

Reinvigorating National Parks through the Levelling Up & Regeneration Bill Amendments from Campaign for National Parks and the Better Planning Coalition

This is a crucial moment for National Parks and other Protected Landscapes

During the pandemic millions of people, from towns and cities and all walks of life, visited Protected Landscapes (National Parks and Areas of Outstanding Natural Beauty) to fulfil their need for solace and rejuvenation, health and wellbeing. Yet the legislation to protect and support these places was developed in an era before climate change, biodiversity loss and before inequalities in access were so evident. Now it urgently needs updating.

The Levelling Up Bill is the perfect opportunity to do more for these landscapes

The Glover Review of Protected Landscapes highlighted these issues and put forward a package of recommendations to address them, the majority of which were accepted by the Government in their response to the review. A legislative vehicle is now needed to take forward these recommendations. Given the key role that National Parks play in furthering the Government's levelling up missions (especially health, wellbeing and pride of place), and the Bill's focus on environmental matters and the planning system (National Parks are planning authorities), the Levelling Up & Regeneration Bill provides an appropriate and timely vehicle for Glover implementation.

We can't delay on supporting Protected Landscapes in legislation

Given that the Levelling Up & Regeneration Bill is the only legislation touching on environmental matters and the planning system on the horizon, a failure to deliver key Glover Review recommendations through it will see these essential reforms delayed for further years and facing an uncertain future. These are vital years for meeting the commitment to protect 30% of England for nature by 2030, for halting the decline in species abundance and making progress towards net zero.

The amendments

The below four new clauses have been drafted to ensure that this opportunity to implement Glover is not missed. The clauses cover four key recommendations from the Glover review, and deliver measures supported by the Government:

- 1) **Statutory purposes.** This clause would deliver proposal 1 in the Glover Review, to give National Parks a renewed mission to recover biodiversity and nature. The Government has stated that 'we agree with Proposal 1 that the current statutory purpose to 'conserve and enhance' is not strong enough...We will therefore strengthen this purpose, making it clear that we need to actively recover nature in these areas, rather than simply conserve what remains.' The clause also delivers part of Glover Review proposal 7, which proposed a stronger mission to connect all people with our national landscapes.
- 2) **Duties on public bodies.** This clause would deliver two key elements of proposal 3 in the Glover Review, to give National Park authorities a new duty to help tackle climate change,

and to require all public bodies to further National Park purposes in their own work. The Government has said that National Park Management Plans should contain ‘ambitious goals to increase carbon sequestration’ and ‘set out their local response to climate adaptation’.

- 3) **Management Plans.** This clause would deliver other key elements of proposal 3 in the Glover Review, that strengthened Management Plans should set clear priorities and actions for nature’s recovery and climate in National Parks, and that legislation should give public bodies a responsibility to help prepare and implement Management Plans. The Government accepted proposal 3 and stated an intention to ‘align local management plans with relevant national policies and targets such as the goals of the 25 Year Environment Plan and net zero’. It has also committed to amending the legislation so that it is ‘clearer with regards to the role of public bodies in preparing and implementing management plans’.
- 4) **National Park Authority board membership.** This clause would address Glover’s ambition to increase skills and diversity on National Park Authority boards. The Government’s response to Glover committed to measures to ensure boards ‘have more flexibility to balance diversity and expertise’ and proposes ‘a more merit-based approach’. The clause would deliver this flexibility, removing ‘the restrictive legislation’ referred to in the Government’s response, and ensure that Boards are better equipped to deliver National Park purposes.

Should the new clauses be accepted by the Government, further new clauses would be required to deliver the same reforms for the Broads Authority, which has parity status to National Park authorities, and to carry forward equivalent changes for Areas of Outstanding Natural Beauty (AONB), which were also covered by the Glover Review.

About Campaign for National Parks

Campaign for National Parks is the only national charity campaigning to protect and improve the 13 National Parks in England and Wales. We want thriving National Parks, brimming with nature, resilient to climate change and where everyone, no matter their background, has the opportunity to visit and improve their health and wellbeing. For almost 90 years, we’ve been successfully campaigning to create and strengthen the National Parks. We work with an umbrella of more than forty environmental and amenity groups, representing over four million people who share our passion for Protected Landscapes.

About the Better Planning Coalition

The Better Planning Coalition represents 27 organisations across the environment, housing, planning, heritage and access sectors and is working to improve the Levelling Up & Regeneration Bill. The National Park new clauses have been drawn up by Campaign for National Parks, the RSPB, the National Trust and Wildlife and Countryside Link as members of the coalition.

1) Statutory purposes

To move the following Clause—

“National Parks purposes

(1) Section 5 of the National Parks and Access to the Countryside Act 1949 is amended in so far as it applies to England as follows.

(2) For section 5(1) substitute—

“(1) The provisions of this Part of this Act shall have effect for the purpose—

(a) of restoring, conserving and enhancing the—

- (i) biodiversity and the natural environment;
- (ii) natural beauty; and
- (iii) cultural heritage

of the areas specified in the next following subsection; and

(b) of providing equal opportunities for all parts of society to improve their connection to biodiversity and the natural environment, natural beauty and cultural heritage of those areas and the enjoyment of their special qualities.”

(3) For section 5(2) substitute—

“(2) The said areas are those extensive tracts of country in England which it appears to Natural England that by reason of—

- (a) their biodiversity and natural environment, natural beauty and cultural heritage; and
- (b) the opportunities they afford for providing equal opportunities for all parts of society to improve their connection to biodiversity and the natural environment, natural beauty and cultural heritage of those areas and the enjoyment of their special qualities, having regard both to their character and to their position in relation to centres of population,

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

(4) Omit section 5(2A).

(5) In section 5 of the National Parks and Access to the Countryside Act 1949 insert—

“(4) In subsection (1) above—

- (a) “biodiversity” has the meaning given to the term “biological diversity” by Article 2 of the United Nations Environmental Programme Convention on Biological Diversity of 1992;
- (b) “natural environment” has the meaning given by section 44 of the Environment Act 2021;
- (c) “natural beauty” has the meaning given by section 114(2) of this Act;
- (d) “cultural heritage” means any building, structure, other feature of the natural or built environment or site, which is of historic, architectural, archaeological or artistic interest.”

(6) The amendments made by subsections (1) to (5) above are without prejudice to the continuing validity of any designation of an area as a National Park under subsection (3) of that section.”

Member's explanatory statement

This new clause will amend the statutory purposes of National Parks to make it clearer that National Parks should actively recover nature and improve people's connection with nature, as recommended by the Glover Review. It includes definitions so there is clarity on what the amended purposes mean. Part (3) amends the criteria for designating new National Parks in line with the updated purposes.

2) Duties on public bodies

To move the following Clause—

“Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated

(1) Section 11A of the National Parks and Access to the Countryside Act 1949 is amended in so far as it applies to England as follows.

(2) After section 11A(1) insert—

“(1A) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section 5 of this Act, shall seek to promote climate change mitigation and adaptation, in particular through policies and projects that restore, conserve and enhance biodiversity and the natural environment while also reducing, or increasing the removal of, greenhouse gas emissions or supporting climate adaptation.”

(3) For section 11A(2) substitute—

“(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority must further the purposes specified in subsection (1) of section 5 of this Act and, if it appears that there is a conflict between paragraphs (a) and (b) of that subsection, shall attach greater weight to the purpose of restoring, conserving and enhancing the natural environment and biodiversity, natural beauty and cultural heritage of the area comprised in the National Park.”

Member’s explanatory statement

This new clause implements two recommendations from the Glover Review, to give National Park authorities a new duty to address climate change and to strengthen the existing duty on public bodies to ‘further’ National Park purposes. This would require all relevant organisations to take active steps to deliver the purposes of National Parks, for example to conserve and enhance their nature, rather than to simply consider those purposes (as is currently the case).

3) Management Plans

To move the following Clause—

“National Park Management Plans

- (1) The Environment Act 1995 is amended in so far as it applies to England as follows.
- (2) In section 66 (National Park Management Plans), after subsection (1) insert—
 - “(1A) A National Park Management Plan must include targets and actions to be achieved before the review of the plan under subsection (4) by the National Park authority and other relevant authorities that are exercising or performing any functions in relation to, or so as to affect, land in the National Park.
 - (1B) The targets and actions must include those that will contribute to—
 - (a) the furthering of the purposes specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949;
 - (b) the achievement of targets as may be set under—
 - (i) sections 1 to 7 of the Environment Act 2021;
 - (ii) environmental improvement plans prepared under sections 8 to 15 of that Act; and
 - (iii) the Climate Change Act 2008 for the protection of the climate, including in respect of the mitigation of, and adaptation to, climate change; and
 - (c) the implementation of any local nature recovery strategies for an area within the National Park prepared under sections 104 to 107 of the Environment Act 2021.
 - (1C) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, a relevant authority must—
 - (a) in the case of a relevant authority other than a National Park authority, assist with the preparation of the National Park Management Plan by providing to the National Park authority a list of the actions that the relevant authority will take reasonable steps to undertake over the 5 years of the Plan to further the purposes specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949;
 - (b) take reasonable steps to undertake those actions within that period; and
 - (c) in the case of a relevant authority other than a National Park authority, at least six months prior to the commencement of the review of the National Park Management Plan, provide to the National Park authority the details of the actions that the relevant authority has undertaken during the period to which the Plan relates.”
 - (1D) For the purposes of (1A) and (1B) “relevant authority” has the same meaning as in section 11A(3) of the National Parks and Access the Countryside Act 1949.”
 - (3) In section 66 (National Park Management Plans), after subsection (4) insert—
 - “(4A) At least three months prior to the commencement of a review under subsection (4) a National Park authority must publish a report setting out, in particular, details of—
 - (a) targets and actions in the National Park Management Plan that have been achieved;
 - (b) targets and actions that have not been achieved;

(c) targets and actions that the National Park authority is not yet able to determine whether they have been achieved, the reasons for that and the steps the National Park authority or any other relevant authority intends to take in order to determine whether the target or action has been achieved,

and, in respect of (b), the reasons why a target or action has not been achieved and the steps the National Park authority or any other relevant authority has taken, or intends to take, to ensure the target or action is achieved as soon as reasonably practicable.

(4B) Within three months of the publication of the report prepared in accordance with subsection (4A) Natural England must provide and publish advice to the National Park authority and any relevant authority as it sees fit, in relation to the National Park Management Plan that is to be reviewed, on—

- (a) the extent to which and reasons why any targets in that Plan have not been met;
- (b) actions that should be taken by the National Park authority or any relevant authority to ensure that the target is achieved as soon as possible; and
- (c) targets to be set in the revised plan.

(4C) Advice given under (4B) must also contain the reasons for that advice.

(4D) It shall be the duty of a National Park authority and any relevant authority to follow the advice given under subsection (4B) unless it appears unreasonable to do so, in which case the National Park authority or relevant authority must publish a statement giving reasons why it is not following that advice.

(4E) At the same time as the publication of a report under paragraph (c) of subsection (6), a National Park authority must publish a report on its response to the advice given under (4B) and any actions taken by the National Park authority or any other relevant authority as a result of the advice given under paragraph (b) of subsection (4B).”

(4) In section 66, for subsection (7) substitute—

“(7) A National Park authority which is proposing to publish, adopt or review any plan under this section must publish notice of the proposal and a copy of the plan, together (where appropriate) with any proposed amendments of the plan and consult—

- (a) every principal council and corporate joint committee whose area is wholly or partly comprised in the relevant Park;
- (b) Natural England;
- (c) the Environment Agency;
- (d) any other relevant authority that is exercising or performing any functions in relation to, or so as to affect, land in a National Park; and
- (e) the general public.”

(5) In section 66, after subsection (7) insert—

“(7A) A National Park authority must take into consideration any observations made by any of the persons consulted under subsection (7).”

(6) In section 66, insert a new subsection (8A)—

“(8A) Any plan which a National Park authority publishes, adopts or amends following a review under this section shall not be made operational until it is approved in writing by the Secretary of State on advice from Natural England.”

(7) After section 66 insert—

“66A.— Guidance on the preparation of National Park Management Plans: England

(1) Natural England must issue guidance to National Park authorities on the preparation, content and implementation of National Park Management Plans.

(2) Guidance must be—

- (a) published by Natural England in such manner as Natural England sees fit;
- (b) kept under review; and
- (c) revised where Natural England considers it appropriate.

(3) A National Park authority must have regard to the guidance when preparing and implementing a National Park Management Plan.

66B.— Annual reports on the implementation of National Park Management Plans: England

(1) As soon as practicable after the end of each financial year, a National Park authority in England must prepare a report on the implementation of the current National Park Management Plan during that year and send a copy of the report to the Secretary of State and Natural England.

(2) The report must include an assessment of—

- (a) the progress that has been made during the financial year in achieving the targets and actions set out in the National Park Management Plan;
- (b) the further progress that is needed to achieve those targets and actions and the steps the National Park authority or any other relevant authority will take to ensure the target or action is achieved before the next review of the Plan under subsection (4) of section 66; and
- (c) whether those targets and actions are likely to be achieved before the next review of the Plan under subsection (4) of section 66.

(3) A relevant authority other than a National Park authority that is exercising or performing any functions in relation to, or so as to affect, land in a National Park in England must contribute to the report by providing to the National Park authority the details of the actions that the relevant authority has undertaken to further the purposes of the National Park specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949 during the financial year to which the report relates.

(4) The Secretary of State must lay a copy of the report before Parliament and publish the report.

(5) “Relevant authority” has the same meaning as in section 11A(3) of the National Parks and Access to the Countryside Act 1949.

66C.— Duty to provide advice or other assistance on request: England

Natural England must, at the request of a National Park authority or other relevant authority, provide advice, analysis, information or other assistance to the authority in connection with—

- (a) the authority's functions under this or any other Act; and
- (b) the progress made towards meeting the targets and actions included in a National Park Management Plan.”

66D.— Strategic priorities and objectives for National Parks: England

(1) Within six months of the entering into force of this section, the Secretary of State must publish a statement setting out strategic priorities and objectives for National Park authorities and relevant authorities in carrying out relevant functions.

(2) National Park authorities and relevant authorities must carry out those functions in accordance with any statement published under this section.

- (3) In formulating a statement under this section, the Secretary of State must further the purposes in section 5 of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”).
- (4) Before publishing a statement under this section, the Secretary of State must consult—
- (a) National Park authorities;
 - (b) Natural England; and
 - (c) such relevant authorities as the Secretary of State thinks appropriate.
- (5) Before publishing a statement under this section the Secretary of State must—
- (a) lay a draft of the statement before Parliament; and
 - (b) then wait until the end of the 40-day period.
- (6) The Secretary of State may not publish the final statement under this section if, within the 40-day period, either House of Parliament resolves not to approve it.
- (7) “The 40-day period” means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (8) When calculating the 40-day period, ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (9) The Secretary of State shall, in accordance with this section, publish a revised statement no later than five years after the publication of each statement.
- (10) In this section—
- “relevant authorities” shall have the same meaning as in section 11A of the 1949 Act; and
- “relevant functions” means, for National Park authorities, the functions mentioned in Part III of this Act and, for relevant authorities, those functions mentioned in section 11A(2) of the 1949 Act.”

Member’s explanatory statement

This new clause would implement the recommendation of the Glover Review that National Park Management Plans should contain targets priorities and actions to deliver the purposes of National Parks. It would also require National Park authorities and other public bodies to set out what steps they will take to achieve those targets, priorities and actions, and introduces a sign-off and scrutiny process in order to ensure that Management Plans are effective and that all those responsible are taking measures to deliver them, including requirements to contribute to annual reports on progress.

4) National Park Authority board membership

To move the following Clause—

“National Park Authorities

(1) Schedule 7 to the Environment Act 1995 is amended in so far as it applies to England as follows.

(2) In paragraph 1(3) after “must” insert “not”.

(3) In paragraph 2(3) omit “only at the request of that council”.

(4) After paragraph 2(4) insert—

“(4A) In appointing local authority members of a National Park authority, a principal council must have regard to the desirability of—

- (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
- (b) maintaining an overall balance between members with experience of and capacity in those purposes.”

(5) After paragraph 3(2) insert—

“(2A) In appointing parish members of a National Park authority the Secretary of State must have regard to the desirability of—

- (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
- (b) maintaining an overall balance between members with experience of and capacity in those purposes.”

(6) After paragraph 4(1) insert—

“(1A) In appointing members of a National Park authority the Secretary of State must have regard to the desirability of—

- (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
- (b) maintaining an overall balance between members with experience of and capacity in those purposes.”

Member’s explanatory statement

This new clause would allow the Secretary of State to amend secondary legislation to increase the proportion of National Park authority members who are nationally appointed, on the basis of their skills and experience. It would also require that consideration is given to ensuring members have relevant experience and that there is a balance of experience across the purposes of National Parks.