Peter Lockley



Call: 2013

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Peter Lockley has a broad practice spanning Public, Information and Employment Law. He has a keen interest in campaigning environmental law, drawing on his long experience of environmental politics and policy as well as law. He has often acted 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.

> ***He's a real expert on GDPR and is a pleasure to work with***
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Expertise

Public

Peter has a thriving practice representing green groups in high-profile environmental litigation. He represented Good Law Project in the landmark Net Zero Case that forced the Government to address – and publish – how we meet our climate targets in far greater detail, and recently acted as sole counsel for GLP in the follow-up litigation challenging the successor Carbon Budget Delivery Plan. He has acted in numerous campaigining judicial review claims concerned with road-building, airport expansion, biomass sustainability, the climate impact of diet, sewage overflows, agricultural pollution of rivers, and fracking.

Peter has also assisted environmental NGOs with other forms of litigation, for example: bringing complaints to the OECD alleging misleading green claims (by Drax and the aviation industry); assisting with a complaint to the CJEU against the 'Taxonomy' rules on biomass; representing a NGO in a Privy Council case about standing to bring environmental claims in Mauritius; acting as an expert witness on aviation and climate change issues at a planning inquiry, or helping clients to succeed when making requests for environmental information.

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.

Friends of the Earth & Ors v Secretary of State for Energy Security

[2024] EWHC 995 (ADMIN); [2024] ACD 80

Second round of the Net Zero litigation, brought by the same three claimants who successfully challenged the Net Zero Strategy in 2022. Secretary of State failed to comply with his obligations under the Climate Change Act 2008 in relation to his approval of the proposals and policies in the Carbon Budget Delivery Plan and must try again to produce a lawful plan.

Minister of the Environment, Solid Waste Management and Climate Change v Eco-Sud

[2024] UKPC 19

Peter assisted NGO Eco-Sud in successful case before the Mauritian Supreme Court, concerned with the rules on standing to bring environmental claims in Mauritius. He then acted as counsel for Eco-Sud on the appeal to the Privy Council by the relevant Minister, led by Stephen Tromans KC. The Privy Council dismissed the appeal, confirming a modern, lieberalised approach to standing in environmental claims in the jurisdiction.

R (Boswell) v Secretary of State for Transport

[2024] EWCA CIV 145

Decision of the Court of Appeal in three joined cases about related schemes to develop the A47. Claim raised issues under the EIA Regulations about the assessment of cumulative carbon emissions arising from the three schemes together.

R (River Action) v Environment Agency & SSEFRA

[2024] EWHC 1279 (ADMIN)

High-profile case about agricultural pollution of the River Wye. The Claimant alleged that the Environment Agency is failing properly to enforce regulations designed to control agricultural run-off, including in the Wye Special Areas of Conservation, contrary to the Habitats Directive. Claim dismissed, but only on the strength of improvements made by the EA in response to the litigation. River Action successfully defended an intervention from the National Farmers' Union about the interpretation of the relevant regulations.

R (Global Feedback) v Secretary for State for Environment, Food and Rural Affairs

[2023] EWCA CIV 1549; [2024] 1 WLR 2923

First-instance judicial review of the Government's Food Strategy, retained by the Court of Appeal following grant of permission on appeal. Case raised issues about the on-going nature of the duty under the Climate Change Act to prepare policies for meeting carbon budgets: how is that duty to be discharged during the period between five-yearly reports required by statute and whether it applies to the adoption of sectoral policies.

R (Marine Conservation Society & Ors) v Secretary of State for Environment, Food and Rural Affairs

[2023] EWHC 2285 (ADMIN)

Acted for a marine conservation NGO, a surfer, and an oyster fisher, who claimed that the Storm Overflows Reduction Plan, the Government's plan to reduce sewage discharges, fails to meet discharge statutory duties and breaches Convention Rights. The case also raised novel legal issues concerning the Public Trust Doctrine, an ancient public right to fish in coastal waters which the Claimants contended requires those waters to be kept in fit ecological condition. Government responded by consulting on extending the Plan to cover all costal overflows, granting the Claimant a victory one on ground before the case reached court.

Lifescape v Drax

Complaint to OECD that claims by Drax about the climate change benefits of burning forest biomass are seriously misleading.

Robin Wood and Others v European Commission

(CASE T-575/22)

Assisted in drafting a request for review by the European Commission, and now a claim before the CJEU, alleging that the rules on forest biomass under the so-called 'Taxonomy' – technical rules drafted by the Commission for establishing the sustainability of products – fail to meet minimum thresholds of environmental protection set out in the parent legislation. Oral hearing listed for November 2024.

R (Goesa) v Eastleigh BC

[2022] EWHC 1221 (ADMIN), ADMIN CT, MAY 23 2022
[2022] PTSR 1473; [2022] JPL 1309

Local authority's decision to grant planning permission for an extension of the runway at Southampton Airport was upheld.

R (Transport Action Network) v Secretary of State for Transport

[2021] EWHC 2095 (ADMIN), ADMIN CT, JULY 26 2021, [2021] ACD 105

The court refused an application for judicial review of the Secretary of State for Transport's decision to set a road investment strategy.

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

Achievements

Education

University of Cambridge, MA (Cantab)

Bar Professional Training Course (Outstanding)

Graduate Diploma in Law in (Distinction)

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).

> ***He's very personable, easy to work and speak with and provides very clear written advice.***
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> CHAMBERS & PARTNERS

> ***He handles difficult situations really well and puts a lot of thought and preparation into cases***
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> CHAMBERS & PARTNERS

> ***He's a real expert on GDPR and is a pleasure to work with***
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> 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