

Broads Authority

26 January 2024

Agenda item number 11

The Levelling-Up and Regeneration Act 2023 and the Government response to the Landscape Review

Report by Chief Executive and Director of Strategic Services

Purpose

This report briefs the Authority on the measures in the Levelling-Up and Regeneration Act which become enshrined in law at the end of 2023. It also covers the Government's most recent response to the Landscape Review.

Broads Plan context

Most strategic objectives potentially in scope.

Recommended decisions

- i. To note the amendments to the Norfolk and Suffolk Broads Act by the Levelling-Up and Regeneration Act and the Government's response to the Landscape Review.
 - ii. To ask Members appointed by local authorities to alert their appointing body to the amendments to the Broads legislation.
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1. Introduction

1.1. Following agreement by both Houses of Parliament on the text of the Levelling-Up and Regeneration Bill, it received Royal Assent on 26 October 2023. The Government summarises the measures in the following way. It will:

- Put local people at the heart of development – making it easier to put local plans in place and requiring design codes that set out where homes will be built and how they will look. These plans will deliver more homes in a way that works for communities.
- Boost local services – requiring developers to deliver vital infrastructure. This will put an end to lifeless edge-of-town developments with no community assets and ensure developers deliver the schools, doctors' surgeries and public services communities need and expect. Further details on these measures will be set out shortly.

- Rebalance the housing and land markets – giving local councils the power to increase council tax on empty homes and reforming compensation for compulsory purchase orders by removing ‘hope value’ where justified.
 - Encourage developers to get building – giving communities updates on the progress of development and giving councils the chance to consider slow build-out rates when approving planning.
 - Bring high streets back to life – giving councils the powers to work directly with landlords to bring empty buildings back in to use by local businesses and community groups through high street rental auctions. It will also make it faster for local authorities to give hospitality businesses permission to use outdoor seating.
- 1.2. Reports have been and will be provided to the Planning Committee on the planning implications of the Act. This report focuses on the amendments to the Norfolk and Suffolk and Broads Act 1988.

2. Amendments to the Norfolk and Suffolk Broads Act

- 2.1. The original amendment to the Levelling Up and Regeneration Bill was tabled by Lord Randall. This was followed by the Secretary of State tabling a Written Ministerial Statement setting out a package of measures to support nature recovery in Protected Landscapes (see below) including a commitment to new legislation through an amendment.
- 2.2. There are three main amendments to the legislation for National Park Authorities and the Broads Authority. For the Broads, the changes are as follows (in red):
- 2.3. **Broads Plan – Section 3 of the Act**
New Clauses have been inserted under Section 3 regarding the Broads Plan.

(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;

(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.

2.4. Broads Authority officers' comments:

2.4.1. These provisions will depend on a Secretary of State making the necessary regulations; and no timetable has yet been set out. We expect more information on targets through the “Outcomes Framework for protected landscapes” that is under development.

2.4.2. Inevitably each National Parks and their stakeholders are very different and the Management Plans are not only collaborative documents but are also co-produced. It will be interesting to see in due course the relevant guidance and how it tries to resolve these differences.

2.4.3. Through the existing Grant Agreement, the Secretary of State is able to, and does, set out the Government’s ambitions that it wants the Broads Authority to help deliver. It is unclear at this stage how the amendment could impact on Broads Authority activities.

2.5. **General duty of public bodies – Section 17A**

The Act amends Section 17A of the Norfolk and Suffolk Broads Act 1988 as follows.

(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority ~~shall have regard to~~ **must seek to further** 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] 2

(c) protecting the interests of navigation.

(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).

2.6 Broads Authority comment: This seems to be a positive development and provides an opportunity to have discussions with relevant authorities (such as the local authorities) as to how we might work more closely to deliver the Authority’s purposes. Public bodies are now required to take a much more active role in the preparation and implementation of the Broads Plan.

2.7 **Duty of public bodies etc to contribute to the Broads Plan**

The second amendment is to insert a new clause 17B.

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.

- 2.8 Broads Authority officers' comment: Again, this seems positive and relatively benign. The key feature of the Broads Plan is that it is a plan for the Broads and all the relevant public bodies, voluntary organisations and businesses have a role in delivering it.

3. Government Response to the Landscape Review

- 3.1. On 29 November 2023 the Government set out its [action plan for Protected Landscapes](#), based on responses to the consultation on the Landscapes Review.
- 3.2. The November 2023 publication is a response to the findings of the Landscapes Review led by Julian Glover published in 2019, which set out a case for change to enable England's National Parks and National Landscapes (formerly AONBs) to fulfil their potential. The Government's proposals for implementing the Review's findings were put to public consultation in 2022 and the consultation outcome has been published in November 2023, providing an update on delivery to date and an action plan for the future.
- 3.3. The document contains some interesting policy decisions including:
- 3.4. In response to the request for **long-term sustainable funding** the Government response includes: "We will also work collaboratively with Protected Landscapes Teams to review the long-term funding model to ensure that it is fair and transparent. National Landscapes have a different legal status to National Park Authorities with local authorities key to their governance and important for their financing. We will consider how best to unlock their full potential to deliver on local and national priorities."
- 3.5. As set out above the Government has strengthened the **legislative duties** on other public bodies. However, in response to the questions about strengthening the purposes of national parks the Government states: "We do not believe that amending the statutory purposes is the appropriate tool at this time."
- 3.6. In response to Question 13: Do you support any of the following options to grant National Park Authorities and the Broads Authority **greater enforcement powers** to manage visitor pressures? The Government states: "While the consultation responses and feedback from stakeholders indicate giving these could have unintended consequences, we consider that these powers could be used at the discretion of NPAs. As such, we agree in principle that we should introduce these powers."
- 3.7. On **local governance** the response is: "Having considered the range of responses, we will make changes that balance relevant skills with local input and democratic accountability. We will not impose merit-based criteria for local authority appointments as these members are democratically elected to provide local accountability. We will:
- update guidance and support training to boost relevant skills and an understanding of priorities such as nature recovery and inclusive access
 - continue to reduce board size on a case-by-case basis using existing powers, following discussions with NPAs and relevant local authorities

- increase the proportion of national appointments to secure the diverse skills highlighted by consultation responses and engagement
 - encourage local authorities to appoint their best members to the board, carry out skills audits and provide member training to address gaps.”
- 3.8. On the **general power of competence**, the response is: “Having considered the responses to this section, we agree in principle and will grant NPAs and the Broads Authority a more general power of competence, as and when parliamentary time allows. We believe this will provide them with greater certainty as to what activities they can legally undertake.”
- 3.9. As a final comment the Government response states: “We agree that Protected Landscapes will play a key role in delivering our ambitions to improve nature, tackle climate change, support rural communities, and access to nature.”
- 3.10. The November 2023 announcement also establishes a Protected Landscapes Partnership of National Parks, National Landscapes and National Trails which is tasked with identifying opportunities for collaboration on nature recovery and climate change leadership through large-scale projects and sharing knowledge and evidence.
- 3.11. There is an announcement of an additional £10 million to National Landscapes and Parks in recognition of their increasing role for nature and people. This includes the 1-year extension of the Farming in Protected Landscapes (FiPL) programme until March 2025, “Access for All” funding, and “Water in Protected Landscapes” funding.
- 3.12. The most headline-grabbing announcement was the promise to designate a new National Park in England.
- Broads Authority officers’ comments:
- 3.13. Officers will continue to work closely with DEFRA officials as proposals develop into more detail or opportunities arise. Some provisions will depend on new legislation; and no timetable has yet been set out.
- 3.14. The Authority welcomes the addition year of funding for FiPL and will submit bids to both new pots of funding. The funding boost comes against a backdrop of years of cuts to core budgets, and it is far from clear whether plans to mobilise private finance will prove successful in closing the gap between the level of funding from National Park grant, and what is needed.

4. Financial and risk implications

- 4.1. No financial implication is anticipated at this stage. No impact is deemed necessary on the Corporate or Directorate Risk Registers.

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