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## Merrow Golden, Environment

Merrow has gained significant experience advising on environmental law and acting in climate change litigation. She has recently acted as junior counsel in:

- **R (ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy [2021] EWCA Civ 43R** (acting for ClientEarth, junior to Gregory Jones QC; on appeal from the High Court in **R (ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy [2020] EWHC 1303 (Admin)**) - a challenge to the Secretary of State's decision to grant a development consent order for the development of two gas-fired power stations in Selby, North Yorkshire, which raises important issues inter alia on how the development's greenhouse gas emissions are to be considered under the Overarching National Policy Statements for Energy (EN-1) and the National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) and statutory framework (permission to appeal has been granted by the Court of Appeal).
- **R (Packham) v Secretary of State for Transport [2020] EWCA Civ 1004** (acting for Chris Packham, junior to David Wolfe QC; on appeal from the Divisional Court in **Packham v Secretary of State for Transport [2020] EWHC 829 (Admin)**) - a challenge to the government's decision in February 2020 to go ahead with the HS2 project following the Oakervee Review, on the basis that the government had failed to lawfully consider the project's environmental effects and climate change impacts.
- **R (Berks, Bucks & Oxon Wildlife Trust) v Secretary of State for Transport and Another [2019] EWHC 1786 (Admin)** (acting for BBOWT, junior to Ned Westaway) - a challenge to the Secretary of State's decision to approve recommendations from Highways England, concerning the preferred corridor area for the Oxford to Cambridge Expressway, on the basis that the Secretary of State had unlawfully failed to carry out both (i) a Strategic Environmental Assessment and (ii) an appropriate assessment under the Habitats Directive.

Merrow also acted for the claimant in a recent challenge to Cumbria County Council's resolution to grant planning permission for a new underground metallurgical coal mine in Whitehaven, Cumbria (junior to David Wolfe QC). The High Court granted permission on all grounds, including that the Council failed lawfully to consider the development's greenhouse gas emissions and the Net Zero target. The claim has since been withdrawn after the developer submitted a revised planning application and Cumbria County Council confirmed

that it will no longer rely on the decision challenged.

Merrow's experience in environmental law also includes:

- Representing Friends of the Earth Northern Ireland at a two-day hearing before the Planning Appeals Commission in June 2018 into the combined enforcement appeal proceedings and regionally significant planning application for the extraction, transportation and working of sand and gravel from Lough Neagh, Northern Ireland.
- Advising a local residents' group in relation to a DCO project, including on air quality, noise and climate change issues.
- Advising on the scope of the section 28G duty in the Wildlife and Countryside Act 1981 in relation to a proposed development within a SSSI.
- Advising a local residents' group on potential challenge grounds to an EIA screening decision, including in relation to the assessment of air quality impacts and impacts on protected species.
- Pro bono advice to a conservation NGO on the scope of environmental assessment required (including under the SEA Directive) for new national policy and plans.
- Pro bono assistance to a local residents' group in relation to the potential environmental impacts of a proposed expanded waste facility.
- Advising on an array of Aarhus costs protection matters.

Merrow regularly speaks on environmental law matters and has lectured on environmental law as part of the KCL Centre of Construction Law & Dispute Resolution's MSc in Construction Law & Dispute Resolution (2019).

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