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By email only to:
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Your ref: **n/a**
Our ref: **Z2612794/CNG/JD7**

23 October 2026

Dear Lifescape Project Ltd

Proposed Judicial Review: Pre-Action Protocol Letter Before Claim
Re: The National Planning Policy Framework (2026), Policies N1 and N2

1. We write on behalf of the Secretary of State in response to your letter of 19 October 2026, which seeks further disclosure in relation to proposed Ground 2.

2. At paragraph 6(iii) you request "*copies of each relevant, iterative EPPS assessment, Ministerial Submission and actual decision of any of the Ministers concerned*".

3. The duties of the Secretary of State at pre-action stage do not require disclosure of these documents, where requests must be proportionate (paragraph 13 of the Pre-Action Protocol for Judicial Review). The Secretary of State has already given a full and accurate explanation of who made the decision and how it was made.

4. The documents requested would add nothing material to that explanation:
    a. Proposed Ground 2 alleges that there is no evidence that the decision maker had due regard to the Environmental Principles Policy Statement when making policy (s.19 of the Environment Act 2021).
    b. As our letter of 14 October explained (and as you note at paragraph 5 of your letter), an EPPS assessment was prepared for each Ministerial submission on the draft NPPF. Each submission was accompanied by the then current version of the EPPS assessment and asked the Minister to note its contents when making the relevant decision.
    c. The decision maker at each stage therefore had regard to the EPPS, and the assessment was iterative.
    d. We have provided the Chapter 19 extract from the final EPPS assessment, which accompanied the submission on the decision to publish the NPPF. As before, the Minister was asked to note its contents.

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5. The extract provided with our letter of 14 October was copied from the original version of the final EPPS assessment that accompanied the final submission on the NPPF. To address your query about its provenance, we enclose the corresponding pages of that document. No further disclosure is necessary at this stage.

Yours sincerely

Charlotte Gannon

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