

# Levelling Up & Regeneration Bill: Protected landscapes & nature recovery

## Briefing for Lords report stage

12.09.23 version.

### Executive summary

At Lords report stage of the Levelling Up & Regeneration Bill on 13<sup>th</sup> September [Link](#), England's largest environment coalition, urges peers to

- Back amendment 282M to restore nature in National Parks and AONBs.
- Reject the Government's environmentally regressive amendments, 247YYA and 247YY (see separate briefing [here](#)).

## Amendments we strongly support

### Amendment 282M: Protected Landscapes Management Plans and environmental targets

Tabled by Lord Randall of Uxbridge, Baroness Jones of Whitchurch & Baroness Willis of Summertown

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 make a major contribution to delivering on the Government's international commitment to protect and effectively manage 30% of land for nature by 2030 (the '30x30' promise).

That restoration has not yet taken place. 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.<sup>1</sup> The Government has concluded that "*under their current statutory purposes, level of protection and management, it is our view that they [protected landscapes] cannot be said to contribute towards 30 by 30 at this time*".<sup>2</sup> This position is supported by Link's own analysis.<sup>3</sup>

The poor state of nature in protected landscapes, despite their environmental potential, is of a cause of considerable public concern. At Committee Stage debate on 18<sup>th</sup> May<sup>4</sup> and at Report Stage debate on 18<sup>th</sup> July<sup>5</sup> peers from across the house showed strong support for probing amendments which would

<sup>1</sup> <https://www.wcl.org.uk/protected-landscapes-progress-stalled.asp>

<sup>2</sup> [https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting\\_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf](https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf)

<sup>3</sup> [https://www.wcl.org.uk/docs/WCL\\_2023\\_Progress\\_Report\\_on\\_30x30\\_in\\_England.pdf](https://www.wcl.org.uk/docs/WCL_2023_Progress_Report_on_30x30_in_England.pdf)

<sup>4</sup> <https://hansard.parliament.uk/lords/2023-05-18/debates/2EBF2630-E7A4-4752-9BB5-BBC0706E62F9/Levelling-UpAndRegenerationBill>

<sup>5</sup> <https://hansard.parliament.uk/lords/2023-07-18/debates/C6ED345A-2CDF-4578-8A0A-BFAC2052A8EC/Levelling-UpAndRegenerationBill>

have enabled protected landscapes to make greater contributions to 30x30 and other environmental commitments. In replying for the Government on 18<sup>th</sup> July, Lord Benyon was sympathetic, committing to measures to increase the contribution protected landscapes make to national environmental targets.

Further to these debates, Lord Randall and Baroness Jones have tabled amendment 282M to deliver on the targets commitment.<sup>6</sup> The amendment would require the Secretary of State to make regulations directing protected landscapes management plans to include actions that will increase the contribution the landscape makes to Environment Act targets. The regulations would also direct relevant public bodies (those whose decisions impact protected landscapes) to contribute to these Management Plans actions and further protected landscapes statutory purposes.

The need for relevant public bodies to make decisions to further protected landscapes management plans and statutory purposes is acute. Planning consents from local planning authorities, permits from regulators and the actions of other bodies exercising functions of a public nature frequently cause damage to National Parks and AONBSs, making these landscapes less effective for nature. One example stands for many; Southern Water have consistently discharged sewage into two river catchment areas in the New Forest National Park.<sup>7</sup> National Park Authorities currently have no power to stop such discharges.<sup>8</sup> The new regulations introduced by the amendment would provide this power, as any further discharges would put water companies in breach of a legal duty to further the environmental purposes and targets of affected National Parks.

It is important to stress that these changes need to be made through legislation. Earlier attempts to use guidance to encourage relevant public bodies to make decisions more in line with the management plans and statutory purposes of protected landscapes have failed to have the desired effect. A 2010 Defra 'National Parks circular' explicitly stated that the Government expected relevant public bodies to co-operate "*in the development of the Park Management Plan and the achievement of Management Plan*".<sup>9</sup> This non-binding guidance has failed to stop the sustained declines in nature in National Parks over the past decade.<sup>10</sup>

The Government has previously accepted that legislative change is needed to both embed environmental actions in protected landscape management plans and require public bodies to further those actions. Both legislative changes were recommended by the Glover Review of Protected Landscapes<sup>11</sup> and accepted by the Government in their 2022 response.<sup>12</sup>

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<sup>6</sup> <https://bills.parliament.uk/publications/52420/documents/3878>

<sup>7</sup> <https://riveractionuk.com/news/river-action-calls-on-southern-water/>

<sup>8</sup> <https://inews.co.uk/news/environment/river-sewage-15-dirtiest-rivers-lakes-britain-national-parks-how-save-2228065>

<sup>9</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)

<sup>10</sup> <https://www.cnp.org.uk/sites/default/files/uploadsfiles/Raising%20the%20bar%20improving%20wildlife%20in%20our%20National%20Parks.pdf>

<sup>11</sup> <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

<sup>12</sup> <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>

Protected landscape authorities, eNGOs, climate scientists, ecologists and the authors of the Glover Review and the Lawton Review are united in urging the Government to hold true to this 2022 promise and commitments made in July 2023 debates and deliver transformational protected landscapes management plans through the Levelling Up and Regeneration Bill.<sup>13</sup> There is also strong public support, polling carried out this summer shows 78% of the public want to see stronger nature protections in protected landscapes.<sup>14</sup>

If delivered swiftly, these essential reforms could enable National Parks and AONBs to become major contributors towards 30x30, in line with the vision of flourishing spaces for nature and people that led to these precious landscapes being designated. We strongly urge peers to support amendment 282M.

## Other amendments we support

### **Amendment 247: Nutrient pollution**

Tabled by Baroness Willis of Summertown and Baroness Parminter

Section also covers **Government amendments 247YV, 247A and 247Y**

Clause 158 takes a step 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 of this measure will be limited if the Government's damaging amendments 247YYA and 247YY are voted into the Bill.<sup>15</sup>

The associated **amendment 247YV** would insert a new section into clause 158 entitled 'setting and enforcing nutrient pollution standards'.<sup>16</sup> This new section gives the Secretary of State the power pass regulations modifying or revoking the clause 158 duty on water companies to upgrade sewage plants discharging into struggling rivers by 2030. It amounts to the Government giving itself a mechanism to weaken or remove the measures that require water companies to tackle pollution from sewage plants.

Just as amendment 247YYA boosts allows developers to avoid paying for their pollution, amendment 247YV opens the door to letting water companies off the hook for the pollution they cause. In both circumstances it will be the public that foots the bill.

In order for clause 158 to help restore freshwater habitats, as originally intended, the Government should drop its proposals for amendments 247YYA, 247YY and 247YV. Amendment 247, tabled by Baroness Willis and Baroness Parminter, should be adopted as a substitute.

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<sup>13</sup> See February 2023 letter: <https://www.wcl.org.uk/docs/Scientist%20letter%20to%20PM%20-%20%20COP15%20-%2022.02.23.pdf>

& August 2023 letter:

<https://www.wcl.org.uk/docs/Letter%20to%20Lord%20Benyon%20-%20Protected%20Landscapes%20-%2007.08.23.pdf>

<sup>14</sup> <https://www.wcl.org.uk/nature-2030-launch-research-and-report.asp>

<sup>15</sup> See separate briefing:

[https://www.wcl.org.uk/docs/Levelling\\_Up\\_Bill\\_Briefing\\_Nutrient\\_pollution\\_06.09.23.pdf](https://www.wcl.org.uk/docs/Levelling_Up_Bill_Briefing_Nutrient_pollution_06.09.23.pdf)

<sup>16</sup> <https://bills.parliament.uk/publications/52407/documents/3872>

The amendment would require water companies to, where possible, use restored habitats (referred to as Nature Based Solutions in this context) 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.<sup>17</sup>

The Government has acknowledged the case for these reforms by two positive Government amendments tabled in August 2023. The amendments respectively require water companies to consider using Nature Based Solutions to deliver upgrades (**amendment 247A**) and allow for a more flexible approach to achieve the required upgrades by enabling requirements to be met at a catchment scale, rather than by upgrades at individual sewage plants (**amendment 247Y**).

Whilst these amendments are welcome, they require clarification in order to work together effectively. The requirement to consider using Nature Based Solutions does not appear to apply when water companies use the new catchment approach permitted by amendment 247Y. For catchment-based approaches to work effectively, nature-based solutions need to form part of the package of measures across the catchment. The Government needs to clarify that water companies will be required to consider using Nature Based Solutions when taking a catchment-based approach.

Until such an assurance is given, amendment 247 from Baroness Willis and Baroness Parminter should be preferred over Government amendments 247A and 247Y.

### **Amendment 278: Duty to produce a land use framework**

Tabled by Baroness Young of Old Scone, Baroness Willis of Summertown and Lord Randall of Uxbridge

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.

### **Other 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

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<sup>17</sup> <https://www.sciencedirect.com/science/article/pii/S0925857422002336>

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.<sup>18</sup> In the midst of a climate and ecological emergency we need protected landscapes to deliver more for the environment, not less.

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<sup>18</sup> See <https://www.cnp.org.uk/blog/sandford-principle-mustn%E2%80%99t-be-endangered-wales>