A Cause Without a Claimant: The Voice of the Environment in Infrastructure Planning Judicial Reviews

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Abstract— **In the transition of cities towards net-zero, the legal mechanisms that govern infrastructure development have become increasingly contentious spaces of equity. This paper interrogates the role of judicial review in the representation of environmental interests in the planning of major UK infrastructure projects. It explores how these proceedings cut across the wider social themes of justice, public voice and intergenerational equity.**

Judicial review is a mechanism that intends to assure public decisions, such as those granting development consent, are legally sound. However, when it comes to environmental claims, the process exposes certain structural inequities. The most domineering of these is how the environment lacks legal standing and is dependent on concerned individuals or groups to speak on its behalf. This paper critically examines how such representation impacts the outcomes, rights and responsibilities of the planning process. It uses high profile case studies like the A47 Highways improvement, the HS2 rail project and Den Brooks Windfarm to assess how citizen litigants act as intermediaries for ecological wellbeing in the face of legal and institutional barriers.

An unsettling paradox emerges. Environmental judicial reviews are an important guise through which citizens can challenge decisions on the basis of community concerns that might otherwise go overlooked because of national interest. At the same time, the use of judicial review can delay or derail projects with long-term social and environmental benefits, such as low-carbon transport infrastructure, raising difficult equity questions around whose interests are actually served and at what cost.

Through a discussion of how environmental values are filtered through human-centric legal systems, the paper calls for a more inclusive planning framework that better embeds ecological and public wellbeing into legal and urban governance. It proposes reforms to ensure that judicial review processes remain accessible, focused and equitable so as to preserve the citizen right to advocate for the environment while maintaining clarity and efficiency in critical infrastructure delivery. In doing so, it contributes to the wider dialogue on how cities can evolve equitably through governance systems that protect people and the planet alike.

Keywords—**equity, judicial reviews, major infrastructure, public voice**

I. INTRODUCTION

Land use planning law is conventionally recognised as an institution of competing interests. McAuslan described planning law as embodying three ideologies, that of private interest, public interest and public participation, with the law mediating between development pressures and socio-environmental concerns [1]. Nowhere is this more acute than in the case of major infrastructure projects which have a 6 in 10 chance of facing legal challenge via judicial review [2]. Judicial review is the process by which courts supervise the legality of planning decisions, seeing to it that ministers, and public authorities act within the capacity of the law [3]. In infrastructure planning, environmental considerations form the crux of these challenges, giving rise to questions about how the legal system accommodates the interests of nature [4].

Unlike disputes that seemingly only promote local or private interests, claims centred on environmental protection invoke broader public values that concern society at large, like clean air, biodiversity and climate stability [5]. The main dilemma is that the legal system is innately anthropocentric, conferring rights and standing primarily on people or entities, whereas the environment itself is defenceless and cannot advocate for itself in court [6]. In his summary of environmental law and the tension between the stakeholders that bring judicial reviews to vindicate environmental interests that would otherwise go unrepresented, Lord Hope said:

"The purpose of environmental law ... proceeds on the basis that the quality of the natural environment is of legitimate concern to everyone. If [it's] interests are to be protected someone has to be allowed to speak up on its behalf" [7]

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UK courts have traditionally been flexible in granting standing to environmental campaigners, recognising that organisations can have a "sufficient interest" to speak for the environment [8]. However, this indirect representation means that the voice of the environment in legal proceedings is mediated and reframed as human concerns rather than the intrinsic rights of nature [9]. The cause of nature is present, but without an eponymous claimant, it competes in a forum dominated by human and economic interests. This paper explores the extent to which environmental interests are effectively represented in infrastructure planning judicial reviews (Section 2). By extension, it also questions whether the current legal framework strikes the right balance between supporting environmental advocacy and avoiding undue obstruction of infrastructure necessary for the greater public good. Section 3 presents the methodology adopted for this paper and applied to different infrastructure projects in the UK (Section 4). The findings are discussed in Section 5 and recommendations are provided in Section 6. The conclusions are drawn in Section 7.

II. LITERATURE REVIEW

UK environmental litigation scholars have long interrogated how public law remedies remain structurally anthropocentric. Stone's 1972 essay on "Should Trees have Standing?" gave root to the modern debate by questioning why legal systems deny nature direct standing while freely extending it to ships or municipalities [10]. Ensuing theoretical work characterises this representational deficit as one of the core weaknesses of UK environmental governance, because ecological interests reach the courts only through human proxies. The more recently emerging Rights of Nature (RoN) discussion deepens this critique. Borras [11] and Gilbert [12] show how constitutions in Ecuador, Bolivia and New Zealand statutes confer personality on rivers or ecosystems, allowing guardians to litigate in their name. By contrast, UK law retains the view that nature is 'owned, exploited or protected for the sake of humans' [12], obliging litigants to shoe-horn ecological concerns into traditional administrative law categories to have a fighting chance at justice.

Empirical studies seek to locate this theoretical tension within UK planning practice. Lee et al., [13] examined participation rights under the Planning Act 2008 and concluded that judicial review had become the hard-edged procedural tool by which communities project their environmental anxieties into legally cognisable grounds. Government has frequently portrayed repeated judicial reviews to be a barrier to nationally significant infrastructure; the 2025 Planning Reform Working Paper proposes capping successive 'permission bites' and curtailing appeals deemed Totally Without Merit (TWM). However, landmark rulings on air-quality plans [14] and Heathrow's expansion [15] are all testament to how iterative litigation can correct policy blind spots and advance environmental law.

Finally, academics and practitioners both stress the equity dimension of judicial review [16], [17]. Well-resourced NGOs and local authorities dominate high profile claims, raising concerns of an elitist capture of the judicial space, whereas dispersed or disadvantaged communities struggle to marshal comparable expertise [17]. The shift from anthropocentric 'right to a healthy environment' rhetoric towards ecocentric RoN concepts, in theory, democratises representation by letting ecosystems speak through willing guardians. However, without statutory reform, UK courts remain bound by anthropocentric standing rules and harbour a system wherein procedural ingenuity, not nature's material worth, determines which environmental claims the courts will hear [18].

III. METHODOLOGY

This paper uses a qualitative doctrinal approach that draws on public law case analysis that is then supplemented by reviews of related statutory, policy and academic sources. It diagnoses the systemic shortcomings in how judicial review mediates environmental interests within UK infrastructure planning and devises targeted procedural reforms to remedy them.

The three judicial review cases chosen for analysis were done so through purposive sampling. There were 4 criteria for selection.

1. Relevance to net-zero infrastructure: Each project represents a class of development singled out in the Government strategy as being critical net-zero infrastructure, hence covering the sectors of high-speed rail, highway corridors and wind-based renewables.
2. Doctrinal relevance: All three cases produced authoritative judgements at High Court, Court of Appeal or Supreme Court level and set precedents that shaped subsequent litigation practices.
3. Procedural variety: The three projects cover consents under different approval routes like a hybrid bill, a Development Consent Order and a section 78 appeal which highlights how judicial review works across different statutory regimes.
4. Data availability: Whilst higher-profile cases could have been analysed, the research is limited to those with publicly available case files. Each of the three litigations generated extensive court records as retrieved through The National Archives, inspector reports and media

commentary which provided an adequate evidentiary base for analysis.

Primary judgements and inquiry decisions were coded in NVivo for references to standing, environmental assessment duties, cumulative impacts, delays and remedies. The codes were iteratively refined following Miles and Huberman's pattern matching technique [19]which supported the cross-case comparison of the doctrinal pressure points. Academic commentary and official reform proposals were then mapped onto these pressure points to triangulate recommendations. The recommendations emerged from thematic convergence across all three of the cases. For example, repeated kitchen-sink pleadings of multiple weak grounds appeared in both HS2 and Den Brook which confirmed the need to confine judicial reviews to a principal ground with a discretionary secondary ground. The re-litigation of settled EIA principles in successive highway challenges justified the proposal to codify *issue-estoppel* for the projects. Finally, the persistent ambiguity over cumulative greenhouse gas emissions assessment in Boswell's cases justified the statutory clarification of that duty.

The reforms were tested against three evaluation heuristics to make sure that they were practical and actionable. First, the reforms had to be legal and compatible with existing constitutional principles, taking into account the UK's signatory to any international obligations like the Aarhus Convention [8]. Secondly, the reforms had to protect equity principles and the impact on access to justice for public interest litigants. Finally, there was a focus on efficiency to evaluate the likely effect on decision making timelines. Where a proposal failed any one of these heuristics, it was discarded or redrafted. For example, one of the reforms considered was a mooted strict leave-threshold based on cast which was rejected as it would be Aarhus-incompatible.

This paper is confined to English jurisprudence and does not examine litigation brought forth in devolved administrations. Quantitative metrics were estimated from docket timelines instead of full court statistics as these were not fully publicly accessible. Nevertheless, triangulation across cases, academic literature and policy publications provides a sound foundation for procedural reforms proposed.

IV. CASE STUDIES

A. HS2 High-Speed Rail Project

High Speed 2 (HS2) is a multi-billion-pound high-speed rail network intended to improve connectivity and reduce carbon intensive travel. From its inception, HS2 has been subject to fierce opposition on environmental grounds. The most famous of these is the coalition led by HS2 Action Alliance (HS2AA) which litigated the government's decision making on HS2 by arguing that it violated EU environmental law [20]. Two grounds reached the UK Supreme Court. The first was that the Government had failed to conduct a strategic environmental assessment (SEA) of the HS2 project as allegedly required by the SEA Directive. The second was that the hybrid bill process chosen to authorise HS2 in Parliament breached the Environmental Impact Assessment (EIA) Directive.

The Supreme Court unanimously dismissed the appeals and upheld the lower courts' rulings that an SEA was not legally required, and that Parliament's hybrid bill procedure did not contravene the EIA regime [21]. The judges found that the objectives of the Directives were satisfied through the special legislative process and that it was not the court's role to interfere with Parliament's law making when there was no clear statutory breach [21]. The voice of nature as spoken through HS2AA was therefore heard but overridden by the competing imperative of infrastructure development. This reflects the attitude that such litigation, while formally about environmental process, is an obstacle to progress. The case shows how environmental judicial review in an infrastructure context casts light on important issues but fails to halt or substantially modify a project when courts give primacy to political and economic considerations [22]. It also highlights how anthropocentric the UK legal framework remains. Nature's interests were articulated only insofar as they fell in line with human procedural rights under SEA/EIA directives, and those rights were overarchingly curtailed by deference to Parliament's will [22].

B. A47 Highways Improvement

The second case study involves a set of highway improvement schemes along the A47 trunk road in Norfolk, promoted as part of the second national Road Infrastructure Strategy (RIS) [23]. This judicial review is a case in how concerned individuals interject climate considerations into infrastructure planning via legal process. Dr. Andrew Boswell, a climate scientist and environmental campaigner, argued that the Secretary of State had a duty under the 2017 EIA Regulations to assess the combined greenhouse gas (GHG) emissions of all three road projects together as opposed to being considered in isolation [23]. In his analysis, the three schemes together would emit roughly 0.57% of the UK's 6th carbon budget, nearly half a percent of the nation's allowable emissions for that period. Boswell argues that this was a significant carbon cost in a small geographic area that would consume emissions space that would constrain other sectors.

The High Court's 2023 judgement [23], held that the Secretary of State's approach did not breach the EIA Regulations and was lawful, even if aspects of the reasoning were "unhelpfully expressed". Boswell's claim

failed on both this occasion [23] nor on appeal in early 2024 when the Court of Appeal rejected the challenge [24]. The litigation brings forth an important tension in Net Zero-era infrastructure planning between whether an environmental assessment should be holistic or fragmented project-by-project [22]. The environmental voice, through Dr. Boswell, argued for a more ecocentric and big-picture evaluation that urges that nature's interests and global climate stability be given legal weight against isolated decision making [22]. The court's reluctance to impose such a requirement reveals a chasm in the law's ability to address cumulative environmental harm. It also shows how procedural grounds have come to be a forum for climate concerns [6] [23]. In lieu of courts weighing the merits of building new roads in a climate emergency which is a policy question beyond their remit, the litigation hinged on interpretive compliance with assessment regulations [24] [25].

C. *Den Brook Wind Farm*

The final case study is one that depicts the complexities of environmental advocacy when green infrastructure itself is an issue [27] [28]. Unlike railways or roads, wind farms are evidently part of the net-zero solution [29] [30]. However, they are also subject to intense local opposition on environmental grounds [31] [32]. The Den Brook wind farm is an infamous example of such protracted litigation against a renewable energy project. In 2005, developer RES sought permission for a 9-turbine wind farm at Den Brook, Devon [33]. Local residents united as the Den Brook Judicial Review Group (DBJRG) and opposed the project because of concerns about noise pollution [33]. They focused specifically on a phenomenon called amplitude modulation (AM), a sort of throbbing sound that is at times produced by wind turbine blades [34] [35]. In 2007, local landowner, Mr. Hulme brought forth a judicial review arguing errors in the local planning inquiry's decision, mainly that RES had withheld baseline noise data and the inspector failed to accommodate for strong enough noise controls [33]. The High Court initially dismissed the challenge in 2008 with Justice Mitting finding that there was no legal error, although the developer's secrecy did warrant critique [33]. However, the Court of Appeal granted permission to appeal, and by consent order, the parties agreed to quash the 2007 permission and hold a fresh inquiry. This redetermination action can be thought of vindicating to some extent DBJRG's procedural concerns.

Den Brook begets several key points of discussion. It demonstrates how procedural and technical issues like data disclosure and condition drafting can become the proxy for environmental interests, the interest being local environmental quality and residents' wellbeing [39]. Den Brook also highlights the anthropocentric legal reality through the ventriloquism of nature's voice yet again. The case was fought entirely on human terms of amenity, health and procedure, compared to any notion of inherent rights of the ecosystem [5] [11]. It therefore shows how judicial review can function as a tool for co-creation and citizen input in infrastructure decisions, forcing developers to address community concerns [13]. But it also exemplifies how such litigation can be double-edged, impeding timely climate action when taken to extremes [16].

V. DISCUSSION

D. *Representing Nature*

The three case studies when taken together draw out four key themes. The first of these is around the challenge of representing nature in an anthropocentric legal system [48]. Environmental judicial reviews operate within a legal framework that revolves around human interests and rights. Nature itself has no legal personhood under UK law [5] [25]. It cannot sue or be sued. As such, environmental values enter court indirectly and translated into human terms like the health of residents [11], procedural rights to information and more. This anthropocentrism marginalises the intrinsic value of the environment [25] [26]. In the HS2 litigation, arguments had to be framed in terms of compliance with SEA and EIA directives instead of an independent right of ecosystems along the route to exist unharmed [27]. The environment became an object of human concern but not a subject with its own standing [11]. Even the resolutions seen reflect anthropocentric logic [25]. A court quashed a decision, or in the case of Den Brook a rehearing, not to vindicate nature per se, but because a legal rule meant to indirectly protect the environment was breached [28]. The implication of this is that environmental advocacy in court is contingent on the presence of motivated entities with resources to litigate. If there is no such person, or group, nature's interests go unasserted in this legal context [27].

E. *Legal Personhood*

The second theme is around the rhetorical and legal ramifications of projecting legal personhood onto nature. The lack of formal standing for nature means litigants and judges sometimes resort to rhetorical personification of the environment [25]. This projection is intentional because it is an attempt at acknowledging nature as a stakeholder, albeit metaphorically [25]. For example, in the A47 case, the claimant's argument implicitly cast the climate as a silent claimant. Dr Boswell was a self-appointed advocate for climate's rights to not be degraded beyond agreed upon carbon limits. Rhetorically, this can be powerful in court and public discourse because it evolves guardianship concepts. However, it is legally caveated. The court ultimately needs to translate and channel that

advocacy into the language of statutes and legislations [12] [13]. In Boswell's case, the lofty idea of defending the climate became an exercise in parsing Regulation 21 of the EIA Regulations on cumulative effects [23]. The legal repercussions of personifying nature without formal recognition can be frustrating because it raises expectations that the legal system will deliver substantive environmental justice, whereas the system is only enforcing procedural or administrative norms [27].

The result of this dichotomy is cynicism [13] and mistrust on all sides. Environmentalists feel courts are paying lip service to nature by recognising environmental concerns but rarely stopping projects on that basis [29]. Developers and government feel that claimants are using environmental rhetoric as a mask for ulterior motives like opposition to any development in an area [30]. The literature records a "mistrust of the public in high level policy discourse on the technological change necessary for climate mitigation" [13]. Authorities sometimes see public objections couched in environmental terms as barriers to be managed instead of genuine contributions [31]. As Lee et al. observed, legally entrenched rights to participate, when coupled with limited actual influence on outcomes, risk making participation a "simple bureaucratic hurdle, frustrating for all concerned" [13]. This is seen in HS2 where extensive consultations and environmental statements were produced but the project proceeded largely unchanged, leaving stakeholders to feel that the process was perfunctory whilst the promoters felt burdened by delay [22]. At present, *locus standi* is limited to human claimants who can demonstrate a recognised interest, so ecological concerns reach the courts through those human proxies. Short of a formal way to legally recognise nature's voice, the courts must continue to mediate pertinent issues within existing doctrines, bound by anthropocentric statutes.

F. Strategic Litigation

All three case studies highlight how judicial review, especially in planning, can be a lengthy and multi-layered process [3]. These are built in procedural stages like permission for review, High Court hearings, possible appeals to the Court of Appeal and even Supreme Court. In complex cases like that of Den Brook, courts remit decisions back to authorities for re-determination which spans new decisions that can themselves be challenged again [6]. This iterative loop significantly influences project implementation. In Den Brook, the wind farm was tied up for a decade; in HS2, about two years elapsed from the initial claim to the final Supreme Court ruling. Where climate urgency is concerned, these delays are distressing when they hit those projects that are the most significant to the net-zero transition [1]. Every year of delay is a year of continued reliance on higher-carbon energy or transport options.

Strategic litigation refers to the use of legal action not just to win a case but to achieve a broader goal [32]. This can include delaying or increasing the cost of a project to the point of reconsideration. Environmental NGOs and community groups are candid in their arguments that judicial review is one of the few leverage points they have in the wake of national development interests [17]. In the A47 case, one can perceive Dr. Boswell's case to be part of a larger strategy by climate campaigners to pressure the government to reconsider its Road Infrastructure Strategy in light of carbon budgets. Even if each individual judicial review fails, collectively they signal that policy change is needed [33]. Likewise, HS2's opponents were aware that the cancellation of the project in its entirety was unlikely, but the litigation helped to keep environmental criticisms in the spotlight, potentially even contributing to additional mitigations [22]. For local residents in Den Brook, the strategy was to use every legal tool to forestall the wind farm, hoping perhaps that the developer would give up or scale down. DBJRG's tactic did result in more stringent noise controls than initially proposed which can be considered a partial strategic win.

G. Equity Dilemma

The final theme highlights the equity dilemma. Judicial review is thought of as guarding the public interest and the rule of law. In environmental cases, claimants frequently argue that they are acting on behalf of the public or voiceless beneficiaries like nature **[34]**. The equity issues arise when examining which citizens can engage in this process and to whose benefit. Judicial review can indeed empower marginalised voices by allowing localised stakeholders to hold the state to account [5], [17]. It provides a forum wherein even a single citizen, like Hulme or Boswell, can compel the government to justify itself in open court [34]. This falls in line with principles of environmental justice and procedural equity which advocate that everyone affected should have a say, showing that judicial review is a tool of equity when used appropriately [4].

However, the case studies show that there are certain inequitable aspects at play. Not all communities have the resources nor the organisational capacity to launch a complex legal challenge. It falls to well organised groups with access to donor funding or pro bono legal help to bring forth these cases. This skews which environmental issues are litigated and there is a risk of elite capture of

environmental litigation [35]. The HS2 litigation saw well-funded organisations and local councils in the fray; arguably, ordinary rail passengers had no direct voice in that courtroom even though they had much at stake in the development. Judicial review tends to prioritise the interests of those who initiate the action which need not necessarily correspond with the wider public interest.

There is also an equity question that emerges in the outcomes of judicial reviews. If a challenge succeeds in quashing a project approval, the benefits of that are shared but the costs of delay or cancellation fall on society at large through lost economic opportunities and jobs, delayed emissions reductions etc [16]. Conversely, if the challenge fails, the claimants bear their own legal costs whereas the project proceeds possibly without having substantially addressed the grievances. Equity cuts both ways. One can draw upon the Den Brook litigation here as an illustration of this. Was it equitable for a handful of households to have held up a project that was meant to supply renewable energy to thousands of households? Would it also have been equitable to subject those household to years of disruptive noise if their rights had not been asserted? The equity dilemma confronts value judgements about whose interests matter more: local communities, global communities, the environment itself, or national economic welfare [16]. Importantly, judicial review does not answer those questions directly because it deals with legality and not policy merits. However, by becoming a medium for these interests, it indirectly arbitrates equity by sometimes favouring the status quo and localism when it delays change and other times promoting long-term collective interests when it upholds environmental rules that benefit all [16] [34].

VI. RECOMMENDATIONS

There is a complicated, fragile equilibrium to balance when it comes to recommendations for system reform. Many important environmental rulings have come only because persistent claimants pursued appeals, sometimes after earlier refusals. The ClientEarth litigation over air quality plans [14] or the recent Supreme Court decision in the Friends of the Earth Ltd v Heathrow Airport case on climate considerations in airport expansions were hard fought through appellate courts [15], [26]. A too-rigid streamlining of the judicial review could shut out legitimate claims that simply appear repetitive or meritless to a rushed initial reviewer. Therefore, the challenge at hand is to weed out abuse without denouncing genuine environmental advocacy.

H. Primary Ground of Challenge

Firstly, judicial reviews should be constrained to focused grounds. Claimants should be required to identify a primary ground of challenge, with at most one secondary ground permitted subject to the court's leave. This would curb the kitchen sink-esque approach where dozens of grounds of varying merit are pleaded, a phenomenon seen in cases like HS2 which initially had ten grounds [20]. In confining the scope to the strongest issues, the court can assess in more detail the substantive environmental complaint instead of wading through excessive technical arguments. A secondary ground could be allowed if it raises a genuinely distinct and important issue but only with permission at an early stage. This reform would encourage claimants to prioritise the most compelling environmental concerns and makes the environment's voice not only clearer, but more forceful on those points [36]. The intention is not to bar multiple issues when truly necessary, for which the court's discretion to allow a second ground ensures some degree of flexibility. It is instead to align the existing framework more with the notion of proportionality, focusing judicial resources where they matter the most [37].

I. Precedent Binding

Re-litigation of settled issues should also be precluded. Many delays occur when claimants repeatedly challenge points of law that have already been decided by higher courts, hoping for a different outcome under marginally different circumstances [1]. The proposition is for a legislative amendment to prevent repetitive litigation on points of law that are "settled". For example, once the Supreme Court in the A47 case conclusively held that the current method of assessing cumulative carbon impacts was adequate, ensuing challenges to other projects on that same legal basis should not consume court time. In practice, courts tend to dismiss such claims swiftly, but codifying this principle could deter the filing of such claims in the first place. One mechanism to do this could be through an improved *res judicata* or *issue estoppel* as applicable in public law. If a particular legal issue has been authoritatively resolved, any new claim raising it could be struck out at permission stage unless the claimant can demonstrate significantly different material facts or a change in law [1]. This reform protects judicial review's credibility by focusing efforts into unresolved issues

instead of rearguing settled law to buy time whilst also advancing the body of environmental case law.

J. Clearer Policy and Legislation

Legal requirements should also be clarified in the case of cumulative impact judgements [18]. As seen in the A47 case, uncertainty over how to handle cumulative impacts fuels litigation. Either through updated regulations or statutory guidance, the government should clarify how cumulative environmental effects must be assessed for infrastructure projects, especially where climate change is concerned. This clarification could take the form of an amendment to EIA Regulations or a new policy in National Policy Statement [38]. It should specify that for climate impacts, decision makers should consider the aggregate emissions of contemporaneous projects against relevant carbon budgets or targets and explain the significance, or insignificance, of that total [13]. The codification of this would address campaigners' concerns that important context is being ignored while giving developers and authorities a clear method to follow, reducing grounds for dispute. Furthermore, guidance should require transparency in cumulative assessments, showing how different projects and external factors are accounted for to build public confidence [16]. Even beyond climate, this recommendation extends to other issues related to both the environment and communities. It helps the environment, through more comprehensive yet targeted assessments, and developers through legal uncertainty, therefore amplifying substantive environmental considerations rather than procedural ambiguity [18].

As an accompaniment to these main primary recommendations, broader measures might be required to support their effectiveness [39]. One of these, for example, might be the courts being encouraged to appoint an amicus curia, "a friend of the court" to represent environmental perspectives like the Office for Environmental Protection in major cases that ensure that nature's interests are fully aired even if the technical ground itself is narrow. Implementing stricter timelines for court decisions in infrastructure cases, as per the government plans for the Court of Appeal and Supreme Court, can prevent drawn-out uncertainty so that judges treat the cases with the required urgency where public interest is at stake [18]. There might also be space for alternative dispute resolution mechanisms in planning disputes that can facilitate dialogues or environmental mediation between developers, statutory consultees and objectors early in the process to resolve some concerns without litigation, embodying principles of co-creation, reducing polarisation [16].

VII. CONCLUSION

Infrastructure planning for the net zero transition sits in a delicate space of urgent necessity and contentious impact. Judicial review has emerged as an important area for citizen engagement and environmental advocacy that allows the voice of the environment to be heard, albeit indirectly, in decisions that shape environmental and infrastructure futures. The analysis of HS2, A47 and Den Brook windfarm shows that this voice can influence outcomes by exposing legal shortcomings, prompting better environmental mitigation and occasionally even halting unlawfully permissive decisions. It also highlights that the current legal framework is fundamentally anthropocentric and procedurally cumbersome, both of which are qualities that risk the under-representation of nature's value and an over-extension of litigation.

The reforms proposed are ones aimed at harmonising the objectives of environmental justice and infrastructure development. The refocus of judicial review on the most pressing of matters, preventing re-litigation of settled matters and clarification of environmental assessment duties would mean that the legal process becomes more efficient and predictable without stripping away the citizen right to challenge. In fact, if anything, these reforms when coupled with continued openness of the courts to public interest claimants, would strengthen environmental protections because when a judicial review would be brought, it would be one that is meaningful. The equities of participation are also better facilitated by a process that is accessible, clear in scope and standards, and not easily monopolised by those with resources to exploit legal grey areas [40].

In conclusion, judicial review, as an avenue of legitimacy but also a safeguard of the quality of the net zero transition, should neither be eviscerated in the name of efficiency nor left so unstructured that it becomes a stopper on all change. The voice of the environment in legal terms may perhaps always be dependent on translation through human vehicles, but this does not mean that the law cannot evolve to listen more eagerly [25]. This involves respecting ecological limits and addressing procedural abuses that drown out the signal with noise. Evolution in such manner means the UK can ensure that moving towards net-zero is a process that upholds the rule of law but is responsible to the planetary systems it is meant to protect [27], [41], coexisting in a productive balance instead of being pitted against each other in a zero-sum game.

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