

LURB amendments – 3rd Reading Sept 2023

The Countryside and Rights of Way Act 2000

85.— General duty of public bodies etc.

(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.

(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in Wales, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

(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).

(2) The following are relevant authorities for the purposes of this section—

- (a) any Minister of the Crown,
- (b) any public body,
- (c) any statutory undertaker,
- (d) any person holding public office.

(3) In subsection (2)—

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

“public body” includes

- (a) a county council, county borough council, district council, parish council or community council;
- (b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;
- (c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;
- (d) [...]1 Countryside and Rights of Way Act 2000 Page 96 [
- (e) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;] 2

“public office” means—

- (a) an office under Her Majesty;
- (b) an office created or continued in existence by a public general Act; or
- (c) an office the remuneration in respect of which is paid out of money provided by Parliament. [

“statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.] 3

87.— General purposes and powers.

(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).

(1) It is the duty of a conservation board established in relation to an area in Wales, in the exercise of their functions, to have regard to—

(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).

(2) A conservation board, whilst fulfilling their duties under subsection (A1) or (1) (as the case may be) while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty [...] and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.

(3) Sections 37 and 38 of the Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) apply to conservation boards as they apply to local authorities.

(4) The powers of a conservation board include power to do anything which, in the opinion of the board, is calculated to facilitate, or is conducive or incidental to—

(a) the accomplishment of the purposes mentioned in subsection (1), or

(b) the carrying out of any functions conferred on it by virtue of any other provision of this Part or by virtue of any enactment not contained in this Part.

(5) The powers conferred on a conservation board by subsection (4) do not include—

(a) power to do anything in contravention of any restriction imposed by virtue of this Part in relation to any express power of the board, or

(b) power to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from that subsection,

but the things that may be done in exercise of those powers are not to be treated as excluding anything by reason only that it involves the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights.

(6) Schedule 14 (which relates to the supplemental and incidental powers of conservation boards) has effect.

(7) An order under section 86(1) may—

(a) make further provision with respect to the supplemental and incidental powers of the conservation board to which it relates or the limits on those powers, including provision relating to the borrowing of money, and

(b) provide for any enactment which relates to or limits the supplemental or incidental powers or duties of local authorities or relates to the conduct of, or transactions by, local authorities to apply in relation to the conservation board with such modifications as may be specified in the order.

90.— Supplementary provisions relating to management plans.

(1) A conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 shall—

(a) give notice of the proposal—

(i) if the area of outstanding natural beauty is in England, to [Natural England] 1
[...]²,

(ii) if the area of outstanding natural beauty is in Wales, to the [NRBW] 3, and

(iii) in the case of a conservation board, to every local authority whose area is wholly or partly comprised in the area of outstanding natural beauty,

(b) send a copy of the plan, together (where appropriate) with any proposed amendments of the plan, to every body to which notice of the proposal is required to be given by paragraph (a), and

(c) take into consideration any observations made by any such body. [

(1A) In the case of an area of outstanding natural beauty in Wales, a conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 must have regard to—

(a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and

(b) any area statement published under section 11 of that Act for an area that includes all or part of the area of outstanding natural beauty.]

(2) A conservation board or relevant local authority shall send to the Secretary of State or the National Assembly for Wales a copy of every plan, notice or report which they are required to publish under section 89.

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

(a) requiring any 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 plans must contribute to the meeting of such targets;

(c) setting out how any 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.

(3) In this section “relevant local authority” has the same meaning as in section 89.

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 plans 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 section 157A of the Government of Wales Act 2006;

“relevant authority” has the same meaning as in section 85.”