



Campaigners have condemned the Prime Minister's speech to the CBI promising to crack down on "time-wasting" caused by the "massive growth industry" in legal challenges to government policy. The Coalition for Access to Justice for the Environment (CAJE) awaits more detail.

A further announcement is expected from Secretary of State Chris Grayling, but the organisation say such moves destabilise democracy and undercut the UK's obligations on public participation and access to environmental justice under EU and International environmental law.

The source for the claim that there has been a "massive growth industry" in challenges to government policy fails to address the point that there are very few challenges to "major infrastructure projects". In fact, the number of applications for judicial review in environmental matters has remained very small for many years – in 2007 they comprised 20 cases out of a total of 1,981 applications [4]. We have yet to see any revised figures indicating a "boom" in environmental challenges.

The Prime Minister promises that Judicial Reviews will "cost more" but the UK is already in breach of EU and international law in respect of the high costs of legal action for environmental cases. The UK is expected to appear before the European Court on this point early in 2013 and has received widespread, international criticism for its position on costs in such cases.

Secretary of State Chris Grayling proposes to reduce the opportunities to appeal against a decision at the "permission stage" (which is designed to remove cases which are unlikely to succeed at full review) from the present four to two. Again, while more detail is awaited, CAJE is concerned that such proposals may endanger compliance with EU law.

Finally, changing the time limit within which people can bring challenges is unrealistic and will in some cases require changes to primary legislation. CAJE questions whether anything less than a three month deadline would meet the requisite legal requirements for certainty and effectiveness, despite the worrying trend in UK legislation to reduce the deadline to six weeks, which represents an extremely difficult challenge for individuals and local groups to meet.

CAJE reiterates that such changes should, in themselves, be subject to proper consultation and may also be the subject of legal challenge in the light of the UK's EU and international legal commitments.

Speaking on behalf of CAJE, Carol Day, (Solicitor, WWF), said: "These proposals are hastily thought-through and seriously misguided. The truth of the matter is that there are very few environmental cases, primarily because the cost of taking such cases is already prohibitively high. The UK is already in the European dock for failing to honour its commitments on access to environmental justice – these proposals destroy any last-minute chance of the Government redeeming itself."

Friends of the Earth's Executive Director Andy Atkins said: "The planning system plays an important role in protecting our green and pleasant land. It mustn't become a scapegoat for the Government's economic failings. EU rules protect peoples' legal right to defend their environment – moves to prevent this may well be unlawful."

CAJE includes WWF-UK, Friends of the Earth, Greenpeace, RSPB, the Environmental Law Foundation and Capacity Global.