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19 October 2026

Secretary of State for Housing, Communities and Local Government
c/o Government Legal Department Litigation Group,
102 Petty France, London, SW1H 9GL
Email: Charlotte.Gannon@governmentlegal.gov.uk and
Gemma.File@governmentlegal.gov.uk
Your ref: Z2612794/CNG/JD7

URGENT

Dear Ms Gannon,

Complaint concerning the revised National Planning Policy Framework

1. Thank you for the enclosure you sent on 16 October 2026 regarding our potential Ground 3, which we are considering.

2. In the meantime, we wanted to revert to you on the apparent disclosure made in response to our Ground 2, "Failure to give due regard to the Environmental Principles Policy Statement".

3. We explained the requirements imposed by that duty in paras. 47 to 53 of our pre-action letter of 15 September 2026. In particular, we explained, in para. 51, that the EPPS duty – to have due regard - must be discharged *personally* by the relevant minister. Although the relevant Ministerial position has changed three times during the relevant period, each Minister was required to understand the

substance of the EPPS and the policies and, with rigour and with an open mind, consider the matters specified in the EPPS relevant to making the policies in the form proposed, or in some other form.

4. In para. 79.6 of our letter, we requested advance disclosure of: "Any Environmental Principles Assessment or equivalent analysis undertaken pursuant to section 19 of the Environment Act 2021 in connection with N1 and N2, together with any ministerial submission or other document recording the consideration of that assessment".

5. In your response letter you explain that:
   i. "An EPPS assessment was prepared for each Ministerial submission on the draft NPPF and on the final NPPF. We enclose an extract of the EPPS relating to Chapter 19. The disclosure of that document is dispositive of Ground 2" (at para. 41);
   ii. "An EPPS assessment addressed each of the five environmental principles… iteratively, at each stage of policy development. It considered the cumulative effect of Chapter 19 as a whole, informed by consultation responses and evolving evidence. This approach was appropriate: the NPPF operates as an integrated policy framework, and it was neither necessary nor appropriate to assess N1(2) and N2(3) in isolation" (at para. 42); and
   iii. "The Minister accordingly complied with the duty under s.19(1). There was proper and iterative engagement with the relevant environmental principles at each stage of policy development" (at para. 44).

6. We do not consider that the extract at the end of your letter is dispositive of Ground 2. That is because:
   i. The extract has no context. It seems to be a copy and paste from a document but there is no indication as to which precise document, the author, the date, or which Minister might have considered it. Please provide that context. A copy of the original document should be provided with such further information as would allow us to understand its provenance.
   ii. You rely on the iterative nature of the EPPS to assert that the relevant Minister(s) met the requirements set out in para. 47 of our letter, and yet there is no evidence to show that the EPPS process was indeed iterative. We would request evidence of the various iterations of the EPPS

assessment, each with the details listed in para. 6(i) above which are necessary to understand the provenance of each iteration.

iii. Significantly, and in any event, as the duty is a personal duty, the EPPS assessment, which you acknowledge was prepared "for each Ministerial submission" is not the same as the Ministerial submission itself, and nor is it evidence that the Minister gave the EPPS due regard when making his/her decision. We therefore request copies of each relevant, iterative EPPS assessment, Ministerial Submission and actual decision of any of the Ministers concerned.

7. We trust that you will understand the importance of these documents being provided to us expeditiously in the context of our letter before action and the potential judicial review. We assume that you have these documents readily available given that you have referred to the various iterations of the EPPS assessment and the changes to the NPPF have only recently been made and therefore request that you provide them by the end of this week (by close of 23 October 2026).

8. We would note, moreover, that provision of the documents requested would also be consistent with the recommendations made by the Office for Environmental Protection in February 2025 for greater transparency over the role that the EPPS is having in decision making through the routine publication of these statements.

We look forward to hearing from you.

Yours sincerely.

Nola Donachie

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Managing Lawyer – Litigation
For and on behalf of The Lifescape Project