

# LEGAL LENS ON CLIMATE CHANGE

Karen Hamilton, Partner, Brodies



ENLIGHTENED THINKING

# LEGAL CHALLENGES

## SPOTLIGHT ON...

Current landscape

Implications for planning

Judicial intervention

# LEGAL CHALLENGES

## SNAPSHOT OF PROJECTS

**Airports**

**Coal / oil  
Extraction**

**Road  
Improvements**

**Railways**

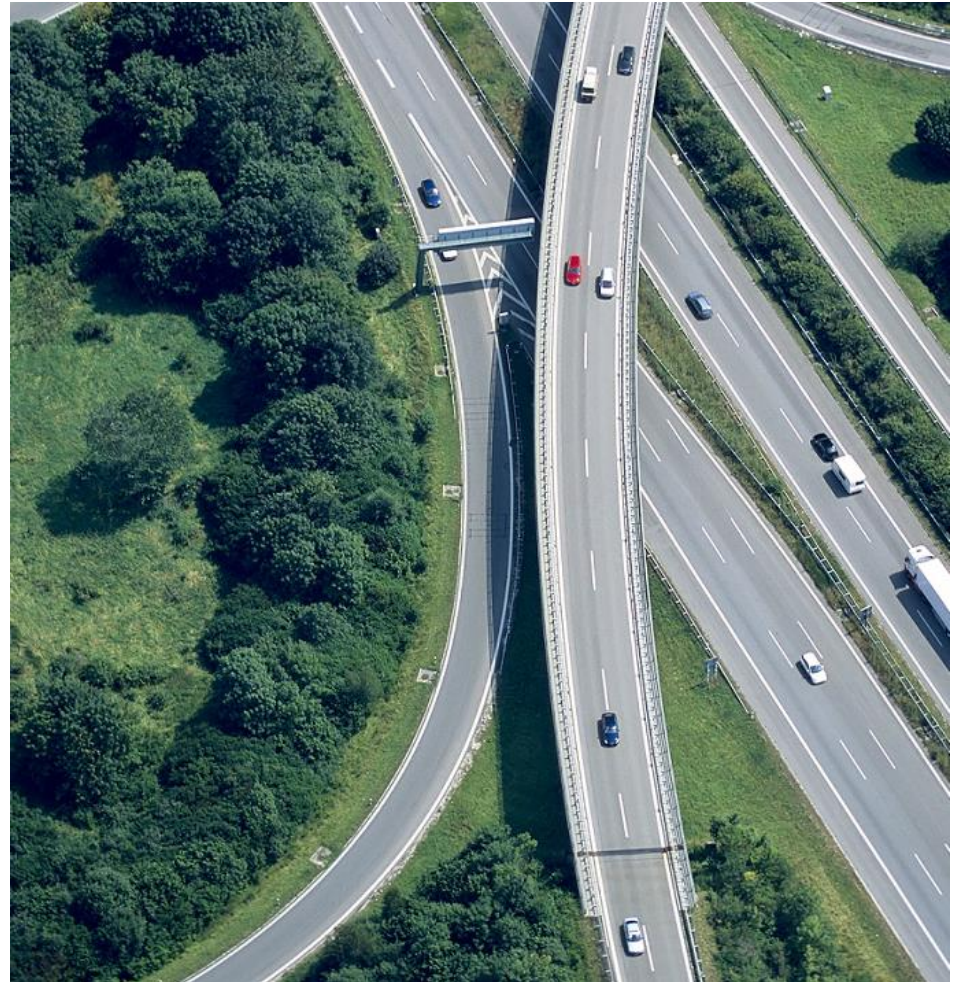
**Marine  
Fish farms**

**Wind farms**

# LEGAL CHALLENGES

## SNAPSHOT OF ISSUES

- EIA and indirect effects
- Consultation
- Carbon budgets
- Statutory provisions
- Precautionary approach



# LEGAL CHALLENGES

## IMPLICATIONS FOR PLANNING SYSTEM

- Increased scrutiny
- Cost / delay
- Legal developments
- Evolving approaches
- Campaign groups





# LEGAL CHALLENGES

## JUDICIAL INTERVENTION – WHAT TO EXPECT

- The courts do take climate change seriously
- But their remit is limited to points of law
- Judges cannot impose their own view on the merits
- Implications for challenges focussing on methodology



“Climate change, with its consequences for human and other life on this planet, is generally regarded as a matter of very great importance. In the same month in which this appeal was heard in Bristol, world leaders and other policy makers gathered in Sharm El-Sheik, Egypt for COP27, in order to discuss this matter. There is an international consensus on the need to achieve substantial reductions in CO2 emissions. The Intergovernmental Panel on Climate Change 2021 was widely reported as being a "Code Red for Humanity", such is the present level of concern.”

Mr Justice Lane  
Bristol Airport case, 2023

# LEGAL LENS ON CLIMATE CHANGE

Karen Hamilton, Partner, Brodies



ENLIGHTENED THINKING