

Climate Justice Blog: Climate Litigation after the Planning and Infrastructure Act –
Acland Bryant, Garden Court Chambers

Footnotes

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^[2] Ministry of Housing, Communities and Local Government, *Guide to the Planning and Infrastructure Bill* (19 September 2025).

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^[4] International Energy Agency, *Net Zero by 2050: A Roadmap for the Global Energy Sector* (IEA 2021).

^[5] Senior Courts Act 1981, ss 31 and 31A; Civil Procedure Rules, Pt 54.

^[6] Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (adopted 25 June 1998, entered into force 30 October 2001) art 9.

^[7] Tom Hickman, *Public Law after the Human Rights Act* (Hart 2010) ch 1.

^[8] *Re NL (A child)* [2014] 270 (Fam)

^[9] Planning and Infrastructure Act 2025, s 13; Planning Act 2008, ss 13 and 118.

^[10] Planning and Infrastructure Act 2025, s 13.

^[11] Senior Courts Act 1981, s 18, as amended by Planning and Infrastructure Act 2025, s 13.

^[12] Ministry of Justice and Ministry of Housing, Communities and Local Government, *Infrastructure Planning and Judicial Review Reform*, HCWS385 (23 January 2025).

^[13] JUSTICE, ‘Proposed Legal Reforms Risk Undermining Justice in Infrastructure Planning’ (30 January 2025).

^[14] Planning Act 2008, ss 104-105.

^[15] *R (Finch on behalf of the Weald Action Group) v Surrey County Council* [2024] UKSC 20.

^[16] Elizabeth Fisher, Eloise Scotford and Emily Barritt, ‘The Legally Disruptive Nature of Climate Change’ (2017) 80 MLR 173.

^[17] *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374.

^[18] *R (Mott) v Environment Agency* [2018] UKSC 10; [2018] 1 WLR 1022.

^[19] *R (Friends of the Earth Ltd) v Secretary of State for Transport* [2020] EWCA Civ 214; [2020] PTSR 1446.

^[20] Climate Change Act 2008, ss 1, 4, 13 and 14.

- ^[21] R (Friends of the Earth Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin).
- ^[22] R (Friends of the Earth Ltd) v Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin).
- ^[23] Climate Change Act 2008, ss 13-14.
- ^[24] Planning Act 2008, ss 47-56.
- ^[25] R (Moseley) v Haringey London Borough Council [2014] UKSC 56; [2014] 1 WLR 3947.
- ^[26] Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2024 Snapshot* (Grantham Research Institute, LSE 2024).
- ^[27] R v Inspectorate of Pollution, ex p Greenpeace Ltd (No 2) [1994] 4 All ER 329; and John Mussington v Development Control Authority [2024] UKPC 3.
- ^[28] National Audit Office, *Delivering Major Infrastructure Projects* (NAO 2020).
- ^[29] R (Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport [2021] EWHC 2161 (Admin).
- ^[30] R (CPRE Kent) v Dover District Council [2017] UKSC 79; [2018] 1 WLR 108.
- ^[31] Administrative Court, *Judicial Review Guide 2025* (Judiciary 2025).
- ^[32] Climate Change Committee, *The Seventh Carbon Budget* (CCC, 26 February 2025).
- ^[33] Department for Energy Security and Net Zero, *Clean Power 2030 Action Plan* (2024).
- ^[34] R (Transport Action Network Ltd) v Secretary of State for Transport [2021] EWHC 2095 (Admin).
- ^[35] R (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20.
- ^[36] Gregory Unruh, 'Understanding Carbon Lock-In' (2000) 28 Energy Policy 817.
- ^[37] In the matter of an application by John Hamilton Hassard, Robin Bruce, Carol Porter, Robert McKean, David Peoples, Wildridge Coote, Derick Donnell, David Brush and Victor Brush as members of the Alternative A5 Alliance [2025] NIKB 42, [193], [202], [300];
- ^[38] *ibid* 300.
- ^[39] Planning and Infrastructure Act 2025.
- ^[40] Natural England, 'Royal Assent: Natural England and the Planning and Infrastructure Act' (18 December 2025).

- ^[41] Wildlife and Countryside Link, *Planning and Infrastructure Bill: Briefing on Nature Recovery* (2025).
- ^[42] Conservation of Habitats and Species Regulations 2017, SI 2017/1012, regs 63-64.
- ^[43] Civil Procedure Rules, r 54.12.
- ^[44] Planning and Infrastructure Act 2025, s 13.
- ^[45] Pre-Action Protocol for Judicial Review, para 14; Administrative Court, *Judicial Review Guide 2025* (Judiciary 2025) ch 6.
- ^[46] R v Somerset County Council, ex p Dixon [1998] Env LR 111.
- ^[47] Town and Country Planning (Environmental Impact Assessment) Regulations 2017, SI 2017/571; Conservation of Habitats and Species Regulations 2017, SI 2017/1012; Climate Change Act 2008.
- ^[48] R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council [2020] UKSC 3; [2020] PTSR 221.
- ^[49] Environmental Information Regulations 2004, SI 2004/3391.
- ^[50] R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin).
- ^[51] Administrative Court, *Judicial Review Guide 2025* (Judiciary 2025) ch 7.
- ^[52] CPR 45.41-45.44.
- ^[53] R (Edwards) v Environment Agency (No 2) [2013] UKSC 78; [2014] 1 WLR 55.
- ^[54] R v Inspectorate of Pollution, ex p Greenpeace Ltd (No 2) [1994] 4 All ER 329.
- ^[55] R (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20; Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sch 4.
- ^[56] R (Transport Action Network Ltd) v Secretary of State for Transport [2021] EWHC 2095 (Admin); In the matter of an application by John Hamilton Hassard, Robin Bruce, Carol Porter, Robert McKean, David Peoples, Wildridge Coote, Derick Donnell, David Brush and Victor Brush as members of the Alternative A5 Alliance [2025] NIKB 42; and Waste (England and Wales) Regulations 2011, SI 2011/988, reg 12.
- ^[57] R (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 [79]-[81].
- ^[58] R (CPRE Kent) v Dover District Council [2017] UKSC 79; [2018] 1 WLR 108.
- ^[59] South Bucks District Council v Porter (No 2) [2004] UKHL 33; [2004] 1 WLR 1953.
- ^[60] R (Oakley) v South Cambridgeshire District Council [2017] EWCA Civ 71; [2017] 1 WLR 3765.

- [61] Elizabeth Fisher, Eloise Scotford and Emily Barritt, ‘The Legally Disruptive Nature of Climate Change’ (2017) 80 MLR 173.
- [62] Planning Act 2008, ss 5 and 104.
- [63] *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13; [2012] PTSR 983.
- [64] *R (Friends of the Earth Ltd) v Heathrow Airport Ltd* [2020] UKSC 52; [2021] PTSR 190.
- [65] Planning and Infrastructure Act 2025, Pt 1.
- [66] Equality Act 2010, s 149; Human Rights Act 1998, ss 3 and 6.
- [67] *Verein KlimaSeniorinnen Schweiz v Switzerland* App no 53600/20 (ECtHR, 9 April 2024).
- [68] *R (Bridges) v Chief Constable of South Wales Police* [2020] EWCA Civ 1058; [2020] 1 WLR 5037.
- [69] Institute for Government, *Government Should Approach Reducing Risk of Judicial Review with Care* (20 May 2026).
- [70] TRS Allan, *The Sovereignty of Law: Freedom, Constitution and Common Law* (OUP 2013) ch 2.
- [71] Climate Change Committee, *The Seventh Carbon Budget* (CCC, 26 February 2025).
- [72] Gregory Unruh, ‘Understanding Carbon Lock-In’ (2000) 28 Energy Policy 817.
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- [74] Eloise Scotford, *Environmental Principles and the Evolution of Environmental Law* (Hart 2017).
- [75] Carol Harlow and Richard Rawlings, *Law and Administration* (4th edn, CUP 2022) ch 15.
- [76] *R (Cart) v Upper Tribunal* [2011] UKSC 28; [2012] 1 AC 663.
- [77] Planning Act 2008, s 118; CPR 54.5.
- [78] *R (Berky) v Newport City Council* [2012] EWCA Civ 378.
- [79] Environmental Information Regulations 2004, regs 5 and 7.
- [80] *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374.
- [81] Administrative Court, *Judicial Review Guide 2025* (Judiciary 2025) para 15.3.
- [82] Senior Courts Act 1981, ss 31 and 31(2A); Judicial Review and Courts Act 2022, s 1.
- [83] *R (Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport* [2021] EWHC 2161 (Admin).

- ^[84] Lord Banner KC, *Independent Review of Legal Challenges against Nationally Significant Infrastructure Projects* (2024).
- ^[85] Ministry of Justice and Ministry of Housing, Communities and Local Government, *Infrastructure Planning and Judicial Review Reform*, HCWS385 (23 January 2025).
- ^[86] JUSTICE, ‘Proposed Legal Reforms Risk Undermining Justice in Infrastructure Planning’ (30 January 2025).
- ^[87] *R (Cart) v Upper Tribunal* [2011] UKSC 28; [2012] 1 AC 663.
- ^[88] *R (Finch on behalf of the Weald Action Group) v Surrey County Council* [2024] UKSC 20.
- ^[89] *R (Finch) v Surrey County Council* [2022] EWCA Civ 187; *Finch* [2024] UKSC 20.
- ^[90] Kim Bouwer, ‘The Unsexy Future of Climate Change Litigation’ (2018) 30 JEL 483.
- ^[91] *R (Grace) v Secretary of State for the Home Department* [2014] EWCA Civ 1091.
- ^[92] Climate Change Act 2008; Paris Agreement.
- ^[93] TRS Allan, *The Sovereignty of Law* (OUP 2013) ch 2.
- ^[94] Environment Act 2021, Pt 6.
- ^[95] Department for Levelling Up, Housing and Communities, *Environmental Outcomes Reports: A New Approach to Environmental Assessment* (Consultation, 2023).
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- ^[100] Planning Act 2008, ss 5, 37 and 104.
- ^[101] Aarhus Convention, art 7.
- ^[102] *R (A) v Secretary of State for the Home Department* [2021] UKSC 37; [2021] 1 WLR 3931.
- ^[103] *Finch* [2024] UKSC 20; and *In the matter of an application by John Hamilton Hassard, Robin Bruce, Carol Porter, Robert McKean, David Peoples, Wildridge Coote, Derick Donnell, David Brush and Victor Brush as members of the Alternative A5 Alliance* [2025] NIKB 42.

- [104] Electricity Act 1989, ss 9 and 10; and Coolglass Wind Farm Limited -v- An Bord Pleanála [2026] IESC 5.
- [105] Building Act 1984; Building Regulations 2010.
- [106] R (Transport Action Network Ltd) v Secretary of State for Transport [2021] EWHC 2095 (Admin).
- [107] Gregory Unruh, ‘Understanding Carbon Lock-In’ (2000) 28 Energy Policy 817.
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- [109] Carol Harlow and Richard Rawlings, *Law and Administration* (4th edn, CUP 2022) ch 15.
- [110] Planning Act 2008, Pt 7.
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- [112] Mark Elliott and Jason Varuhas, *Administrative Law: Text and Materials* (5th edn, OUP 2017) ch 1.
- [113] Aarhus Convention, arts 6 and 9.
- [114] R (UNISON) v Lord Chancellor [2017] UKSC 51; [2020] AC 869.
- [115] Senior Courts Act 1981, s 31.
- [116] Climate Change Committee, *The Seventh Carbon Budget* (CCC 2025).
- [117] Planning Act 2008, s 104.
- [118] R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council [2020] UKSC 3.
- [119] See the Cory Decarbonisation Project development consent decision which authorised construction of a carbon capture system on a London nature reserve with various land designations.
- [120] Planning Act 2008, ss 104-106.
- [121] R (Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport [2021] EWHC 2161 (Admin).
- [122] Aarhus Convention, arts 6-7.
- [123] Kirsten Jenkins and others, ‘Energy Justice: A Conceptual Review’ (2016) 11 Energy Research & Social Science 174.
- [124] R (Moseley) v Haringey London Borough Council [2014] UKSC 56; [2014] 1 WLR 3947.
- [125] Aarhus Convention, art 9.

- ^[126] National Audit Office, *Delivering Major Infrastructure Projects* (NAO 2020).
- ^[127] *R (Moseley) v Haringey London Borough Council* [2014] UKSC 56; [2014] 1 WLR 3947.
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- ^[130] Climate Change Act 2008, ss 1 and 4.
- ^[131] *R (Moseley) v Haringey London Borough Council* [2014] UKSC 56.
- ^[132] *R (CPRE Kent) v Dover District Council* [2017] UKSC 79.
- ^[133] Aarhus Convention, arts 4 and 6.
- ^[134] Finch [2024] UKSC 20 [21].
- ^[135] Civil Procedure Rules, Pt 54.
- ^[136] Administrative Court, *Judicial Review Guide 2025* (Judiciary 2025).
- ^[137] CPR 45.41-45.44.
- ^[138] *R (CPRE Kent) v Dover District Council* [2017] UKSC 79.
- ^[139] Planning and Infrastructure Act 2025.