Levelling Up & Regeneration Bill: Nature recovery
Briefing for Lords report stage

13.07.23 version.

Executive summary

Lords report stage of the Levelling Up & Regeneration Bill provides an opportunity to support a number of amendments which would, if accepted by the Government, help to meet agreed goals to recover nature by 2030. These critical nature recovery amendments include:

- Amendment 139 to restore nature in National Parks and AONBs.
- Amendment 106 to ensure that the new system of environmental assessment (EOR) does not weaken environmental protections.
- Amendment 182 to recover species and habitats on the ground, through effective Local Nature Recovery Strategies.
- Amendment 198 to give people more access to high quality natural spaces.

Link, England's largest environment coalition, would be very grateful if peers could speak and vote in support of these amendments at report stage.

Amendments we strongly support

Amendments are listed in expected order of debate.

Amendment 139: Purposes and plans of protected landscapes

Tabled by Lord Randall of Uxbridge, Baroness Willis of Summertown, Baroness Jones of Whitchurch and Baroness Bakewell of Hardington Mandeville

England's National Parks and Areas of Outstanding Natural Beauty (collectively known as protected landscapes) together cover 25% of land in England. If they were restored for nature, they could play a critical role in the delivering on the Government's international commitment to protect and effectively manage 30% of land for nature by 2030.[1]

Restoration is urgently needed. In many cases nature in protected landscapes is in poorer condition than nature in sites outside them. Nearly 75% of Sites of Special Scientific Interest (SSSIs) in the English National Parks are in 'unfavourable condition', compared to 61.3% of the total SSSIs in England.[2]

At the current rate of progress, it will be 1,000 years before SSSIs in National Parks are all in favourable condition. We have seven years to 2030.

[1] https://www.wcl.org.uk/docs/WCL_2022_Progress_Report_on_30x30_in_England.pdf
[2] https://www.wcl.org.uk/protected-landscapes-progress-stalled.asp

The new Clause[3] tabled by Lord Randall would deliver a new focus on nature, by implementing key recommendations from the Glover Review of Protected Landscapes[4], all of which have previously been agreed by the Government.[5] The amendment would:

- Give National Parks and AONBs new purposes to actively recover nature, tackle climate change and connect more people to the natural world. These new purposes would have equal weight to existing statutory purposes.[6]
- Enable more focused management plans to drive climate and nature action within protected landscapes.
- Strengthen duties on public bodies to further protected landscape purposes.

In the Committee Stage debate on 18 May, peers from across the house showed strong support for this amendment (numbered as amendment 387).[7]

In responding for the Government, Lord Benyon suggested that measures in the Environment Act to strengthen public bodies' duties to enhance biodiversity could achieve the aims of the amendment, saying that new guidance would deliver the Glover Review objectives. The guidance was published on 17 May and fails to achieve these aims.[8] A very short section of the guidance refers to protected landscapes, with only one recommendation: ''*If appropriate to your public body, you could comply with your biodiversity duty by: helping to develop and implement management plans for national parks or AONBs*''.

The fleeting reference and extremely weak 'could' language in one piece of guidance does not provide a mandate for protected landscapes authorities to take active steps to recover nature, or constitute a meaningful direction to other public bodies to further protected landscapes purposes.

One case study serves to illustrate the inadequacy of this guidance as a substitute for legislative measures. Southern Water have consistently discharged sewage into two river catchment areas in the New Forest National Park.[9] The new guidance, which applies to Southern Water in exercising functions of a public nature, simply requires them to consider (only once every five years) whether they 'could' comply with the National Park Management Plan, which includes a general objective to restore rivers in the Park.[10] This option has been open to Southern Water for years, but has not yet been taken up. It seems unlikely that the polite restating of the possibility to take action for nature in the new guidance

[3] https://bills.parliament.uk/publications/52203/documents/3800
[4] https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review
[5] https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response#chapter-1-a-more-coherent-national-network
[6] The amendment has been updated from the committee stage version to better reflect this, taking on feedback from peers who spoke at committee.
[7] https://hansard.parliament.uk/lords/2023-05-18/debates/2EBF2630-E7A4-4752-9BB5-BBC0706E62F9/Levelling-UpAndRegenerationBill
[8] https://www.gov.uk/guidance/complying-with-the-biodiversity-duty
[9] https://riveractionuk.com/news/river-action-calls-on-southern-water/
[10] https://www.newforestnpa.gov.uk/conservation/partnership-plan/about-the-partnership-plan/ p14

will lead to a different outcome, either in the New Forest or in the other National Parks and AONBs suffering from freshwater pollution.[11]

A new statutory purpose for protected landscapes to restore nature, and a legal duty on public bodies to further that purpose, is an essential first step to reverse the decline of nature in our National Parks and AONBs.

These two measures can only be delivered through legislative change. Protected landscape authorities, eNGOs, climate scientists, ecologists and the authors of the Glover Review and the Lawton Review are united in saying that the Levelling Up and Regeneration Bill is the appropriate vehicle for delivering this change.[12] Waiting for another planning Bill could render it too late for protected landscapes to make an effective contribution to legally binding nature targets and the commitment for 30 by 30.

The new Clause tabled by Lord Randall and others represents an opportunity to deliver the Government's own promises and to revitalise National Parks and AONBs for nature, climate and people. We strongly urge peers to support amendment 139.

Amendment 106: EOR and non-regression
Tabled by Baroness Hayman of Ullock

The Bill gives the Secretary of State the power to replace existing systems of environmental assessment with a new Environmental Outcomes Reports (EOR) regime, the details of which are to be set by secondary legislation. Environmental assessments play an important role in limiting nature and climate harms from planning decisions. Such an extensive series of changes to environmental assessment, largely delivered through regulations, could open the door to environmental regression with limited parliamentary scrutiny. Concerns to this effect have been expressed by both the Office for Environmental Protection[13] and eNGOs.[14]

The one safeguard in this part of the Bill fails to address the regression risk. Clause 147 states that the Secretary of State may only make EOR regulations if satisfied that the *''overall level of environmental protection''* will not be less than before. The *''overall''* undermines the utility of this safeguard, as it allows the Secretary of State to weaken individual existing protections, as long they consider this to be balanced out elsewhere to maintain overall levels. This risks trading off protection for individual sites and species, in the hope of wider environmental improvements elsewhere, which may never transpire.

[11] https://inews.co.uk/news/environment/river-sewage-15-dirtiest-rivers-lakes-britain-national-parks-how-save-2228065
[12] https://www.wcl.org.uk/docs/Scientist%20letter%20to%20PM%20-%20%20COP15%20-%2022.02.23.pdf
See coverage of the letter also:
https://www.thetimes.co.uk/article/experts-demand-new-targets-to-improve-rivers-clean-it-up-7m5fn65hg
https://www.wcl.org.uk/is-government-giving-up-on-nature-in-protected-landscapes.asp
[13] https://publications.parliament.uk/pa/cm5803/cmpublic/LevellingUpRegeneration/memo/LRB53.htm
[14] https://bills.parliament.uk/publications/47703/documents/2238 See also:
https://www.wcl.org.uk/docs/Link_response_EnvironmentalOutcomesReports_June2023.pdf

A probing amendment was tabled to this clause at Committee Stage, numbered as committee stage amendment 377. In response, the Bill Minister stated that the phrasing mirrored the provisions of the EU-UK Trade and Cooperation Agreement 2020 and should therefore be considered as sufficient.[15]

It remains unclear why this low-bar test for new regulations has been chosen over the higher-bar provided by the Environment Act 2021. Section 20 of that Act requires Ministers to state that new legislation will not reduce the level of environmental protection provided for by any existing environmental law.[16]

Amendment 106 would apply this recent and relevant non-regression precedent to EOR regulations. It would ensure that environmental protection is not weakened through the introduction of the new EOR regime, by specifying that the Secretary of State should demonstrate that EOR regulations would not diminish any individual environmental protection applying at the time the Bill passes.

This would align clause 147 with the Environment Act, and the Government's own commitment, as stated at committee, to use the EOR regime as an *''opportunity to protect the environment''*. The provision of a robust non-regression clause, through Government acceptance the amendment, is the minimum required to ensure that the proposed EOR regime does not harm the environment. A series of report stage Government amendments, including amendments 133 and 138, seek to more closely define the environmental protections that would be subject to the new EOR powers. This listing exercise provides little to no assurance that environmental regression will not take place.

The threat of environmental regression is significant. As observed by the Office for Environmental Protection in their June 2023 response to the Government's EOR consultation: *''There are risks associated with a move from well-established regimes when so much rides on effective delivery over the next few years (and beyond).''*[17] To address those risks, clause 147 needs to be strengthened and non-regression assured, before the EOR regime is introduced.

Amendment 182: Local Nature Recovery Strategies

Tabled by Baroness Parminter, Baroness Jones of Whitchurch and Baroness Willis of Summertown

Local Nature Recovery Strategies (LNRSs), first established in the Environment Act 2021, are documents setting out spatial strategies for habitats and species in a local area, providing a local blueprint for nature's recovery. Their success or failure will help determine whether the Government is able to hit its legally binding 2030 nature targets. The preparation of 48 LNRSs across England is due to begin this summer.[18]

Without legislative action, there is a risk that much of this work will go to waste. Under the wording of the Environment Act, authorities are only required to have a regard to LNRSs when making decisions as

[15] https://hansard.parliament.uk/lords/2023-05-18/debates/2EBF2630-E7A4-4752-9BB5-BBC0706E62F9/Levelling-UpAndRegenerationBill

[16] https://www.legislation.gov.uk/ukpga/2021/30/section/20/enacted

[17] https://www.theoep.org.uk/report/new-assessment-approach-developments-must-lead-environmental-improvements-says-oep

[18] https://www.gov.uk/government/news/putting-nature-on-road-to-recovery-with-species-survival-fund

part of a general duty to consider biodiversity.[19] This is a weak requirement. A planning authority could disregard all of the spatial recommendations of the relevant LNRS in their local development plan and still technically be compliant with the duty.

The amendment tabled by Baroness Parminter and others would address this weakness, by requiring local planning authority development plans to incorporate such policies and proposals as would deliver the objectives of the relevant LNRS. This would create a meaningful legal link between the planning system and Local Nature Recovery Strategies, ensuring that the substantial investment in their production does not go to waste, and that they can inform better decision-making and a co-ordinated approach to delivering housing while strengthening the duty to restore and create habitats across England.

This change to the Bill is supported by a consequential amendment (amendment 202), also tabled by Baroness Parminter, Baroness Jones of Whitchurch and Baroness Willis of Summertown, which amends the Natural Environment and Rural Communities Act 2006 to require local planning authorities to report on how they have contributed to the delivery of the objectives of the relevant LNRS.

The Committee Stage version of the main amendment received cross-party and crossbench support when debated on 27 March.[20] The Government response was to argue that the amendment would make an LNRS *''completely binding''*. Instead, the Minister suggested that new guidance, to be published this summer, would encourage planning authorities to align with LNRSs in their local development plans.

This position misunderstands both the amendment and the problem it has been developed to address.

The wording of the amendment makes it clear that a local development plan only needs to carry forward the objectives of the LNRS, with the choice of how exactly this is achieved being a matter for the development plan itself. This combination of a duty to further core LNRS aims, and flexibility on detail of how it is achieved, gives planning bite to nature considerations - whilst preserving the ability of the local planning authority to make the final decisions about how these considerations are balanced with others on the ground.

It is this planning bite that is so essential for LNRSs. Guidance will not be sufficient to provide this certainty. As Baroness Parminter argued at Committee Stage:
''Guidance alone will not be enough; it will not cut it—we know that. There are enough people in this Chamber who have been or are councillors who know that, when push comes to shove, if there is not some purchase on the planning system—if the local plan is not clear that the local nature recovery strategies are a key evidence base for the local plan—it just will not happen.''

These points were reiterated at the debate on LNRS regulations and guidance which took place on 10 July, when peers from across the house highlighted that the regulations and guidance would fail to meaningfully contribute nature's recovery unless amendment 182 passed. In the words of Lord Teverson, who played a key role in developing the pilot Cornwall LNRS: *''I cannot see how these strategies*

[19] https://www.gov.uk/guidance/complying-with-the-biodiversity-duty
[20] https://hansard.parliament.uk/lords/2023-03-27/debates/C271DFE5-FD43-4717-82ED-10D4FF01D369/Levelling-UpAndRegenerationBill

will be effectively deliverable without being embedded in some way into the planning system and planning decisions.''[21]

As well as guiding better decision-making for nature, giving a clearer statutory link to the planning system can contribute to greater certainty for all in the system, helping to achieve the important goal of integrating environmental considerations earlier in the planning process. This could save time and money in planning disputes, but only if LNRSs carry weight in the planning system. It is for these commercial certainty reasons that over one hundred business leaders wrote to the Prime Minister in June backing a small number of amendments to the Levelling Up and Regeneration Bill, including the new Clause on LNRS. In the words of the letter: ''*Greater weight is needed for Local Nature Recovery Strategies (LNRs) to ensure they are fully incorporated, and their objectives comprehensively supported, in both development plans and planning decision making*.''[22]

As the Environment Act requires local planning authorities to play a critical role in the development of the relevant LNRS, we can expect broad agreement between planning authority and LNRS team at an early stage on the core LNRS objectives that the local development plan will further. In the rare circumstances of sustained and serious disagreement between LNRS and planning authority on objectives, part (2) of the amendment allows the planning authority not to include objective-delivering policies if they believe that such policies would not be consistent with the proper exercise of their plan making functions. Similarly, the consequential amendment allows planning authorities to report why they have not furthered the objectives of the LNRS in any particular instance.

The provision of these safety valves, combined with the flexibility given to local planning authorities on the detail of how to deliver objectives, means that the principal impact of this amendment would be to add a new material consideration to plan making - without binding the hands of plan makers.

Without legislative action to give greater weight to LNRSs, there is a real risk that history will repeat itself, to the detriment of nature's recovery. The Localism Act 2011 required local planning authorities to have regard to the activities of new Local Nature Partnerships (groups of organisations working together at a local level for nature's recovery) in plan making. Guidance on how to do this was also produced.[23] Although LNPs have done some great work, the lack of legal clarity has contributed to their activities having limited impact on strategic planning. A weak 'regard' duty and guidance was not enough in 2011 to provide nature considerations with sufficient purchase on the planning system. It will not be enough in 2023.

With nature's decline continuing, the Government should heed the lessons of the past decade. LNRSs need to serve as a key evidence base for local development plan, with this role secured in primary legislation, in order to make a tangible contribution to nature's recovery on the ground. Only amendment 182, going beyond a weak regard duty to carve out a proactive space for LNRSs within material planning considerations, can deliver this.

[21] https://hansard.parliament.uk/lords/2023-07-10/debates/43E89527-5BBA-4065-9BA5-9CF8A7AFC41D/Environment(LocalNatureRecoveryStrategies)(Procedure)Regulations2023
[22] https://ukgbc.org/wp-content/uploads/2023/06/UKGBC-Business-Planning-Letter.pdf
[23] See http://berkshirelnp.org/images/Guiding_Principles_for_Local_Plans_2020.pdf

Amendment 198: Duty to reduce health inequalities and improve well-being

Tabled by Baroness Willis of Summertown, Lord Hunt of Kings Heath, Lord Foster of Bath and the Lord Bishop of London

Where you live in England determines how long and how well you live.[24] Life expectancy in deprived communities in the North East is five years lower than in deprived communities in London.[25] The Levelling Up and Regeneration Bill offers an opportunity to leverage the planning system to tackle these health inequalities.

Amendment 198 would achieve this by giving local planning authorities a statutory objective to reduce health inequalities and improve people's wellbeing when exercising their planning powers. When fulfilling this objective, authorities would be required to have special regard to particularly effective tools to improve health outcomes, including increasing access to high quality green and blue spaces[26], providing housing which meets residents' needs, enabling everyday physical activity and providing the services and amenities people need in their neighbourhood.

At committee stage there was strong support from peers from across the benches for a similar amendment tabled by Lord Stevens of Birmingham, Lord Hunt of Kings Heath, Lord Young of Cookham and Lord Foster of Bath (numbered as amendment 241). Professor Sir Michael Marmot, author of the landmark Marmot Review on public health, also lent his support to this amendment,[27] highlighting the links between health and the built and natural environment and the opportunity to embed health equity into planning and design. There was also public support for this amendment, as highlighted by the 90 cross-sector organisations and 39,000 members of the public supporting the Nature for Everyone campaign.[28]

The Minister at committee stage supported the spirit of the amendment, but argued that existing measures, including the National Planning Policy Framework and associated design guidance, were capable of delivering on its aims.[29]

This position is largely unevidenced – it is clear that in fact the existing system is not sufficient to leverage the planning system to tackle health inequalities. The majority of planning officers say that existing guidance and regulation is not strong enough for them to boost active travel.[30] Existing Green Infrastructure Standards are only voluntary, not mandatory.[31] Most tellingly of all, over the decade on

[24] https://www.instituteofhealthequity.org/resources-reports/fair-society-healthy-lives-the-marmot-review
[25] https://www.health.org.uk/sites/default/files/202003/Health%20Equity%20in%20England_The%20Marmot%20Review%2010%20Years%20On_executive%20summary_web.pdf
[26] More about the beneficial impact of access to nature on health can be found here: https://www.wcl.org.uk/docs/Improving%20public%20access%20to%20nature%20-%20Link%20briefing%20-%2002.05.2023.pdf
[27] https://www.sustrans.org.uk/media/11762/health-inequalities-amendment-letter.pdf
[28] https://www.wcl.org.uk/nature-for-everyone.asp
[29] https://hansard.parliament.uk/lords/2023-03-27/debates/C271DFE5-FD43-4717-82ED-10D4FF01D369/Levelling-UpAndRegenerationBill#:~:text=this%20specific%20contribution-,188,-%3A%20After%20Clause
[30] https://www.sustrans.org.uk/media/10520/walkable-neighbourhoods-report.pdf
[31] https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx

from the publication of the National Planning Policy Framework, health outcomes have actually declined.[32]

A statutory objective is needed to give planning authorities a mandate to prioritise improving health outcomes when making strategic planning decisions. The delivery of more accessible green and blue spaces through strategic planning will help people flourish, and nature with it.

Other amendments we support

Amendments are listed in expected order of debate.

Amendments 111, 115, 120 and 121: EORs and devolved administrations

Tabled by Baroness Ritchie of Downpatrick

Clause 148 requires UK Government Ministers to consult with Ministers of devolved administrations, should EOR regulations fall within a devolved administration's competence. This is a weak requirement, which could see EOR regulations imposed on devolved nations without the consent of their administrations. This provides a further risk of environmental regression, should EOR regulations impose weaker requirements than requirements put in place by the devolved Government.

The wording of Clause 148 is particularly problematic for Northern Ireland, as it requires the Secretary of State only to consult with *''a Northern Ireland department''*, potentially bypassing elected representatives in Northern Ireland. In August 2022 the Environmental Links UK (ELUK) network, representing the UK's largest environmental coalitions, wrote to the UK Government to express their concern at the regression risk posed by Part 6 of the Bill, and its threat to the competence of devolved administrations.[33] The Scottish Government has expressed its opposition to the Bill on these grounds.[34]

At committee stage on 18 May the Bill Minister stated that the UK Government was having *''discussions with the devolved Governments on how these powers should operate''*.[35] These discussions, and the continued concern expressed by parliamentarians, should lead to swift amendment of the Bill to uphold devolved competencies and prevent environmental regression.

Amendments 111 (Scotland), 115 (Wales) and 120 (Northern Ireland) tabled by Baroness Ritchie would achieve this by requiring Ministers to secure the consent of a devolved administration before setting EOR regulations within the competence of that administration, rather than merely consulting with them. Amendment 121 would also require consent for EOR regulations to be given by Ministers of the Northern Ireland Executive, rather than by a Northern Ireland department, providing a closer link between elected representatives in Northern Ireland and the regulations.

The Government has tabled a series of amendments to respond to those tabled by Baroness Ritchie. Government amendment 114 requires the Secretary of State to secure the consent of Welsh Ministers

[32] https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on
[33] https://www.nienvironmentlink.org/site/wp-content/uploads/2022/07/LUR-Bill-ELUK-letter.pdf
[34] https://www.scotlink.org/wp-content/uploads/2022/08/Response-202200316151.pdf
[35] https://hansard.parliament.uk/lords/2023-05-18/debates/2EBF2630-E7A4-4752-9BB5-BBC0706E62F9/Levelling-UpAndRegenerationBill

before making EOR regulations within Welsh devolved legislative competence. Government amendment 119 requires the Secretary of State to secure the consent of a Northern Irish Department before making EOR regulations within Northern Ireland's devolved legislative competence. This represents some progress, but concerns remain.

No concession has been made on Scotland. The Northern Ireland department consent has to be obtained from remains the choice of Secretary of State. Ministers of the Northern Ireland Executive should be specified, to ensure a link with the democratic decisions made by the people of Northern Ireland. Of equal concern is the new provision that even consultative requirements can be dropped, if the EOR regulation is merely incidental to, or consequential on, matters that would be outside devolved legislative competence (applied by amendment 112 to Scotland, amendment 116 to Wales and amendment 122 to Northern Ireland).

The Government should resolve the inconsistences created by this suite of Government amendments and fully adopt the approach proposed by amendments 111 (Scotland), 115 (Wales) and 120 (Northern Ireland) tabled by Baroness Ritchie. They constitute a simpler approach, which respect all of the devolved settlements and the democratic choices made by the peoples of Scotland, Wales and Northern Ireland.

Amendment 190: National Development Management Policies
Tabled by Baroness Thornhill and Lord Shipley

This amendment would build democratic safeguards to the National Development Management Policies (NDMPs) introduced by the Bill. As drafted, Part 3 gives the Secretary of State sweeping powers to introduce NDMPs with limited scrutiny. This risks significant changes being made to planning without the ability for the public or parliament to contribute or respond to proposals, opening the door to undermined local plan making and environmental regression. The amendment would address this by requiring parliamentary scrutiny for the designation and review of NDPMs, along with minimum public consultation standards.[36]

Amendment 191: Duties in relation to mitigation of, and adaptation to, climate change in relation to planning
Tabled by Lord Ravensdale, Baroness Hayman of Ullock, Lord Lansley and Lord Teverson

This amendment would ensure that national planning policies, local plan-making and development decisions are all consistent with the 'net zero' target and carbon budgets set under the Climate Change Act 2008, and with nature recovery targets set under the Environment Act 2021. With the climate and ecological emergency accelerating, such environmental considerations should be hardwired into planning system.

[36] Further information on this amendment can be found in the following briefing: https://betterplanningcoalition.com/wp-content/uploads/2023/07/BPC-RTPI-Lords-Report-Stage-Briefing-July-2023.pdf

Amendment 233: Developments affecting ancient woodland
Tabled by Baroness Young of Old Scone and Baroness Willis of Summertown

In 2020, during the passage of the Environment Act, the Government committed to introducing a consultation direction for developments affecting ancient woodland. This amendment sets a deadline for fulfilling this commitment. This will ensure that development impacts on ancient woodland are better understood and considered in planning, supporting the improved protection and restoration of the nation's ancient woodland.

Amendment 247: Nutrient pollution
Tabled by Baroness Willis of Summertown and Baroness Parminter

Clause 158 takes steps to address the nutrient pollution that is devastating freshwater habitats, by establishing a statutory requirement for water companies to upgrade sewage disposal works to meet new nutrient standards in the areas worst affected by pollution.

The impact this welcome measure will have is likely to be limited by two factors. Firstly, by the prescribed old-fashioned character of the upgrades, which the Bill specifies should take place only at sewage disposal works themselves, thereby requiring the extensive use of costly concrete engineering to the detriment of the environment. Impact will be further limited by an absence of transparency as to how the upgrades will be delivered and monitored.

Amendment 247, tabled by Baroness Willis and Baroness Parminter, remedies these defects.

It would require water companies to, where possible, use restored habitats (referred to as Nature Based Solutions) to deliver the required upgrades, as an environmentally friendly alternative to concrete engineering. New woodlands and re-wetted marshes, delivered across a catchment as opposed to just at the works themselves, can act as nutrient sponges, reducing the pollution reaching rivers, whilst simultaneously boosting nature's recovery and storing carbon.[37]

To secure greater transparency, the amendment would require companies to secure OFWAT approval for a compliance and investment plan before any upgrades commence, and to report annually to OFWAT, the Environment Agency and local planning authority on progress against the agreed plan. Failure to demonstrate progress would lead to sanctions.

This tightening up of Clause 158 to benefit the enviroment was proposed and widely supported at committee stage.[38]

The responding Minister suggested that non-statutory encouragement of water companies to use Nature Based Solutions, and possible use of Section 202 of the Water Industry Act to require water companies to publish specified data, could be sufficient to deliver the aims of the amendment. Given

[37] https://www.sciencedirect.com/science/article/pii/S0925857422002336
[38] https://hansard.parliament.uk/Lords/2023-05-18/debates/2EBF2630-E7A4-4752-9BB5-BBC0706E62F9/Levelling-UpAndRegenerationBill

that non-statutory encouragement has failed to drive up approvals for NBS use to date[39], and that the Water Industry Act requires central Government intervention to release data, these reassurances are not sufficient.

Improvements to Clause 158 are required to ensure that nutrient pollution is speedily and effectively reduced, in ways that significantly contribute to net zero and nature's recovery. Recent weeks have seen concerning suggestions in the press that the Prime Minister is considering enervating the nutrient pollution standards introduced by the Bill. These measures are essential to recovering the health of our rivers, an issue the public care about deeply[40]. They should be strengthened by the acceptance of amendment 198, not weakened.

Amendment 278: Duty to produce a land use framework
Tabled by Baroness Young of Old Scone and Baroness Willis of Summertown

A strategic plan for land use would transform the planning system, providing clear direction as to how nature recovery and climate priorities can be balanced with other land use needs across the country and ensure national environmental targets are achieved. A national spatial framework to align policy development and decision-making for all land uses will also streamline planning decisions and provide greater certainty for business. This amendment would deliver such a strategic plan through a land use framework, a concept that benefits from cross-party support and that now requires legislative delivery.

Better Planning Coalition

Link is a partner to the Better Planning Coalition (BPC), a group of over 30 organisations working to deliver a planning system fit for people, nature and the climate. The above amendments are supported by BPC's nature group.

Amendments we do not support

Amendments 272 and 273: Local communities in National Parks and AONBs
Tabled by Baroness MacIntosh of Pickering and Lord Carrington

These two amendments would create a new statutory purpose for National Parks and AONBs, to promote the economic and social well-being of local communities within their boundaries.

We do not support this change. National Park Authorities, AONB Conservation Boards and the Broads Authority already have a statutory duty that relates to the economic and social well-being of local

[39] https://www.wcl.org.uk/docs/WCL_Blueprint_response_Ofwat_Accelerated_infrastructure_delivery_project_draft_decisions_May_2023.pdf
[40] See July 2023 Twitter threads from the RSPB & Wildlife Trusts
https://twitter.com/RSPBEngland/status/1678384326960881665
https://twitter.com/WildlifeTrusts/status/1678672317868650496

communities. Insufficient evidence has been provided to demonstrate that this needs to be changed to a fully statutory purpose.

Crucially, such a change risks undermining the long-established Sandford Principle, which states that: *"Where irreconcilable conflicts exist between conservation and public enjoyment in National Parks, then conservation interest should take priority"*. Weakening this approach through a new economic wellbeing statutory purpose risks economic interests being given new weighting over environmental interests in protected landscapes.[41] In the midst of a climate and ecological emergency we need protected landscapes to deliver more for the environment, not less.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 75 organisations to use their joint voice for the protection of the natural world.

For questions or further information please contact:
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[41] See https://www.cnp.org.uk/blog/sandford-principle-mustn%E2%80%99t-be-endangered-wales