

The Rt Hon Lord Benyon  
Minister of State, Department for Environment, Food and Rural Affairs

*Sent by email*

7 August 2023

Dear Lord Benyon,

### **Protected Landscapes**

We are writing further to the commitments made by the Government on protected landscapes at report stage of the Levelling Up and Regeneration Bill on 18th July.

It was disappointing that the Government did not seize the opportunity to give National Parks and AONBs a new purpose to actively recover nature, tackle climate change and connect more people to the natural world. This was a key recommendation of the Glover Review, accepted by the Government in its 2022 response to the Review. Without it, the contribution protected landscapes can make to Environment Act targets, and to the commitment to protect and effectively manage 30% of land for nature by 2030, will be limited.

The Lords Environment and Climate Change Committee [report](#) 'An extraordinary challenge: Restoring 30 percent of our land and sea by 2030', published on 26th July explicitly called for a new nature recovery statutory purpose, warning that the 30x30 commitment would not be met without it and other similar policies. We hope that the Government can urgently reconsider the case for a nature recovery statutory purpose in light of the report.

In the spirit of constructive engagement, we have considered how the positive commitments you made on behalf of the Government on 18<sup>th</sup> July can enable protected landscapes to deliver more for nature and climate.

The promise to publish an outcomes framework to define the expected contribution of protected landscapes to national targets is welcome, although this publication should take place swiftly. An outcomes framework was first promised in January 2022 and has not yet seen the light of day. The national targets referenced by the framework should encompass the Environment Act 2021, the Environmental Improvement Plan 2023 and the Climate Change Act 2008.

The commitment to publish new guidance on protected landscape management plans and associated duties on public bodies needs careful consideration. New guidance on public bodies on how to comply with their existing duty to have regard to protected landscape purposes is unlikely to result in meaningful environmental improvement.

The Environment Act 1995 duty on relevant public bodies to have regard to relevant National Park purposes in decision making is fatally weak. Over the last two decades it has failed to prevent planning consent being given for major roads, sewage being discharged into rivers and other damaging activities within National Parks, as it is too easy for those responsible to claim they have had regard to the purposes without taking them into account in any meaningful way. The same is true within AONBs.

Attempts to rectify this fundamental weakness through tighter compliance guidance have already been tried to no avail. A 2010 Defra [‘National Parks circular’](#) explicitly stated that the Government expected relevant public bodies to meet their Environment Act 1995 duty by co-operating “*in the development of the Park Management Plan and the achievement of Management Plan*”. This guidance, non-binding advice on how to comply with a weak duty, has failed to stop the sustained declines in nature in National Parks over the past decade.

The issuing of further non-binding guidance on how to apply a weak ‘regard’ duty is unlikely to result in a different outcome.

What will make a difference is a strengthened duty, delivered through secondary legislation, for relevant public bodies to further the targets and actions in protected landscape management plans. The use of ‘further’ will deliver greater environmental gains than ‘regard’, backed by the legislative weight regulations will confer upon this new duty and requirements to comply with it.

Lord Randall has tabled an amendment to this effect ahead of Lords consideration of the Bill resuming in the autumn, with the support of a cross-party group of peers. We urge the Government to support this amendment, or table a Government amendment along similar lines, to strengthen the duty on relevant public bodies to further the purposes and management plans of National Parks and Areas of Outstanding Natural Beauty.

This change to the Levelling Up and Regeneration Bill would receive our full support, as a meaningful way to improve nature and climate outcomes in our protected landscapes. It would be highly [popular with the public](#), with recent [polling](#) showing 78% of the public supporting stronger nature protections in protected landscapes. It would effectively deliver the Government’s report stage commitment to enable protected landscapes to make a greater contribution to nature and climate targets, including 30x30.

We will be launching the latest 30x30 progress report from Link on 5th September and would be delighted to be able to report such a positive protected landscapes reform within the report. You would also be very welcome to speak at the launch event, do let us know if this would be of interest.

Thank you for your consideration of these suggestions, which we would be pleased to discuss in detail.

Yours sincerely,

Richard Benwell, CEO, Wildlife & Countryside Link

Professor Jeremy Biggs, CEO, Freshwater Habitats Trust  
Harry Howell, Director of Land and Nature, National Trust  
Michael Copleston, England Country Director, the RSPB  
Rosalind Forbes Adam, Director of Projects, Woodmeadow Trust  
Kevin Cumming, Director, Rewilding Britain  
Ian Dunn, CEO Plantlife  
Joan Edwards OBE, Director Policy and Public Affairs, The Wildlife Trusts  
Mark Jones, Head of Policy, Born Free  
Marcus McAuley, Director of Policy, Institute for Fisheries Management  
Roger Mortlock, CEO, CPRE the countryside charity  
Rose O'Neill, CEO, Campaign for National Parks  
Jason Reeves, Head of Policy, Chartered Institute of Ecology and Environmental Management  
Kit Stoner, CEO, Bat Conservation Trust

CC: Baroness Scott of Bybrook OBE, Parliamentary Under Secretary of State, Department for Levelling Up, Housing and Communities.