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Guidance

Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes

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Applies to England

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‘Protected Landscapes’ refers to National Parks, the Norfolk and Suffolk Broads and National Landscapes in England.

‘National Landscapes’ is the rebranded name for areas of outstanding natural beauty (AONBs). This name change is not statutory.

The Protected Landscapes duty

This guidance sets out how the Protected Landscapes duty is intended to operate and provides broad principles to guide relevant authorities in complying with it.

[Section 245 \(Protected Landscapes\)](#) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Parks, National Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England.

Relevant authorities must now ‘seek to further’ the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to ‘have regard to’ their statutory purposes.

The duty is intended to facilitate better outcomes for England’s Protected Landscapes, which are in line with their statutory purposes. The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas.

Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.

Who must comply with the duty

You must comply with the duty if you are a relevant authority, which for the purposes of this duty means:

- a [government department or public body](#).
- any statutory undertaker
- any person holding public office

The duty does not apply to devolved Welsh Authorities.

When to apply the duty

Relevant authorities will need to apply the duty when undertaking any function in relation to, or so as to affect, land in a Protected Landscape.

This may include:

- the preparation of Development Plans and associated assessments and documents
- decision making in respect of development management, planning applications and nationally significant infrastructure projects
- development undertaken through permitted development rights where prior approval on relevant planning matters is required
- day-to-day functions such as maintenance, the refurbishment of buildings and infrastructure and the management of land and water
- when considering the appropriateness of avoidance, mitigation, and compensation measures
- functions outside of a Protected Landscape which may have an effect on land in a Protected Landscape
- the drafting of Protected Landscape Management Plans

- planning appeals and public inquiries
- the drafting of Local Nature Recovery Strategies
- other plans and spatial strategies which affect these areas such as Local Transport Plans, River Basin Management Plans, and Neighbourhood Plans
- the drafting and delivery of (for example) policies and strategies, operational procedures, estate management plans, contracts, and works instructions which guide and control the day-to-day work of the relevant authority and their agents
- the issuing of licences and permits

When seeking to further the purposes, relevant authorities should consider the information contained in a Protected Landscape's Management Plan. Management Plans describe the natural beauty, special qualities and key characteristics of and targets and objectives for the designation.

Relevant authorities should make efforts to understand the Management Plan and relate their functions to it. Dialogue with the Protected Landscape team (National Park Authority, Conservation Board, National Landscape Partnership, or Joint Advisory Committee) can assist the relevant authority. Relevant authorities should also refer to the [Protected Landscapes Targets and Outcomes Framework](#).

What a relevant authority should do

The duty is an active duty, not passive, which means:

- a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes
- as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes
- a relevant authority should be able to demonstrate with proportionate, reasoned, and documented evidence the measures to which consideration has been given when seeking to further the statutory purposes of Protected Landscapes - for example, policies, strategies, operational procedures, estate management plans, investment plans, contracts, works instructions, assessments and reports which should be able to evidence the proper discharge of the duty by the relevant authority
- for ongoing functions, a relevant authority may consider it appropriate to instigate a formal compliance monitoring and reporting system to ensure adherence to the duty
- for development plan making and development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible
- for the development and management of land, water and estates, relevant authorities should seek to further the purposes of the Protected Landscape when designing and undertaking these activities, where reasonably practical and operationally feasible
- for day-to-day activities, relevant authorities should seek to further the purposes of the Protected Landscape when designing and undertaking these activities where reasonably practical and operationally feasible

What a relevant authority should consider

What are the statutory purposes that you should seek to further when exercising a function in the Protected Landscape it affects?

Do measures which would further the purposes align with and help to deliver the targets and objectives in the Protected Landscape's Management Plan?

Are such measures appropriate and proportionate to the type and scale of the function and its implications for the area? For instance, are measures in keeping with the natural beauty, the special qualities and key characteristics of the Protected Landscape?

Could the measures contribute to the conservation and enhancement of the Protected Landscape's wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated?

Are there ongoing management needs for these measures?

How will the measures be funded and secured?

Has the relevant Protected Landscape team been approached for their views on whether or not measures help to deliver the Protected Landscape's Management Plan and further the purposes of the designation?

Does there need to be documented evidence, for instance a record of the decision and how it was reached?

Does the nature of the function require the operation of the duty to be periodically reviewed or monitored by the relevant authority?

The Biodiversity Duty

Public authorities must also comply with the strengthened [Biodiversity Duty](#) that the Environment Act 2021 introduced.

You should consider:

- how your actions taken to comply with the Biodiversity Duty are complementary
- if you have met both duties in full through your decisions

Statutory purposes of Protected Landscapes

The statutory purposes of National Parks are:

- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated
- promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public

The statutory purposes of National Landscapes (areas of outstanding natural beauty) are:

- conserving and enhancing the natural beauty of the area of outstanding natural beauty

The statutory purposes of National Landscapes (areas of outstanding natural beauty) with Conservation Boards are:

- conserving and enhancing the natural beauty of the area of outstanding natural beauty
- increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty

The statutory purposes of The Norfolk and Suffolk Broads are:

- conserving and enhancing the natural beauty, wildlife, and cultural heritage of the Broads
- promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public
- protecting the interests of navigation

The Management Plan describes the natural beauty, special qualities and key characteristics of a Protected Landscape. This will articulate the features of the landscape which warrant its nationally designated and protected status.

For National Parks there are occasionally conflicts between the first statutory purpose of conservation and enhancement of natural beauty, wildlife and cultural heritage, and the second purpose of public enjoyment of the special qualities. If this is the case the Sandford Principle is applied.

In complying with the Sandford Principle, if it appears that there is a conflict between those purposes, a relevant authority must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area in the National Park.

The setting of Protected Landscapes

The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.

Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting.

Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting, for example:

- a shared water catchment and management of water resources
- ecological connectivity where species are able to move across and between the designated and non-designated area
- Rights of Way, Open Access Land and other recreational links joining the designated area to the wider countryside

Development and the management of land, water and estates located in the setting have the potential to adversely affect the natural beauty, special qualities, and key characteristics of a Protected Landscape.

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