys, the striding patterns of the dry-stone walls on Pennine fell-sides, the springy close-cropped turf of the downs, the rich young heather of grouse-moors, the villages, farms, woods, avenues and hedgerow trees everywhere—would not exist at all without man's husbandry, forestry and sport; and, unless these uses are maintained, they will all too quickly decay, crumble or disappear. Steady and discriminating tree-planting, in particular, is an almost invariable requirement in the valleys and lower hillsides of inland National Park areas, not merely to replace existing timber as (or where practicable before) it is cut, but also to make up for the heavy inroads of recent years, especially during this war and the last. Such "amenity" planting, especially in broken country, is a highly skilled job, and it must be the concern of the National Parks authority to see that the comparatively few people who combine the requisite practical knowledge and æsthetic judgment are fully employed on it. But the unskilled will not often go far wrong if they stick to the locally prevalent hardwood trees. A judicious admixture of larch and Scots pine may do no harm; all other conifers are best avoided. In many places deliberate planting of trees and shrubs will be the best way to hide the minor scars and disfigurements from which no potential National Park area is wholly free, such as disused mine and quarry workings and waste-heaps, ugly but useful buildings, and conspicuous road, railway or drainage embankments. For many other disfiguring features, especially those of a cheap or temporary nature—jerry-built bungalows and shacks, casual rubbish-tips and dumps, *all* advertisements and their hoardings, the few (but most damaging) war factories which have strayed into National Park areas, and *all* the war-time "defence works" litter of barbed wire, sandbags, rails and lumps of concrete—there is only one course; removal at the earliest possible date, with full and skilful reinstatement. This, like several other National Park requirements here outlined, is equally to be desired throughout rural Britain. The difference is only that in National Parks the job *must* be carried through quickly and systematically.

* Wordsworth's Guide through the District of the Lakes (5th Ed., 1835). This book by the poet is still the finest statement of the case, and in large measure of the technique, for landscape preservation in the Lakes and other wilder country. Its concluding claim that the Lake District should be deemed "a sort of national property, in which every man has a right and interest who has an eye to perceive and a heart to enjoy," may justly be counted the first shot in the campaign for British National Parks.

† It may be suggested that this and a variety of other jobs in National Parks (such as the clearing of over-grown footpaths and work on "amenity" woodlands), would provide a valuable field for the post-war continuance of the young people's voluntary war-work camps which have developed so rapidly and successfully—the more so in that the work would be "non-economic" and not open to objection on grounds of interference with regular adult employment.

Maintenance of farming use

26. Yet another group of positive requirements in landscape preservation is dependent on, and may best be considered as a part of, the general require-

ment that the farming use of National Parks should be effectively maintained. "Maintained" is indeed an understatement, for there is no doubt that by more general adoption of the policy and technique expounded and experimentally applied with such persistence and enthusiasm by Sir George Stapledon and other scientists and pioneers, farming could and should be greatly improved in most National Park areas. Given proper care for landscape effect in matters of detail—a care which was taken by 18th century improving landlords as a matter of course—such "improvement" is in no way inconsistent with the landscape preservation and recreational requirements of a National Park regime. That fuller cultivation should enhance rather than diminish the scenic effect has been strikingly demonstrated by the war-time changes which have turned so many acres of Lake District and Pennine country "brown side up."* It is above all else to farming, both to the extensive grazing of the higher open land and to the more or less intensive grazing, mowing and cropping of the lower, fully enclosed land, that the landscapes of all our potential National Parks owe the man-made element in their character; and it is to the farming communities that we must look for continuance not only of the scenic setting but of the drama itself—the rural life and work, "the mild continuous epic of the soil," the endless battle between man and nature—without which the finest of English or Welsh scenery would lack an essential part of its charm and recreational value.

Nature Reserves and Ancient Monuments

- a. 60. The last main body of National Park requirements are those concerned with the conservation of wild life and of places and buildings of scientific, historic and architectural interest. These may best be considered in two distinct groups: the first, commonly described as "Nature Reserves," covering all *natural* features—flora, fauna and places of geological interest; the second, under the broad description of "Ancient Monuments," covering all *man-made* features—buildings, remains, sites and objects of pre-historic, historic and architectural interest. There is, of course, a certain amount of overlapping between the two groups; not merely because most natural features have some man-made or man-controlled tincture, and because many man-made features derive an integral part of their beauty and interest from their natural surroundings, but also because, in some places, important natural and man-made features actually coincide.* Moreover the *particular* significance of both groups in National Park areas is the same; namely, that the places and buildings concerned, in addition to their intrinsic value and their specialized interest to scientists or connoisseurs, are—or tend to be—enriching elements in the sum of scenic beauty, and concentration points for the sight-seeing resort of holiday visitors. Nevertheless, the distinction, if far from clear-cut, is real and effective in all matters of practical policy and action. Each group has its own expertise, its own complex (if far from complete or fully agreed) technique, its own supporting range of voluntary organizations, and its own statutory and administrative provisions—as yet rudimentary for Nature Reserves, but of considerable and well-tried scope for Ancient Monuments.
- b.

Nature Reserves and National Parks

a.

65. It is obvious that Nature Reserves are not the same thing as National Parks, nor National Parks as Nature Reserves. The point would, indeed, be too obvious for mention, were it not that some other countries, notably South Africa and the Belgian Congo, have set aside large areas of virgin country as "National Parks," which are primarily reserves for the preservation of "big game" and other wild animals. It is possible that one or two areas in Scotland might be found suitable for the establishment of National Parks which would also be strict Nature Reserves over the whole or the greater part of their extent. But there is no such area in England or Wales. In all the districts listed as suggested National Parks, or as Reserves for possible future National Parks, in paragraphs 9 and 10 above, farming and recreational uses of the land are far too important, and settlement and development too widely established, for strict wild life conservation to be made a first and governing consideration over more than a small proportion of their total extents. It is, in fact, neither necessary nor desirable that Nature Reserves in this country should, in themselves, cover areas at all comparable in size with those required for effective National Parks. The one may typically be measured in hundreds of acres, the other in hundreds of square miles. Moreover, as has already been indicated, many of the areas which it is most important to secure as Nature Reserves are in districts without any general suitability for selection as National Parks.

b.

66. Nevertheless, as might be expected from their relatively wild character, all the more probable National Parks include areas of high potential value as Habitat Reserves, and most of them—notably the Lake District, Snowdonia, the Pembroke and Cornish coasts, and the Craven Pennines—are rich in rare and localized species. Most of them are also exceptionally rich in places of special geological interest. Other things being equal, Nature Reserves are likely to be most effective when they are surrounded by belts of preserved open country, ensuring as fully as possible natural and undisturbed habitat conditions. This requirement will be ideally satisfied where Nature Reserves are sited within National Parks, which in turn are bound to benefit by containing such reservoirs for the enrichment of their flora and fauna. Moreover, the National Parks authority will have special competence to frame, in consultation with the proposed Wild Life Conservation Council, a policy of *general* protection of wild life throughout National Parks (thus giving further support to the *strict* protection in the Nature Reserves they contain), and will be in an exceptionally strong position to apply such protection effectively through the resident officers and wardens, who will in any case be required to prevent disfigurement or neglect of landscape beauty, and to check the litter nuisance and other abuses of public access. Thus National Parks and Nature Reserves are mutually supporting. The provision—and especially the national as distinct from local or voluntary provision—of Nature Reserves cannot do better than start in National Parks. And the National Parks authority should make such provision an integral part of its policy.

Ancient Monuments and National Parks

69. The conditions governing the administrative treatment of "ancient monuments" and other buildings and sites of architectural, historic and pre-historic interest in National Parks differ materially from those of wild life conservation. Such places, though some of them may be particularly significant as landscape features or may be visited by particularly large numbers of people, are on the average less frequent in National Park areas than in most other parts of the country, which have been in the past, as they are now, more populous and more highly developed. Moreover, responsibility for the scheduling and, in suitable cases, the guardianship and repair of ancient monuments throughout the country has, for a good many years, been carried by a well-organized Ancient Monuments service of the Ministry (formerly the Office) of Works.* It may safely be assumed that this will continue to operate on a steadily increasing scale after the war. Though the Ancient Monuments service carries the main responsibility, it is not the only body active, or with powers of action, in the sphere of architectural and historic preservation. The Royal Commissions for Historical Monuments are steadily providing, county by county, a detailed background of survey information; and a number of expert voluntary bodies have been active for many years over a wide range of surveys and historical and technical researches. Numerous buildings and remains have been acquired for preservation by the National Trust, by local authorities and by other agencies. On the administrative side, local planning authorities have had, since the Town and Country Planning Act, 1932, a limited power to prohibit by order, subject to the Minister's approval, the demolition of buildings of special architectural or historic interest. This planning power has so far been used very little; but a considerable future use is clearly envisaged by important additions to it under the Town and Country Planning Act, 1944. These, *inter alia*, extend the power of prohibition by order to proposed alterations as well as demolitions, and authorize the Minister of Town and Country Planning to compile or approve, and to communicate to the local planning authorities and owners concerned, lists of buildings of special architectural or historic interest.† Buildings so listed may not be demolished or altered, under heavy penalty, save after two months' notice—during which time a prohibiting order may be made, or other appropriate action taken.

The National Trust

80. A long history of voluntary effort to safeguard landscape beauty and to open it to public enjoyment has made the National Trust the owner of numerous properties, including many of major importance and some of considerable extent, in most of the potential National Park areas of the country. No difficulty for the National Parks authority can arise from such ownership. On the contrary, the policy and purposes which the Trust applies to its properties are, in all essentials, the same as those here outlined for application over whole National Park areas. Trust properties in National Parks will provide a most valuable foundation and example for the authority's wider action. There will be no possible need for the authority to interfere with the Trust's ownership* of its properties (the bulk of which are, in fact, inalienable under the provisions of the National Trust Acts); and every reason for the authority to welcome any increase in the Trust's holdings. It should, however, be recognized that the acquisition by the Trust of further properties in National Park areas, particularly by means of public appeals, will be less likely to occur on any large scale once a National Parks policy has been adopted. The mere fact that an area had become, or was generally expected to become, a National Park would make it difficult for the Trust to raise appeal funds for acquiring new properties therein; the charitable public would, justifiably, assume that the National Parks authority had, on behalf of the nation, taken financial responsibility for the necessary measures of preservation and access in the area.

[1 & 2 EDW. 8.] *The National Trust
for Places of Historic Interest or Natural Beauty.*

B I L L

To confer further powers upon The National Trust A.D. 1937.
for Places of Historic Interest or Natural Beauty
and for other purposes.

WHEREAS by the National Trust Act 1907 (in this Preamble.
7 Edw. VII.
c. cxxxvi.
Act called “the Act of 1907”) the National Trust
for Places of Historic Interest or Natural Beauty (in this
Act called “the National Trust”) was incorporated:

5 And whereas the National Trust was established for
the general purposes of promoting the permanent pre-
servation for the benefit of the nation of lands and
tenements (including buildings) of beauty or historic
interest and as regards lands for the preservation (so far
10 as practicable) of their natural aspect features and animal
and plant life:

And whereas by the National Trust Charity Scheme 9 & 10
Geo. V.
c. lxxxiv.
Confirmation Act 1919 (in this Act called “the Act
of 1919”) a Scheme of the Charity Commissioners for
15 the application or management of the National Trust
was confirmed:

And whereas the National Trust with the generous
support of landowners donors subscribers and others
has acquired by purchase gift and otherwise con-
20 siderable property including lands and buildings and
funds for the upkeep and preservation thereof:

And whereas the use by the public for purposes
of recreation resort and instruction of the lands and
buildings held by the National Trust has increased and
25 is increasing:

10—(5)

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Recreational facilities, suitable and unsuitable

29. This last point may appropriately introduce consideration of the second of the two main purposes in National Parks; that access and facilities for holiday-making and open-air recreation should be amply provided, and should be available for the public at large, not just for some privileged section or sections of the community. One restriction on the type and volume of visitors is, indeed, desirable, though it should be left—and, with time and wise management, can confidently be expected—to impose itself; namely, that those who come to National Parks should be such as wish to enjoy and cherish the beauty and quietude of unspoilt country and to take their recreation, active or passive, in ways that do not impair the beauty or quietude, nor spoil the enjoyment of them by others. The genuine demand for genuinely country holidays has grown enormously and will continue to grow; it is voiced by hundreds of thousands, and it reflects the more or less conscious desire of hundreds of thousands, perhaps millions, more; but it is very far from universal. Nor is it likely to become so. It is not just a question of custom or of education, or the lack of it. Many people of all classes are, by taste and temperament, far better satisfied by town than by country as a holiday setting. How very many, and how well most of them know what they want, are sufficiently testified by the size and popularity of Blackpool and Brighton and a hundred other coastal and inland resorts. For all who want to spend their holidays gregariously, and to enjoy the facilities—so well provided by the resorts—of cinemas, music-halls, dance-cafés, bathing pools, pleasure parks, promenades, shopping-centres and the like, National Parks are not the place. They had far better keep away, and (some of them, perhaps, after an unsuccessful experiment or two) pretty certainly will keep away—provided that any proposals to establish, within National Parks, the kinds of facilities they desire are firmly resisted.

CONCLUSION

We believe that we have set out a scheme for the protection of landscape beauty and the encouragement of open-air recreation in the wild and unspoilt country of England and Wales which will be a great national investment, yielding unlimited returns in health and happiness, in opportunities for the enjoyment of country pursuits and interests, and in a new growth of understanding between town and country. Although our enquiry concludes during a period of economic readjustment, we are yet confident that this scheme is of immediate and abiding importance, and should be instituted without delay, and developed progressively in relation to the resources that can be made available from year to year. If this country is to rely to a greater extent for the future on its own assets, it is all the more desirable to preserve and enjoy those values, both spiritual and material, which are part of its national heritage.

ARTHUR HOBHOUSE (*Chairman*).
EDWARD N. BUXTON.
CHORLEY.
JOHN DOWER.
LEONARD ELMHIRST.
WILLIAM GAVIN.
R. B. GRAHAM.
E. B. HAYTHORNTHWAITE.
JULIAN HUXLEY.
CLOUGH WILLIAMS-ELLIS.

JOHN BOWERS (*Secretary*).
15th March, 1947.

THE NATURE AND PURPOSE OF NATIONAL PARKS FOR ENGLAND AND WALES

28. In England and Wales the raw material of National Parks—the countryside as it now exists—is of a very different nature from its counterpart in America or Africa. Here are no vast expanses of virgin land, rugged mountain ranges, primeval forests, or great stretches of savannah, teeming with big game, which can be set apart for popular enjoyment and recreation or for the conservation of wild life. Instead we are dealing with a closely populated and highly developed country, where almost every acre of land is used in some degree for the economic needs of man and has its place in a complex design of agricultural, industrial or residential use. Yet it is just because this is a densely populated and highly industrial country that

the need for National Parks is so pressing. Four-fifths of the population dwell in urban areas, many of them in the smoke-laden atmosphere and amid the ceaseless traffic and bustle of our industrial towns and larger cities. They need the refreshment which is obtainable from the beauty and quietness of unspoilt country. Since, therefore, it is not possible to sterilise great tracts of land, like the Yellowstone or the Kruger National Parks, or the 3,900 square miles of the Parc National Albert, it is all the more urgent to ensure that some at least of the extensive areas of beautiful and wild country in England and Wales are specially protected as part of the national heritage, that their use for popular enjoyment and open-air recreation is encouraged, and that their æsthetic and educational values are recognised by Statute and carry due weight in the inevitable competition with more utilitarian, and sometimes more powerful, claims to the use and development of land. Fine country which is the essential material for National Parks is available in full measure, but it is daily endangered by the accelerated processes of modern building and industrial development.

30. It will be the duty of the Commission so to frame and apply their policy that each area established as a National Park satisfies as soon as possible the requirements of the accepted definition. For the first of these requirements—the preservation of landscape beauty—the powers of the Town and Country Planning Acts, if reinforced as we propose in Chapter VI, should be effective. Good planning will ensure that any new building which is permitted within the boundaries of a National Park, whether for holiday or residential purposes, or for agriculture or rural industry, attains the high standards in siting, design and appearance which are appropriate to the natural beauty and architectural traditions of its setting. But National Parks must not be sterilized as museum specimens. Farming and essential rural industries must flourish, unhampered by unnecessary controls or restrictions and protected as far as possible from inconveniences that might arise from an increased number of visitors. Other forms of large-scale development and land-use, which may have an adverse effect on natural beauty and popular enjoyment (such as water catchment, mineral extraction, military training, and commercial forestry) should be accommodated in National Parks only under proved national necessity; and even then the greatest care must be taken to minimise their detriment to the landscape. Furthermore, planning powers will make it possible to mitigate the worst disfigurements of the past, to remove (with suitable compensation) an unsightly shack or bungalow or derelict property, or, where more drastic and expensive action seems unreasonable, to screen the disfigurement with trees.

31. For the second requirement, a progressive policy of Park management will be needed, to make use of the resources of the National Parks for popular enjoyment and open-air recreation. Such a policy must be wisely applied to

ensure that the peace and beauty of the countryside, and the rightful interests of the resident population, are not menaced by an excessive concentration of visitors, or disturbed by incongruous pursuits. There must be more holiday accommodation, including carefully placed and well designed hostels and sites for tents and caravans, so as to bring visitors within reach of the attractions of the Parks without overcrowding. For the motorist there should be good roads, but not speedways. There must be an ample provision of footpaths to take walkers through the valley farmlands or young plantations without risk of trespass or damage; there must be free access for rambles on the mountains and moorlands; wild life and features of special interest should be protected; and country sports and pursuits (such as fishing, riding, sailing or the study of Nature) should, where circumstances allow, be made available to all who would find in them a source of health and refreshment, a new sense of adventure and an escape from the routine of their working lives.

32. National Parks in England and Wales will not be small-scale copies of the vast Réservations which have been set aside in larger countries, but will have a character of their own. The richly varied landscape of our country is a joint creation of natural growth and man's cultivation. Consider the unsurpassed diversity of its geological formations, the contrast of mountain and wild moorland with the green and pleasant farmlands of the valleys, the cliffs and small sandy coves of the coastline, the beauty of oak and beech woods, the smooth undulations of the chalk downs, the ordered homeliness of villages and farms, the fine architecture of Norman castle, Gothic abbey, or Tudor manor-house; the rich heritage of historic and prehistoric sites and monuments and the fascinating diversity of plant and animal life. Fully aware, therefore, that the problems of rural planning in a small and highly developed country are more complex and exacting than those that have been overcome elsewhere, we present our detailed scheme for the establishment of National Parks in England and Wales.

III. Selection and Delimitation

THE NUMBER OF NATIONAL PARKS

33. There are many large areas of beautiful and relatively wild country with high claims to consideration as National Parks. Clearly they cannot all be chosen. There must of course be a limit to the number and extent of National Parks. Moreover, the immediate establishment of more than a few would give rise to serious administrative difficulties. On the other hand, it is essential that the National Parks scheme should start with several Parks of ample size, if they are to be widely enjoyed without impairing their peace and beauty. We therefore aim to submit a programme which is not too large for efficient organisation but is large enough to avoid the risk of an excessive concentration of visitors.

34. We recommend that twelve National Parks should be declared by annual instalments of four over a period of three years immediately following the passage of legislation.

FACTORS IN SELECTION

35. The essential requirements of a National Park are that it should have great natural beauty, a high value for open-air recreation and substantial continuous extent. Further, the distribution of selected areas should as far as practicable be such that at least one of them is quickly accessible from each of the main centres of population in England and Wales. (The

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distances of important towns and cities from each of the selected National Parks are tabulated in Appendix C.) Lastly there is merit in variety; and with the wide diversity of landscape which is available in England and Wales, it would be wrong to confine the selection of National Parks to the more rugged areas of mountain and moorland, and to exclude other districts which, though of less outstanding grandeur and wildness, have their own distinctive beauty and a high recreational value.

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hinterland by an arbitrary boundary, would be most difficult and complicated. Even so we should not recommend its omission from our selection of National Parks except on the supposition that an alternative method of conservation will be made available under the Conservation Area scheme, which we propose in Chapter VIII.

38. Two other areas in our list were included in Division B of the Dower Report (Reserves for possible future National Parks), namely the Broads and the North York Moors. The North York Moors are now selected on their intrinsic merits as an area of beautiful and unspoilt country and magnificent coast with a wealth of architectural interest. The Broads are included as a unique complex of fens and waterways, which provides unsurpassed opportunities for sailing and boating holidays, a distinctive range of flora and fauna, including many rare and interesting species, and a delicate beauty of landscape, derived from the intergradation of water and land, and the soft colouring of the marshlands under a wide sky. It is difficult to see how this area could be successfully protected and managed without the intervention of a national authority. Moreover, as a National Park the Broads area will introduce a valuable element of variety into our scheme; it will be the only National Park in the Eastern Counties; and it has the added advantage of being relatively accessible from London and the Midlands.

39. One other area, the South Downs, is brought into our list from Division C of the Dower Report (Other Amenity Areas). We were impressed with the importance of including at least one National Park within easy reach of London. There exists in the South Downs an area of still unspoilt country, certainly of less wildness and grandeur than the more rugged Parks of the north and west, but possessing great natural beauty and much open rambling land, extending south-eastward to the magnificent chalk cliffs of Beachy Head and the Seven Sisters. We recommend it unhesitatingly on its intrinsic merits as well as on the ground of its accessibility.

FACTORS IN BOUNDARY-MAKING

43. The following considerations should, in our opinion, be taken into account in the precise definition of National Park boundaries.

(a) The first criterion should be the inclusion of areas of high landscape quality.

(b) Wherever possible an easily distinguishable physical boundary should be chosen, both for administrative reasons and for the convenience of the visiting public. Roads and railways frequently provide such a boundary.

(c) Where County, District and Borough boundaries follow suitable lines, it may be administratively convenient to adopt them. In the majority of cases, however, they are unsuitable, since they follow no defined physical feature, may be subject to alteration and seldom conform for any considerable distance to the limits of landscape value.

(d) Towns or villages should not normally be cut in two by a National Park boundary. The inclusion or exclusion of a marginal town or village should be dependent on its character and beauty and its present or potential value for the accommodation of visitors.

(e) Unsightly development on the edge of a National Park should generally be excluded, but the possibility of its modification or screening should not be overlooked where the immediately surrounding country claims inclusion.

(f) Quarrying and mining of important deposits on the margins of a National Park, which could not, in the national interest, be strictly controlled, should normally be excluded from the Park, except where the deposits are likely to be worked out within a reasonable time and surface restoration seems practicable and desirable.

(g) Features of scientific, historic or architectural value (e.g. Nature Reserves, important archaeological sites and Ancient Monuments) which are situated on the margins of a National Park should be included where practicable.

In general, boundaries should include, as far as possible, any features which are part of the rural economy and community life within the Park, and should normally exclude areas where the needs of urban or industrial development conflict with, or outweigh, the essential values of the Park. The boundary of a National Park should not, however, be regarded as a sharp barrier between amenity and recreational values within, and disregard of such values outside. We make recommendations in paragraphs 95-98 below on the correlation of planning within National Parks with the planning of adjoining areas.

NATURE CONSERVATION IN NATIONAL PARKS

273. The landscape, which it is one of the main purposes of National Park policy to protect, derives its characteristic form and beauty from the underlying physical and geological structure of its mountains, hills and valleys. Its surface is clothed and coloured by a complex of intricately related plant and animal life which draws its sustenance from varied types of soil, and depends for its seasonal rhythm of growth, decay and regeneration on climate and rainfall, and on drainage and river systems. The evolution of this complicated and ever-changing structure of the natural scenery may seem to be a self-operating process of which man is but a passive spectator. Yet nothing could be further from the truth, for in countries so closely developed as England and Wales man is himself the most powerful agent in disturbing the natural balance and in changing the face of nature for his own ends. These ends have in the past been largely utilitarian, and the means used to achieve them not always wise or farsighted. It must then be an essential purpose of National Park policy to harmonise man's material needs with the protection of natural beauty. As the Special Committee point out, this purpose cannot be achieved "merely by the application of the principles of good estate-management," but will require also a sound policy of Nature Conservation.

NATURE RESERVES IN NATIONAL PARKS

279. It will be seen from the Special Committee's Report, and particularly from the map included in it, that 11 of their selected National Nature Reserves fall within the boundaries of our proposed National Parks. The Special Committee recommend that these Reserves, like the other 62 National Nature Reserves, should be generally acquired and managed by the proposed Biological Service, who would naturally keep in close contact with the National Parks Commission and the Park Committees concerned.

280. Apart from these National Nature Reserves, in which the dominant purposes will be conservation and scientific research, it will be desirable to establish other Nature Reserves for the purpose of maintaining interesting features which add to the amenities of the National Parks. The ability to observe wild life of all kinds at relatively close quarters in its natural surroundings will make a vital contribution to the enjoyment of the Parks. But some of the larger mammals and birds tend to be shy, especially in the breeding season; while many of the more attractive and beautiful plants will only tolerate a limited degree of interference. If, therefore, their continued existence is to be assured it will be necessary to set aside certain areas in which they can be protected from excessive human disturbance.

IV. The Central Organisation

THE NATIONAL PARKS COMMISSION

46. We concur with the view expressed in the Dower Report that the central administration of the National Parks scheme will require "a body of high standing, expert qualification, substantial independence and permanent constitution, which will uphold, and be regarded by the public as upholding, the landscape, agricultural and recreational values whose dominance is the essential purpose of National Parks" and that these requirements will be fulfilled by a National Parks Commission. This body should be composed of persons whose qualities of judgment and wisdom will command the respect of Parliament and the nation, and should contain at least a proportion of members who have personal knowledge of some of the National Park areas and their particular problems and requirements.

47. It will be the Commission's responsibility to frame policy for the planning and management of the Parks, to see that it is fully and effectively applied, and to supervise the expenditure of money for this purpose. They will be further responsible for the provision of advice and guidance, and the allocation of monetary grants, to the local authorities concerned with the planning and management of Conservation Areas.

Commission and to landowners in National Parks. While expressing their readiness and anxiety to co-operate in this direction they considered it unlikely that their regional officers would be able to undertake responsibility for small woods and scattered trees, whose value to the nation would be primarily aesthetic rather than economic. It seems desirable therefore that the National Parks Commission should have their own Woodland Officers, to co-operate closely with the local staff of the Forestry Commission and to be responsible for the landscape and amenity aspect of the planting, management and felling of trees and woodlands.

88. The existence of a flourishing and progressive agriculture is fundamental to our conception of a National Park, not only in the interests of the local population but also for the preservation and enhancement of the characteristic landscape. Moreover most of the National Parks will contain much good farming land, both arable and grassland, which makes it the more important that visitors should realise that the normal and proper function of such land is not to provide a townsmen's playground but to fulfil the serious and vital task of providing food for the nation. Nothing will bring this home better than well-tilled fields, well-managed grassland, good livestock and tidy farms and buildings. The Commission should have on their staff in each National Park someone well acquainted with the problems likely to arise with farmers and landowners. The reconciliation of a high standard of farming with the preservation of amenities and the problem of an increasing number of visitors will call for intimate and sympathetic handling, based on a clear understanding of the principles involved. It should be the duty of this Agricultural Officer to establish close co-operation with the Ministry of Agriculture and the County Agricultural Executive Committees and other authorities and bodies connected with land use and management.

89. Lastly a Wild Life Conservation expert might suitably be seconded from the Biological Service proposed by the Wild Life Conservation Special Committee.

FORESTRY

127. Trees and woodlands, and the wealth of woodland flora and fauna, will contribute so much to the beauty and interest of the Parks that their preservation and maintenance must be a vital factor in National Park planning. The protection of privately-owned amenity woods or trees can be regulated by the tree preservation procedure of the new Bill. The Park Committee, as local planning authority, will be empowered to make Tree Preservation Orders (subject to the consent of the Minister, and in certain circumstances to the payment of compensation for detriment or expenditure imposed upon an owner) prohibiting the felling, topping, lopping or wilful destruction of specified amenity trees or woodlands, except with the Committee's consent; moreover such consent may be subject to conditions to secure replanting in a prescribed manner.

128. We recommend in paragraph 186 of the next chapter that the National Parks Commission should be empowered to enter into agreements with land-owners in National Parks, covering the felling, management or planting of woods, in accordance with National Park requirements. These agreements, as well as the Tree Preservation Orders referred to in the previous paragraph, should be designed to prevent unnecessary clear felling of beautiful woodlands, and to ensure their progressive replanting and management as an enhancement to the beauty of the National Park.

129. We further recommend legislative provision to enable Park Committees to specify areas in National Parks within which proposals for the planting of new woodlands should be subject to their consent. And in granting consent the Park Committees should be empowered to attach reasonable conditions as to the manner in which the woods should be laid out, and the types of trees to be planted. Refusal of consent, or conditions imposed, should be subject to suitable compensation and to a right of appeal to the Minister of Town and Country Planning.

130. Many private woodlands will come under the Forestry Commission's dedication schemes, by which monetary grants and expert guidance are made available to private owners for the planting and maintenance of their woods. Dedication under this scheme will require woodland owners to work to an economic plan, to be approved by the Forestry Commission, laying down the main obligations to be undertaken. The application of Tree Preservation control to woodlands already under dedication will be a matter for consultation

CONSERVATION AREAS

44. As the National Parks scheme cannot include all areas requiring special conservation treatment, it is an important corollary to our main proposals that special measures should be applied to safeguard landscape beauty and to encourage its enjoyment in all those other areas which, though they satisfy the essential requirements of a National Park in scenic quality, are not included in our selection. The treatment of these Conservation Areas is fully considered in Chapter VIII. A list of 52 such areas proposed for designation, among them the Cheviots, the Chilterns, the Cotswolds, and the central block of the Cambrian mountains, is set out in Appendix C.

VIII. Conservation Areas

DEFINITION AND PURPOSE

- a. | 227. There are many areas of fine country and coast in England and Wales which are not included in our selection of National Parks but yet possess outstanding landscape beauty, are often of great scientific interest and, in many cases, include important holiday areas. While in the main they do not call for the degree of positive management required in National Parks, nor for the closer scientific control which may be necessary in National Nature Reserves, their contribution to the wider enjoyment of the countryside is so important that special measures should be taken to preserve their natural beauty and interest. Indeed we regard our proposals for these areas as an essential corollary to our National Park scheme.

- b. | 228. In carrying out their duties in relation to National Parks, the Commission and their staff will accumulate a wealth of experience and technical knowledge which we feel should be placed at the disposal of the local authorities responsible for the planning and administration of these other areas of special beauty and interest. Further we consider that the expert advice from the Commission should on occasion be accompanied by some financial assistance, in the form of grants to local authorities or to other appropriate bodies, for the protection of natural beauty and interest or to promote the enjoyment of these areas by the visiting public. We recommend, therefore, that the Minister of Town and Country Planning should designate areas of high landscape quality, scientific interest and recreational value as CONSERVATION AREAS, to be dealt with in the manner indicated in succeeding paragraphs of this chapter.

SELECTION

- c. | 229. We have selected 52 areas, which we list in Appendix C, and include on the map at the end of this Report, for designation as Conservation Areas.
230. Our list includes a wide variety of landscape types from all parts of England and Wales. All of them have great natural beauty or special interest, and most of them are of substantial continuous extent; indeed we have omitted from our selection many smaller areas of attractive country which should be protected as Green Belts, Open Spaces, Rural Zones or Nature Reserves under local planning.

231. Some of the areas selected, such as the Malvern Hills and the Cotswolds, fall short of National Park standards in extent or wildness. Other areas are not included as National Parks on account of intensive land uses which would not allow a sufficient freedom of rambling access. Of these, the Breckland and the Marlborough and Berkshire Downs are good examples, where forestry and arable farming respectively are paramount. Yet others, such as the Howgill Fells or the Elenith Mountains, though intrinsically suitable to be

National Parks, are adjacent to country of still higher quality which has been given preference in our selection. If, however, it is desired at some future date to increase the number of National Parks, we assume that additions will be sought from among the Conservation Areas.

233. Our proposals have also been strongly reinforced by the findings of the Wild Life Conservation Special Committee. In presenting their scheme of Nature Conservation for the whole of England and Wales, they attach particular importance to the preservation of large tracts of interesting country too large for strict preservation as National Nature Reserves, but yet of great value either physiographically or geologically or as containing complex communities of plant and animal life. We have therefore worked in close co-operation with the Special Committee in making our selection, and in drawing the boundaries of Conservation Areas so as to include land which they recommended as of outstanding scientific value. We also make provision for the application of expert advice from the proposed Biological Service (see Chapter X), to the protection of these areas, the interest and beauty of which are so largely derived from their underlying geological formations and from the richness of their flora and fauna.

AGRICULTURAL AND FOREST AREAS

251. We have noted in paragraph 231 that in certain of our proposed Conservation Areas arable farming occupies the greater proportion of the land. It will be essential in these areas that landscape preservation and public enjoyment, and particularly access for ramblers, should be reconciled with the paramount interests of agricultural landowners and farmers.

252. Some of the areas which we have selected, for example the Breckland, the New Forest and the Forest of Dean, already include extensive State forests. Here the requirements of forest development will govern the character of the landscape and impose considerable limitations on rambling access. It will be essential that a balance should be struck between the requirements of economic forestry and aesthetic, scientific and recreational values, by co-operation between the Forestry Commission, the National Parks Commission, the Biological Service and the local planning authorities.

253. In some of these areas the Forestry Commission have already established, or may intend to establish, National Forest Parks. Visits by some of our members to Forest Parks and our study of the Forestry Commission's published literature on this aspect of their policy, have convinced us that these Forest Parks have already made a good beginning, and should in time make wide provision for public enjoyment in suitable forest areas with the minimum of detriment to forestry. We trust that the Forest Parks scheme will be further developed in Conservation Areas, since in this way the purposes outlined in the previous paragraph will be partly achieved. We would, however, emphasise the need for close correlation between the

31. For the second requirement, a progressive policy of Park management will be needed, to make use of the resources of the National Parks for popular enjoyment and open-air recreation. Such a policy must be wisely applied to

ensure that the peace and beauty of the countryside, and the rightful interests of the resident population, are not menaced by an excessive concentration of visitors, or disturbed by incongruous pursuits. There must be more holiday accommodation, including carefully placed and well designed hostels and sites for tents and caravans, so as to bring visitors within reach of the attractions of the Parks without overcrowding. For the motorist there should be good roads, but not speedways. There must be an ample provision of footpaths to take walkers through the valley farmlands or young plantations without risk of trespass or damage; there must be free access for rambles on the mountains and moorlands; wild life and features of special interest should be protected; and country sports and pursuits (such as fishing, riding, sailing or the study of Nature) should, where circumstances allow, be made available to all who would find in them a source of health and refreshment, a new sense of adventure and an escape from the routine of their working lives.

32. National Parks in England and Wales will not be small-scale copies of the vast Réservations which have been set aside in larger countries, but will have a character of their own. The richly varied landscape of our country is a joint creation of natural growth and man's cultivation. Consider the unsurpassed diversity of its geological formations, the contrast of mountain and wild moorland with the green and pleasant farmlands of the valleys, the cliffs and small sandy coves of the coastline, the beauty of oak and beech woods, the smooth undulations of the chalk downs, the ordered homeliness of villages and farms, the fine architecture of Norman castle, Gothic abbey, or Tudor manor-house; the rich heritage of historic and prehistoric sites and monuments and the fascinating diversity of plant and animal life. Fully aware, therefore, that the problems of rural planning in a small and highly developed country are more complex and exacting than those that have been overcome elsewhere, we present our detailed scheme for the establishment of National Parks in England and Wales.

CAMPING AND CARAVANNING

168. Camping will bring National Park holidays within the reach of many people, and especially young people, who might otherwise be kept from their enjoyment by lack of money or the insufficiency of permanent accommodation. Moreover, camping is an adventure in itself which has the greatest educational value, in developing qualities of self-reliance and initiative, in bringing campers into close touch with Nature, and in opening to them a way of escape from the cares and complexities of everyday existence into the simple life of the nomad. Much the same can be said for caravanning, which will bring similar pleasures to older people and to families with young children, to whom the rougher experiences of camping under canvas are denied. Furthermore the accommodation of holiday makers in movable tents and caravans will involve a more temporary appropriation of land than would be required by the building of permanent holiday establishments. For all these reasons we consider that camping and caravanning should be encouraged in National Parks, subject to such planning control as may be necessary to safeguard amenities and prevent abuses.

169. We assume that the use of land for the purpose of mobile or temporary camping in tents or caravans (which might suitably be defined as for a period of less than forty-two consecutive days, with due safeguards to prevent evasion by nominal removal and early return) will be subject to general control as a use of land under the new Bill, and that it will therefore be open

SPORT AND RECREATION.

204. There is perhaps a tendency to regard rambling as the only important recreation in National Parks. Yet there must be many who most enjoy wild country when its beauty forms the setting for other forms of sport and recreation—many whose cherished memories of Exmoor, the Lake District

or the Broads are associated with the feel of a keen horse or a well balanced trout-rod or the kick of a racing tiller; and there must be a still larger number in whom a fuller appreciation of the country would be awakened by the opportunity to enjoy these pursuits.

205. National Parks will not justify their name, or bear comparison with those in other countries, unless a share of their sporting facilities, such as fishing, riding and small boat sailing, is made available to the general public. Moreover their enjoyment should be conditioned not by expense only but by the extent of the facilities that can be reasonably provided. We use the words "reasonably provided", realising that the provision of certain sports must be limited. Fishing, for instance, is restricted by the number of rods that can be accommodated on the available water without overfishing, and it would not be reasonable, or desirable, to deprive a limited number of people (often local residents) of their cherished enjoyment in order to transfer it to a similar number of National Park visitors. There may also be other limiting factors to the development of sporting facilities in the counter-requirements of farming, forestry and other legitimate interests in the use of land, and in the overriding need for the preservation of the peace of the countryside.

206. In this last connection we hold the view that it is the primary purpose of National Parks to provide country contentments in settings of unsullied beauty. It would therefore be a mistaken policy to attract into the National Parks those whose tastes are for gregarious holiday-making and urban gaiety by providing the more organised amusements appropriate to the larger holiday resorts. We do not wish to imply that an occasional swimming pool or golf course or some provision for wet-weather entertainment would be inappropriate to National Parks, though their proposed location and lay-out should be scrutinised by the Park Committee, and they should normally be in or adjoining the larger centres of population. Certainly every encouragement should be given to the arts; indeed the National Park Centres may provide suitable settings for art exhibitions and for musical and dramatic festivals.

207. Subject to the considerations set out in paragraph 205, we foresee great scope for the promotion and improvement of sport and recreation in National Parks; for country pursuits will make an important contribution to the nation's welfare in providing mental and physical adventure and in promoting a better understanding between town and country by giving the townsman a deeper comprehension of the significance of nature, an appreciation of country lore and an insight into the essential processes of primary production in which the countryman is engaged.

THE PROMOTION OF OPEN-AIR ENJOYMENT

248. Whereas in National Parks the Commission will have full responsibility for what we have referred to in Chapter VII under the general title of Management, including the development of suitable facilities for popular open-air enjoyment, we recommend that in Conservation Areas such duties should be the responsibility of the local authorities (where they possess the necessary statutory powers) or alternatively, should be undertaken by voluntary associations or private bodies. Whilst it is implicit in the title of Conservation Areas that the protection of their natural beauty and interest should be the first concern, nevertheless in some of these areas, or in parts of them, expansion or improvement of holiday accommodation and facilities for open-air enjoyment of the countryside will undoubtedly be desirable. We have in mind in particular the provision of carefully-sited and well-designed hostels and camping grounds, of local Nature Reserves, and of footpaths and access for ramblers.

249. In addition to any powers under existing legislation enabling local authorities to provide these facilities, they will have certain additional powers in the new Bill. We recommend that the National Parks Commission should be empowered to make grants, either as capital sums or on a recurrent basis, to local authorities in Conservation Areas for specific purposes which will contribute to the protection of landscape beauty and natural interest or the promotion of popular open-air enjoyment of the countryside.

250. Some of the objects referred to in paragraph 248 may be outside the existing powers of local authorities and must be, or will be better, carried out by voluntary organisations, particularly those with experience in providing holiday accommodation. We therefore recommend that the National Parks Commission shall be empowered to make grants to non-profit-making voluntary bodies for the promotion of popular open-air enjoyment of the countryside in Conservation Areas.

RAMBLING ACCESS

290. The freedom to wander over mountain, moorland, rough grazing and other uncultivated land will be of the utmost importance to the enjoyment of National Parks. The extent of potential "Access Land" was therefore an important factor in our selection of areas and we show, in yellow, on the maps of the proposed National Parks in this Report the uncultivated land as defined by the Land Utilisation Survey of Great Britain in 1936. It is not suggested that every acre of this land should be declared as open to free rambling access. Some of it may have been turned over to arable farming during the war, and other areas may be devoted to forms of land use, or subject to rights or easements, which preclude the possibility of free public access. We think, however, that these maps will give a useful indication of the general extent of potential rambling land in each National Park.

291. The freedom to wander at will is already enjoyed by the public over a large proportion of the mountain, moorland and uncultivated land in the National Park areas, but generally it is enjoyed only by tacit permission of the owners and occupiers, not as a legal right. We consider that in National Parks, public access as of right should be established over all suitable land, such as mountain, moor, heath, down, cliff and common land and uncultivated land generally, but not on land where public access would seriously conflict with other essential uses.

292. It will be desirable, and we assume that the Footpath and Access Special Committee will recommend the necessary measures, to ensure that "Access Land" is clearly defined and made known to the public.

293. Free rambling access, by which we do not of course mean a mere right of passage limited to footpaths and bridleways, clearly cannot be granted over agricultural land (other than rough grazing) since farmers in National Parks as elsewhere must be assured of protection for their crops and stock. Even on rough grazing some enclosures may have to be excluded from the access land for the protection of lambing ewes and other stock. Other categories of land over which rambling may have to be prohibited, or at least limited, are:—plantations of young trees, in which the danger of fire and other damage might be increased by public access; land in the immediate vicinity of reservoirs or in certain parts of catchment areas, where the purity of water supplies is at stake; land used for military training, where firing or unexploded missiles may be a danger to the public; mines and quarries which are being worked; Nature Reserves, in which rare or shy species must be protected from disturbance; gardens and private grounds of dwelling houses or institutions; airfields; golf-courses, race-courses, playing fields and similar private open spaces. Lastly a solution must be found to the conflict between public access and established sporting interests, particularly that of grouse shooting. This conflict presents a serious problem on certain grouse moors, notably in the Peak District, where owners and sporting tenants claim that freedom for the public to wander over the moors would disturb the grouse during the breeding and shooting seasons. Yet these moors are some of the most precious rambling land in the country, and in National Parks access to such land must be secured.

294. It will be for the Special Committee, therefore, to recommend a scheme for ensuring the widest possible freedom of rambling access in National Parks and Conservation Areas, with the least possible disturbance to other rights and interests in the land.

FOOTPATHS AND BRIDLEWAYS

295. Our National Parks—even in the wilder areas of the north and west—include considerable areas of cultivated land in the valleys and on the lower slopes of the mountains. These areas are included for the beauty of their

farmlands and woods, their rivers, their villages and many buildings of historic or architectural interest. Their softer and more varied landscape is often complementary to the impressive austerity of the mountains and moorlands which rise above them. They are in fact an essential part of the National Parks, and must be given the special protection of National Park planning. At the same time the farmers and residents in these areas must be protected from undue interference with their livelihood and privacy by incursions of National Park visitors. Here there cannot be unrestricted freedom to wander at will, but if visitors are to enjoy the beauty of the valleys and lower lands, and if ramblers are to have access to the mountains and moorlands from the valley roads and villages, there must be sufficient provision of footpaths and bridleways.

296. These footpaths and bridleways will serve a variety of purposes. There must be local walks leading from the villages and towns where visitors will find accommodation; longer paths and bridleways leading from one village to another; riverside paths; paths through woods; paths leading to view points or places of particular beauty or interest; paths and bridleways leading from the valleys to the open land of the mountains, moors or downs; cliff-top paths along the coast; and paths leading down to the sea or along the shore.

299. Very similar considerations will apply to the establishment and maintenance of public footpaths and bridleways in Conservation Areas. Indeed

many of these areas contain such a high proportion of enclosed agricultural land that the provision of footpaths may be at least as important as in National Parks.

LONG-DISTANCE PATHS

300. We also attach importance to the provision of long-distance paths and bridleways in and between National Parks and Conservation Areas. There should be continuous routes which will enable walkers and riders to travel the length and breadth of the Parks, moving as little as possible on the motor roads. Other long-distance paths should give access to National Parks from outside, or link one National Park with another. A number of these potential long-distance paths have already been traced out on the ground. The most widely advocated is perhaps the Pennine Way, a hill walk of 250 miles from Edale in Derbyshire over the Pennines and Cheviots to Wooler in Northumberland. Other attractive routes are the Ridgeway over the Marlborough and Berkshire Downs, the Pilgrim's Way from Canterbury to Winchester, the South Downs path from Beachy Head to Salisbury Plain, Offa's Dyke from Prestatyn through the Welsh Marches to Chepstow, and the Roman Wall track from Newcastle to the Solway. We assume that the Special Committee will recommend how and by what authority these paths should be established and maintained, for it is clear that this provision for the vigorous enjoyment of walking and riding through the unspoilt country of England and Wales should be regarded as an important adjunct to the National Parks scheme.

ANCIENT MONUMENTS AND HISTORIC BUILDINGS

177. A number of Ancient Monuments in National Park areas are, or will be, scheduled for protection by the Ministry of Works Ancient Monuments Service. Close co-operation must be established between the National Parks Commission and the Ancient Monuments Service, to cover not only the preservation of these Monuments themselves, but also the protection of their surroundings and the provision of facilities and services for visitors.

178. For the protection of buildings of architectural or historic interest not scheduled as Ancient Monuments special powers are included in the new Bill, enabling local planning authorities, subject to confirmation by the Minister and provision for compensation, to apply a "Building Preservation Order", restricting the demolition, alteration or extension of any specified building. The Minister is also empowered to compile lists of buildings to be so protected or to accept lists compiled by other persons and bodies. In addition, powers will be available to the Minister either himself to acquire, or to authorise a local authority to acquire, compulsorily, any such building, or any land surrounding or adjacent to it which may be required for its maintenance, for the preservation of its amenities, or for affording access to it. These powers, if fully and wisely used, will be adequate for the protection and maintenance of the many buildings of historic or architectural interest which are among the most precious features of the proposed National Parks.

THE SCIENTIFIC BACKGROUND OF THE INQUIRY

The aesthetic and scientific approaches

3. At the very beginning of the inquiry we found ourselves in a position of some difficulty. The problem of nature conservation had already been approached, publicly and independently, along two distinct lines of thought which not unnaturally led to somewhat different conclusions. The one, which may loosely be described as the aesthetic approach, placed the main emphasis upon preserving, at least in selected areas, the characteristic beauty of the landscape and upon providing ample access and facilities for open-air recreation and

for the enjoyment of that beauty within those areas. This was a matter which primarily and directly concerned the Ministry of Town and Country Planning. The other, the scientific approach, while in no way underestimating the importance of aesthetic values and of their appreciation by the public, was primarily directed to the advancement of knowledge as such, as well as to the application of that knowledge to the affairs of the nation. Proposals resulting from this approach had already been referred to the representative scientific body advising the Lord President of the Council.

Conservation Areas

206. A "Conservation Area" may be defined as a tract of country the existing character of which it is desired to preserve as far as possible, either for the singular beauty of its landscape or for its high scientific interest, but more usually for a combination of both. The beauty of the English and Welsh scene cannot be comprised within a few National Parks, however well chosen; nor are the proposed Parks and National Nature Reserves together sufficient to safeguard that wide variety of changing natural conditions which must be kept open to study if any comprehensive wild life policy is to be developed. Both the landscape and the scientific interests need to be supplemented by areas which do not require management as a Park or the stricter control applicable to a reserve, and which in fact need little more protection than can be afforded by the wise application of planning control.

CONSERVATION AREAS

The case for Conservation Areas

56. A Conservation Area may be defined as a tract of country the existing character of which it is desired to preserve so far as may be possible. The underlying idea, and the purposes a Conservation Area is intended to serve have been clearly stated by the Nature Reserves Investigation Committee.* While the object of making a National Nature Reserve is primarily scientific, though the reserve may have other uses, the case for designating Conservation Areas rests at least equally on grounds of "amenity" in the widest sense, and it is difficult to divorce this aspect from the scientific ends which are sought. Certain regions of the English countryside possess a distinctive character whose nature and value depend partly on the physical structure of the country, the rocks of which it is composed and the sculpturing of hill and valley, partly on the local climate, partly on the natural and semi-natural vegetation that may be present, and partly on the crops that are grown and the agricultural regime. All these elements blend into a whole which often possesses both singular beauty and high scientific interest, and the defacement or disappearance of the distinctive characters of such a region involves an irreparable loss which it is hard to overestimate. With the aesthetic aspect, which cannot possibly be ignored, it is not our business to deal, but we must indicate the scientific considerations involved.

57. In the first place, there are many important types of plant and animal community and of physical features which are demonstrable only on a scale larger than that suitable for strict reservation, at least in a highly developed country. Secondly, it is no less important, whether for purely scientific or for economic reasons, to study areas which have been and are being

* See particularly Memorandum No. 3, paragraphs 14-16, and Memorandum No. 6, paragraphs 12-14.

NATIONAL PARKS

Scientific management

77. The conservation and scientific management of nature within National Parks presents a practical as well as a scientific problem of considerable complexity—a fact clearly recognised in the Dower Report. Any National Park is likely to include economically valuable agricultural and forest land; indeed, developed land may make a real contribution to the beauty of the landscape. Moreover, the need to provide for a number of different recreational interests must also be taken into full account in the framing of a coherent policy of planning and management. The control of wild life within a National Park must therefore be based on a blend of many differing requirements and will demand throughout the whole area extremely skilled management and foresight. On the one hand, to preserve the landscape calls for the maintenance of a good vegetational balance and, in the wilder parts, of the rich flora and fauna which is one of the principal attractions of such places; while, on the other hand, the general wild life policy must be such as will not prejudice the best use of the developed land. Accordingly, the outlook on the conservation and management of nature within National Parks will differ in many respects from that in the country at large, and both again will differ from that which must in our view inform the policy applied within National Reserves. One of the chief differences between a National Park area and one of ordinary countryside is the greater interest in nature likely to be shown by the visiting public, combined with a greater density in numbers of visitors. These two tendencies obviously conflict to a considerable extent and will necessitate paying the closest scientific attention to the biological effects of trampling and continued disturbance. There will, however, be many similarities, and we consider that great opportunities will be provided for showing, inside National Parks, how some of the improved methods of control advocated for the country generally (see paragraphs 106-121) can be effectively adopted.

THE RELATIONS BETWEEN THE BIOLOGICAL SERVICE AND THE NATIONAL PARKS
COMMISSION

a.

168. To perform the duties specified in paragraph 157, the Biological Service should be charged with a general responsibility for maintaining, within the framework of existing legislation, a policy of nature conservation and control throughout the country. This general responsibility should not, however, conflict at any point with the special responsibilities which should be placed upon the National Parks Commission for the management of National Parks or any other areas placed within their charge. Since the conservation of landscape values and natural amenities depends directly upon the conservation of natural physical features and the maintenance of their plant carpet and animal life, it is essential that the National Parks Commission should be charged with a primary responsibility for the conservation, management and control of wild life within the boundaries of the National Parks (exclusive of any small areas which may be designated as National Nature Reserves), and that the Commission should set aside, hold, manage and maintain, and if necessary acquire, as nature reserves such areas (whether within or outside the boundaries of the Parks) as they may think necessary both for the purpose of discharging their general responsibility for nature conservation within the Parks and for the education and enjoyment of the public.

169. In the discharge of these responsibilities for nature conservation and reservation, the Commission should consult with the Biological Service; and the Biological Service should be required to provide that body with any information, advice and practical help that they may properly ask for, including where necessary the seconding of trained staff to carry out, under the direction of the Commission, any scientific work, or any work requiring special scientific knowledge, which the Commission, after consultation with the Biological Service, consider necessary for the management of the Parks and their ancillary reserves.

b.

170. The remaining designated areas not set aside as National Parks—the Conservation Areas—have been selected for conservation because of their outstanding national value in respect of landscape and scenic beauty; the provision of rural amenities; general scientific importance (whether biological, physiographical, geological or archaeological); and the facilities that can be provided by the combination of these attributes for the enjoyment, recreation and education of the public. In some places the landscape and amenity values are paramount, in others the scientific and educational, but in all the areas both sets of values co-exist.

171. We propose that within the Conservation Areas special planning consideration (e.g. by the setting aside of "nature zones," see paragraph 60) should be given to the fostering and protection of all the values stated in the last paragraph, and that to secure this end the National Parks Commission should be represented on the local Advisory Committees which it is recommended should be set up in every Conservation Area (see also paragraph 61).

192. This conclusion is governed by the following facts:—

(a) The highly intricate and involved series of inter-actions which bring about the balance of nature are far from being completely understood and are sometimes of a most unexpected kind. Changes are often slow, insidious and not readily detectable. The flora and fauna of only a century ago show striking differences from those of today. The trend has been a steady deterioration in variety and an expansion of the hardy world-wide pests of civilization. The maintenance of any desired balance can be achieved only by a great increase in knowledge and by its skilful application.

(b) Man is potentially the most destructive of animal species, and through ignorance and neglect frequently destroys things of great value to his own material, mental and spiritual advancement. The benefits that could be derived from a fuller and more intelligent use of the natural resources of this country are very great. They extend over a wide range of economic activities, including agriculture, forestry, game preserving, Park and estate management, fisheries and any other "farming" of the living resources of land and water, as well as water supply, drainage, quarrying, and the many aspects of civil engineering that depend more directly upon physiographical and geological knowledge. To reap these further benefits would prove a most profitable business transaction for the State, saving many times the cost of acquiring and applying the requisite knowledge; and this takes no account of the gains in those higher values that cannot be quantified in terms of money.

(c) These islands are already crowded, and demands for further development of land are increasing. Any proposals for taking or designating land for scientific or conservation purposes must, therefore, be confined to the minimum essential for the purposes to be served, be fully justified and be put forward promptly before such land is lost. Not only must the claims of science and nature conservation be dovetailed with those of landscape preservation and recreation, but both must also adjust their demands to take full account of other national interests and economic necessities.

CATEGORIES OF LAND FOR CONSERVATION

National Parks

195. The National Parks Committee have selected 12 areas of outstanding natural beauty as prospective National Parks (for the list of these see Appendix 4). They have recommended that the management of these areas should be entrusted to a National Parks Commission with wide powers.

196. We recommend (paragraphs 30 and 77) that the National Parks Commission should be charged with the general responsibility for the conservation of nature within all National Parks; and that provision should be made (see paragraph 232 below) for supplying this authority with the expert scientific advice and help needed in the discharge of this responsibility.

197. The areas selected as National Parks contain large stretches of country, as well as many smaller sites, of high scientific value. That these valuable areas should be carefully conserved and scientifically managed is inherent in the conception of a National Park as defined for the purposes of our inquiry, and is essential to the proper management and full enjoyment of the Park as a whole.

198. We recommend therefore (paragraph 168) that the National Parks Commission should set aside, hold, manage and maintain, and if necessary acquire, as nature reserves such areas as they may think necessary both for the purpose of discharging their general responsibility for nature conservation within the Parks and for the education, interest and enjoyment of the public. (These reserves must not be confused with any National Nature Reserves (see paragraphs 201 and 202) which may be enclosed within a National Park. For our recommendation on the treatment of such reserves see paragraph 205.)

199. Though we have indicated in Appendix 8 the larger areas of outstanding scientific value which are embraced by the proposals for National Parks, we have not attempted to specify sites which might be set aside as reserves for the purposes outlined in the next paragraph. We have, however, recommended machinery (see paragraphs 238 and 246) for providing the National Parks Commission with appropriate advice in making their selection.

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207. For the reasons already outlined in paragraphs 57 and 58, we attach great weight to the principle of the Conservation Area; and we have made a careful selection of 35 areas of outstanding scientific value, the conservation of which forms an integral part of our special proposals (see Appendix 8 and Map No. 2). These include: the 28 areas recommended in the main report of the Nature Reserves Investigation Committee for their biological and general scientific value; 4 chosen for their special geological value, all of which were recommended in the geological report of that committee; and 3 additional areas not included in those reports, but which we consider necessary to a properly balanced scheme (paragraphs 62 and 63). We have also given close consideration (paragraphs 68 and 69) to the landscape areas recommended in the Dower Report but not covered by our minimum proposals. From the scientific point of view we consider that this list (which includes also all but 3 of the areas we have specially selected) has been most admirably chosen and that the conservation of the further areas there recommended would greatly enhance the scientific results which could be derived from our own more restricted list. In view of these facts we see no reason for differentiating between those areas that have been chosen primarily for their scientific value and those chosen for their landscape beauty. We recommend therefore that all areas (other than those actually established as National Parks) proposed for conservation, whether primarily for scientific or landscape reasons, should be treated in the same manner (paragraph 70) and conserved on the lines indicated in paragraph 206.

Conclusion

Mindful of our terms of reference, we have made our recommendations with "due regard to agriculture, forestry and other essential interests". We have assumed that goodwill and co-operation will be forthcoming both from townspeople who frequent the countryside, and from those who live and work in the country or are concerned with the use of its land. A better understanding between town and country, which it is so important to establish, will not be achieved without this goodwill and co-operation. These relations, we recognise, need to be carefully and constantly fostered.

Much of the ill-feeling which has existed in the past has been due to ignorance or thoughtless behaviour on the part of some townsmen. This we believe could be considerably reduced by persistent educational efforts. We accordingly recommend that a simple Country Code should be prepared and issued. Its object should be to evoke a better all round standard of responsible behaviour in the countryside and to instil a greater appreciation of the ways and needs of rural life, and the inter-dependence of town and country. To this end religious bodies, school teachers, youth leaders and the open air organisations should be invited to co-operate in an educational campaign for which the widest publicity should be sought by means of leaflets and posters, and by co-operation with the press, the radio and the cinema.

If our proposals are accepted, and pass into law, they will confer upon the public a precious gift of greater rights and privileges. They will protect and preserve, more simply and yet more adequately than in the past, the footpaths engraved on the face of the land by the footsteps of our ancestors. They will provide long-distance footpaths which may be followed for many miles away from the din and danger of busy motor roads. In the wilder parts of the country our recommendations will provide for the greatest freedom of rambling access consistent with other claims on the land. They will enable active people of all ages to wander harmlessly over moor and mountain, over heath and down, and along cliffs and shores, and to discover for themselves the wild and lonely places, and the solace and inspiration they can give to men who have been "long in city pent". Thus we believe an effective contribution will be made to the health and well being of the nation, and an important step taken towards establishing the principle that the heritage of our beautiful countryside should be held in trust for the benefit of the people.

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EDWARD N. BUXTON.
JOHN DOWER.
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TOM STEPHENSON.
G. ANDREW WHEATLEY.

PHILIP MAGNUS (*Secretary*).
22nd July, 1947.