# UK government’s plan to weaken environmental safeguards risks silencing community voices



The UK government’s push to overhaul the planning and judicial review process for large-scale infrastructure is yet another indication of their reckless prioritization of short-term development over genuine public accountability. By contemplating withdrawal from the Aarhus Convention—an international treaty that ensures public rights to environmental information and access to justice—they threaten to silence communities and disempower ordinary citizens from challenging environmental damage inflicted by vested interests.

Keith Garner’s historic legal challenge showcased the importance of the Aarhus Convention in safeguarding public interests against sprawling developments. His case, which successfully limited legal costs for ordinary individuals fighting harmful projects, was a crucial victory in holding councils and developers to account. The recent government plans to remove this safeguard by withdrawing from the convention would have the chilling effect of deterring community groups from opposing damaging developments—be they green spaces, allotments, or flood plains—rendering them powerless in the face of corporate and political expedience.

At the core of this reform initiative is a misguided attempt, led by Lord Charles Banner KC, to fast-track infrastructure projects by diminishing legal safeguards. While the government claims to seek efficiency, these proposals would drastically curtail public scrutiny. Limiting opportunities for judicial review—especially by removing the cap on claimant costs—would make it prohibitively expensive for communities to challenge decisions, effectively silencing dissent. Such measures are an attack not only on environmental protections but on the very democratic process that enables citizens to defend their local environment from unscrupulous development.

Promising alternative approaches, like reinstating parliamentary consent for major projects, are being brushed aside as mere alternatives rather than genuine solutions. The proposed fast-tracked, one-clause parliamentary process, which would bypass judicial review altogether, echoes the outdated and opaque “provisional orders” of the past—a relic of a time when community voices had little say in infrastructure decisions. This approach risks rubber-stamping projects without proper scrutiny, further undermining environmental safeguards and democratic oversight.

Among the most alarming proposals are clauses seeking to accelerate legal proceedings by removing the initial permission stage for judicial reviews and eliminating appeals deemed as having no merit. While these are dressed up as efficiency measures, they carry the dangerous potential of dismissing legitimate environmental and community concerns under the guise of expediency. This risks tipping the balance so far in favor of development interests that public interests and environmental protections are sacrificed on the altar of unchecked growth.

Legal professionals and the Law Society have voiced strong opposition, warning that these reforms threaten access to justice and weaken environmental safeguards. The government’s dismissive attitude towards these concerns reveals an alarming disregard for the fundamental rights of the public and the environment—values that should be at the heart of national policy, not sacrificed for expediency.

This ongoing push for reform underscores a clear governmental bias: the prioritization of rapid infrastructure delivery over environmental integrity and democratic accountability. It’s not just about speeding up projects; it’s about dismantling the safeguards that prevent reckless overdevelopment and protect local communities.

As the government considers these deeply flawed reforms, the threat to uphold Britain’s commitments under international treaties like the Aarhus Convention looms large. Such reckless actions serve only to deepen public mistrust and undermine the very fabric of environmental justice in this country. This isn’t progress—it’s a perilous retreat from the principles that keep our environment and communities protected.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.theguardian.com/politics/2025/oct/01/environmentalists-rely-on-the-aarhus-convention-britain-mustnt-ditch-it> - Please view link - unable to able to access data
2. <https://www.theguardian.com/politics/2025/oct/01/environmentalists-rely-on-the-aarhus-convention-britain-mustnt-ditch-it> - In this article, Keith Garner discusses the importance of the Aarhus Convention in enabling individuals and groups to challenge poor environmental decisions made by councils and public bodies. He highlights his own legal challenge against Elmbridge council in 2010, which was the first to receive cost protection following the incorporation of the Aarhus Convention into English law. Garner argues that withdrawing from the convention would deter ordinary people and local groups from using the law to protect open spaces and the environment.
3. <https://www.parallelparliament.co.uk/debate/2025-04-29/commons/public-bill-committees/planning-and-infrastructure-bill-fourth-sitting> - This parliamentary debate discusses Clause 8 of the Planning and Infrastructure Bill, which aims to streamline the judicial review process for nationally significant infrastructure projects. The clause proposes removing the paper permission stage, allowing applications for judicial review to go straight to an oral hearing in the High Court, and eliminating the right to appeal for cases deemed totally without merit at the oral hearing.
4. <https://www.localgovernmentlawyer.co.uk/projects-and-regeneration/403-projects-news/58931-review-led-by-leading-planning-barrister-sets-out-recommendations-for-speeding-up-handling-of-legal-challenges-to-major-infrastructure-projects> - This article reports on an independent review led by planning barrister Lord Charles Banner KC, which recommends reducing the number of attempts claimants have to seek permission for judicial review of development consent orders (DCOs) for nationally significant infrastructure projects. The review also suggests streamlining the judicial review process and considers raising the permission threshold for such claims.
5. <https://www.gov.uk/government/news/lord-banner-kc-review-proposes-roadmap-to-speed-up-delivery-of-national-infrastructure> - The UK government has published a review by Lord Charles Banner KC, proposing ten recommendations to speed up the delivery of nationally significant infrastructure projects. These include streamlining the judicial review process, reducing the time for legal challenges to move through the courts, and improving data publication on case progress. The government intends to carefully review these recommendations and responses to a call for evidence before publishing a response.
6. <https://www.theconstructionindex.co.uk/news/view/lawyers-oppose-planning-reforms> - This article discusses the opposition from lawyers to proposed planning reforms aimed at reducing delays in infrastructure projects. The reforms, based on recommendations by Lord Charles Banner KC, include limiting the number of attempts claimants have to seek permission for judicial review. The Law Society expresses concern that these restrictions could prevent legitimate cases from being heard.
7. <https://www.hsfkramer.com/notes/publiclaw/2025-posts/Reforms-to-procedure-for-nationally-significant-infrastructure-judicial-reviews-confirmed> - This article outlines significant changes to the judicial review procedure for nationally significant infrastructure projects (NSIPs) in the UK. The changes, following recommendations by Lord Banner KC, include automatic oral hearings for NSIP judicial review challenges, with claims deemed totally without merit being concluded without further appeal. Other claims will still be allowed to seek an appeal of a refusal of permission for judicial review.