



EXCLUSIVE

New tunnel to ease M25 gridlock faces legal threats that could delay project again

Conservationists are threatening legal action against a number of Labour-backed growth projects to protect England's National Parks and Landscapes



An artist's impression of the northern entrance to the proposed Lower Thames Crossing (Photo: Joas Souza)



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Labour-backed projects to boost growth including the [Lower Thames Crossing](#) and Gatwick airport expansion are facing new legal threats from

environmentalists, *The i Paper* has learned.

Conservationists claim several developments that are central to the Government's growth agenda do not take in to consideration new laws designed to improve England's protected national park and landscapes.

The groups have accused Labour of "bulldozing" over nature sites and "sacrificing" [national parks](#) in their pursuit of economic growth.

It comes after the Communities Secretary, [Angela Rayner](#), was forced to back down in the face of a legal threat over the expansion of a car park within the Dedham Vale National Landscape.

Campaigners argue the case has set a precedent that will allow local groups to challenge key housing developments and major infrastructure projects that they believe are damaging to nature.

Labour has set itself on a [collision course with environmentalists](#) as it seeks to remove barriers to development to meet its housebuilding and growth targets.

The Prime Minister has [taken aim at "Nimbys" who he accuses of blocking development](#), but green groups have criticised the Government for ignoring environmental laws in their pursuit of economic growth.

This includes laws designed to protect national parks and landscapes, which were introduced by the Tory government in 2023, and state that all public bodies must "conserve and enhance" these areas in the decisions they make.

Developments in protected areas



Earlier this month, a local conservation group, the Dedham Vale Society, successfully used this law to oppose the expansion of a car park within the protected landscape in Essex, in what was seen as a test case for how the legislation works in practice.

Rayner accepted there had been an “error in law” when the Planning Inspectorate, under the previous government, approved the development in May last year.

The Campaign for National Parks (CNP), which supported the case, said the

admission opens the door to a number of challenges against developments in protected areas.

This includes the Lower Thames Crossing, a proposed new road to connect Kent and Essex via a tunnel through the Thames and ease M25 gridlock, which the CNP says poses a threat to the Kent Downs National Landscape.

Labour has breathed new life into the infrastructure project, which has [spent 15 years in planning limbo](#) at a cost of £300m to the taxpayer.

National Highways has promised to build “the UK’s greenest ever road”, but environmental groups have raised concerns over the destruction of ancient woodlands and habitats for wildlife.

The Transport Secretary, Heidi Alexander, is due to make a final decision on the planning application in May, but a fresh legal case could result in further delays to the scheme.

A spokesperson for National Highways said its plans “were subject to robust examination by independent planning experts” and “include six times more green space than road, one million extra trees, two new public parks and a community woodland”.

Another project facing legal action is the expansion of [Gatwick airport](#), which CNP says will have a “devastating impact” on the “tranquility” of the South Downs.

The Chancellor, Rachel Reeves, confirmed the Government’s backing for both of these projects [last month during a speech](#) that put airports and roads at the centre of her plan for growing the economy.

The CNP has written to Reeves to warn her against “bulldozing” over “Labour’s greatest legacy”, in reference to England’s national parks, which were first introduced by a Labour government after the Second World War.

“Your Labour forebears recognised the importance of protecting England’s most iconic landscapes for working people – and from inappropriate development – even in economically challenging times,” the letter, seen by *The i Paper*, said.

Developments in national parks and landscapes facing legal threat

The following are among the developments that could be challenged under

laws to protect national parks:

- Gatwick Expansion, South Downs
- Lower Thames Crossing, Kent Downs
- Housing Development in Turnden, High Weald National Landscape
- Telephone mast at Barbon Fell, Yorkshire Dales National Park
- Galloper Offshore Wind Farm expansion, Suffolk and Essex Coastal Heaths National Landscape

Alongside larger infrastructure projects, the CNP said the law could be used to challenge smaller developments, including housing schemes.

In Kent, the Campaign to Protect Rural England (CPRE) has applied to the High Court to challenge ministers' decision to approve a 165-strong housing development within the High Weald National Landscape.

The law may also be used to challenge a number of recent decisions by the Planning Inspectorate, including the approval of a telephone mast in the Yorkshire Dales and the expansion of a wind farm within the Suffolk and Essex Coastal Heaths National Landscape.

While the CNP said they recognise the Chancellor needs to boost growth, they said this should not happen at the expense of protected landscapes and must comply with environmental laws.

Last month, the Government unveiled plans to make it harder for opposition groups to thwart developments by filing for a judicial review.

Opponents currently have three opportunities to file a judicial review against a major development project: writing to the High Court, an oral hearing and finally a hearing with the Court of Appeal.

But the Government plans to scrap the written stage entirely and will make it tougher to access the Court of Appeal.

Campaigners acknowledge this will make opposing new developments like the Lower Thames Crossing more challenging, but not impossible.

Dr Rose O'Neill from CNP said: "We recognise that Government have tough choices about how best to address the economic challenges the country currently faces. But that should not come at the expense of National Parks

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which are one of her [Reeves's] party's greatest and lasting legacies.

“The ability of groups like ours to take judicial review is essential to safeguarding this country's most cherished natural assets. Rather than attempting to cutback on these legal safeguards, the Government should focus their efforts on complying with the law, which would remove the need for judicial review in the first place.”

A Government spokesperson said: “This judgment related to one specific legal case from a planning decision by the previous government.

“We will seek views on policy for managing development in protected landscapes, as part of planned consultation on national planning policies this spring.”

