

MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

10 NOVEMBER 2023

LEVELLING UP AND REGENERATION BILL – AN AMENDMENT

Recommendation

- 1. The Committee is recommended to note the government’s amendment to the Levelling Up and Regeneration Bill (now passed) to enhance AONB and National Park Management Plans.**

Background

2. On Wednesday 13 September 2023, the Defra Secretary of State tabled a [Written Ministerial Statement](#) setting out a package of measures to support nature recovery in Protected Landscapes. The plans were also announced in the Lords by Lord Benyon, which can be seen at Parliamentlive.tv [here](#). Defra also published a [press release](#).
3. The package included a commitment to new legislation through an amendment to the Levelling Up and Regeneration Bill at Third Reading which would **enhance National Park and AONB Management Plans** by placing a stronger requirement on partners to contribute to their delivery.
4. The government will also shortly publish its response to the **Landscapes Review** consultation.
5. The statement also announced funding for the new **Protected Landscapes Partnership** involving the National Association for AONBs, National Parks England, National Trails UK and Natural England, which will deliver projects and programmes on nature recovery and widening access to nature.
6. The announcement also confirmed an extension to the [Farming in Protected Landscapes programme](#) (FiPL), with funding for a fourth year to March 2025, and referred to the positive impact of Defra’s [Access for All programme](#), which has already enabled the Malvern Hills AONB Unit and other Protected Landscapes to improve access to the countryside for people from all ages, backgrounds and abilities.
7. The Statement further confirmed the imminent publication of Defra’s new **Outcomes Framework**, which will define the contribution that Protected Landscapes should make to national targets. These are intended to guide local decision-making and prioritisation and represent a step forward in achieving the government’s global goal to protect 30% of land for nature by 2030.
8. The National Association for AONBs issued an unqualified welcome to this news.

9. Wildlife and Countryside Link helpfully drafted [this briefing](#) to give context to what the amendment will mean.

Roundtable

10. The Secretary of State convened a round table with AONB and National Park Chairs on Thursday 14th September 2023. John Raine, Chair of the Malvern Hills AONB JAC attended the meeting.
11. The key points below are a combination of notes and those shared by other AONB Lead Officers and the NAAONB.

Key points

- The Government agreed to fine-tune Sir John Randall's amendment to the **Levelling Up and Regeneration Bill**, which would give improved powers to Protected Landscapes.
- **AONBs have equal status to National Parks** and are central to enabling access to nature and delivering environmental targets.
- The Secretary of State is supportive of the **Farming in Protected Landscapes programme** (FiPL) but says the spending review (which covers from April '25 onwards) prevents her from a further extension at this stage. She also wants to explore how lessons from FiPL could be embedded into ELMS including FiPL's local decision-making model.
- Several AONBs urged that AONBs be given **statutory consultee status**. The Secretary of State supports this but says DLUHC have pushed back, so this won't happen anytime soon, because "with the exception of the two Conservation Boards" the AONBs operate via local authorities, so the legal status is not available for it to work.
- National Park Authorities are seeking a **General Power of Competence** (GPC) which they believe is needed to give them cover for some of the activities they do or would wish to do, such as generate revenue, establish trading arms, etc.
- The GPC is in the Localism Act 2011 and enables local authorities to develop partnerships and businesses and carry out other activities (so long as legal) to further their purposes, rather than requiring them to have specific legislation enabling those activities.
- Defra is finalising arrangements for the **Protected Landscapes Partnership**.
- Several AONBs stressed the need for more **equitable, evidence-based funding**. The Secretary of State said she is aware of the concerns and Defra officials are looking at options for new funding models, including bringing in private sector finance 'so that we don't have to use taxpayers' money for everything', though no detail on what this will look like.
- Defra is soon to publish the **Outcomes and Targets Framework** for AONBs and National Parks.
- The Secretary of State made the point (strongly) that she wanted **Local Nature Recovery Strategies** to 'fully take account of all Protected Landscapes' input.
- The announcement was roundly **welcomed by all**, and the whole tone was very positive. Some were keen to say that they were feeling more loved by Defra as a result! The Secretary of State seemed buoyed by this and thanked everyone for all that they are doing.

- By way of follow up, the **Chair of the NAAONB** will write to the Secretary of State to welcome the commitment on the powers and repeat some of our outstanding requests, including increased resources.

Amendment passed

12. Follow the Third Reading in the House of Lords on 21st September the government's amendment to the Levelling Up and Regeneration Bill - to enhance AONB and National Park Management Plans - was passed. The published amendment is [here](#) and Earl Howe's speech on the amendment can be viewed on parliament.tv [here](#).
13. In his speech, Lord Howe set out how the amendment will enhance the Management Plans of Protected Landscapes - National Parks and AONBs - by bolstering the contribution of partners to help deliver them, ensuring better outcomes for people and nature. He states that, as home to some of our most beautiful and iconic places, Protected Landscapes are crucial delivery partners who are at heart of work to unleash rural prosperity and create a network of beautiful, nature rich spaces that can be enjoyed by all parts of society.
14. Lord Howe explained that the government has amended individual acts to strengthen the duty on relevant authorities to contribute to delivery of the purposes of Protected Landscapes and creating a power to make regulations. He further explained that the Secretary of State now has the power to bring forward these regulations and said the government is committed to doing so in a timely manner.

Next steps

15. Royal Assent to the Levelling Up and Regeneration Bill is expected in November 2023 and the new duty will apply in the new year. Secondary legislation will be drafted in due course. Defra is aware that guidance will be needed - quickly - to help relevant authorities understand the implications of this new duty. A key issue for many is what happens in the event that a relevant authority ignores/does not fully discharge the new duty.

County Council Contact Points

Specific Contact Points for this report

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