

16 January 2025

Dear Sir/Madam

**Response to Department of Transport Letter of 03 January 2025
Gatwick Airport Northern Runway Project – Application by Gatwick Airport
Limited for an Order Granting Development Consent
PINS Ref: TR020005
Unique Interested Party Reference: 20043581**

The ‘amended duty’ as set out in s245 of the Levelling Up and Regeneration Act 2023 (LURA) applies to both s85 of the Countryside and Rights of Way Act 2000 (CROW) and s11 of the National Parks and Access to the Countryside Act 1949.

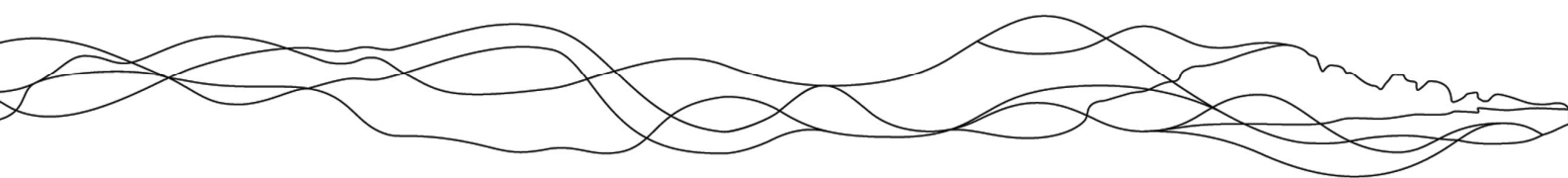
The main considerations for the SDNPA related to this development proposal have been the adverse effects on tranquillity and dark night skies – both of which are integral to the National Park’s Special Qualities.

The SDNPA has previously set out its opinion that the Scheme has failed to have any regard to the South Downs National Park’s (SDNP) Statutory Purposes or Special Qualities [**REP1-267** and **REP9-351**]. Therefore, the Scheme has yet to demonstrate it has complied with the ‘amended duty’. We consider that the DEFRA guidance, published 16 December 2024, reinforces our view for the following reasons:

- The guidance states the duty is an ‘active duty’, not passive;
- The duty applies where functions outside of a Protected Landscape may have an effect on land within the Protected Landscape;
- The duty applies to NSIP decision making.

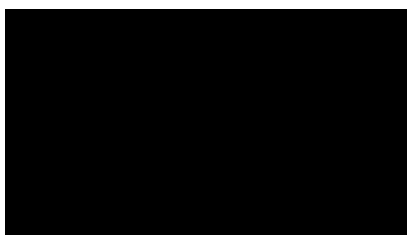
The guidance goes on to say that “relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes”. It is not clear how the development proposed does this in any way.

Unfortunately, the SDNPA has been unable to reach an agreed position with the Applicant on the implications of the DEFRA guidance, as the parties are diametrically opposed in respect of whether there is a direct impact on the SDNP (despite the applicant recognising there is a minor adverse impact on tranquillity in the National Park).



At present there is no mitigation proposed to offset the impact on the SDNP. The Applicant has only sought to engage with the SDNPA on this matter following your letter of 03 January 2025. As a result of this recent engagement, which we welcome, the SDNPA has advised on mitigation projects within the National Park for which funding could be directly secured through the DCO. These projects, if funded, would go some way to further the National Park's statutory purposes and demonstrate an active response to the 'amended duty'.

Yours sincerely



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