



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 12

MISCELLANEOUS

245 Protected landscapes

- (1) The National Parks and Access to the Countryside Act 1949 is amended in accordance with subsections (2) and (3).
- (2) In section 4A (application of Part 2 of Act to Wales), after subsection (2) insert—
 - “(3) Subsection (1) does not apply in relation to section 11A(1A) or (1B) (duty to further statutory purposes of National Parks in England).”
- (3) In section 11A (duty to have regard to purposes of National Parks)—
 - (a) in the heading, for “to have regard” substitute “in relation”;
 - (b) after subsection (1), insert—
 - “(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.
 - (1B) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a devolved Welsh authority must have regard to the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”;
 - (c) in subsection (2), after “Park”, in the first place it occurs, insert “in Wales”;

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(d) after that subsection, insert—

“(2A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under [subsection \(1A\)](#) (including provision about things that the authority may, must or must not do to comply with the duty).”;

(e) after subsection (5), insert—

“(5A) In this section, “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act).”

(4) After section 66 of the Environment Act 1995 (national park management plans), insert—

“66A National Park Management Plans (England): further provision

(1) The Secretary of State may by regulations make provision—

- (a) requiring a National Park Management Plan for a park in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
- (b) setting out how such a Management Plan must contribute to the meeting of such targets;
- (c) setting out how such a Management Plan must further the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949.

(2) The Secretary of State may by regulations make provision—

- (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a National Park Management Plan for a park in England;
- (b) setting out how such a relevant authority may or must do so.

(3) In this section—

“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);

“relevant authority” has the same meaning as in section 11A of the National Parks and Access to the Countryside Act 1949.

66B Regulations under section 66A: procedure etc

(1) The power to make regulations under section 66A—

- (a) is exercisable by statutory instrument;
- (b) includes power to make different provision for different purposes or different areas;
- (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) A statutory instrument containing regulations under section 66A is subject to annulment in pursuance of a resolution of either House of Parliament.”

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- (5) The Countryside and Rights of Way Act 2000 is amended in accordance with subsections (6) to (10).
- (6) In section 85 (general duty of public bodies etc)—
- (a) before subsection (1), insert—
- “(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- (A2) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a devolved Welsh authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”;
- (b) in subsection (1), after “beauty”, in the first place it occurs, insert “in Wales”;
- (c) after that subsection, insert—
- “(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (A1) (including provision about things that the authority may, must or must not do to comply with the duty).”;
- (d) in subsection (3), after “(2)—” insert—
- ““devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);”.
- (7) In section 87 (general purposes and powers)—
- (a) before subsection (1) insert—
- “(A1) It is the duty of a conservation board established in relation to an area in England, in the exercise of their functions, to seek to further—
- (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
- (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,
- but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”;
- (b) in subsection (1), after “board”, in the first place it occurs, insert “established in relation to an area in Wales”;
- (c) in subsection (2), for the words from “while” to “(1)” substitute “whilst fulfilling their duties under subsection (A1) or (1) (as the case may be)”.
- (8) In section 90 (supplementary provisions relating to management plans), after subsection (2) insert—
- “(2A) The Secretary of State may by regulations make provision—

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 245. (See end of Document for details)

- (a) requiring a plan under section 89 relating to an area of outstanding natural beauty in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
- (b) setting out how such a plan must contribute to the meeting of such targets;
- (c) setting out how a plan under section 89 relating to an area of outstanding natural beauty in England must further the purpose of conserving and enhancing the natural beauty of that area.”

(9) After that section insert—

“90A Duty of public bodies etc in relation to management plans

- (1) The Secretary of State may by regulations make provision—
 - (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a plan under section 89 relating to an area of outstanding natural beauty in England;
 - (b) setting out how such a relevant authority may or must do so.
- (2) In this section—
 - “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
 - “relevant authority” has the same meaning as in section 85.”

(10) After section 91 insert—

“91A Regulations under Part 4

- (1) A power to make regulations under this Part—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes or different areas;
 - (c) includes power to make consequential, incidental, supplementary, transitional, transitory or saving provision.
 - (2) Regulations under this Part are to be made by statutory instrument.
 - (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (11) The Norfolk and Suffolk Broads Act 1988 is amended in accordance with subsections (12) to (15).
- (12) In section 3 (the Broads Plan), after subsection (6) insert—
- “(7) The Secretary of State may by regulations make provision—
 - (a) requiring the Broads Plan to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
 - (b) setting out how the Broads Plan must contribute to the meeting of such targets;

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- (c) setting out how the Broads Plan must further the purposes mentioned in [subsection \(8\)](#).
- (8) The purposes are the purposes of—
- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.”
- (13) In section 17A (general duty of public bodies etc)—
- (a) in subsection (1), for “shall have regard to” substitute “must seek to further”;
 - (b) after that subsection insert—
- “(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (1) (including provision about things that the authority may, must or must not do to comply with the duty).”
- (14) After that section insert—

“17B Duty of public bodies etc to contribute to the Broads Plan

- (1) The Secretary of State may by regulations make provision—
- (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the implementation or review of the Broads Plan;
 - (b) setting out how such a relevant authority may or must do so.
- (2) In this section—
- “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
- “relevant authority” has the same meaning as in section 17A.”
- (15) In section 24 (orders and byelaws)—
- (a) in the heading, after “orders” insert “, regulations”;
 - (b) in subsection (1), after “orders” insert “or regulations”;
 - (c) in subsection (3), after “orders” insert “, regulations”.

Commencement Information

II [S. 245](#) in force at 26.12.2023, see [s. 255\(9\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 245.