

High Weald Joint Advisory Committee

Woodland Enterprise Centre
Hastings Road
Flimwell
East Sussex TN5 7PR



High Weald
National
Landscape

Working together to care for an Area of Outstanding Natural Beauty

Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Emailed to: transportinfrastructure@dft.gov.uk
gatwickairport@planninginspectorate.gov.uk

17th January 2025

Dear Sirs,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Gatwick Airport Limited ("the Applicant") seeking Development Consent for the proposed Gatwick Airport Northern Runway Project ("the DCO")

We are aware that in response to the Secretary of State's for Transport's letter of 3rd January 2025, Question 3, the Applicant has drafted a joint position statement for agreement. However, we do not agree with the contents of the draft position statement with regard to the implications of the recently published Defra guidance on the Protected Landscapes duty for the DCO application at Gatwick. We have advised the applicant of this, and that we therefore cannot be a signatory to that draft joint position statement.

Consequently, this response is submitted by the High Weald National Landscape Unit, setting out what we consider to be the implications of the guidance for ensuring the Relevant Authority, in exercising their function - in this case determining the DCO application - complies with the amended duty.

- i. Firstly, we would highlight that potential compliance with the new duty is not limited to 'embedded design measures' as the Applicant's draft position statement appears to suggest. The published Gov't Guidance sets out that:

"The duty is an active duty, not passive, which means: [inter alia]

- *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"* [my emphasis]

(The 'relevant authority' in this case being the Secretary of State for Transport, following examination of the NSIP application by the planning inspectorate.)

We consider the 'avoidance of harm' element means that the very principle of whether or not to grant the DCO should form part of the SoS's consideration of the DCO within the context of complying with the new duty.

One of the National Landscapes family

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

- ii. Secondly, we would also wish to highlight that the published Guidance also sets out that:

“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.

We have previously, in our Relevant Representation of 12th October 2023, highlighted those aspects of the High Weald AONB Management Plan that we consider to be relevant to the consideration of this DCO and which we therefore believe the SoS should specifically address in respect of the new duty.”

- iii. Lastly, we cannot agree with the statement in the applicant’s draft position statement that because Gatwick Airport is not within a Protected Landscape, *“the list of practical measures set out in the Guidance are of limited relevance to the NRP proposals.”* We would highlight that the statutory duty applies to the exercising or performing any functions in relation to, **or so as to affect**, land in protected landscapes, i.e. not just where the physical development itself is located within a protected landscape - in this regard the published gov’t Guidance specifically and helpfully clarifies that:

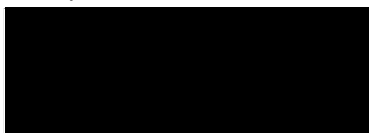
“The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape.

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.”

In this regard, within the context of seeking to further the purpose of designation of the protected landscape under the new duty, we believe the SoS should consider whether amendments to the proposal (e.g. regarding the quantum of additional flights, routing of flight paths, noise levels, hours of operation) would help minimise any harm and further the purpose of conserving and enhancing the natural beauty of the protected landscape of the High Weald AONB.

We set out all the above points not to comment on whether or not the SoS should grant the DCO, but rather to describe those considerations that we believe need to be addressed by the SoS in exercising their decision-making function to ensure compliance with the new statutory duty as a result of the new government guidance, and that we believe should be evidenced in the eventual SoS decision, to accord with the guidance which sets out that *“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”*.

Yours faithfully



Co-Director, High Weald NL Unit