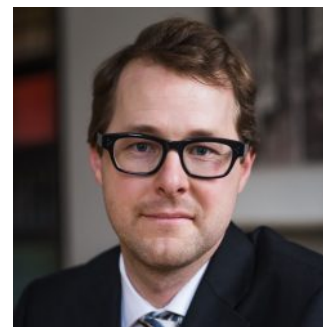


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## Peter Lockley

Peter Lockley has a broad practice spanning Public, Information and Employment Law. He has a keen interest in environmental law, in particular in litigation that helps public interest groups to strengthen environmental protection. He has acted on numerous occasions for the Information Commissioner and draws on this experience when representing individuals and public authorities in information and data protection matters. He regularly appears for both claimants and respondents in the Employment Tribunal.



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## Specialisms

### Public

Peter has a thriving practice representing green groups in high-profile environmental litigation. He represented Friends of the Earth in its claim against the third runway at Heathrow and is currently acting for Transport Action Network in a number of judicial review challenges to the UK road-building programme. In addition, he often acts for local authorities and regulators on both contentious and advisory matters. In particular, he has significant experience of acting for the Local Government Ombudsman and for Ofgem.

Prior to joining the bar, Peter worked for a major environmental NGO. He is keen to work with individuals and public interest groups to find creative legal ways of strengthening environmental protection

Recent cases include:

- **R (Transport Action Network) v SoS Transport (Claim No. CO/2003/2020)** – challenge to the decision to set the Second Roads Investment Strategy, the Government’s £27 billion road programme for 2020-2025, on grounds of failure to take account of climate change impacts of the programme. Case heard 29-30 June 2021, decision awaited. Led by David Wolfe QC.
- **R (Friends of the Earth) v Heathrow Airport [2020] UKSC 52** – Supreme Court held that the Secretary of State for Transport had taken into account the Paris Agreement on climate change when setting the Airports National Policy Statement (“ANPS”), which supports a third runway at Heathrow and accordingly the designation of the ANPS was lawful. The Supreme Court overturned the decision of the Court of Appeal ([2020] EWCA Civ 214), although only the airport operator, not the Secretary of State, appealed and Friends of the Earth was awarded its costs in the Court of Appeal and below. See also [2021] EWCA Civ 13, confirming that Aarhus cost caps under CPR Part 45 are inclusive of VAT. Peter acted throughout for Friends of the Earth Ltd, which was the lead claimant advancing climate change grounds. Led by David Wolfe QC, with Andrew Parkinson.
- **R (AD) v Hackney [2020] EWCA Civ 518, CA, April 8 2020, [2020] ELR 374; (2020) 23 CCLR 253** – A local authority’s decision to reduce funding for special educational needs provision did not engage the substantive or consultation duties in the Children and Families Act 2014
- **R (AD & Ors) v LB Hackney [2019] EWHC 943 (Admin) [2019] ELR 296** – represented defendant local authority in a challenge to its approach to funding Special Educational Needs provision. Led by Jonathan Auburn.
- **R (Stephenson o.b.o Talk Fracking) v SoS Housing and Communities and Local Government [2019] EWHC 519 (Admin)** – the Government had purported to consult on the merits of fracking policy when adopting the revised National Planning Policy Framework). It had failed to consider scientific evidence supplied by Talk Fracking, including the effects of

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### Professional Summary

Called 2013

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### Contact Details

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**Clerk** Michael Smith

**Clerk** Hannah Rayner

[Contact Clerks](#)

fracking on climate change, and consulted unlawfully. Led by David Wolfe QC.

Peter also recently appeared as an expert witness on aviation and climate change policy issues on behalf of Stop Stansted Expansion at a planning inquiry into proposed expansion at Stansted airport.

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## Information and Data Protection

Peter has acted for the Information Commissioner in more than 70 FOIA/EIR appeals in the First-Tier and Upper Tribunals. From these cases he has gained a deep working knowledge of the information access regimes. This allows him to offer highly practical advice and representation to requesters and public authorities on information matters.

Peter has acted for and against the Commissioner in data protection enforcement matters. He also advises public and private sector clients on data protection and privacy issues and has significant experience advising clients on GDPR compliance.

Recent cases include:

- **Cabinet Office v Information Commissioner and Corderoy (EA/2020/0240)** – Cabinet Office eventually disclosed large majority of information about the ‘Round Robin’ list requested by a journalist for opendemocracy.net. The Round Robin list was operated by the controversial Clearing House unit, set up to co-ordinate responses to cross-Whitehall FOIA requests. Acted for the Information Commissioner.
- **Montague v Information Commissioner and Department for International Trade (EA/2019/0154)** – acted for Information Commissioner in a high-profile FTT case concerning post-Brexit trade working group papers, including those relating to the US-UK negotiations. Permission subsequently granted to both Mr Montague and DIT to appeal to the Upper Tribunal.
- **Davies v The Information Commissioner (GIA) [2019] UKUT 185 (AAC)** – Upper Tribunal case on the duty to give reasons a case in which a closed procedure has been adopted. Confirms that the Upper Tribunal can take an inquisitorial approach and identify potential grounds of appeal not raised by any party. Acted for the Information Commissioner.
- **Information Commissioner v Malnick and ACOBA [2018] UKUT 72 (AAC)** – three judge panel of the Upper Tribunal considered the correct approach to the Qualified Person’s opinion required by s.36 FOIA; also decided that the Information Commissioner is functus office once she has issued a decision notice, so that issues cannot be remitted to her from the Tribunal. v.
- **Cabinet Office v IC and Morland [2018] UKUT 67 (AAC)** – key appellate decision in a long series of ‘medals’ appeals raising issues about the scope of s.37 FOIA (honours). Acted for the Information Commissioner in this case and several related appeals.

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## Employment

Peter appears regularly in the Employment Tribunal and Employment Appeal Tribunal, acting for both Claimants and Respondents across the full range of employment law claims.

Recent Cases include:

- **Phelan v Richardson Rogers Ltd [2021] WLR(D) 305** – Acted for the Respondent employer in a case concerned with the Tribunal’s discretion whether to postpone a hearing when a party is unfit to attend on medical grounds, and the proper standard or review for the EAT on appeal of such a decision. EAT held that it could only intervene with the ET’s decision on Wednesbury grounds. Appeal dismissed.
- **Aarons & Ors v (1) National Police Chiefs Council & (2) Secretary of State for the Home Department** – Act for NPCC in long-running group litigation concerned with 2015 reforms to public sector pensions. Following the decision in relation to judges’ and firefighters’ pensions in *The Lord Chancellor & Anor v McCloud & Ors* [2018] EWCA Civ 2844, the Respondents have admitted that the transitional provisions in the Police Pensions Regulations 2015 are discriminatory. The police cases will proceed to a hearing of test

cases on non-pecuniary losses (injury to feelings) in December. Led by Clive Sheldon QC and Patrick Halliday.

- **Biggs v Bilbrough 3201280/2017 and 3200123/2018** – Acted in a 12-day hearing for the Claimant, who succeeded in claims of equal pay, sex discrimination, whistleblowing detriment and unfair dismissal against her former employers, a shipping insurance firm, in a case that attracted national media attention.
- **Brettle v Dudley EAT (UKEAT/0103/17/JOJ)** – acted for the Respondent in an appeal concerning amendments to a claim form, and the proper approach where one Employment Judge is asked to interpret the decision of another in the same claim.
- **Reuters Ltd v Cole (UKEAT/0258/17/BA)** – whether Claimant adding claim for direct discrimination to a claim for discrimination arising from disability amounts to a ‘mere relabelling’ if the factual background is the same. Acted for the Claimant.

Peter is a co-editor of the new data protection chapter of Tolley’s Employment Law Handbook.

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## Recommendations

“He handles difficult situations really well and puts a lot of thought and preparation into cases”

**Chambers & Partners**

“He’s a real expert on GDPR and is a pleasure to work with” **Chambers & Partners**

“He explains issues in an accessible way” **Chambers & Partners**

“Very organised, proactive, detail-oriented, on the mark on the law, and well prepared for hearings. He thinks a few steps ahead, has a practical approach, and will push points as far as he can to achieve results” **Legal 500**

“He performs incredibly well under pressure and gets to grips with complex issues in a short time frame” **Legal 500**

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## Education

University of Cambridge, MA (Cantab)

Bar Professional Training Course (Outstanding)

Graduate Diploma in Law in (Distinction)

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## Other

Peter is a member of the UK Environmental Law Association.

Prior to commencing his legal career, Peter was the Head of Transport Policy at WWF-UK, where he was involved in high-profile environmental cases: **(R (Hillingdon) v Secretary of State for Transport [2010] EWHC 626 (Admin)** (Heathrow third runway); (Case C-366/10, Air Transport Association of America, [2012] 2 CMLR 4) (Emissions trading for foreign airlines).



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