

The Protected Landscapes Duty: Policy Briefing

October 2025

Summary

- The Protected Landscapes Duty requires all public bodies in England to seek to further National Parks and National Landscapes. It came into force in December 2023 following recommendations by the Independent Glover Review and was envisaged as being the key driver for enhancing nature recovery in these landscapes in order to meet statutory biodiversity targets and international commitments to manage 30% land for nature by 2030. In December 2024, Government publish guidance to ensure public bodies operating within Protected Landscapes, including water companies, deliver better environmental outcomes.
- Implementation of the Duty is still in its infancy but already it is driving positive change in how land and water is managed, bringing bodies such as water companies, regulators, councils and Forestry England to the table.
- The duty works well within the existing planning system and reinforces the existing within the National Planning Policy Framework, creating opportunities for Protected Landscapes to be consulted earlier in the process.
- There is no case for weakening or repealing the duty. If Government want to improve effectiveness of implementation, they should be providing clarity and certainty for all those who are affected by it, by:
 - A) Stating clearly their intention to retain the duty, and their commitment to ensuring it is implemented effectively.
 - B) Publishing the accompanying regulations as a matter of urgency and ensuring that these include sufficient details on issues such as compensation and mitigation.

Introduction

1. This briefing provides information on the Protected Landscapes duty, which came into force in December 2023, including further detail on the requirements of the duty, who it applies to and how it came to be introduced. It also explains why the duty is so important and the impact that it is intended to have.
2. The duty applies to all National Parks and National Landscapes in England. In December 2024, the Westminster Government marked the 75th anniversary of the visionary act that created National Parks and National Landscapes, by publishing the first guidance to support implementation of the duty, in order to strengthen the mandate for nature recovery and ensure public bodies operating within Protected Landscapes, including water companies, deliver better environmental outcomes. The duty is still in its infancy and has not had sufficient time to demonstrate its value. There is an urgent need to ensure sufficient awareness and that it is being implemented effectively; this briefing concludes with a section setting out how that can be achieved.

What is the Protected Landscapes Duty?

3. [Section 245](#) (s245) of the Levelling Up and Regeneration Act (LURA) 2023 introduced a new requirement for public bodies and statutory undertakers to seek to further the purposes of National Parks and National Landscapes (known collectively as Protected Landscapes) whenever they make decisions which affect land in these areas. The legislation also allows for the Secretary of State to make regulations setting out further details on how the duty should be implemented but it is clear that the duty applies even in the absence of those regulations.
4. The Protected Landscapes duty came into force on 26 December 2023 and applies to the decisions of a wide range of different organisations including local authorities, National Highways and utilities providers such as water companies and electricity companies.
5. The two statutory purposes of National Parks are:
 - To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks (the conservation purpose)
 - To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks (the recreation purpose)

Where there is an irreconcilable difference between these two purposes, then the conservation purpose should take precedence.

6. National Landscapes have a single statutory purpose which is to conserve and enhance the natural beauty of the area.

Why is the Protected Landscapes Duty important?

7. The Protected Landscapes duty was introduced following a period when there had been a significant focus on the need to drive much greater nature recovery in National Parks and National Landscapes to deliver more for nature in particular. It updated the previous duty, which included a Government consultation which acknowledged the need for change as well as numerous calls for change from campaigners, the IUCN, [eminent scientists](#) and the Government-commissioned independent Glover review (see paragraph 11). It was clear that the decision to strengthen the previous duty was a very carefully considered and evidence-based one with a high level of public and stakeholder support. The overall need for greater powers within Protected Landscapes to deliver statutory biodiversity targets was a clear driver.
8. Protected Landscapes could, and should, be playing a significant role in halting biodiversity decline, tackling the climate emergency and helping deliver the international commitment to protect 30% of land for nature by 2030 (the 30x30 target), as identified in the [criteria for 30x30](#) published by the Government in October 2024. But for too long they have been held back from delivering this role by an outdated legislative framework.
9. Prior to the introduction of the Protected Landscapes duty, public bodies had a duty to have regard to the statutory purposes of National Parks and National Landscapes. A duty to “have regard” is the weakest form of duty that can be imposed, as it requires only that there must be some consideration of the purposes, not that any weight needs to be given

to those purposes. This weaker duty was inconsistent with the [National Planning Policy Framework](#) (NPPF), first introduced in 2012, which requires that “[g]reat weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues ...” (para. 189 of the NPPF 2024).

10. Given the importance of Protected Landscapes to the nation, it was widely believed by environmental NGOs, National Park Authorities and National Landscape bodies that it was unacceptable that the “have regard” duty was so weak and there had long been calls for it to be strengthened.
11. Various reviews and reports commissioned by the Government had also come to the same conclusion. As long ago as 1991, the Edwards’ Panel Report “Fit for the Future” recommended that all public bodies should further National Park purposes, and report on this annually. More recently the final report of the [Glover Landscapes Review](#), published in September 2019, concluded that Protected Landscapes were being held back from realising their full potential because of the outdated legislative framework that underpinned them and recommended that the duty be strengthened to one of “furthering” the purposes.
12. In January 2022, the then Conservative Government published [a consultation](#) on its response to the Glover Review, which acknowledged that there was a need for legislative change to implement many of the key Glover proposals including to strengthen the wording of the “have regard” duties. The Government also committed to producing guidance for public bodies on the application of the new duty. This guidance was published in December 2024 (see below).
13. We submitted [a detailed response](#) to this consultation in which we welcomed the Government proposals to strengthen the duties on public bodies and called on the Government to bring forward the necessary legislation as a matter of urgency. We highlighted the weakness of the existing “have regard” duty and argued that it would only be possible to deliver the Government’s ambitions for nature recovery in National Parks with the support of a wide range of organisations. Strengthening the duty would help achieve more meaningful partnership working between National Park Authorities and their constituent local authorities in order to tackle some of the socio-economic challenges in National Parks, such as housing and transport, as well as ensuring that relevant organisations such as National Highways and utility providers are taking account of the need to further the purposes when making decisions which affect land in these areas.
14. The [summary of responses](#) to this consultation, published in November 2023 (after LURA 2023 had been passed) shows that just over half (51%) of the 7,250 respondents to this question agreed that the duties should be strengthened, 23% disagreed and 26% were unsure. There was a much higher level of support among Protected Landscapes bodies (NPAs and National Landscape teams) and environmental NGOs, over 85% of whom were in favour with the main reason for this given as “improvements in delivery”.

Cross-party support for the new duty

15. What has now been adopted as s.245 of the Levelling Up and Regeneration Act (LURA) 2023 was introduced as an amendment and quickly gained cross-party support. At the

time the (conservative) Government described it is an amendment which would “enhance protected landscape management plans and bolster the contribution of partners to help deliver them, ensuring better outcomes for people and nature”. It’s introduction was [welcomed](#) by the (then Shadow, Labour) Minister Baroness Hayman of Ullock who described it as an important amendment which will improve the countryside.

16. During the earlier debate on the need for a strengthened duty, Baroness Hayman expressed her support for updating the legislation, [saying](#) “It must happen. We must ensure that National Parks and AONBs have a greater contribution to 30 by 30, with increased benefits for people as well as climate, and to cultural heritage. The Glover review is a blueprint for more effective management of protected landscapes. We need to legislate properly to deliver it.”
17. Although the Protected Landscapes duty was introduced under the previous government, the current Labour Government clearly expects this new requirement to have a significant impact on activities that affect land in Protected Landscapes. The potential for the new duty to make a significant difference was referred to by Baroness Hayman (now a Defra Minister) in a parliamentary debate on 18 October 2024 when she [said](#) “The Government are actively considering further options to ensure that our protected landscapes have the tools and powers they need to deliver for people and nature, including through regulation and guidance. Relevant authorities must now seek to further the purposes of protected landscapes to deliver better outcomes for nature, people, climate and place.” And again on 31 October 2024, when she said: “...the Government will seek to use the powers in the Levelling-Up and Regeneration Act 2023...to ensure that relevant authorities, including water companies, deliver better outcomes in protected landscapes. We are in the preliminary stages of developing those regulations, to ensure that authorities deliver the better outcomes that we need. The idea is that they will provide a more holistic approach, conserving and enhancing the purposes and special qualities of our protected landscapes.”

What difference does the Protected Landscapes duty make?

18. This change in the law was truly groundbreaking and was hailed as such by many, including ourselves, other NGOs, National Park Authorities (NPAs) and National Landscapes bodies. There is no doubt that the amendment – mandating that public bodies must “seek to further” the purposes of Protected Landscapes was clearly intended to impose new and more significant requirements on public bodies than previously existed.
19. A number of documents published by the Department for Environment, Food and Rural Affairs (Defra) also make it clear that a change in the status quo is expected as a result of the strengthened duty. For example, [the annual progress report](#) on the Environmental Improvement Plan (EIP) published in July 2024 (after the General Election) lists the s.245 LURA duty as one of the key makers of progress helping to deliver progress towards the EIP goal of thriving plants and wildlife.
20. In December 2024, the Government published the official [guidance](#) on the duty which sets out who must comply with the duty and when it should be applied. This guidance makes it clear that the new responsibilities apply to decision-making across the full range of activities which affect Protected Landscapes including regular maintenance, the

management of land and water, and the issuing of licenses and permits but also points out that it "... does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities".

21. The guidance is also clear that the duty applies to decisions on activities outside Protected Landscapes if they affect the land within it, for example, if decisions within parts of the river catchment outside a Protected Landscape have an impact on the water quality within it. It states that this is an active duty and sets out what relevant authorities should be doing to demonstrate compliance with it, including that they should have documented evidence of the measures they have considered when seeking to further the purposes. In December 2024, for the first time, Ofwat referred to the importance of the Protected Landscapes duty in its Final Determination of water company prices.
22. In early 2024, the National Landscapes Association (NLA), the collective voice of the National Landscape Partnerships and Conservation Boards, undertook a survey of all the NPAs and National Landscapes in England. There were 22 responses – 18 from the 44 National Landscapes (53%) and four from the 10 NPAs (40%) – a response rate of 50% overall. The majority of respondents viewed the "seek to further" duty as being more active than the previous "to have regard" duty; that it had the potential to strengthen the protection given to Protected Landscapes in planning decisions and planning policy and should make it easier to refuse unacceptable proposals; and that it could potentially be of huge significance in helping to further the statutory purposes.

What are the implications of the new duty for planning decisions?

23. The current planning system is based on the principle of sustainable development and the new duty provides a vital mechanism for bringing together environmental, social and economic interests and enabling the early conversations which lead to the best possible final decisions and deliver truly sustainable development.
24. Since it came into force, there have been a number of planning cases where the strengthened duty has resulted in better outcomes for Protected Landscapes. In a number of Development Consent Orders for major infrastructure (including Thames Tunnel, Rampion 2 windfarm and Gatwick airport) the Secretary of State refers to the fact that they must now "seek to further" the statutory purposes of Protected Landscapes, and given the scale and impact and harm from the proposed developments have suggested the Duty be fulfilled by a financial contribution to support the delivery of the Protected Landscape management plan. For Rampion 2, the additional £3.5m contribution represented 0.1% of the overall project budget; for Gatwick, the proposed contribution of £750,000 is 0.03% of the total. The need to take it into account did not cause any delay to the decision-making process. For the Rampion 2 wind farm. as the project was already under development when the duty was introduced, the applicant did not take it into consideration until late in the examination process but once they understood the need to comply with it they worked with the National Park Authority to very quickly agree a package of mitigation measures which address the impacts on the National Park and these have now been incorporated in the final planning approval.
25. The intent of the "must seek to further duty" is not to prevent development. It is to ensure proposals for development are designed in a way which takes full account of their impacts on the wildlife, natural beauty and cultural heritage of the Protected Landscape and where

possible respond to the special qualities of the designation and the reasons why the area was designated.

26. The duty therefore fits into the mitigation hierarchy of avoid, mitigate and compensate with the latter being the measure of very last resort. Good design is a requirement of both the NPPF and National Policy Statements and the need to reduce landscape and visual impacts, particularly in Protected Landscapes, is a fundamental component of good design. Where good design is not possible or significant residual adverse impacts cannot be avoided only then should the issue of compensation be explored. The onus is on the developer and decision maker to ensure that such measures are avoided through the application of good design from the very outset of the planning application.
27. Over the last year there have been a number of [legal test cases](#) relating to the use of the new duty, but there are likely to be far fewer such cases in future as it becomes more established and the duty is considered from the outset in the development of plans and proposals which are affected by it. It is not unusual to see new legislative requirements tested in the courts, particularly in situations like this where there are no other equivalent duties in place already. The judgements in these cases include some important conclusions which will establish a precedent for how the duty is used in future, such as the conclusion that the duty fits well with existing planning decision-making processes as it is essentially consistent with the NPPF policy on Protected Landscapes.
28. Implemented strongly, the duty will avoid and mitigate harms to our environment, encourage economic development in rural areas and will avoid costly and frustrating delays late on in development processes, at significant costs to Protected Landscape bodies who, before the duty was in place, were forced into the position of objectors rather than being engaged as advisors early on.

What are the implications of the Protected Landscapes duty for other types of decisions?

29. The duty requires every single public body to seek to further the purposes in every decision, function or action they take that could affect land or water in Protected Landscapes, and applies to thousands of public bodies: from local Councils to Government Departments, water companies, and energy regulators, the Environment Agency, Planning Inspectorate and many more. Given 175,000 hectares of National Park land – an area bigger than Greater London – is owned largely by the Ministry of Defence and Forestry England, this new law should be groundbreaking in ensuring these areas are managed by these public bodies in a way that enhances wildlife and provides more opportunities for access.
30. For example, the duty places an onus on Forestry England to revisit conifer planting schemes on deep peat or sensitive heathland habitats. Under the previous 'have regard' duty, there were examples of them proceeding with plans despite a strong objection from the National Park Authority that this risks destruction of landscape, deep peat reserves and habitats. The strengthened duty now requires them to act.
31. If water companies were implementing the new duty effectively, they would be giving far higher priority to improving water quality in Protected Landscapes when making decisions about where to make investments in new infrastructure. As our recently published ["Rivers at Risk" report](#) shows the average number of hours spilling from a single permitted sewer

overflow per year inside National Parks (549) in 2024 was more than double the average from outside (266 hours). This is because, historically, water companies and regulators only had to 'have regard' to National Parks, they were not legally required to prioritise or act for them in decision making. Now the duty to 'seek to further' is in place, both regulators and water companies should apply it to all decision-making that affect Protected Landscapes, resulting in more action to improve water quality in these areas in order to demonstrate how they were seeking to conserve and enhance them and thus, would be required to invest more in improving wastewater treatment facilities in these areas. There is some evidence of the duty already starting to have a positive impact on some of the plans being developed by water companies, for example, in the Yorkshire Dales, South Downs and New Forest National Parks.

32. For National Parks, the duty also includes a requirement for public bodies to seek to further the second, recreational purpose. By working with public bodies, the duty enables Protected Landscapes to foster action to increase the opportunities for people from all parts of society to visit and enjoy the Protected Landscapes. In the current times, with mental and physical health of our nation so critical, this part of the duty is important to connect people with nature, and as Sir David Attenborough says, "No one will protect what they don't care about; and no one will care about what they have never experienced".
33. Another example of where the new duty could, and should, be having a significant impact, is in improving the public transport options available for visitors. The limited transport options available mean there is currently a strong reliance on the car among visitors to National Parks - around 93% on average - and high volumes of traffic can have a negative impact on the tranquillity and natural environment. Providing improved alternatives to the car ensures that increased numbers of people can visit without damaging the special qualities for which these areas are valued and would also allow people who do not have access to a car to visit them more easily. Nearly [a quarter of households in England](#) do not have access to a car and rely on public transport for most of their journeys and the numbers are even higher in many of the urban areas close to National Parks, for example, 39% of households in Manchester are carless. Transport, therefore, has a vital role to play in supporting both the conservation and the recreation purposes. If public bodies making decisions which have implications for transport in National Parks, such as government departments and local highway authorities, are applying the new duty effectively, they should be putting far more effort into providing improved alternatives to the car. Ensuring that increased numbers of people can visit without damaging the special qualities for which these areas are valued and allowing people who do not have access to a car to visit more easily would contribute to both of the statutory purposes of National Parks.

What can be done to ensure the duty is implemented effectively?

34. As discussed earlier in this briefing, the Protected Landscapes duty fits into the established mitigation hierarchy which should be taken into account when making any decisions which have potential environmental impacts. Where the duty applies, the priority should be to avoid impacts on National Parks wherever possible but where they cannot be avoided, then every effort should be made to mitigate them and then as a last resort compensation should be provided for any outstanding impacts. As this is a new duty, there is currently a lack of understanding of how suitable levels of compensation are to be agreed which can lead to delays in decision-making. Establishing a clear process and standard procedures for agreeing compensation would help address this.

35. If the Government which to enhance implementation and effectiveness of the duty, particularly around planning, mitigation and compensation, they could further improve the guidance. They should bring forward the regulations to support the duty that it has previously committed to producing as a matter of urgency. These are an opportunity to provide much needed clarity on exactly how the duty should be applied in certain circumstances, and should also provide details on issues such as how to agree appropriate levels of compensation and mitigation. It is unfortunate that nearly two years on from the duty coming into force, there is still no sign of these regulations. Publishing regulations would ensure that everyone is clear on the intent and operation of the duty.
36. The bodies who need to apply the duty and those whose actions are affected by it, such as major developers seeking planning permission, need certainty that the duty is here to stay so they can develop future plans which allow for effective implementation. Removing or amending the duty, just as awareness of it, and compliance with it, is starting to rise, would cause further uncertainty and delays, wasting time, effort and resources.
37. In summary, rather than repealing the duty, the Government should be providing clarity and certainty for all those who are affected by it, by:
- Stating clearly their intention to retain the duty, and their commitment to ensuring it is implemented effectively.
 - Publishing the accompanying regulations as a matter of urgency and ensuring that these include sufficient details on issues such as compensation and mitigation.

About Campaign for National Parks

Campaign for National Parks is the only independent charity dedicated to securing the future of National Parks in England and Wales. Our independence from Government means we can speak out for Protected Landscapes when no-one else can. Founded in 1936, we bring together a campaigning collective of organisations and individuals from all walks of life, united in common cause. Our first campaigns resulted in the creation of our National Parks. Now, inspired by our past, we fight for the future.

We want a world where nature and people are thriving in our National Parks, where wildlife is wild and natural beauty is protected for generations to come; where everyone, no matter their age or background, can access, feel inspired by and fight to protect the future of these truly amazing landscapes.

www.cnp.org.uk