

## Legal Opinion May 2025

### Rampion 2 Decision

One of the main issues in the examination was the extent to which the Secretary of State had considered the Levelling Up and Regeneration Act (LURA) which requires any public body considering any kind of planning application affecting a National Landscape to seek to further the statutory purpose of the landscape authority.

The Examining Authority and the Secretary of State seem to be content that a compensation fund from the Applicant to the South Downs National Park Authority (SDNPA) is sufficient to fulfil the Levelling Up and Regeneration Act (LURA) duty. It is hard to see how any amount of money can compensate for the loss of those iconic views and dark skies.

The barrister's opinion was that the Secretary of State *was* entitled as the law currently stands to find that the compensation package and need for renewable energy provided the justification needed here.

This has serious implications for environmental and landscape protections, especially as they affect the SDNPA, or any national landscape authority, if ecological protections and landscape protections can so easily be bought off. However, the barrister's view was that these are policy issues rather than legal ones. It was clearly never the intention of the LURA to allow it to be interpreted in this way.

The impacts of this interpretation of the LURA effectively mean death by a thousand cuts to supposedly protected landscapes and, over time, the gradual degradation and urbanisation or industrialisation of such landscapes. One has to question, what then is the purpose of the National Landscape designation? If the Secretary of State can do this here, the same reasoning can be repeated across the country and none of the National Landscapes are safe.

The next major DCO to be decided will be the Gatwick North Runway DCO where the question is being asked of affected National Landscape Authorities as to whether benefit funds being offered to them constitute furthering their statutory purpose. The approaches taken by the South Downs NPA and the High Weald National Landscape appear to diverge, with the SDNPA again seemingly more open to agreeing a financial sum, rather than focusing on the principle of whether the proposal itself furthers the purpose of the Park and should be accepted by the Secretary of State. Especially at a time when Protected Landscape authorities are under significant financial pressure, there's a real risk that authorities will go for the cash - especially when they feel that the 'writing is on the wall' about the decisions that the relevant Secretary of State will make.

CPRE Sussex and nationally, and the Campaign for National Parks have shown interest in taking this forward. Although it probably won't protect the South Downs or Cowfold's ecology from Rampion 2, it would help to highlight the implications of this reasoning regarding future protections, both to the SDNPA and other National Landscapes.