

R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)

Case ID: 2022/0064

Case summary

Issue

Under Directive 2011/92 EU of the European Parliament and of the Council and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, was it unlawful for the Council not to require the environmental impact assessment for a project of crude oil extraction for commercial purposes to include an assessment of the impacts of downstream greenhouse gas emissions resulting from the eventual use of the refined products of the extracted oil?

Facts

In December 2018, the second respondent, Horse Hill Developments Ltd, sought planning permission from the first respondent, Surrey County Council ("the Council"), to retain and expand an existing onshore oil well site (comprising two wells) and to drill for four new wells, enabling the production of hydrocarbons from six wells over a period of 25 years. The environmental impact assessment for the project considered the environmental impacts of "the direct releases of greenhouse gases from within the well site boundary resulting from the site's construction, production, decommissioning and subsequent restoration over the lifetime of the proposed development." However, it did not assess the environmental impacts of the downstream greenhouse gas emissions that would inevitably result when the oil extracted from the development site was later refined and then used, for example, as fuel. The Council granted planning permission for the development on 27 September 2019. The appellant applied for judicial review of the Council's decision, acting on behalf of the Weald Action Group. Her claim was unsuccessful before the High Court and the Court of Appeal. The appellant now appeals to the Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 187](#)

Parties

Appellant(s)

Sarah Finch

Respondent(s)

- (1) Surrey County Council
- (2) Horse Hill Developments
- (3) Secretary of State for Housing
- (4) Communities and Local Government

Intervener(s)

- (1) Friends of the Earth
- (2) Greenpeace Ltd
- (3) The Office for Environmental Protection
- (4) West Cumbria Mining Ltd

Appeal

Justices

Lord Kitchin, Lord Sales, Lord Leggatt, Lady Rose, Lord Richards

Hearing start date

21 June 2023

Hearing finish date

22 June 2023

Watch hearing

21 June 2023 [Morning session](#) [Afternoon session](#)

22 June 2023 [Morning session](#)