

The Rt Hon Heidi Alexander MP
Secretary of State for Transport
Great Minster House
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London
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By email to: pocorrespondence@dft.gov.uk

13 February 2025

Dear Secretary of State

Ensuring Transport Decisions comply with the Protected Landscapes Duty

Protected Landscapes are one of your party's greatest and lasting legacies. It was Labour that created the National Parks and National Landscapes (then known as Areas of Outstanding Natural Beauty) in the aftermath of the Second World War and has done much to champion them since, including creating our youngest National Park, the South Downs. The need for these places is stronger than ever today, for the sake of the nation's health, and for the sake of the nature and climate that all our futures depend on. The decisions your department makes play a vital role in safeguarding this important Labour legacy as transport is key to delivering both of the statutory purposes of National Parks which are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks (the conservation purpose)
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks (the recreation purpose)¹

A recent change in legislation means that there is a new imperative for you to consider the impact of your decisions on Protected Landscapes. Section 245 of the Levelling Up and Regeneration Act (LURA) 2023 which came into force on 26 December 2023 requires all relevant authorities (which includes Government Ministers) to seek to further the purposes of National Parks and National Landscapes when making decisions which affect the land in these areas. This means that whenever you are making decisions which have implications for transport in these areas, you must consider how those decisions are helping to further the statutory purposes. Where there is a conflict between the two purposes, the Sandford Principle sets out that the conservation purpose takes precedence.

Defra has recently published [guidance](#) for relevant authorities on what they must do to demonstrate compliance with the new duty but our experience to date shows that the duty is not being complied with effectively in most cases, in part because there is little awareness of it or a lack of recognition that it needs to be applied in particular situations. In the case of your Department, the duty will need to be considered when making decisions across a wide

¹ National Landscapes have a single purpose – to conserve and enhance the natural beauty of the area

range of your areas of responsibilities. For example, are the needs of visitors to National Parks being taken into account in the allocation of funding for active travel? Have the implications for National Parks been properly considered as part of plans to reform bus services? The Department should also ensure that all local highway authorities, sub-national transport bodies and arm's length bodies, such as Active Travel England, are aware of the need to apply this duty in their own decision-making.

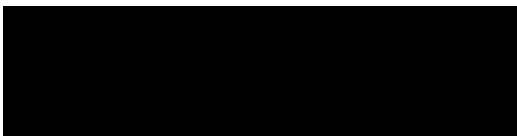
A particular area of concern for us currently is ensuring that the duty is being implemented effectively in decisions on nationally significant infrastructure projects which affect Protected Landscapes. We have recently written [an open letter](#) to the Chancellor in response to her speech on 29 January which included announcements about the Lower Thames Crossing and Gatwick Expansion. Our letter highlights that she will need to be able to demonstrate that she has applied the new duty when making decisions about the plans for funding these schemes and any others which make affect Protected Landscapes.

Similarly, when you decide on the Development Consent Orders for such schemes, you will need to ensure your decision complies with the LURA s245 duty. This means that your decision on the Lower Thames Crossing DCO must seek to further the objective of conserving and enhancing the natural beauty of the Kent Downs and your decision on Gatwick must seek to conserve and enhance the natural beauty, wildlife and cultural heritage of the South Downs National Park. It should take account, for example, of the impact that increased flights would have on an area that is currently valued for its dark skies and tranquillity.

As you may be aware, the Secretary of State for Housing, Communities and Local Government was recently forced to concede that she had acted illegally, by failing to apply the LURA duty when making decisions about a planning case in the Dedham Vale National Landscape. This was an important precedent – and one that we hope all relevant authorities have taken note of and are now considering the implications of for their own decision-making. We do not want to have to resort to the courts again to ensure that legal requirements are complied with.

We would welcome an opportunity to meet with you to discuss the issues raised in this letter and other issues relating to transport in Protected Landscapes. For further information or to arrange a meeting, please contact Ruth Bradshaw (ruthb@cnp.org.uk). I look forward to your positive action in support of our National Parks.

Yours sincerely



Dr Rose O'Neill
Chief Executive