

FAO: [REDACTED] (for the Treasury Solicitor)

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Litigation Group
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Your Ref: Z2007535/NUT/JD3
Our Ref: RWS/LJH/00239263/2
Date: 18 August 2020

By email only:

3rd PRE-ACTION PROTOCOL LETTER FOR JUDICIAL REVIEW

Dear [REDACTED],

Re: National Networks National Policy Statement (the “NNNPS”)

1. Thank you for your letter dated 4 August 2020.
2. Our client is minded at this stage not to issue a claim for judicial review, in relation to the SofS's failure to lawfully consider whether it is an appropriate time to carry out a review of the NPS, in the knowledge that:
 - a. The SofS has promised to make a decision on whether or not to review the NPS;
 - b. That decision is to be made by no later than early (i.e. first half of the month) November 2020; and
 - c. A decision on whether to suspend the relevant parts of the NPS pending any such review is to be taken at the same time as the above decision.

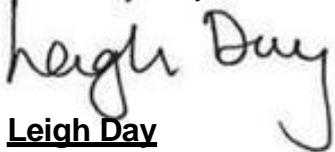
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3. However, our client considers that any grant of development consent by the SofS under the NPS may be potentially unlawful, if it is given between now and when the above decisions are made.
4. We therefore call on the SofS to confirm that he will immediately write to the Planning Inspectorate to:
 - a. Inform them that, following the net zero amendment to the Climate Change Act 2008 and the Paris Agreement, the SofS is currently in the process of considering whether or not to review the NPS and/or suspend the NPS pending any such review; and
 - b. Direct them to inform all those who are (or are due to be) Interested Parties in highways DCO examinations, where the SofS is yet publish a decision, of the above fact.
5. Please confirm within 7 days that the SofS will take the above steps. If the SofS refuses to do so, please explain why.

Yours faithfully,


Leigh Day