

# High Weald Joint Advisory Committee

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High Weald  
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Landscape

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*Working together to care for an Area of Outstanding Natural Beauty*

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10<sup>th</sup> April 2025

Dear Sirs,

## **Application for the proposed Gatwick Airport Northern Runway Project Development Consent**

**Re: The duty brought forward by the Levelling Up and Regeneration Act 2023 - provision at section 245(5) to amend section 85 of the Countryside and Rights of Way Act 2000 ("CROW Act") in relation to National Landscapes.**

We write in response to the Secretary of State's for Transport's letter of 27<sup>th</sup> February 2025, in particular para 15 which, sets out that:

*"In addition, a final decision to approve the Proposed Development is subject to:*

- The Secretary of State being satisfied that, as the relevant authority responsible for discharging the duty....this duty is complied with. The Secretary of State notes the response from various parties to her letter of 3 January 2025 and encourages Interested Parties to reach agreement on what might be needed to meet this duty and provide any agreed provisions to be included in the Order accordingly."*

We are aware that in response to the above, the applicant is seeking to agree, with the various protected landscapes partnerships, "any measures which might be necessary to ensure the relevant duty is fulfilled."

We would like to set out that we do not believe it is appropriate for us to be involved in discussing such 'measures'; we do not believe that demonstrating that the duty has been applied can be achieved simply in terms of identifying some enhancement measures, and would take this opportunity to highlight that we consider the duty (to further the purpose) to be on the Secretary of State in exercising their decision-making function, rather than on the proposal/application itself.

The published Defra guidance *Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes*, sets out that 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. We therefore consider that the duty requires the Secretary of State, in their decision-making process, to firstly be demonstrably satisfied that harms are avoided/minimised/mitigated, prior to considering any compensatory enhancement measures necessary to address any *residual* harms.

### 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

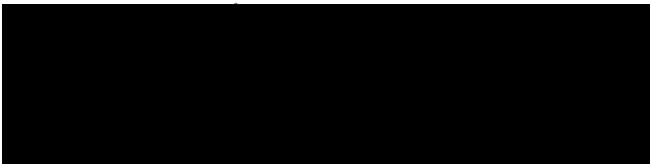
In saying this, we are mindful of the Examining Authority's Recommendation Report observations with regard to harms to the HWNL, in particular:

- ER 12.4.34 *"the Proposed Development would result in 20% in overflights over both the HWNL and the SHNL. Such a level would also be expected over the proposed extension to the SHNL. Flights would also increase over the SDNP, although planes would be at a higher level at this point."*
- ER 12.4.35 *"A 20% increase in not insignificant and would likely be noticeable for receptors, particularly residents of the respective NLs. The effect may be less pronounced for visitors who would be less familiar with current levels of flights. The noise and visual effect of the increased planes would adversely affect the tranquillity of the NLs, albeit that such an effect would be reasonably limited, due to the height of the planes in general and the frequency of them."*
- ER 12.4.37 *"This [WIZAD use] is an increase of around 22% (rounded up) and would inevitably have an effect on the tranquil and dark qualities of the HWNL and on people's perception of sense of naturalness and clean air, particularly in those areas of the HWNL closest to the Airport and therefore where planes may be lower."*
- ER 12.4.48 *"In addition, some harm would be caused to the SHNL (and its proposed extension areas), the KDNL, and the SDNP. However, such harm would be minimal. Slightly higher, but still minor, levels of harm would be caused to the HWNL."*

These observations in the ExA Report suggest that the tranquillity and dark skies harms to the HWNL will be greatest. As per our letter of 17<sup>th</sup> January, and in accordance with the published Defra guidance, we believe the Secretary of State as relevant authority should consider whether amendments to the proposal (including any additional operational controls/conditions) would help minimise/mitigate any harm to the HWNL.

If, having been demonstrably satisfied that the identified harms have been minimised as far as possible, the Secretary of State still considered that the provision of compensatory enhancement measures to help further the purpose of conserving and enhancing the natural beauty of the HWNL would be necessary for themselves, as relevant authority, to comply with the duty in determining the Order, then that would be for the Secretary of State to determine, based on the level of residual harms and the spatial areas which would be affected by those harms. Without prejudice to our above comments, we would suggest any compensatory enhancement measures should, as a point of practice, be available for both revenue and capital expenditure for delivery of such measures.

Yours faithfully

A large black rectangular box redacting the signature of the Co-Director.

Co-Director, High Weald NL Unit