

**ORIGINS AND INTENTIONS OF  
1949 ACT NATURAL BEAUTY**

**REPORT  
TO  
THE COUNTRYSIDE COUNCIL FOR WALES**

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## **ORIGINS AND INTENTIONS OF 1949 ACT NATURAL BEAUTY**

**Research undertaken for the Countryside Council for Wales  
by Edward Holdaway, February 2007**

### **EXECUTIVE SUMMARY**

1. The report sets out the findings of research commissioned by The Countryside Council for Wales [CCW], in collaboration with Natural England, to clarify the original intentions and use of the terms ‘natural beauty’ and ‘outstanding natural beauty’ in the National Parks and Access to the Countryside Act 1949 [the 1949 Act].
2. The need to undertake this work has arisen from the request to CCW by the Welsh Assembly Government to prepare a statement on ‘natural beauty’ and the high level of interest and debate over recent months surrounding the judgement in the Meyrick case, new designations in England, new legislation and the appeal by Defra against the Meyrick judgement.
3. The research was undertaken in three stages:
  - a) an examination of the Hansard record of the Parliamentary debates that took place on the Bill in both Houses of Parliament, especially those during the respective second readings
  - b) an examination of files from the Ministry of Town and Country Planning, the Treasury and the Cabinet Office, in order to shed further light on the thinking of Ministers and Civil Servants
  - c) an examination of the key reports relating to National Parks [by Dower and Hobhouse], Nature Conservation and Footpaths and Access to the Countryside that led to the Bill
4. The following conclusions have been drawn from the research:
  - a) There was a marked absence of discussion about the principles underlying the Bill. There was no discussion of whether or not National Parks should be established or about the basis for designating them. Rather, the debate was about how they should be planned and managed – the ‘machinery’. As result there is no clear statement defining ‘natural beauty’.
  - b) However, despite the absence of debate about the concept of National Parks and ‘natural beauty’, there is clear evidence as to the intentions behind the Bill in the Hansard record of 2<sup>nd</sup> Reading in both Houses of Parliament. This is reinforced by evidence from Departmental files and from the Dower and Hobhouse Reports that had been commissioned by Government.

- c) Perhaps the most significant piece of evidence is the very clear link between the Bill and the Hobhouse Report and the Dower Report before it. The link is clear from statements made by Ministers introducing the Bill in both Houses of Parliament. It is clear that the Dower definition of a National Park was widely accepted, although not reproduced in the Bill itself.
- d) It is important to note that this link was evident in the use of many of the words from the Dower definition in the drafts of the Bill until the very last moment, when the references to landscape beauty, wildlife and buildings and places of architectural and historic interest and to the impact of development were dropped. No explanation has been found except that buildings and ancient monuments may well have been dropped because they were dealt with under other legislation, particularly the, then, new Town and Country Planning Act of 1947, and therefore did not need to be referred to in the Bill. There is also the suggestion that it would be preferable not to define 'natural beauty' too closely in case the kind of area that might be designated as a national park were limited and that in any event a national park would be what the Minister deems it to be.
- e) The intentions of government can be understood further from all the sources examined when one considers the range of words used to preface or replace 'beauty' or the use of 'beauty' by itself when referring to National Park areas and areas of outstanding natural beauty. They all suggest a wide definition rather than a narrow one.
- f) A broad view was taken as to what National Park areas would include and what elements would contribute to their overall special quality. Ministers were very clear that life in the existing community should go on, hence the emphasis on having regard to the needs of agriculture and forestry and on maintaining the economic life of the community and on the importance of planning control.
- g) Ministers also recognised the importance of the historic built environment in contributing to the quality of the National Parks – the only real reference to cultural heritage as we know it today. All these points had lain at the heart of the Dower and Hobhouse Reports the principles of which had been accepted by Government.
- h) There was limited discussion of nature conservation in the context of the 'natural beauty' that was to underpin National Parks. The fact that one whole part of the Bill was devoted to nature conservation, in particular the setting aside of national nature reserves, was indicative of the distinction between wildlife conservation and landscape conservation that underpins the designation of national parks.
- i) Ministers were also clear as to the kind of recreation that would be appropriate in a National Park, accepting the advice of the Dower and Hobhouse Reports. They accepted the view that, whilst hiking and rambling on foot were central to the aims of the Bill, there was a range of

activities which would be appropriate and should be encouraged – riding, bathing, cycling, driving, sailing, fishing or lazing.

## **TARDDIAD AC AMCANION Y TERM “HARDDWCH NATURIOL” YN NEDDF 1949**

**Gwaith ymchwil a gyflawnwyd ar gyfer Cyngor Cefn Gwlad Cymru gan Edward Holdaway, Chwefror 2007**

### **CRYNODEB GWEITHREDOL**

1. Mae'r adroddiad yn cyflwyno canfyddiadau gwaith ymchwil a gomisiynwyd gan Gyngor Cefn Gwlad Cymru i egluro amcanion gwreiddiol y termau “harddwch naturiol” (“*natural beauty*”) a “harddwch naturiol eithriadol” (“*outstanding natural beauty*”), ac egluro'r defnydd a wnaed ohonynt yn Neddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 [Deddf 1949].
2. Mae'r angen i gyflawni'r gwaith ymchwil hwn wedi deillio o gais a gafodd y Cyngor Cefn Gwlad gan Lywodraeth Cynulliad Cymru i baratoi datganiad ynghylch harddwch naturiol. Mae wedi deillio hefyd o'r holl ddiddordeb a'r holl drafod dros y misoedd diwethaf mewn perthynas â'r dyfarniad yn achos Meyrick, dynodiadau newydd yn Lloegr, deddfwriaeth newydd, ac apêl Defra yn erbyn dyfarniad Meyrick.
3. Cafodd y gwaith ymchwil ei gyflawni mewn tri cham:
  - a) archwiliwyd cofnod Hansard o'r dadleuon Seneddol a gafwyd mewn perthynas â'r Mesur yn Nhŷ'r Cyffredin a Thŷ'r Arglwyddi, yn enwedig y dadleuon hynny a gafwyd yn ystod yr ail ddarlleniadau perthnasol
  - b) archwiliwyd ffeiliau o'r Weinyddiaeth Cynllunio Gwlad a Thref, y Trysorlys a Swyddfa'r Cabinet er mwyn taflu rhagor o oleuni ar y modd yr oedd Gweinidogion a Gweision Sifil yn meddwl
  - c) archwiliwyd yr adroddiadau allweddol ar Barciau Cenedlaethol gan Dower a Hobhouse, sef *Nature Conservation a Footpaths and Access to the Countryside*, a arweiniodd at y Mesur.
4. Daethpwyd i'r casgliadau canlynol yn dilyn y gwaith ymchwil:
  - a) Roedd absenoldeb trafodaeth ynghylch egwyddorion sylfaenol y Mesur yn amlwg iawn. Ni chafwyd unrhyw drafodaeth ynghylch p'un a ddylai parciau cenedlaethol gael eu sefydlu ai peidio, na thrafodaeth ynghylch y rhesymau dros eu dynodi. Yn hytrach, roedd y dadleuon yn ymwneud â sut y dylid eu cynllunio a'u rheoli - y “peirianwaith”. O ganlyniad, ni cheir unrhyw ddatganiad eglur sy'n diffinio “harddwch naturiol”.
  - b) Fodd bynnag, er gwaethaf absenoldeb dadleuon ynghylch y cysyniad o barciau cenedlaethol a “harddwch naturiol”, ceir tystiolaeth amlwg o'r bwriadau a oedd wrth wraidd y Mesur yng nghofnod Hansard o'r ail

ddarlleniadau yn y ddau dŷ Seneddol. Caiff y dystiolaeth honno ei hatgyfnerthu gan dystiolaeth o ffeiliau Adrannol ac Adroddiadau Dower a Hobhouse a oedd wedi'u comisiynu gan y Llywodraeth.

- c) Efallai mai'r dystiolaeth fwyaf arwyddocaol yw'r cyswllt amlwg iawn rhwng y Mesur ac Adroddiad Hobhouse, ac Adroddiad Dower cyn hynny. Mae'r cyswllt yn amlwg mewn datganiadau a wnaed gan Weinidogion a gyflwynodd y Mesur yn y ddau dŷ Seneddol. Mae'n amlwg bod diffiniad Dower o barc cenedlaethol wedi'i dderbyn yn eang, er na chafodd ei atgynhyrchu yn y Mesur ei hun.
- ch) Mae'n bwysig nodi bod y cyswllt hwn yn amlwg gan fod llawer o eiriau o ddiffiniad Dower wedi'u hailadrodd mewn drafftiau o'r Mesur, a hynny hyd y funud olaf pan gafodd cyfeiriadau at harddwch tirwedd, bywyd gwyllt, adeiladau a lleoedd o ddiddordeb hanesyddol a phensaernïol, ac effaith gwaith datblygu eu hepgor. Ni ddaethpwyd ar draws unrhyw esboniad am hynny, heblaw am y ffaith bod cyfeiriadau at adeiladau a henebion hynafol efallai wedi'u hepgor am fod deddfwriaeth arall yn ymdrin â hwy, yn enwedig Deddf Cynllunio Gwlad a Thref 1949 a oedd yn newydd bryd hynny, ac am nad oedd angen cyfeirio atynt felly yn y Mesur. Awgrymir hefyd y byddai'n well peidio â diffinio "harddwch naturiol" yn rhy fanwl rhag ofn y byddai hynny'n cyfyngu ar y math o ardal a allai gael ei dynodi'n barc cenedlaethol, ac awgrymir mai barn y Gweinidog fyddai'n diffinio parc cenedlaethol beth bynnag.
- d) Gellir deall amcanion y llywodraeth ymhellach yn yr holl ffynonellau a archwiliwyd, wrth ystyried yr ystod o eiriau a ddefnyddid i ragymadroddi ynghylch "harddwch" neu ddisodli'r gair "harddwch", neu wrth ystyried y defnydd a wnaed o'r gair "harddwch" ar ei ben ei hun wrth gyfeirio at ardaloedd parciau cenedlaethol ac ardaloedd o harddwch naturiol eithriadol. Mae'r cyfan yn awgrymu diffiniad cyffredinol yn hytrach na diffiniad manwl.
- dd) Roedd y safbwynt ynghylch yr hyn y byddai ardaloedd parciau cenedlaethol yn ei gynnwys, a'r elfennau a fyddai'n cyfrannu at eu hansawdd arbennig cyffredinol, yn eang. Roedd Gweinidogion yn credu'n bendant y dylai bywyd fynd yn ei flaen yn y gymuned a oedd yn bodoli ynddynt eisoes. Felly, rhoddwyd pwyslais ar barchu anghenion amaethyddiaeth a choedwigaeth, cynnal bywyd economaidd y gymuned, a rheoli cynllunio.
- e) Roedd Gweinidogion hefyd yn cydnabod pwysigrwydd yr amgylchedd adeiledig hanesyddol o safbwynt ei gyfraniad i ansawdd y parciau cenedlaethol - yr unig gyfeiriad gwirioneddol at yr hyn yr ydym yn ei alw heddiw yn etifeddiaeth ddiwylliannol. Roedd yr holl bwyntiau hyn yn greiddiol i Adroddiadau Dower a Hobhouse, ac roedd y Llywodraeth wedi derbyn egwyddorion yr Adroddiadau hynny.
- f) Cafwyd rhywfaint o drafodaeth ynghylch cadwraeth byd natur yng nghydestun yr "harddwch naturiol" a fyddai'n sail i barciau cenedlaethol.

Roedd y ffaith bod un rhan gyfan o'r Mesur wedi'i neilltuo i drafod cadwraeth byd natur, yn enwedig yr angen i ddynodi gwarchodfeydd natur cenedlaethol, yn dangos y modd y gwahaniaethid rhwng gwarchod bywyd gwyllt a gwarchod tirwedd, sef yr hyn sy'n sail i'r broses o ddynodi parciau cenedlaethol.

- ff) Roedd Gweinidogion yn bendant hefyd ynghylch y math o weithgareddau hamdden a fyddai'n briodol mewn parc cenedlaethol, ac roeddent yn derbyn cyngor Adroddiadau Dower a Hobhouse. Er bod heicio a cherdded yn ganolog i nodau'r Mesur, roedd Gweinidogion yn derbyn y farn bod yna ystod o weithgareddau a fyddai'n briodol ac y dylid eu hannog, megis marchogaeth, nofio, beicio, gyrru, hwylio, pysgota neu ymlacio.

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## 1.0 INTRODUCTION

### 1.1 Background

1. This report sets out the findings of research commissioned by the Countryside Council for Wales [CCW] in collaboration with Natural England to clarify the original intentions and use of the terms ‘natural beauty’ and ‘outstanding natural beauty’ in the National Parks and Access to the Countryside Act 1949 [the 1949 Act].
2. The need to undertake this work has arisen from the request to CCW by the Welsh Assembly Government to prepare a statement on natural beauty, as well as the high level of interest and debate over recent months surrounding the judgement in the Meyrick case; new designations in England; new legislation and the appeal by Defra against the Meyrick judgement. An important aspect of the brief was the need to identify clear statements made in Parliament concerning the purpose of legislation in course of enactment. Following the House of Lords judgement in *Pepper v Hart* [1993], such statements may be used in court as a guide to the interpretation of ambiguous statutory provisions.
3. The brief required the Consultant to:
  - a) Copy and collate relevant papers in 2 volumes of collected Hansard Reports and other Parliamentary documents relating to the 1949 Act, using six specific criteria:
    - i. the origins of the terms ‘outstanding natural beauty’ and ‘area of outstanding natural beauty’
    - ii. any statement by Government Ministers as to the meaning of ‘natural beauty’ in the context of Sections 5[2] or 87 of the 1949 Act
    - iii. any reference by Government Minister to cultural heritage in the context of designating National Parks or Areas of Outstanding natural Beauty [AONBs]
    - iv. any reference by Government Ministers to wildlife, fauna or flora in the context of designating National Parks and AONBs
    - v. any indication from Government Ministers as to the relevance of ‘outstanding’ in the context of AONBs [ e.g. S87]
    - vi. any reference from Government Ministers to the role and interpretation of ‘open-air recreation’.
  - b) Identify copy, mark and collate extracts from other relevant sources, similarly using the six criteria.
  - c) Prepare a short report setting out the findings of the research and a brief interpretation of how these assist the understanding of the term ‘natural beauty’.

## **1.2 The programme of research and the structure of the Report**

4. The structure of the report is based on the order in which the research was undertaken:
  - a) The starting point was an examination of the Hansard record of the Parliamentary debates that took place on the Bill in both Houses of Parliament, especially those during the respective second readings – see paragraphs 10-33 below.
  - b) The second stage of the research consisted of an examination of files from the then Ministry of Town and Country Planning, the Treasury and the Cabinet Office, in order to shed further light on the thinking of Ministers and Civil Servants – see paragraphs 34-66 below.
  - c) The third stage consisted of an examination of the key reports relating to National Parks, Nature Conservation and Footpaths and Access to the Countryside that led to the Bill – see paragraphs 67-112 below.
  - d) The final section of the report sets out the conclusions that can be drawn from the research identified above - see paragraphs 113-122 below.
  
5. It is important to note that:
  - a) The text in italics represents direct quotes from the papers examined
  - b) Within the quotes, particular words have been highlighted by the author
  - c) Each quote has a reference number that refers to the photocopy taken of the relevant part of each document. These copies are contained in a separate companion volume to this main report.

## **1.3 Acknowledgements**

6. The Author would like to thank the following for their assistance in undertaking this research:
  - a) James Patterson and John Bohdanec, of Natural England in Cheltenham, for securing the Departmental files from the Public Record Office
  - b) Jean Bacon, the librarian of Natural England in Cheltenham, for giving access to papers held in the library
  - c) Carole Rothwell and Howard Davies, of CCW, and Christoph Kratz of Natural England, for their help, support and friendly advice
  - d) Ray Woolmore, formerly of the Countryside Commission and the Countryside Agency, for his help in sourcing papers.

#### **1.4. The context of the 1949 Act**

7. Before considering the findings of the research, it is important to make a number of points relating to the context of the consideration of the Bill that became the National Parks and Access to the Countryside Act 1949:

a) The content of the Bill was based on four key reports that had been commissioned and published by Government:

- 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]

This research draws extensively on these reports.

b) The Bill was one of a number put forward by the Labour Government addressing the planning of town and country, in particular the Town and Country Planning Act of 1947, which was prominent in the discussion of this Bill.

c) It may be of help to readers of this report to establish a time line of the key events leading to the enactment of the 1949 Act:

|            |   |
|------------|---|
| May 1945   | Publication of the Dower Report on National Parks   |
| Aug 1945   | 1st meeting of the Hobhouse Committee on National Parks   |
| July 1947  | Publication of Hobhouse Report  |
| July 1947  | Publication of Report on Nature Conservation  |
| Sept 1947  | Publication of report on Footpaths and Access to the Countryside  |
| April 1948 | Preliminary paper on an Amenities Bill from Minister of Town and Country Planning to the Lord President's Committee |
| June 1948  | Further paper from Minister of Town and Country Planning to the Lord President's Committee                          |
| Sept 1948  | Brief to Parliamentary Counsel on the drafting of the Bill  |
| March 1949 | 2 <sup>nd</sup> Reading of the Bill in the House of Lords   |
| Oct 1949   | 2 <sup>nd</sup> Reading of the Bill in the House of Lords   |
| Dec 1949   | Royal Assent  |

## **1.5. The National Parks and Access to the Countryside Bill as presented to Parliament**

8. The key Clauses in the Bill as introduced into the House of Commons in March 1949 relating to the designation of National Parks and Areas of Outstanding Natural Beauty respectively were as follows:

*“5. – (1) The provisions of this part of the 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.*

*(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 to both 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 sub-section.*

*(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 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.” [Ref NB 1]*

*“70. – ( The Commission may, by order made as respects any area in England or Wales, not being 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 to this Act to such an area shall be construed as references to an area designated under this section.” [Ref NB 2]*

References to the preservation of ‘natural beauty’ in the Bill were qualified in Clause 93 (2) as follows:

*“(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.” [Ref NB 3]*

## 1.6. The National Parks and Access to the Countryside Act 1949

9. Finally in this Introduction, it is important to set out the parts of the Act of relevance to this report. Section 5 of the Act is the focus of this research. It reads as follows:

*“5. – (1) The provisions of this part of the 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 public.*

*(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 centre 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 hereinafter referred to as National Parks.” [Ref NB 2]*

Section 87 of the Act provides for the designation of Areas of Outstanding Natural Beauty:

*“87.- (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 to be of such outstanding natural beauty that it is desirable that the provisions of this Act relating to such areas should apply thereto, 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.”*

Section 114 of the Act interprets references to the preservation of ‘natural beauty’ as follows:

*“(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.” [Ref NB 2]*

## 2.0 THE DEBATE IN PARLIAMENT

10. The primary source of evidence is to be found in the introductory and closing speeches by Government Ministers on the Second Reading of the Bill in both Houses of Parliament.
11. Before looking at these debates in some detail it is important to record that there was remarkably little discussion of the principles that underlay the Bill. The broad thrust of the Dower and Hobhouse Reports seems to have been accepted, not only on both sides of the Houses of Parliament, but also by the public at large.
12. In opening the 2<sup>nd</sup> Reading debate in the House of Commons, the Minister of Town and Country Planning, Mr Silkin, made reference to the work of many voluntary groups in campaigning for legislation relating to the preservation and enjoyment of the countryside:

*“The 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.” [Ref NB 4]*

13. In leading for the opposition, Mr WS Morrison said:

*“The right hon. Gentleman took us fully into the 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 we welcome the Bill.” [Ref NB 5]*

14. In closing the debate for the Government, the Parliamentary Secretary to the Minister of Town and Country Planning, Mr King, said

*“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.” [Ref NB 6]*

15. Mr Silkin referred to the Bill as “*largely machinery*” [Ref NB 7]. Mr Morrison also made the point that “... *this is a machinery Bill*” [Ref NB 8]. Both of them were reflecting the fact that whilst the principles behind the Bill, particularly relating to the establishment of National Parks, were accepted, the way in which they were to be organised and managed remained a matter of debate.

## 2.1 The House of Commons

16. In introducing the Bill on 2<sup>nd</sup> Reading in the House of Commons on 31 March 1949, the Minister, Mr Silkin, made it clear from the outset that its objects broadly were:

*“...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.” [ref NB 9]*

17. He explained the concept of a National Park as follows:

*“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**’.” [ref NB 10]*

It is important to note the reference to ‘beauty’ rather than ‘natural beauty’ and to the fact that national park areas would include communities.

18. He also drew a clear distinction between the National Parks in the USA and elsewhere and those proposed for England and Wales, in particular the fact that they would be areas in which people lived, where agriculture, forestry and rural industry were part of the scene:

*“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.....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.** [Ref NB 11a]*

19. In describing the kinds of recreation envisaged in National Parks, he drew on the experience from the National Parks in the USA, in particular Yellowstone Park, which he said *“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 around 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.”*  
*[Ref NB 11b]*

20. This view of what National Parks were about was reinforced when he emphasised the importance of maintaining the economic life of the local community and agriculture as guardian of the countryside in talking of the 25% of the land of England and Wales which might be covered by National Parks and Conservation Areas:

*“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. ....Just as all life is dynamic and circumstances 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**..... Other forms of development may be necessary. The Bill does, however, recognise the **special position of agriculture** and forestry. In Clause 5[4] it provides that both the National Parks Commission and the local authorities are to have due regard to the need for securing the agriculture and forestry as established in the parks shall be efficiently maintained.” [Ref NB 11c]*

21. In discussion, during the Report Stage of the Bill, of an amendment to Clause 5 [4], Mr Silkin reinforced the breadth of view of what the national parks were about when he said of the need for the authorities, in planning the area, to 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 .....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.....” [Ref NB 12]*

22. In referring to the areas that would be defined as a result of the passing of the Bill the Minister uses the word ‘beauty’ on a number of occasions, sometimes alone and sometimes prefaced by a variety of words, as the extracts in paragraphs 16 and 17 above and those immediately below show:

*“..... 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.” [Ref NB 13]*

*“I hope that the national parks and areas of **exceptional beauty** will be well signposted, and that, while I do not visualise anything in the nature of a physical fence round them, the public will nevertheless be informed when coming into a national park or area of **exceptional beauty**.” [Ref NB 14]*

23. In reference to the role of the National Parks Commission, the Minister made it clear that:

*“They will advise the local authorities and the Minister on the development plans in the national park areas and in areas of **special beauty**.” [Ref NB 15a]*

24. The areas of ‘**special beauty**’ refer to the **areas of outstanding natural beauty** to be introduced in the Bill. However, in outlining the Commission’s wider role in the countryside the Minister said that it “*will also be responsible for selecting other areas of **natural beauty** [Ref NB 15b].* Thus in a short space of time two different words were used to preface ‘beauty’.
25. He also emphasised the Commission’s responsibility “*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” [Ref NB 15c], thus suggesting that national parks, designated for their ‘natural beauty’, were about things other than the natural, for example those things which we now call the cultural heritage.*
26. He referred to a wide range of things for which local planning authorities would need powers in the Bill 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.*” [Ref NB 16]
27. In introducing the nature conservation aspects of the Bill, the Minister made very clear that in his view:

*“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.” [Ref NB17]*

This suggests that the natural heritage - natural flora and fauna – was very important to the Government in thinking of the beauty of the scenery, but as already shown in this Section of the Report they had other things in mind too..

28. In discussing the way in which National Parks would be administered the Minister said that the nation would “*..... 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 the Bill properly carried out.*” Ref NB 18]
29. In concluding his opening speech, the Minister made reference to the Hobhouse Report in the context of implementing great State Reports, thus indicating his reliance on it:

*“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**.....” [Ref 19a]*

*“ 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.” [Ref NB 19b]*

He likened the Bill to – “*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.” [Ref 19c]*

30. In winding up the debate for the Government, Mr King afforded further insight into the thinking behind the Bill, especially:
- a) the linkages between preservation and enhancement on the one hand and enjoyment and recreation on the other
  - b) the seeming relevance of things that are not natural – standards of design of buildings, country houses and estates of architectural merit
  - c) the kind of recreation envisaged

His description of what a Rambler might find in a National Park sums this up very well:

*“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 in the park? Any unsightly development which has existed is being removed. .... 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 will be maintained perhaps by the National Trust or some other body, the home or adjoining farm managed by the Agricultural Land Commission. He may pass on to a parking place, hostel or camping site..... may make use of the services of a warden who may guide or advise no less in the interest 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.” [Ref NB 20]*

## **2.2 The House of Lords**

31. In introducing the Bill to the House of Lords for the 2<sup>nd</sup> Reading on 18 and 19 October 1949, the Paymaster General, Lord Macdonald, made particular reference to the Hobhouse Report and made very clear how the Bill was based upon it:

*“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 what extent it agrees or disagrees with the Hobhouse recommendations.” [Ref NB 21a]*

*“I think there is sufficient of the Hobhouse Report in the Bill to make it acceptable to your Lordship’s House.” [Ref NB 21b]*

*“I think that 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 nations 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 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.” [Ref NB 22]*

32. Lord Macdonald also made it clear that *“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.....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.” [Ref NB 23].* The importance attached to the control of development illuminates further the nature of the areas that were to become national parks and, indeed areas of outstanding natural beauty – they were areas where people lived and worked in a very high quality environment, which was at times enhanced by the quality of the built environment.
33. In concluding his introduction to the Bill Lord Macdonald said of the Bill *“If, as I think it will, it enables thousands of our fellow countrymen to discover for the first time what the **peace and quiet** and the **beauty** of the countryside can do for the human race;...” [Ref NB 24]* – a very clear indication of the link between the various qualities of the countryside and enjoyment of them by the public and the spiritual refreshment, health and well-being afforded to the public.

### 3.0 SUPPORTING EVIDENCE

#### 3.1 The drafting of the Bill

34. Further light on the intentions with respect ‘natural beauty’ can be gleaned from departmental files in particular from:
- a) presentations to the Lord President’s Committee in April and June 1948
  - b) the instructions to Parliamentary Council for an ‘Amenities Bill’ in September 1948 do not give any clear definition of ‘natural beauty’.
  - c) notes on clauses
  - d) the early drafts of clauses and the Bill
  - e) minutes from Senior Civil Servants to Ministers and between Senior Civil servants

##### *3.1.1 The Lord President’s Committee*

35. In his memorandum of 17 April 1948 to the Lord President’s Committee [the Committee to which Ministers were required to seek approval before proceeding with the drafting of a Bill] the Minister of Town and Country Planning, Mr Silkin, made the case for a Bill to cover National Parks, footpaths and access to uncultivated land and wild life conservation. He emphasised that, whilst he accepted the principles behind the Hobhouse proposals, he did not see the need for the machinery that he has proposed, saying that he had “..... *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.*” [RefNB 25]
36. In his Memorandum to the Committee dated 25 June 1948, the Minister made some important points which help to clarify the nature of National Parks and the ‘natural beauty’ that underpin them and particularly the need to control development:

*“The heart of my proposals is the setting up of a National Commission with power to advise the 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 Pparks that in these areas public enjoyment shall be even more closely guarded than at present.”* [RefNB 26]

*“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.”* [RefNB 27]

37. In relation to National Parks and other areas of natural beauty and the role of a National Commission, he linked beautiful areas with public enjoyment and agriculture, when he stated “.....*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 these 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.*” [Ref NB 28]

38. In talking of the functions of the Commission outside National Park areas the Minister made it clear that:

*“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. ....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 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”.* [Ref NB 29a]

It is important to note here the national value given to both National Parks and other areas and that the Minister uses the terms ‘beautiful’ and ‘natural beauty’ in the same paragraph, suggesting perhaps that the terms can be used to mean the same thing.

39. The Minister also made it clear 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 nay project or development which in the opinion of the 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 natural beauty, this function should be taken over by the National Parks Commission.*” [Ref NB 29b] The use of the terms public amenity, amenities and artistic importance in relation to areas identified for their ‘natural beauty’ suggests a wider meaning for ‘natural beauty’.

### 3.1.2. Instructions to Parliamentary Counsel

40. Paragraph 1 of the Instructions made it clear that the Minister wanted the Bill to address three matters:

*“[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 the provisions for access to uncultivated land;*

*[c] the conservation of nature.” [Ref NB 30a]*

It is important to note in [a] above the use of the words ‘amenity’ and ‘other areas of outstanding natural beauty’, suggesting a link between ‘amenity’ and ‘natural beauty’ and the implication that National Parks are ‘areas of outstanding natural beauty’ too; and, furthermore, that the conservation of nature is treated as a separate issue.

41. The link between ‘natural beauty’ and the ‘protection of amenity’ is implied in paragraph 4 of the instructions:

*“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 **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.....” Ref NB 30b]*

It should be noted in the above that it is implied that National Parks are amenity areas in describing the role of the proposed National Commission and that amongst the tasks envisaged for the Commission are the encouragement of better standards of building and the removal of disfigurement.

42. In the context of this research it is interesting to note in paragraph 5 that the author of the instructions, too, found that *“the definition of a National Park area is not easy” [Ref NB 31a]*. That said, in the same paragraph of the instructions the definition set out in the Hobhouse Report that is taken from the Dower Report is used:

*“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.” [Ref NB 31b]*

However, the use of the definition was qualified in the brief:

*“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” .....” [Ref NB 31c]*

Notwithstanding this qualification, it is difficult to understand why characteristic landscape beauty should be strictly preserved; why wildlife, buildings and places of architectural and historic interest should be protected; and farmland maintained, all for the benefit of the nation, if they are not characteristic of the land to be defined as a National Park.

43. The instructions thus focus on *“an extensive areas of beautiful and relatively wild country”* as the definition. This is developed further when it is suggested to Counsel in paragraph 5 that the proposed Commission should submit *“proposals for the designation of 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.” [Ref 31d]*
44. In considering the responsibilities of the proposed Commission it is clear from paragraphs 12 and 13 of the instructions that it should be given 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 of ‘questions of public amenity or of artistic importance’.” [Ref NB 32a]* The instruction was that the functions of the proposed Commission should come under the same three headings as the Royal Fine Arts Commission namely:

*“[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.”*  
*[Ref NB 32b]*
45. Paragraph 14 of the Instructions is specific in saying that *“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 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'.*” [Ref NB 32c]

This distinction appears to have been made to avoid overlap of jurisdiction between the two organisations, rather than any intention to deny the importance of buildings in National Park areas, a point which is dealt with in paragraph 65 and 66 below. Indeed the instructions refer to the need for expenditure on the likes of costs of special building materials - see paragraphs 47 and 48 below.

46. In paragraph 15 of the Instructions it was considered important that the general duty for the Commission should be supplemented specifically as regards National Park areas along the lines that it should be required to *“make such recommendations to the Ministers or.....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.”* [Ref NB 33] Further, in paragraph 16 of the Instructions, it was seen to be important for local planning authorities to consult the Commission on development plans covering the national park areas and on development proposals, such as quarrying, which would be or might be detrimental to the whole purpose of a National Park or any area of outstanding natural beauty. The importance attached to the use of the planning system to look after the National Parks is perhaps a reflection of the fact that they would be places where communities already existed and should continue to thrive – a point made by the Minister in the 2<sup>nd</sup> Reading debate [see paragraph 32 above]
47. It is also interesting to note that under the provisions to facilitate public recreation and enjoyment [paras 17 and 18] the things in mind were *“more accommodation, better access...some cleaning up by removal of disfigurements e.g. shacks on the coast, or screening them, or steps for the advancement of amenity such as tree planting for landscape effect or the promotion of better building, e.g. in natural stone.”* [Ref NB 34]
48. The list of things in paragraph 19 of the Instructions [Ref NB 35a] considered to be worthy of support from the Exchequer include:
  - a) the acquisition of land where required to facilitate public recreation or enjoyment e.g. for an additional hostel or tree planting
  - b) the execution of works for facilitating open air recreation
  - c) the provision of hotel and catering accommodation
  - d) tree preservation
  - e) tree planting
  - f) the removal or amelioration of unsightly development
  - g) the use of more expensive building materials

- h) the provision of parking places, pull-in bays, viewpoints etc for the benefit of National Park visitors
49. A catch all phrase was used in paragraph 20 of the Instructions to cover all eventualities in terms of Exchequer expenditure along the lines “... *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....*” [Ref NB 35b]
50. With respect to land acquisition paragraph 25 of the Instructions indicate that “ *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, [vi] car parking, pull-in bays, view points and other subsidiary roadworks.*”[Ref NB 36]
51. It is important to note here:
- a) the use of ‘natural beauty’ and ‘beauty’ in the same sentence,
  - b) the breadth of purposes, with no specific mention of flora and fauna etc
  - c) that viewpoints suggest landscape
  - d) that beauty and natural beauty are intertwined with enjoyment

All this suggests a broad landscape view of National Parks and AONBs, rather than a very narrow view of flora and fauna, which was dealt with in the Bill very specifically under Wildlife Conservation.

52. It is also interesting to note in paragraph 44 of the instructions, under Rights of Way, a distinction between broad amenity and wildlife conservation – “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 wildlife** it may be necessary to stop up or divert a footpath for the protection of a nature reserve.” [Ref NB 37]

### 3.1.3 Notes on Clauses

53. The Notes on Clauses published on 4 October 1949, in advance of the Bill going into the House of Lords, give a very clear indication of the intentions of the Government in relation to the definition of national parks and set out the purposes which all the powers in Part II of the Bill are intended to serve:

*“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 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. ....” [Ref NB 38a]*

54. Crucially, in the context of this research, the notes continue by making a very clear link between the two subsections and the definition of a National Park in the Dower Report, which was accepted by the Hobhouse Report:

*“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 interest** are suitably protected, while (d) established farming use is effectively maintained’.” [Ref NB 38b]*

The extract above also demonstrates the breadth of thinking behind the term “natural beauty”, as embracing landscape, wildlife and buildings. This is important in the context of this study because the words of the Dower Report had been used in the drafts of the Bill, were dropped just before the Bill was presented to the House of Commons, but were still in use in the Notes on Clauses after the Bill had been through the main stages in the House of Commons.

55. The Notes on Clauses relating to the designation of ‘areas of outstanding natural beauty’ are not so clear cut. Referring to Clause 86 of the Bill the notes indicate that:

*“This clause gives the Commission the power to make orders designating areas of outstanding natural beauty. The Hobhouse report recommended 52*

*conservation areas covering a total of 9826 square miles, for which special planning machinery should be set up. ....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.....” [Ref NB 39]*

56. In this context, it is important to remember the definition of the Hobhouse Conservation Areas to which AONBs are linked:

*“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..... 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.”*

*228. ....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.....” [Ref NB 40]*

57. The Notes on Clauses clarifies the definition of open-air recreation as follows:

*“the definition in Clause 114 (1) excludes organised games, but would not exclude walking, sitting, picnicking, and other normal incidents of a country ramble.” [Ref NB 41]*

### **3.1.4 Drafts of the Bill**

58. Examination of drafts of the Bill is revealing for the changes made with respect to the Clause relating to National Parks [Clause 5], in particular with respect to the definition of how references to preservation should be construed. As late as 21 December 1948 drafts of the Bill stated that:

*“ (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; .....”[Ref NB 42]*

59. However, in the Bill as presented to Parliament on 17 March 1949, the wording above had been deleted from Clause 5 and an amended version was included in the Clause on Interpretation of terms. This is now the familiar definition in Section 114 of the Act but without reference to buildings and works of architectural or historical interest:

*“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.”*

In the draft Bill there is a definitive list of matters to which preservation refers, whereas in the clause that was finally enacted, the word ‘including’ prefacing natural features etc. is used. This suggests that the preservation of natural beauty might embrace other things too, though it is not clear as to what those things might be. No definitive evidence has been found to explain the change, though there are clues in the Section below [paragraphs 62 to 66].

60. It is also important to record a change in the drafting of the Bill that relates to the impact of development in both the areas to be designated national parks and as being of outstanding natural beauty. In the draft of 3 November 1948, Clause 5 relating to National Parks included a third element for which it could be desirable to preserve an extensive area. In addition to ‘natural beauty’ and ‘opportunities for open air recreation’ it included the following “(c) the degree to which they remain unaffected by development or use which would be inconsistent with their enjoyment by the public.” [Ref NB43] In the draft of the Bill, dated 21 December 1948, this had been dropped. No evidence has been found as to why or indeed why it was included. One can only assume it was excluded to ensure that some of the major developments that were of concern to people, such as quarries, were excluded from National Parks.

61. Another change related to the designation of areas of outstanding natural beauty. In the draft of 3 November 1948, Clause 38 also includes references to development:

*“38. – (1) The Minister may, by order made as respects any 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 should apply thereto, but .....*” [Ref NB 44]

By the time the Bill was published on 17 March 1949, the reference to development had been dropped. No evidence has been found to explain why it was dropped or indeed why it was included originally. The way it is drafted suggests that the development that has taken place could be either a reason for designating or for avoiding designating the area. It may be explained by the evidence relating to buildings of special interest from departmental files set out in paragraph 66 below. If it were a reason for designating an area, it would be consistent with the importance given to buildings of special interest – see paragraphs 25 and 30 above and 74 and 77 below.

### ***3.1.5 Minutes to Ministers from Senior Civil Servants and between Senior Civil Servants***

62. There are a few references amongst the minutes between civil servants and between civil servants and Ministers which help an understanding of why the term ‘natural beauty’ was adopted. In a minute from Philip Magnus to Mr E.S. Hill in January 1948 concerning the proposed Amenities Bill, he referred to the purpose of a national park being “.....*defined as the **preservation of landscape beauty**, the provision of access and facilities for open-air enjoyment, and the maintenance of established farming use.*” [Ref NB 45]
63. Dame Evelyn Sharp, the Deputy Secretary in the Ministry of Town and Country Planning said of National Parks in April 1948 - “*I am still persuaded that there are only two sizeable jobs to be done in national parks: (a) **the protection and enhancement of landscape beauty**, and (b) the provision of holiday accommodation*”. [Ref NB 46]
64. Perhaps the most telling is the following extract from a minute from Mr Wood to Mr Wiltshire on 18 September 1948:

*“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 what the Minister says it is”.* [Ref NB 47]

Unfortunately no reference has been found to suggest that Ministers endorsed this, except when Mr Silkin agreed with Dame Evelyn Sharp who had written on 12 January 1949 as follows:

*“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 think the description is about right?”*[Ref NB48]

This suggests that by avoiding elaboration of the definition one can think more broadly in terms of the kind of area that might become a National Park.

65. In relation to the need for the Bill to address the conservation of ancient monuments, it is clear from a letter from Mr Root of the Ministry of Works to Dame Evelyn Sharp at the Ministry of Town and Country Planning, dated 24 September 1948 that “*the powers given to us in the Ancient Monuments Acts of 1913 and 1931 are, we think, sufficient. They enable us to step in and secure the safety of ancient monuments that may be threatened by destruction or neglect.*”[Ref NB49]
66. In relation to buildings, there was discussion in early 1949 just before the Bill was finally published referring to clause 5 of the draft Bill. In a minute dated 14 January 1949 it was pointed out that:

*“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.” [Ref NB 50]*

Instructions were given to Parliamentary Counsel on 20 January 1949 to remove the references unless there is good reason not to:

*“we are not sure, on further consideration, that reference to protecting buildings and works of architectural 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.” [Ref NB 51]*

It would appear from the above that the reference to buildings of architectural and historic interest was deleted because the powers to look after them were already in existence rather than because they were not important to the character of national parks.

### **3.2 The Reports leading to the Bill**

67. Examination of the key reports, the principles of which the Government were clearly in agreement with, add considerably to the understanding of the kind of areas that were to become National Parks. In particular they emphasise the range of values for which these areas were special and the kind of recreation for which they would be most appropriate.

#### ***3.2.1 The Dower Report on National Parks in England and Wales***

68. This report gave a clear definition of the meaning of National Parks. It was not used verbatim in the Act, which included only ‘extensive areas’ and ‘natural beauty’. However, as shown in paragraph 31 above, it was used by the Minister in the 2<sup>nd</sup> reading debate in the House of Lords, as follows:

*“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 recreation 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.” [para 4 page 6, Ref NB 52a]*

69. It is pertinent to question why Dower made reference to wildlife, buildings of interest, places of architectural and historic interest and farming, if he did not think they were an important part of the landscape. The answer is to be found in his report where he explained the breadth of his definition of what these special areas were about as the extracts below illustrate.

70. In considering the potential National Park areas Dower made it clear that:

*“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. [para 5 page 6, Ref NB 52b]*

Dower envisaged this ‘relatively wild country’ as consisting “... .. of mountains and moors with the **associated farmlands of their valleys and fringes**, of heaths, of rocky or infertile coastlines, and of the rougher parts of numerous downs, hills and forests... ..” [para 5 page 6, Ref NB 52c]

71. Of landscape preservation Dower said that it:

*“... .. is the generally, 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 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 existing centres – small towns and selected larger villages – in each National Park area.” [para 16 page 15, Ref NB 53]*

72. In making the case for positive measures for conservation and improvement to act as a balance to the negative controls, Dower emphasised the great variety of natural and manmade elements and activities that made up the landscape:

*“Almost everywhere, save on rocky 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 the 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, crumble or decay.” [para 23 page 19, Ref NB 54]*

[\* Dower quoting from Wordsworth’s guide through the District of the Lakes (5th Ed., 1835)]

73. Dower also laid great emphasis on the maintenance of farming use in the national parks as it was one of the key elements of not only the scenic setting but the drama itself:

*“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, cropping of the lower fully enclosed land, that the landscapes of all our potential National Parks owe the man made element of 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.” [para 27 page 21, Ref NB 55]*

74. Dower identified the conservation of wild life and places and buildings of scientific, historic and architectural interest as key requirements in a National Park. He considered them as two distinct but nevertheless related 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 manmade features – buildings, remains, sites and objects of pre-historic , historic and architectural interest.” [para 60 page 39, Ref NB 56a]*

75. He also recognised that:

*“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 man-made features derive an integral part of their beauty and interest from their natural surroundings, but also because, in some places, important man-made and natural 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.**” [para 60 page 39, Ref NB 56ba]*

76. In discussing Nature Reserves and National Parks he demonstrated not only the way in which nature conservation in reserves would fit in but also the breadth of view he took of what National Parks would be about, especially the importance of farming and settlements:

*“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 extent.” [para 65 page 42, Ref NB 57a]*

*“... ..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.” [para 66 page 42, Ref NB 57b]*

77. In referring to the treatment of ancient monuments and other buildings and sites of architectural, historic and pre-historic interest in National Parks Dower stressed that:

*“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.” [para69 p44, Ref NB 58]*

78. Of the National Trust Dower recognised the very important role it was already playing and could play in the future:

*“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.” [para 80 page 49, Ref NB 59]*

It is important to note that he held the view that the purposes of the Trust were the same as those of National Parks. An importance that is heightened when one considers the significance of ‘natural beauty’ in the Act of Parliament of 1907, which incorporated the Trust, as the “*National Trust for Places of Historic Interest or Natural Beauty*”. This was amplified as follows in the Act where the preservation of land of beauty or historic interest and with respect to land the preservation of its natural aspects, features and animal and plant life were referred to amongst the Trust’s purposes:

*“And whereas the National Trust was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards land for the preservation (so far as practicable) of their natural aspect features and animal and plant life.....” [Ref NB60]*

Other than this reference in the Dower Report, no evidence has been found to link the use of ‘natural beauty’ in the 1907 Act with its use in the 1949 Act.

79. Finally, Dower gave a clear insight into the suitability of different types of recreational facilities in National Parks in the following extract:

*“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. .... 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 cafes, bathing pools, pleasure parks, promenades, shopping- centres and the like, national parks are not the place. [para 29 page 23, Ref NB 61]*

### **3.2.2 The Report of the National Parks Committee - The Hobhouse Report**

80. In much the same way, the Hobhouse Report gives an insight into what was meant by “natural beauty”. In the final paragraph of the Report it is recorded that the Committee believed that it had “..... 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 in a new growth of understanding between town and country.” [page 73, Ref NB 62]

81. In its consideration of National Parks, the Committee made clear that it took a very broad view of what was meant by a National Park as the following extracts show:

*“Since 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 **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 **aesthetic 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.” [para 28 page 8, Ref NB 63]*

82. With regard to the “*preservation of landscape beauty*” the Report made clear the importance of preserving both ‘natural beauty’ and architectural traditions, as well as allowing farming and rural industry to flourish:

*“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 **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 proven national necessity; even then the greatest care must be taken to minimise their detriment to the **landscape**.*” [para 30 page 8, Ref NB 64]

83. In the following description of what makes a National Park in the English and Welsh context, the Committee was very clear that the landscape was a combination of natural and manmade features, including villages and farms, fine architecture and historic remains:

*“National Parks in England and Wales will not be small-scale copies of the vast Reservations 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 lands of the valleys, the cliffs and small sandy coves of the coastline, the beauty of the 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 fascinating diversity of plant and animal life.”* [para 32 page 9, Ref NB 65]

84. In considering the factors for selecting National Parks, the Report states that among the essential requirements of a National Park is that *“it should have **great natural beauty**”* [para 35 page 10]. In the same paragraph it states that: *“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.* [para 35 page 10, Ref NB 66]

85. The description of the North York Moors and the Broads in the context of their inclusion in the list of areas to be National Parks also reveals the breadth of view taken in defining a National Park:

*“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 provide 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.”* [para 38 page 11, Ref NB 67]

86. The list of the factors for delineating a National Park set out in the Report demonstrate not only the importance of landscape quality and scientific, historical and architectural value but also of the character and beauty of towns and villages in the context of National Parks:

*“(a) the first criterion should be the inclusion of **areas of high landscape quality**. .....(d) .....the inclusion of a marginal town or village should be dependent on its character and beauty.....(g) **features of scientific, historic or architectural value** (e.g. Nature Reserves, important archaeological sites and Ancient Monuments) which have situated on the margins of a National Park should be included where practicable.” [para 43 page 12, RefNB 68]*

87. The Report gave particular consideration to nature conservation in National Parks, emphasising the link between landscape and the natural world:

*“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 himself is the most powerful agent in disturbing the natural balance and in changing the face of nature for his own ends. ....it must then be an essential purpose of National Park policy to harmonise man’s material needs with the **protection of natural beauty**.” [para 273 page 60, RefNB 69]*

88. It also recognised the importance of nature reserves in National Parks stressing that in addition to the National Nature Reserves proposed by the Special Committee on Wildlife: *“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 wildlife of all kinds at relatively close quarters will make an important contribution to the enjoyment of the Parks.” [para 280 page 62, RefNB 70]*

89. In its concurrence with the Dower Report recommendation that the National Parks scheme would require central administration, the Report demonstrates the broad view of what the National Parks were all about – *“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.” [para 46 page 13, RefNB 71]*

90. The importance of agriculture to the National Park concept was emphasised in the part of the Report dealing with the staffing of the proposed Commission:

*“the existence of a flourishing and progressive agriculture is fundamental to our conception of a National Park, not only in the interest 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.” [para 88 page 21, Ref NB 72]*

*“Trees and woodlands, and the wealth of woodland flora and fauna, will contribute so much to the beauty and interest of the Parks.....” [para 127 page 30, Ref NB 73]*

91. The Committee’s proposals for ‘Conservation Areas’ is relevant to this study. Although they were not fully accepted by the Government, the areas identified eventually formed the basis of the Areas of Outstanding Natural Beauty, which were introduced in the 1949 Act. Further, the character of these ‘Conservation Areas’ is relevant to this report, in particular it was clear that landscape and scenic quality were key in their selection as the following extracts from the Report demonstrate:

*“As the National Park scheme cannot include all areas requiring special conservation treatment, it is an important corollary to our main proposals that 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.”*  
*[para 44 page 12, Ref NB 74]*

92. In considering their definition and purpose the Report was clear in its linking ‘landscape beauty’ and ‘natural beauty’:

*“227. There are many areas of fine country and coast in England & 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.”* Later in the same paragraph it is indicated *“that special measures should be taken to preserve their natural beauty and interest.” [para 227 page 51, Ref NB 75a]*

The recommendation in the report was that: *“.....the Minister of Town and Country Planning should designate areas of high landscape quality, scientific interest and recreational value as CONSERVATION AREAS.” [para 228 page 51, Ref NB 75b]*

93. In considering the selection of the areas the Report refers to the list as including *“a wide variety of landscape types from all parts of England and Wales. All of them have great natural beauty or special interest..... .” [para 230 page 51, Ref NB 75c].* It also indicates that the paramount importance of

forestry and agriculture in some areas was only a problem in terms of reducing opportunities for open access but not in terms of the quality of the landscape:

*“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 Downs are good examples, where forestry and arable farming respectively are paramount.” [para 231 page 51, Ref NB 76]*

94. The Report also makes a strong link with wild life conservation in the context of ‘Conservation Areas’:

*“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.**” [para 233 page 52, Ref NB 77]*

Accordingly, the Hobhouse Committee drew the boundaries of the ‘Conservation Areas’ so as to include land which they recommended as being of outstanding scientific value.

95. In relation to agriculture and forestry in ‘Conservation Areas’, the Report emphasised that: *“It will be essential in these areas that **landscape preservation** and public enjoyment, and particularly access for rambles, should be reconciled with the paramount interest of agricultural landowners and farmers.” [para 251 page 55]* and that *“it will be essential that a balance should be struck between the requirements of economic forestry and **aesthetic, scientific and recreational values**.....” [para 252 page 55, Ref NB 78]*
96. The nature of the recreation in National Parks envisaged in the report is clear from the following extracts:

*“Such a policy must be wisely applied to ensure that the **peace and beauty of the countryside, and the rightful interest 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 attraction 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.” [para 31 pages 8 & 9, RefNB 79]

“Camping will bring National Park holidays within the reach of many people, 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 in close touch to nature.....Much the same can be said of 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.....” [para 168 page 37, RefNB 80]

97. The Report was clear that it was not only rambling that should be encouraged. Horse riding, fishing and sailing were seen to be quite legitimate activities, whilst gregarious holiday making and urban gaiety were seen to be inappropriate:

“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. ....there may also be other limiting factors to the development of sporting facilities in the counter-requirements of farming, forestry and other legitimate interest 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.

207. Subject to the considerations set out in paragraph 205, we see great scope for the promotion and improvement of sport and recreation in the 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 consideration 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.” [paras 205, 206, 207 page 46, RefNB 81]*

98. In the context of ‘Conservation Areas’, the promotion of open-air enjoyment is seen as a secondary, but by no means unimportant, adjunct to the main purpose of conserving the countryside:

*“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.”*  
*[para 248 page 55, RefNB 82]*

99. In relation to access and footpaths the Hobhouse Report dealt only with the main principles involved, leaving the detail to the Special Committee set up to look at Footpaths and Access to the Countryside. The Report is very clear about the importance of rambling:

*“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 potential of access land was therefore an important factor in our selection of areas……”* [para 290 page 65, RefNB 83a]

*“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 interest in land.”* [para 294 p65, RefNB 83b]

100. In stressing the importance of footpaths and bridleways, the Report gives a very good insight to the nature and character of the National Parks – not just mountain and moor but cultivated valleys with farms, villages and buildings great interest:

*“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 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 complimentary to the impressive austerity of the mountains and moorlands that 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 the 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.” Para 295 pages 65 & 66, Ref NB 84a]*

101. The variety of purposes envisaged for footpaths and bridleways is also indicative of the very nature of the National Parks:

*“There must be local walks leading from 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.” [para 296 page 66, Ref NB 84b]*

102. In the case of ‘Conservation Areas’, the Report laid great emphasis to the provision of footpaths:

*“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.” [para 299 page 67, Ref NB 85a]*

103. The Report also stressed the importance of *“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.” [para 300 page 67, Ref NB 85b]*

104. Finally, in referring to the adequacy of existing powers for the preservation of ancient monuments and historic buildings the Report emphasises the importance of these features in National Parks - *“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.” [para 178 page 39, Ref NB 86]*

### 3.2.3 The Report of the Wild Life Conservation Committee - The Huxley Report

105. This Report gives additional insight into the nature of the areas that were to be National Parks. It made a distinction between the aesthetic approach, which underpinned National Parks, and the scientific approach, which underpinned the concept of nature reserves. 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.* [para 3 page 1, Ref NB 87]

106. In discussing the concept of Conservation Areas, the report made it clear that an area could be define either for the beauty of its landscape or for its scientific value:

*“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 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 scientific interest 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.”* [para 206 page 67, Ref NB 88]

107. The Report made it clear, however, that the two approaches can become very close where the physical structure, the natural or semi natural vegetation and the crops and agricultural regime blend in areas of both singular beauty and high scientific interest:

*“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 the 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.” [para 56 page 21, Ref NB 89]*

108. The Report also emphasises how agricultural and forest land can make a real contribution to the beauty of the landscape and how nature conservation in National Parks would have to blend in with the requirement not only of agriculture but also of recreation:

*“Any National Park is likely to include economically viable 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 recreation interests must also be taken fully into 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 through 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 of such places; while, on the other hand, the general wildlife policy must be such as will not prejudice the best use of the developed land.” Para 77 page 28, Ref NB 90]*

109. The Report is also clear when it recommends that the proposed National Parks should be responsible for wildlife as well as landscape and recreation management, because of the close relationship:

*“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 conservation, management and control of wild life within the National Parks.....” [para 168 page 57, Ref NB 91a]*

110. In considering Conservation Areas, the forerunners of AONBs, the Report emphasises the wide range of values that underpins the choice of areas and how they co-exist now and should do in the future, especially those of landscape and wildlife conservation:

*“The remaining 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 scientific and educational, but in all the areas both sets of values co-exist.**” [para 170 page 57, Ref NB 91b]*

*“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 interest and economic necessities.**” [para 192 page 64, Ref NB 92]*

*“The areas selected as National Parks contain large stretches of country, as well as 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.” [para 197 page 65, Ref NB 93]*

111. The Huxley Committee identified 35 areas of outstanding scientific value. In doing so they had particular regard to the landscape areas advocated in the Dower Report and recommended similar treatment:

*“From the scientific point of view we consider that this list... ..has been most admirably chosen... .. 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 their scientific value and those chosen for their landscape beauty should be treated in the same manner .....*” [para 207 page 67, Ref NB 94]

### ***3.2.4 The Report of the Special Committee on Footpaths and Access to the Countryside***

112. The conclusion of the Report reinforces the view of recreation in National Parks expressed in the Dower and Hobhouse Reports, in particular its importance to the health and well-being of the nation, and the very nature of the places to which access would be afforded:

*“If our proposals are accepted, and pass into law, they will confer upon the public a precious gift of 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 paths 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.” [Ref NB95]*

## 4.0 CONCLUSIONS

113. It was noted at the beginning of the consideration of the debate in Parliament that there was a marked absence of discussion about the principles underlying the Bill. There was no discussion of whether or not National Parks should be established or about the basis for designating them. Rather, the debate was about how they should be planned and managed – the “machinery”. As result there is no clear statement defining ‘natural beauty’, nor ‘outstanding’.
114. However, despite the absence of debate about the concept of National Parks and ‘natural beauty’, there is clear evidence as to the intentions behind the Bill in the Hansard record of the 2<sup>nd</sup> Reading in both Houses of Parliament. This is reinforced by evidence from Departmental files and from the Dower and Hobhouse Reports that had been commissioned by Government.
115. Perhaps the most significance piece of evidence is the very clear link between the Bill and the Hobhouse Report and the Dower Report before it. The link is clear from statements made by Ministers introducing the Bill in both Houses of Parliament. It was also made clear in the evidence from Departmental files – the Minister’s memoranda to the Lord President’s Committee, the Instructions to Parliamentary Counsel and in the Notes on Clauses. From all these sources it is clear that the Dower definition of a National Park was widely accepted, although not reproduced in the Bill itself.
116. It is important to note that this link was evident in the use of many of the words from the Dower definition in the drafts of the Bill until the very last moment, when the references to landscape beauty, wildlife and buildings and places of architectural and historic interest and to the impact of development were dropped. No explanation has been found except that buildings and ancient monuments may well have been dropped because they were dealt with under other legislation, particularly the, then, new Town and Country Planning Act of 1947, and therefore did not need to be referred to in the Bill.
117. There is also the suggestion of Civil Servants that it would be preferable not to define ‘natural beauty’ too closely in case the kind of area that might be designated as a National Park were limited and that in any event a National Park would be what the Minister deems it to be. This may also explain why references to preservation in the Act now use ‘includes’ natural features etc. suggesting a wide definition that might include things other than natural. The drafts of the Bill, however, used the word ‘construed’ in the context of natural features, flora and fauna as well as buildings etc. suggesting a very tight definition, which it seems Civil Servants and Ministers were keen to avoid.
118. The intentions of Government can be understood further from all the sources examined when one considers the range of words used to preface or replace ‘beauty’ or the use of ‘beauty’ by itself when referring to National Park areas and Areas of Outstanding Natural Beauty. They have been highlighted in the text and include ‘exceptional beauty’, ‘special beauty’, ‘outstanding beauty’, ‘outstanding landscape beauty’, ‘beauty of the scenery’, ‘landscape beauty’, ‘special amenity areas’, ‘beautiful’ and ‘relatively wild’, ‘characteristic

landscape beauty’, and ‘high landscape quality’. They all suggest a wide definition rather than a narrow one.

119. The breadth of view as to what National Park areas would include and what elements would contribute to their overall special quality provides further clues as to the intentions of the Government. Ministers were very clear that life in the existing community should go on. Hence the emphasis on having regard to the needs of agriculture and forestry and maintaining the economic life of the community and on the importance of planning control. This latter issue was the subject of debate in the context of who should exercise planning control [the National Parks Commission or the newly established local planning authorities] rather than whether there should be special controls or not. It is the fact that the National Park areas were to be living landscapes and were not ‘no go’ areas for development that was indicative of the nature of the places they were.
120. They also recognised the importance of the historic built environment in contributing to the quality of the national parks – the only real reference to cultural heritage as we know it today. All these points had lain at the heart of the Dower and Hobhouse Reports the principles of which had been accepted by Government. In this context it is important to note that, in his Report, Dower explained very clearly why he had made reference to wildlife, to buildings of interest, to places of architectural and historic interest, to the importance of villages, as well as to farming and why he had taken the view that they could all contribute to the special nature of these landscapes – all points seemingly accepted by Government.
121. There was limited discussion of nature conservation in the context of the ‘natural beauty’ that was to underpin National Parks. The fact that one whole part of the Bill was devoted to nature conservation, in particular the setting aside of National Nature Reserves, was indicative of the distinction between wildlife conservation and landscape conservation that underpins the designation of National Parks. Although the crucial link between natural flora and fauna and the landscape that National Parks was fully accepted, it was clear that nature conservation was not seen as the sole quality for which National Parks would be designated. The Huxley Report on nature conservation, as well as the Dower and Hobhouse Reports, provided the rationale for this.
122. Ministers were also clear as to the kind of recreation that would be appropriate in a National Park, accepting the advice of the Dower and Hobhouse Reports.. They accepted the view that whilst hiking and rambling on foot were central to the aims of the Bill it was recognised that there were a range of activities which would be appropriate and should be encouraged – riding, bathing, cycling driving sailing, fishing or lazing.

## 5.0 REFERENCES

123. The following references 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

The following files were also examined. Whilst they covered much of the generality of the Bill, they did not reveal material relevant to the research:

HLG 29/328 – 332 and 336 National Parks and Access to the Countryside Bill  
HLG 90/174 National Parks and Access to the Countryside Bill 1949

HLG 92/51 Standing Committee on National Parks of the Councils for preservation of Rural England and Wales: miscellaneous correspondence 1941-48

HLG 92/65 Report of the National Parks [Hobhouse Report]: representations from CPRE and W

HLG 92/84 National Parks and Access to the Countryside Act 1949: regulations and general policy 1949-50

HLG 92/85 National Parks and Access to the Countryside Act 1949: general policy other divisions on amenity questions 1949-57

### **Other sources**

Peacetime History - Environmental Planning Volume II, National Parks and Recreation in the Countryside, Gordon E. Cherry, HMSO 1975

A People's Charter? Forty years of the National Parks and Access to the Countryside Act 1949, edited by John Blunden and Nigel Curry, HMS 1990