Peter Lockley



Call: 2013

E: Peter.Lockley@11kbw.com
T: +44 (0)20 7632 8500

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 comfortable in court, very much in command of the material, and has a very good manner.***
>
> CHAMBERS & PARTNERS

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

Information and Data Protection

Peter has acted for the Information Commissioner in around 100 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 – including a celebrity client on reputational issues following an information leak. He also has significant experience advising clients on GDPR compliance.

Department for Business and Trade v Montague & Information Commissioner

[2023] EWCA CIV 1378, ON APPEAL FROM [2022] UKUT 104 (AAC)

Acted for the Information Commissioner throughout high-profile proceedings, originally concerning post-Brexit trade working group papers. The Court of Appeal upheld Department's appeal against the Upper Tribunal's decision on aggregation of public interests against disclosure, with the result that aggregation is permitted. Permission now granted to appeal to the Supreme Court.

Doorstep Dispensaree Ltd v Information Commissioner

(FTT, 2020), drafted pleadings and advised Appellant on litigation in FTT appeal against the first data protection fine imposed by the Information Commissioner under the GDPR and DPA 2018.

Doorstep Dispensaree Ltd v Information Commissioner

[2023] UKUT 132 (AAC); [2024] 1 WLR 575

Acted for Information Commissioner in first appeal against a GDPR/DPA 2018 Penalty Notice. And subsequent UT appeal which raised broad issues about the burden and standard of proof in penalty notice cases. UT dismissed Doorstep's appeal on all grounds; limited permission now granted by Court of Appeal for second appeal.

DSG Retail v Information Commissioner

(EA/2020/0048)

Acted for Information Commissioner in factually and technically complex 7-day case in the FTT, defending appeal by a retailer issued the maximum £500k penalty under the DPA 1998, following a cyber-attack. Fine reduced but Commissioner's penalty notice upheld in part. Decision awaited on DSG's appeal to the UT on issues relating to the definition of personal data.

General Dental Council v Information Commissioner v O'Hooley

(EA/2021/0156)

Acted for GDC in a successful appeal against an ICO Decision Notice requiring disclosure of internal e-mails between Chair and Council members.

Carter v (1) City of London (2) Westminster CC and (3) Information Commissioner

(EA/2022/0181 AND EA/2022/0203)

Acted for two local authorities in successful defence of appeal to FTT concerning a request for information relating to business rates.

Helen Johnson v Sanlam Private Investments

(F90NE027)

Successfully defended a data breach claim against an international financial institution in a five-day high court trial. Factually complex case that also raised consequential issues about Qualified One Way Costs Shifting in cases where personal injury damages are only one remedy sought.

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.

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.

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.

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

Clark & Anor v Chief Constable of Derbyshire Constabulary & Ors

[2024] EWCA CIV 676

Acted for chief constables of two police forces in a case raising jurisdictional issues about whether the Employment Tribunal can hear a discrimination complaint arising out of the Police Injury Benefit Regulations 2006. Appeal by police chiefs and the Home Department succeeded in the EAT but the EAT's decision was reversed by the Court of Appeal.

Yusuf v London Borough of Brent

(3304263/2020 & 3314631/2021)

Acted for local authority in 15- day hearing of wide-ranging discrimination claim. All 116 allegations dismissed.

Phelan v Richardson Rogers Ltd

[2021] WLR(D) 305, [2021] ICR 1164

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 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 KC 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.

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.***
>
> CHAMBERS & PARTNERS

> ***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