Methane Emissions from UK Onshore Oil and Gas: Regulation and Redress

King's Legal Clinic

Photo Credits: Théophile Humann-Guilleminot.

KING'S College LONDON

About this Report

The Methane Report is intended as a practical and educational resource analysing the legal landscape of methane regulation in the UK in the context of onshore oil and gas fields. By describing both domestic and international frameworks, and drawing on real-world examples, it examines how weak regulation affects both local communities and broader climate progress. It does not make specific recommendations but instead offers guidance and tools to understand how the law can be used to address methane emissions and promote environmental accountability.

This report, written by students from the King's Human Rights and Environment Law Clinic, was initially researched under a KURF research project to reflect concerns raised by Singleton Forest Watch about methane emissions from the STAR Energy-operated onshore oilfield located in the Singleton Forest, South Downs National Park. Through the Clinic's work with residents and activists in the area, it became clear that despite the UK's ambitious climate commitments, there are significant difficulties in challenging methane emissions and inadequate regulatory oversight.

The report is a small step to address the wider issue of public inaccessibility to information and legal remedies available to address methane pollution. It seeks to increase awareness of the importance of ensuring effective monitoring and regulation of onshore oil and gas fields for the UK to reach its climate goals. It outlines methods for concerned citizens, policymakers, and legal practitioners to hold government and private actors accountable.

The toolkit is produced as a guide to inspire action and not a definitive statement of the law. We apologise for any errors. We welcome any comments and feedback to King's Human Rights and Environment Law Clinic at: hre-kingslegalclinic@kcl.ac.uk.

1. Introduction

The discovery of oil and gas in England occurred by chance in the 19th century.[1] Various oil and gas sites were established, and numerous gas explosions occurred before the 1934 Petroleum Act passed, establishing the petroleum licensing regime.[2] The first of these licences was given to D'Arcy Exploration Company Ltd, a subsidiary of what would later become the British Petroleum Company ('BP').[3] There are now 92 active onshore oil and gas sites in England and Wales with 279 wells operating.[4] In August 2023, two new onshore oil and gas sites were authorised.

Photo of HRE Clinic visit to Singleton Forest onshore oil field with Clean Air Task Force and Singleton Forest Watch.

[1] British Geological Survey and Department of Energy and Climate Change, *Jurassic Weald Shale Study* (2014), Available at: https://assets.publishing.service.gov.uk/media/5a7d722fe5274a7b50ccf04b/BGS_DECC_JurassicWealdShale_study_2014_MAIN_REPORT.pdf, p.9.

[2] Ibid, p.12.

[3] Ibid, p.12.

[4] Friends of the Earth, 'Fossil fuels: Interactive map highlights sites where new or extended onshore extraction activity planned', Available at: https://friendsoftheearth.uk/climate/fossil-fuels-interactive-map-highlights-sites-where-new-or-extended-onshore-extraction.

This report was inspired by the King's College Human Rights and Environmental Legal Clinic's ('HRE Clinic') work with activists in the South East of England, concerned about the poorly regulated onshore oilfield (owned and operated by STAR Energy) nestled in the middle of the Singleton Forest of the South Downs National Park. The citizens concerned (now known as Singleton Forest Watch) sought to challenge the oilfield's permits which allowed for the unlimited release of methane into the atmosphere. The Environmental Law Foundation ('ELF') referred the group, who are looking for a legal remedy to halt the unlimited release of methane, to the HRE Clinic. The case demonstrated that despite the UK's significant climate and methane pledges, there was a lack of legal redress for citizens to hold the Government accountable. The HRE Clinic visited the site with Singleton Forest Watch, and Clean Air Task Force observing gas leaks in the form of venting and flaring - poor standards of care attributable to oilfields from past generations. The challenges in this case encouraged the HRE Clinic to raise the case at a policy level, sending submissions to the House of Lord Inquiry on Methane and developing this report. The hope is to increase awareness of the importance of ensuring effective redress, combined with monitoring and regulation of onshore oil and gas fields relating to methane emissions in order for the UK to reach its ultimate climate goals.

Scope

Methane has an atmospheric lifespan of 12 years and a warming impact 86 times greater than carbon dioxide ('CO2') over a 20-year period.[5] By prioritising the reduction of methane over other greenhouse gases, a greater and more efficient reduction in warming impact can be achieved. The focus of this report is an analysis of the legal remedies available to address onshore ground-to-air methane emissions from venting, flaring, and fugitive releases in the oil and gas sector in the jurisdiction of England and Wales, exploring and evaluating the legal frameworks and mechanisms that can be employed to mitigate these emissions. By focusing on legal remedies, this report aims to contribute to the academic discourse on environmental law and climate change mitigation, and to provide policymakers, legal practitioners, activists, and researchers with an overview of the legal tools available to combat methane emissions.

A detailed exploration into the three main phases of an onshore site: *exploration*, *exploitation* (production), and *decommissioning* will be considered in line with the current national laws that can be invoked against the government and/or the private sector. Following an overview of the domestic legal framework, the report will consider the international legal framework and treaties agreed by the UK government which also contribute significantly to methane reduction efforts. The report will then examine the legal remedies available against public and private actors, using case studies. Finally, examples of good practice will be considered to help compare the UK's position to other countries with similar obligations.

[5] European Commission, 'Methane emissions' (EU Energy – Carbon Management and Fossil Fuels), Available at: https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/methane-emissions_en.

For the sake of clarity, reference to policy in this report apply to the entirety of the UK (England, Wales, Scotland and Northern Ireland). Mentions of legal remedies and law will relate to the jurisdiction of England and Wales only.

2. UK Legal Framework

Chapter Summary:

This section outlines on the domestic legal framework governing oil and gas operations through the three key phases: exploration, exploitation, and decommissioning, each with distinct regulatory requirements. It highlights the key agencies and legislation overseeing ground to air emissions of methane (venting, flaring, and leaking), and reviews recent policy developments including the House of Lords Methane Report, and the Methane Action Plan.

The Three Stages

A suggested starting point for considering the legal framework in relation to a site or well is to consider which phase it has reached: the exploration, exploitation, or decommissioning phase. Each stage requires distinct permits and licenses, overseen by the Environment Agency ('EA'), North Sea Transition Authority ('NSTA'), Health and Safety Executive ('HSE'), and Local Mineral Planning Authority ('MPA'). These frameworks indicate the responsibilities of operators and public bodies to manage methane risks and carry out proper due diligence.

Stage 1: Exploration Phase (Site Selection and Planning)

Environmental Permits

A company seeking to explore or exploit hydrocarbon reservoirs must submit applications for permits and licenses to the EA, NSTA, HSE and MPA. The EA issues a variety of environmental permits under Part II of The Environmental Permitting Regulations 2016.[6] These could be permits relating to groundwater activity, A1 installation, water discharge, and/or flood risk activity.[7] The EA may consult the HSE, Public Health England ('PHE'), the local MPA, Natural England and water companies at its discretion depending on the nature of the permit and site.[8] Copies of these permits are accessible to the public through Freedom of Information Act Requests or Environmental Information Regulation Requests (see further Chapter 5, Legal Remedies). They may also be published in Public Registers online.[9]

[6] GOV.UK, 'Permits and Other Permissions for Onshore Oil and Gas Activities', Available at: https://www.gov.uk/guidance/onshore-oil-and-gas-sector-guidance/1-permits-and-other-permissions-for-onshore-oil-and-gas-activities; Environmental Permitting (England and Wales) Regulations 2016, Part II.

[7] Ibid.

[8] GOV.UK, 'Applying for Your Environmental Permits', Available at: https://www.gov.uk/guidance/onshore-oil-and-gas-sector-guidance/6-applying-for-your-environmental-permits, 6.6.

[9] GOV.UK, 'Public Registers Online', Available at: https://environment.data.gov.uk/public-register/view/index.

Conditions for Licensing

The Oil and Gas Authority (now the North Sea Transition Authority ('NSTA')) is responsible for determining applications for the licensing of hydrocarbon exploration and exploitation under reg. 3 of the Hydrocarbons Licensing Directive Regulations 1995 (Licensing Regs 1995).[10] The key conditions for the licensing are contained in the Licensing Regs 1995. Though this does not mention methane specifically, the Licensing Regs 1995 address the effects of hydrocarbons in reg. 4, "the scope and application of terms and conditions". Public health and the environment are all relevant concerns under this regulation.[11] For onshore hydraulic fracturing ('fracking'), an additional license is needed from the NSTA under s. 4A of the Petroleum Act 1998.[12] However since 2022, a moratorium on fracking has been put in place by the government, forbidding licenses to be granted for this practice.[13]

Flaring Waste

A gas or oil operator must obtain an installation permit if they are flaring more than 10 tonnes of waste per day, under reg. 12 of The Environmental Permitting Regulations 2016 and relevant provisions in Schedule 1 and Schedule 20.[14] A mining waste permit is needed if they are flaring less than 10 tonnes per day.[15] The EA has a duty to regulate flaring to ensure safety. Companies are expected to use Best Available Technology, ('BAT'), to prevent or reduce 'waste', but if this is not possible then they must reduce their emissions and their impact on the environment under sch. 8 of The Environmental Permitting Regulations 2016.[16] Guidance is given by the EA on what materials can be defined as 'waste'.[17]

Complex, Multifaceted Activities

If the proposed activities do not fit within standard rules, or if multiple interconnected activities will be carried out, the operator must obtain a bespoke environmental permit from the EA.[18] In cases where more than 20 cubic meters of water per day will be abstracted, a water abstraction

[10] Hydrocarbons Licensing Directive Regulations 1995 (HLDR 1995), reg. 3.
[11] HLDR 1995, reg. 4(2)(c); reg. 4(2)((e)-(f)).
[12] Petroleum Act 1998, s4A.
[13] UK Parliament, 'Business Update', Available at: https://questions-statements.parliament.uk/written-statements/detail/2022-10-27/HCWS346.
[14] Environmental Permitting (England and Wales) Regulations 2016 (SI 2016/1154), reg. 12(1), sch. 1, sch. 20.
[15] Ibid, sch. 20.
[16] The Environmental Permitting (England and Wales) Regulations 2016, sch. 8(4)(e).
[17] GOV.UK, 'Check if your material is waste', Available at: https://www.gov.uk/guidance/check-if-your-material-is-waste.
[18] GOV.UK, 'New bespoke environmental permit: application forms (England)', Available at: https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit.

license is required. This license application must include an assessment of water needs, particularly if hydraulic fracturing ('fracking') is involved.[19]

Drilling Activities

Before drilling a new borehole for hydrocarbon or mineral extraction, or extending an existing one, the company must submit a Notice of Intention to Drill for Minerals to the EA, including a method statement to protect groundwater and surface water.[20] Also, planning permission must be obtained from the relevant MPA. An Environmental Impact Assessment ('EIA'), is needed if the project falls within Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.[21] If a project falls within Schedule 2, an EIA is needed if local planning authorities believe the activity will have significant effects on the environment.[22] Most oil and gas fields will fall within Schedule 1, and will so require an EIA. It is the local planning authority's responsibility to inform the relevant consultation bodies and individuals who may have an interest in the proposed EIA application, so that they have an opportunity to object.[23]

Production of Dangerous Substances

If the company has specific quantities of dangerous substances on site, they must comply with the Control of Major Accident Hazards ('COMAH') Regulations 2015. BAT is the use of "available techniques which are the best for preventing or minimising emissions and impacts on the environment".[24] The Industrial Emissions Directive was transposed into UK law, and outlines industry standards for reducing harmful waste emissions.[25] It sets out criteria for determining BAT including using "low-waste technology" and "less hazardous substances" (Annex III).

---

[19] GOV.UK, 'Apply for a water abstraction or impounding licence', Available at: https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence.

[20] GOV.UK, 'Form guidance WR9: Water Resources Act 1991 (Section 199(2))', Available at:https://assets.publishing.service.gov.uk/media/5c92592ee5274a29ac89a2ab/Form_guidance_WR9_drilling_for_minerals.pdf.

[21] GOV.UK, 'Environmental Impact Assessment', Available at: https://www.gov.uk/guidance/environmental-impact-assessment#legislation-covering-environmental-impact-assessment.; Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 1.

[22] The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 2; See also s4(2) for the required contents of the EIA, particularly the identification of significant direct and indirect effects of the proposed development on population, human health, biodiversity (including special attention to protected species and habitats), land, soil, water, air, climate, and their interaction.

[23] Part V of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, s19.

[24] GOV.UK, 'Best available techniques: environmental permits', Available at: https://www.gov.uk/guidance/best-available-techniques-environmental-permits .

[25] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

Stage 2: Exploitation Phase (Drilling, Development & Extraction)[26]

Once a viable reserve is identified, and the company has received all necessary permits and licenses, the focus shifts to the exploitation phase. Drilling operations may begin to extract oil and gas.

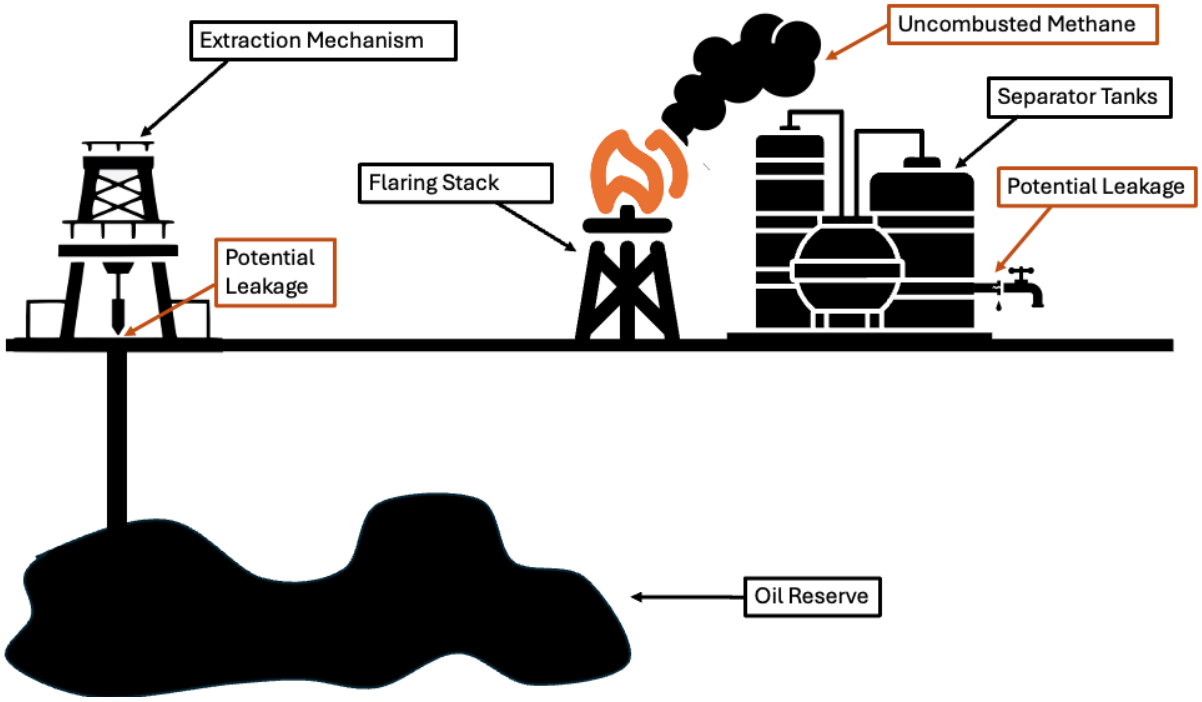

Figure 1

One of the basic processes of extracting oil from the ground is depicted in Figure 1 above. The extraction mechanism is used to bring oil from the oil reserve to the surface through suction. The flaring stack burns excess, or waste gases created through the process. The separator tanks separate the crude oil, natural gases and water that is extracted. There are other processes such as fracking and acidizing which attempt to access harder to reach oil. These processes can be even more harmful to the environment where it occurs (although there currently is a fracking moratorium as mentioned before).

Various statutes and regulations require government agencies and operators to ensure they are minimising the risk of environmental harm. Understanding the obligations on agencies and operators during this phase is critical to effective monitoring.

[26] This is also called the "Production Phase".

General Duty to Prevent and Remediate Environmental Harm

Operators have a general duty to prevent and remediate any environmental damage that may occur during all phases of the oilfield cycle under s. 13 of The Environmental Damage Regulations 2015.[27] This means preventing any adverse effects or contamination of land or water that may risk human health. Environmental damage also includes adverse effect to protected species or their habitat.[28] In particular, this includes an obligation to mitigate and address any methane emissions from the wells and/or installation of infrastructure.[29] The EA has the power to prosecute for failure to comply.[30]

Investigation of Company's Compliance

The EA has the power to investigate and examine a company's compliance with the conditions of the licences they have been granted (e.g. licensing of hydrocarbon exploration and exploitation) and of environmental legislation, under s. 13 of the Environmental Protection Act 1990.[31] This also includes criminal investigative powers. The EA and the Department of Environment, Food & Rural Affairs ('DEFRA') have released information for companies to understand what is required from them to prove they are compliant with their permits and licences.[32] The EA has a duty to ensure that BAT is used to reduce or prevent the emission of pollution (which includes methane) into the environment.

Ozone

DEFRA has a legal duty to monitor and classify concentrations of ozone, under Chapter 2 of The Air Quality Standards Regulations 2010.[33] As methane is a precursor to ozone, these measurements may in some instances highlight the prior existence of methane in that area.

Employer Obligations re Worker Safety

The employer's obligations to assess the risk to health from hazardous substances or to ensure worker safety during exploration and exploitation activities, are listed under s. 13(1) of The Control of Substances Hazardous to Health Regulations 2002. Employers have the duty to undertake a risk assessment and take appropriate steps to provide health and safety arrangements

[27] The Environmental Damage (Prevention and Remediation) (England) Regulations 2015, s13.
[28] Directive 2004/35/CE of the European Parliament and of the Council.
[29] Environmental Damage (Prevention and Remediation) (England) Regulations 2015, reg. 13.
[30] GOV.UK, 'Environmental damage offences', Available at: https://www.gov.uk/government/publications/offence-response-options-environment-agency/environmental-damage-offences.
[31] Environmental Protection Act 1990, s13.
[32] GOV.UK, 'Control and Monitor Emissions for Your Environmental Permit', Available at:https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit.
[33] Chapter 2 of Part II of The Air Quality Standards Regulations 2010.

to minimise this risk, under The Management of Health and Safety at Work Regulations 1999.[34] Employers must also report any dangerous incidents or injuries that occurred at work to the HSE, under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.[35]

Duty to take Practical Steps to Prevent Damage

It is not just the regulators that must monitor the company exploiting the hydrocarbon reservoir to ensure compliance. Companies must take all practicable steps to prevent any damage where there are reasonable grounds to believe it will become environmental damage, under The Environmental Damage Regulations 2015.[36] They must also disclose relevant details to all relevant authorities which the operator believes to be appropriate. These may include local authorities or national authorities such as the authority who granted any permissions, the Environment Agency, and Natural England etc. Where a company has already caused environmental damage or believes the damage they have already caused will become environmental damage, they must take all practicable steps to prevent further damage and notify all relevant authorities of all relevant details.[37] Any of the company's duties to prevent environmental damage may be carried out by the enforcing authority in an emergency, if the identity of the company cannot be ascertained or it fails to comply with notices.[38]

Stage 3: Decommissioning and Closure Phase

The decommissioning and closure phase marks the end of the lifecycle of an onshore oil and gas extraction facility. This may arise if the company decides they no longer wish to extract from the well or site, the licence to exploit has ended/not been renewed, or by order of the relevant authority or Court. This phase involves the safe cessation of operations, the dismantling of infrastructure, and the restoration of the site to an acceptable environmental condition. It is a critical phase where the risk of methane emissions can still be significant, particularly if wells are not properly sealed or if infrastructure is not adequately decommissioned. The regulatory obligations during this phase focus on ensuring decommissioning activities do not lead to environmental harm and that the site is restored to a state that does not pose future risks.

Decommissioning Requirements

Operators have a duty to decommission oil and gas infrastructure in accordance with approved decommissioning programmes. Regulatory Position Statement ('RPS') 254 lists the conditions

[34] The Management of Health and Safety at Work Regulations 1999, s3 and s5.
[35] The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, s3-7.
[36] Part 2 of The Environmental Damage (Prevention and Remediation) (England) Regulations 2015, s13(1).
[37] Ibid, s14(1).
[38] Ibid, s15.

that must be followed when decommissioning oil and gas infrastructure.[39] For example, operators must have the financial resources available to them to fully decommission the well/site. These resources are protected in case of insolvency and the information about these resources must be provided to the Department for Energy Security and Net Zero ('DESNZ') upon request. When abandoning an oil or gas well, further protections for these resources are included such that the operator of the well is required to provide any financial information the NSTA requests by a specified time, under s. 45A of the Petroleum Act 1998.[40] Failure to comply is a criminal offence.[41] However the RPS 254 conditions only apply to onshore oils and gas wells drilled before the 1st October 2013. They do not apply to high volume, high pressure hydraulic fracturing.

Environmental Impact Assessment

A framework for assessing environmental impacts of decommissioning activities is provided by The Town and Country Planning (EIA) Regulations 2017.[42] Operators may be required to submit an EIA before decommissioning can commence, particularly if there is a significant risk of methane emissions during the closure process.

Reducing Greenhouse Gas Emissions

BAT must also be used during decommissioning activities to minimise greenhouse gas emissions, based on Article 3(10)(a) of the Industrial Emissions Directives. [43]

Legislation Summary by Phase

Exploration Phase	**Exploitation Phase**	**Decommissioning and Closure Phase**
• Permits required under the EA, NSTA, HSE, MPA • The Hydrocarbons Licensing Directive Regulations 1995 • Petroleum Act 1998	• Environmental Damage (Prevention and Remediation) (England) Regulations 2015 • Environmental Protection Act 1990	• Energy Act 2008 • Petroleum Act 1998 • The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

[39] GOV.UK, 'Decommissioning standalone onshore oil and gas wells: RPS 254' Available at:https://www.gov.uk/government/publications/decommissioning-standalone-onshore-oil-and-gas-wells-rps-254/decommissioning-standalone-onshore-oil-and-gas-wells-rps-254.

[40] Petroleum Act 1998, s45A.

[41] Ibid, s45A(8).

[42] The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

[43] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions, Article 3(1)(a).

• The Environmental Permitting (England and Wales) Regulations 2016 • The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 • The Control of Major Accident Hazard ('COMAH') Regulations 2015 • Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions	• The Air Quality Standards Regulations 2010 • The Control of Substances Hazardous to Health Regulations 2002	• Industrial Emissions Directives.

Government Policy Position and Developments

DESNZ has certain target duties. Methane has been recognised as a target greenhouse gas in the UK's long-term emission reduction targets under the Climate Change Act 2008.[44] DESNZ is responsible for ensuring the net UK carbon account for 2050 ('the 2050 target') is at least 100% lower than the 1990 baseline.[45] It is also their responsibility to create five-year budgetary periods and ensure that the net UK carbon account does not exceed the budget in any five-year period, while working towards 2050.[46] In October 2025, the UK government released a 'Progress Report to Parliament in Adapting to Climate Change'.[47] The report states that DESNZ is focusing on implementing policy and regulation that will build the UK's climate resilience. This includes the

[44] s1 explains the 2050 target, s4 explains carbon budgets, s24(1)(b) and s92(1)(b) explain how methane is a target greenhouse gas within this act.
[45] Ibid, s1.
[46] Ibid.
[47] GOV.UK, 'Government response to the Climate Change Committee 2025 adaptation progress report' Available at: https://www.gov.uk/government/publications/government-response-to-the-climate-change-committee-2025-adaptation-progress-report/government-response-to-the-climate-change-committee-2025-adaptation-progress-report.

possibility of setting resilience standards for the energy sector. They have also launched a workplan alongside the Met Office to "translate climate science into actionable insights".[48]

House of Lords Methane Report

On 10 December 2024, the House of Lords' Environment and Climate Change Committee (the Committee) published the report 'Methane: keep up the momentum', after an Inquiry launched in March 2024.[49] The Inquiry examined "the UK's contributions towards achieving the Global Methane Pledge", with the aim of assessing progress in reducing domestic methane emissions across the three highest-emitting anthropogenic sectors: energy, agriculture, and waste management.[50] It also evaluated the UK's role in tackling methane emissions globally to identify which government actions might have the greatest impact. The Committee heard evidence from "academics, representatives from the oil and gas, waste management, and agriculture sectors, environmental advocacy groups, regulators, and the previous Government".[51] The Committee accepted evidence from Singleton Forest Watch, which was prepared by the King's College Legal Clinic, with the aim of supporting recommendations for "improved monitoring and regulation, and a ban on routine flaring and venting".[52]

The Inquiry provides a detailed review of methane emissions, mitigation and regulation and highlights the need for the UK to strengthen its methane reduction targets. The Committee recommended that the UK Government publish a methane action plan. It also encouraged diplomatic efforts to maximise international impact, including by supporting the creation of an international body to verify Methane Pledge participants' methane action plans. The report also called for improved monitoring and verification, particularly in recording methane flaring, venting, and leaks, to ensure stronger accountability for unlawful methane emissions. The Committee identified flaring and venting as the greatest sources of methane emissions from the UK oil and gas industry and called for greater transparency in addressing these challenges. Specific recommendations included incorporating methane into the UK Emissions Trading Scheme. [53]

[48] Ibid.
[49] House of Lords, Environment and Climate Change Committee, 'Methane: keep up the momentum', HL Paper (2024-25) 45 (UK Parliament, 10 December 2024).
[50] Ibid, p. 11.
[51] Ibid, p. 13.
[52] King's Legal Clinic, '*Written Evidence from Singleton Forest Watch (MET0046)*' (13 August 2024), Available at: https://committees.parliament.uk/writtenevidence/129768/html/ (accessed on 07/10/2025).
[53] Ibid.

Methane Action Plan

In October 2025, following the House of Lords Report, and in advance of CoP 30 the government released the UK Methane Action Plan.[54] The government claimed this aimed to spearhead global efforts towards climate change mitigation. This represents a positive step, but it lacks a clear plan for implementation. The plan advances a renewed commitment by the government to achieving net zero emissions by 2050, and to advancing the global methane pledge target of reducing methane emissions by 30% by 2030. It refers to the UK's significant progress in cutting emissions by 62% since 1990 and highlights that methane - given its warming effect of 86 times more potent over 20 years than CO2 - is critical for short term climate mitigation. The plan delineates credible strategies focused on the agriculture, waste, and fuel supply sectors but offers no substantive policy commitments regarding onshore oil and gas operations. This omission demonstrates a key gap in tackling domestic emissions that impact local communities and undermines the right to a safe and healthy environment. Without clear regulatory measures to manage methane from onshore oil wells, the Plan risks overlooking a major mitigation opportunity - given that 70% of onshore emissions could be prevented using existing technology and 45% at no extra cost.[55] Therefore, while the plan reinforces the UK's position as a global leader in climate action, further targeted policy is needed to ensure comprehensive methane reduction across all sectors.

[54] UK Government, *The UK's Methane Action Plan* (October 2025), Available at: https://assets.publishing.service.gov.uk/media/6901f73a71b575684c3cf7ad/uk-methane-action-plan.pdf.

[55] Weald Action Group, 'Methane Action Plan Response' (Weald Action Group, October 2025), Available at: https://www.wealdactiongroup.org.uk/2025/10/methane-action-plan-response/.

3. International Legal Framework

Chapter Summary:

This section details recent decisions from international courts and tribunals, summarises key international agreements and conventions, and discusses the role of soft law complaint mechanisms. International law requires states to address greenhouse gas emissions, but it is not generally binding or easily enforceable in UK Courts. Yet, given the transboundary nature of greenhouse gas emissions like methane, international legal frameworks are key to understanding state responsibilities. A series of judgments in 2024-2025 present an opportunity to change the approach of domestic Courts if applied strategically. The international law frameworks discussed below provide helpful background and may serve as advocacy tools for domestic climate action.

United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change ('UNFCCC') is the foundational international climate agreement that entered into force on 21 March 1994.[56] With 198 Parties, including the UK, it represents near-universal participation in global climate action.[57] The Convention's primary objective was to stabilise greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic interference with the climate system…within a time-frame sufficient to allow ecosystems to adapt naturally to climate change".[58]

The UNFCCC acknowledges that industrialised nations have historically been the largest contributors to global emissions.[59] Consequently, the UNFCCC placed greater responsibility on developed nations (including the UK, Australia, and Germany) to lead emission reduction efforts. These countries, classified as Annex I parties under the Convention, have committed to "adopt national policies and take corresponding measures on the mitigation of climate change".[60] They must also submit National Communications every four years, and biennial reports every two years, documenting their emission reduction progress.[61]

---

[56] 'What is the United Nations Framework Convention on Climate Change?' (United Nations Climate Change), Available at: https://unfccc.int/process-and-meetings/united-nations-framework-convention-on-climate-change.

[57] Ibid. Note: 198 Parties as of November 2025.

[58] United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107, Article 2.

[59] See: 'About Carbon Majors' (Carbon Majors: An Influence Map Platform), Available at: https://carbonmajors.org/EN/index.html.

[60] UNFCCC, Article 4(2).

[61] UNFCCC, 'Preparation of National Communications and Biennial Reports' (United Nations Climate Change), Available at: https://unfccc.int/preparation-of-ncs-and-brs.

A key provision of the UNFCCC is Article 7, which establishes the Conference of the Parties ('COP').[62] The COP meets annually and reviews the implementation of the UNFCCC as well as promoting its effective implementation.[63] In 2021, at the COP 26 in Glasgow, 158 countries joined the Global Methane Pledge ('GMP').[64] Participants agreed to take voluntary actions to contribute to a collective effort to reduce global methane emissions by at least 30% from 2020 levels by 2030.[65] These are not national reduction targets, but a collective global goal. In November 2024, in an effort to support the collective delivery of the GMP, the UK Government announced £5 million to assist developing countries tackle methane emissions in their fossil fuel sectors.[66] This year, at the COP 30, Brazil, China, and the UK, co-hosted a Methane Summit to address initiatives to accelerate global action on methane, including the announcement of the launch of a multiyear "Super Pollutant Country Action Accelerator".[67] This initiative is aimed to fast-track deep reductions in methane and hydrofluorocarbons across 30 developing countries by 2030. Additionally, the UK announced a collective effort to reduce methane emissions as a defining pillar of climate action in its statement on "Drastically Reducing Methane Emissions in the Global Fossil Fuel Sector".[68]

Paris Agreement

The Paris Agreement was adopted at the COP 21 in 2015.[69] State parties to the Paris Agreement must submit Nationally Determined Contributions ('NDCs') every five years, which reflect their national climate action plans.[70] The NDCs must include greenhouse gas emissions ('GHG') reduction, mitigation and adaptation targets, and each NDC must reflect an increasingly higher

---

[62] UNFCCC, Article 7.

[63] Ibid.

[64] Global Methane Pledge, 'About the Global Methane Pledge' (Global Methane Pledge), Available at: https://www.globalmethanepledge.org/.

[65] Department for Energy Security & Net Zero, 'United Kingdom Methane Memorandum', Available at: https://www.gov.uk/government/publications/united-kingdom-methane-memorandum/united-kingdom-methane-memorandum.

[66] GOV.UK, 'UK's 2035 Nationally Determined Contribution (NDC) emissions reduction target under the Paris Agreement', Available at: https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement, p. 20.

[67] COP 30 Brasil, 'A Turning Point for Methane: Leaders Move to Pull the Climate Emergency Brake at COP 30', Available at: https://cop30.br/en/news-about-cop30/a-turning-point-for-methane-leaders-move-to-pull-the-climate-emergency-brake-at-cop30; Climate & Clean Air Coalition, 'CCAC Super Pollutant Country Action Accelerator', Available at: https://www.ccacoalition.org/content/ccac-super-pollutant-country-action-accelerator.

[68] Climate & Clean Air Coalition, 'Statement: Drastically Reducing Methane Emissions in Global Fossil Fuel Sector', Available at: https://www.ccacoalition.org/content/statement-drastically-reducing-methane-emissions-global-fossil-fuel-sector.

[69] United Nations, 'The Paris Agreement' (United Nations Climate Action), Available at: https://www.un.org/en/climatechange/paris-agreement.

[70] Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 79, Article 4(9).

degree of ambition compared to the previous version (as reaffirmed in both the European Court of Human Rights' *Klima Seniorinnen* judgment and the International Court of Justice ('ICJ') Climate Change Advisory Opinion discussed below).[71]

As part of the UK's obligations under the Paris Agreement, it released its NDC in January 2025.[72] The NDC affirmed that the UK is taking "domestic action across the agriculture, waste, and fossil fuel sectors to reduce methane emissions" and intends to deliver on the GMP.[73] The Climate Action Tracker, an independent resource that tracks government climate action and measures it against the obligations agreed to in the Paris Agreement, rated the UK's efforts as insufficient.[74]

European Convention on Human Rights

The UK European Convention on Human Rights ('ECHR'), which is incorporated into UK law through the Human Rights Act 1998. This means that Convention rights are directly enforceable before UK Courts, making them more effective than many other international law obligations. While the UK remains bound by the Convention post-Brexit, most human rights challenges are resolved domestically, and a very limited number of UK cases proceed to the European Court of Human Rights ('ECtHR') each year.[75]

Despite having no direct environment-related provisions, the ECtHR has increasingly addressed environment-related claims. In *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (see case summary below), the Court held that inadequate legislative measures on GHG emissions could amount to a breach of Article 8 of the ECHR (the right to respect for private and family life).[76] This decision marked an important development in recognising the human rights implications of climate inaction.[77] Building on this reasoning, in *R (Fighting Dirty Ltd) v (1) The Environment Agency and (2) The Secretary of State for Environment Food and Rural Affairs*, a 2024 judicial review, Mr Justice Fordham KC cited *Verein KlimaSeniorinnen* as authority for the

---

[71] Ibid.

[72] GOV.UK (n 66).

[73] Ibid, p. 56.

[74] Climate Action Tracker, 'United Kingdom', Available at: https://climateactiontracker.org/countries/uk/.

[75] Liberty Human Rights, 'What is the ECHR and Why Does It Matter?', Available at: https://www.libertyhumanrights.org.uk/issue/what-is-the-echr-and-why-does-it-matter/.

[76] *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (*Application No. 53600/20, European Court of Human Rights, 9 April 2024) [573], [574].

[77] Note: While the reasoning is important, the implementation leaves a lot to be desired. See: Başak Çali, 'Watch this space, Take 2: Execution of Strasbourg's Landmark Climate Mitigation Judgment Verein KlimaSeniorinnen v. Switzerland' (EJIL: Talk!), Available at: https://www.ejiltalk.org/watch-this-space-take-2-execution-of-strasbourgs-landmark-climate-mitigation-judgment-verein-klimaseniorinnen-v-switzerland/; Corina Heri, 'Implementing KlimaSeniorinnen: The Good, the Bad, and the Ugly' (Oxford Human Rights Hub), Available at: https://ohrh.law.ox.ac.uk/implementing-klimaseniorinnen-the-good-the-bad-and-the-ugly/.

proposition that environmental protection now "embraces "the right to a clean, healthy and sustainable environment" as a "human right".[78]

More specifically on methane, the ECtHR directly addressed its dangers in *Öneryildiz v. Turkey*.[79] This case arose from a methane explosion at a waste disposal site in Istanbul that killed 39 people living in an adjacent informal settlement. The Court found that Turkey had breached its positive obligations under Article 2 (the right to life) by failing to take appropriate legislative and administrative measures despite being aware of the risks.[80] The judgment reinforced the principle that States must take preventive action against environmental hazards, and it awarded both pecuniary and non-pecuniary damages to the victims' families.

In light of ECtHR case law such as *Verein KlimaSeniorinnen* and *Öneryildiz*, it may be argued that the UK has a legal obligation under the ECHR to implement effective legislative and administrative frameworks to prevent and mitigate methane-related risks, to provide adequate public information about such risks, and to take all necessary measures to address and remedy any breaches of these obligations. For example, methane emissions could pose a direct and foreseeable risk to life (Article 2) or interfere with individuals' enjoyment of their homes and private lives (Article 8). The argument is more straightforward in cases of acute, localised harm (such as communities living near oilfields or waste sites with dangerous methane levels) than in global climate change claims, where it may be hard to link say rising sea levels with an oilfield in the south of England. Nonetheless, the trajectory of ECtHR jurisprudence suggests a growing willingness to frame environmental harms, including those linked to methane, within the scope of ECHR rights.

[78] *R (Fighting Dirty Ltd) v (1) The Environment Agency and (2) The Secretary of State for Environment Food and Rural Affairs* [2024] EWHC 2029, para 34.
[79] *Öneryildiz v. Turkey* [GC], App. No. 48939/99, 156, ECHR 2004-XII.
[80] *Öneryildiz v. Turkey* [GC], [89]. They also have a duty to act to inform the public of the risks [75].

Case Summary: *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20, ECtHR, 9 April 2024)

After the Swiss Supreme Court rejected their case in 2020, an association of senior women (*Verein KlimaSeniorinnen*) took Switzerland to the European Court of Human Rights. They argued that inadequate climate policies violated their rights under the ECHR, specifically citing three complaints: (1) that Switzerland's climate inaction violated their rights to life and private/family life (Articles 2 and 8), (2) that the Swiss Supreme Court's rejection was arbitrary and violated their right to a fair trial (Article 6), and (3) that Swiss authorities failed to provide an effective remedy (Article 13).

On April 9, 2024, the ECtHR (in a majority judgment) ruled in favour of the women, finding violations of Article 8 (right to private and family life) and Article 6 (right to a fair trial). Crucially, the Court established that Article 8 includes a right to effective state protection from climate change's adverse effects. The Court found Switzerland had breached this obligation by failing to adopt necessary climate legislation and frameworks, including carbon budgets and national emission limits.

On March 6, 2025, the Committee of Ministers found that Switzerland still had not complied with the ECtHR judgment's requirements.

The World Bank's Zero Routine Flaring

The World Bank launched the Zero Routine Flaring by 2030 Initiative in 2015, a non-binding commitment designed to foster cooperation between governments, companies, and other stakeholders in developing solutions to eliminate gas flaring.[81] Under this pledge, signatories commit to end routing flaring by 2030.[82] Although non-binding, the initiative can play an important role in advocacy efforts, shaping expectations for states and industries. To comply with these efforts, the government announced the non-binding Methane Action Plan in 2024 to reduce methane emissions in England.[83]

[81] World Bank, 'Zero Routine Flaring by 2030', Available at: https://www.worldbank.org/en/programs/zero-routine-flaring-by-2030.
[82] Ibid.
[83] Environment Agency, 'Methane Action Plan 2024 to 2026', Available at: https://www.gov.uk/government/publications/environment-agency-methane-action-plan.

Recent Developments in International Courts

Civil society groups and climate-vulnerable small island states are increasingly seeking guidance from international courts and tribunals to clarify states' climate obligations through advisory opinions and cases.[84]

In May 2025, a petition was filed in the African Court on Human and Peoples' Rights requesting an advisory opinion on the human rights obligations of African states in the context of climate change.[85] This marks the first time such a request has been made in Africa, aligning with a growing global trend of turning to international courts to address the climate crisis.

On 3 July 2025, the Inter-American Court of Human Rights ('IACtHR') released Advisory Opinion No. 32,[86] a 234-page document addressing "state obligations in response to the climate emergency within the framework of international human rights law".[87] The Advisory Opinion interpreted obligations under the American Convention on Human Rights,[88] the Protocol of San Salvador,[89] and the American Declaration of the Rights and Duties of Man.[90] The IACtHR took the groundbreaking step of recognising that the right to a healthy climate (derived from the right to a healthy environment) is a fundamental human right.[91] Also, the Advisory Opinion declared that the obligation not to cause irreversible damage to the climate and the environment is a *jus cogens* norm.[92] A *jus cogens* norm is one that is accepted by the international community as a whole, from which no country may derogate.[93] As such norms are "universally applicable and are hierarchically superior to other rules of international law" this judgment carries significant potential impact for climate obligations worldwide.[94]

---

[84] For more information see: Pacific Islands Students Fighting Climate Change, '#ClimateICJAO Campaign', Available at: https://www.pisfcc.org/icjao-1.

[85] Yusra Suedi, 'Africa's Turn: The African Court's Advisory Opinion on Climate Change' (EJIL: Talk!, 22 May 2025), Available at: https://www.ejiltalk.org/africas-turn-the-african-courts-advisory-opinion-on-climate-change/.

[86] *Climate Emergency and Human Rights*, Advisory Opinion 32/25, Inter-American Court of Human Rights Series A No. 32 (29 May 2025).

[87] Ibid, p. 5.

[88] American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123.

[89] Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (entered into force 16 November 1999) OAS Treaty Series No 69.

[90] American Declaration of the Rights and Duties of Man, OAS Res XXX adopted by the Ninth International Conference of American States.

[91] *Climate Emergency and Human Rights* (n 86), para. 300.

[92] Ibid, paras. 287-294.

[93] Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 33, art. 53.

[94] Draft Conclusion 2, ILC Draft Conclusion on Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*), with commentaries (2022) UN Doc. A/77/10.

A few weeks later, the ICJ issued an Advisory Opinion on states' obligations regarding climate change.[95] The Court was given two questions: First, to address the obligations of states in aligning with climate change laws (including treaties) and second, to outline the legal consequences arising from acts and omissions from states.

In answering the first question, the ICJ outlined the obligations under the Paris Agreement (as discussed above).[96] Specifically, the Court interpreted Article 4 of the Paris Agreement which concerns NDCs and concluded that each NDC "must become more demanding over time."[97] This is important because it clarifies the obligation under the Paris Agreement and ensures that states progress their efforts to combat climate change. In addition, the ICJ discussed the right to a clean and healthy environment and concluded that many human rights cannot be fully realised if the environment they live in is not clean, healthy, and sustainable.[98] The ICJ found that, under international law, the right to a clean and healthy environment is "essential for the enjoyment of other human rights."[99]

On the second question, the ICJ confirmed that countries' obligations include the "duty to prevent significant harm to the environment by acting with due diligence".[100] This finding is important because the ICJ explained that failing to meet this obligation could constitute an internationally wrongful act, potentially triggering the international legal responsibility of the state concerned.[101] Also, the Advisory Opinion recognised that the obligation to prevent significant transboundary harm is *erga omnes*, which means this obligation is owed by states to the international community as a whole.[102] Importantly, this allows any state to hold other states accountable if they fail to fulfil their climate obligations, regardless of whether they are directly affected.

While advisory opinions are not legally binding in the same way as domestic Court judgments, they carry significant weight. This is because they interpret international conventions, clarify customary rules of international law, and establish general principles of law. For the UK, as a signatory to the frameworks discussed above, there is additional pressure to align domestic legislation, regulation, and policy in line with its international commitments.

---

[95] *Obligations of States in Respect of Climate Change* (Advisory Opinion) [2025] ICJ Rep 187.
[96] Ibid, paras. 230-254.
[97] Ibid, para. 241.
[98] Ibid, para. 389.
[99] Ibid, para. 393.
[100] Ibid, para. 457.
[101] Ibid, para. 457; This would allow a state to initiate an action against the state that failed to perform adequate due diligence, which could lead to compensation or cessation of the activity in question (ARSIWA Article 36 and Article 37).
[102] Ibid, para. 440; this reinforces the finding in the old *Trailsmelter* case.

Soft Law Complaint Mechanisms

There are a range of international agreements with 'soft law' complaints mechanisms which may govern either the operating company's conduct or the government agencies' duties. They are known as 'soft law' because they are not enforceable in a court or tribunal but can still allow mediation and exert influence on conduct, while costing very little and avoiding large litigation costs.[103] Two soft law approaches which may be relevant when considering methane emissions are: (1) complaints against a multinational under the Organisation for Economic Co-operation and Development ('OECD') Guidelines[104] and (2) complaints against the state under the Bern Convention.[105]

The OECD Guidelines for Multinational Enterprises promote responsible business practices. While the guidelines are not legally binding, they recommend that corporations conduct "risk-based due diligence" to identify and address adverse environmental impacts, including air, water, and soil pollution.[106] These guidelines apply to entire corporate value chains, covering parent companies, investors, lenders, buyers, and other business partners. When companies violate these principles, complaints can be filed with the relevant country's National Contact Point ('NCP').[107] For oil and gas projects involving multinational corporations, communities may file complaints with the NCP in the company's home country (if it is an OECD member). Previous complaints and additional information are available on the OECD Watch website. As an example, Non-Governmental Organisations ('NGOs') filed an OECD complaint against UK energy company Drax Group PLC for misleading environmental claims, resulting in media exposure of the company's greenwashing practices.

If oil and gas project emissions negatively affect wildlife, complaints may be possible under the Convention on the Conservation of European Wildlife and Natural Habitats, also known as the Bern Convention. The Bern Convention aims to conserve wild flora and fauna in Europe and North Africa, with 50 Contracting Parties. The UK implemented these obligations through the Wildlife and Countryside Act 1981, the Habitats Directive, and the Conservation of Habitats and Species Regulations 2017. The Bern Convention offers a simple, cost-free complaint mechanism allowing

---

[103] For more detail on soft law complaint mechanisms see King's Legal Clinic's previous publication: King's College London Legal Clinic, 'A Rights of Nature Toolkit: How to Protect Rivers in England and Wales', Available at: https://www.kcl.ac.uk/legal-clinic/how-we-can-help/human-rights-and-environment-rights-of-nature, pp. 94-99.

[104] OECD, 'OECD Guidelines for Multinational Enterprises on Responsible Business Conduct' (2023), Available at: https://www.oecd.org/en/publications/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990.html.

[105] Council of Europe, 'Bern Convention' (1979), Available at: https://www.coe.int/en/web/bern-convention/home.

[106] OECD (n 104), p. 34.

[107] Note: The UK's NCP is part of the Department of International Trade. They may be contacted on UK.NCP@trade.gov.uk or +44(0) 20 7215 5000. More information can be found at: https://www.gov.uk/government/organisations/uk-national-contact-point.

individuals and NGOs to challenge member states' failure to protect wildlife habitats and species. Complaints can be submitted using a form on the Convention's website, but only after exhausting domestic judicial and non-judicial remedies.

4. Evidence-gathering and Complaints

Chapter Summary:

This section outlines how communities can build the factual basis for challenging methane emissions. It introduces methods of documenting site activity and community impacts, explains the use of Environmental Information Regulations ('EIR') and the Freedom of Information Act 2000 ('FOIA'), and provides examples of how these tools have been used in practice. It then explains the mechanisms for appeal and oversight if access to information is blocked, providing a pathway from evidence gathering to formal complaints.

Methods of Evidence Gathering

Gathering information is the first step to identify the appropriate remedy and submitting a specific and effective complaint. For the best chances of obtaining any remedy it is crucial to develop a comprehensive understanding of the planning permissions and permits, and the stage of the project. Information that is gathered should be systematically documented. This may comprise photos and videos from physically visiting the operation or documentation about planning, permitting, and operations. Also, it is desirable to collect evidence of any adverse impact on the local community.

In brief, the FOIA and the EIR are mechanisms that allow the public to access environmental or other information. The public body should provide information that falls within FOIA or EIR unless an exemption applies. Any information gathered may assist in submitting a convincing and detailed complaint so that the public authority will take specific action. Perhaps the best source of information is the website of the Information Commissioner.

Freedom of Information Act 2000

Under FOIA, any person can submit requests to a public authority, like the EA, to acquire information held by that authority. Websites like WhatDoTheyKnow share previously submitted 'FOIA' requests and are a good place to search first as well as to learn the proper format in which to submit a request.

This was done successfully by concerned citizens in relation to the Singleton oilfield. They submitted repeated FOIA (and EIR) requests for information on methane emissions to the air, groundwater, and for copies of the various permits granted to the company, IGas Energy PLC (now STAR Energy). Through these requests, Singleton Forest Watch, learned that the EA had granted permission to discharge unlimited methane emissions to air. This information was the basis for complaints and legal action.

Environmental Information Regulations

Allowing a broader scope for access to information than FOIA, the EIR provides another powerful avenue for the public to access relevant information; more specifically information relating to environmental matters which of course includes methane emissions. These regulations, specifically tailored to environmental information, have broader scope than FOIA and include fewer exemptions. EIR can be used to obtain information on emissions, environmental impacts, permitting decisions, and even regulatory monitoring.

Just like FOIA, requests made under EIR must be complied with, unless a valid exemption applies. In both cases, if the information is refused without good reason individuals may submit a complaint to the Information Commissioner's Office ('ICO').

Sample EIR Request

When making such requests, it is essential to be clear and specific about the information that is sought after. This helps the authority provide the most accurate and useful response but also avoids unnecessary delays and clarifications. Most requests are answered for free, unless they are particularly large or complex, in which case, the authority may charge a fee, or in some cases, refuse the request altogether. It is also worth noting that some information may be withheld if its release would not be in the public interest.[108]

An EIR request concerning Singleton Forest is attached below.

[108] UK Government, *Information requests: FOI and EIR procedure* (Gov.uk, 2024) https://www.gov.uk/government/publications/information-requests-foi-and-eir-procedure/information-requests-foi-and-eir-procedure

Dear Environment Agency,

Request under the EIRs 2004 – Onshore gas permit applications

1. We write on behalf of Singleton Forest Watch ("**SFW**") to request information under the Environmental Information Regulations 2004 ("**EIR 2004**")

Background

2. SFW is a group of residents local to the Singleton oilfield in South Downs, who are concerned about pollution caused by methane emissions to air from Singleton, and from other onshore fossil fuel sites in the UK. SFW is interested in the monitoring and regulating of these sites by the Environment Agency under the Environmental Permitting Regulations 2016 ("**EPR 2016**").

3. Under the EPR 2016, those carrying on certain types of activities are required to hold an environment permit. Activities are categorised as Part A(1), Part A(2) or Part B. In essence: Part A(1) is for the largest and most serious types of activities requiring a permit; the incineration of hazardous waste gas and the venting of the methane is an A(1) activity which the EA is responsible for regulating.

4. When exercising functions which relate to Part A(1) or A(2), the EA must seek to achieve, "…a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land." The EA also has a duty under EPR 2016 to limit pollutants emitted at significant quantities, including methane (see paragraph 5.1 of the EA's Environment Agency Methane Action Plan 2024 to 2026).

5. The contents of an environmental permit for Part A installations are governed by Article 14 of the Industrial Emissions Directive 2010 ("**IED 2010**"). Under this article, the regulator should include conditions that (inter alia):
   i) Are set by reference to 'BAT conclusions' for that activity. Permitting authorities may set conditions that are stricter than BAT, if this is necessary to ensure that no significant pollution is caused, or to ensure compliance with environmental quality standards:
   ii) Set emission limit values ("**ELVs**") for polluting substances; and
   iii) Enable compliance with emission limits and other requirements to be assessed.

6. In relation to the Singleton site, SFW has exchanged correspondence with the EA regarding the existing permit, which allows extraction and production of oil at the site, an A(1) activity.

7. The Singleton site permit was issued under the EPR 2016 in 2017 and was varied in 2021 to allow for the operator of Singleton to emit unlimited amounts of emissions of methane from "ground flaring" and "production gas through the vent stack". The 2021 variation, which is currently in place, does not include any ELVs and allows for unlimited flaring and venting. SFW is concerned that, in deciding the 2021 variation, the EA was not compliant with its duties under Article 14 of the IED 2010.

8. The EA has recently confirmed in correspondence (see enclosed response to pre-action correspondence, dated 3 September 2024 (the "Response") that a permit variation will shortly be required in order to implement proposed gas management improvements at the Site (see para 17 and 20 of the Response). In view of SFW's concerns regarding the previous variation decision, SFW has requested to be notified as soon as any permit variation application related to the Singleton Site is received and decided.

9. In light of the developments at the Singleton site, SFW is concerned about A(1) installation permit decisions relating to methane at other gas production sites listed in Annex 1 to this request (the "Annex 1 sites").

<u>Request</u>

10. Please provide the following information under EIR 2004:
    i) A complete list of all pending permit applications made under the EPR 2016 in relation to A(1) activities on Annex 1 sites. Please provide a reference number and postcode for each application.
    ii) A complete list of all pending permit variation applications made under the EPR 2016, including reference numbers, in relation A(1) activities on Annex 1 sites. Please provide a reference number and postcode for each variation application.
    iii) A complete list of all permit variation decisions made by the EA under the EPR 2016 in relation to A(1) activities on Annex 1 sites in the last 12 months.
    iv) For all permit decisions disclosed under para. 10(c) above, please provide:
        i) information on any improvement conditions issued as part of the variation, including copies of any documents by the EA explaining these conditions and information regarding the deadline the EA has mandated for compliance with the improvement condition; and

ii) copies of any documents submitted by operators of the Annex 1 sites in response to the improvement conditions, including copies of any relevant procedures written into the operator's management system.

11. There is a presumption in favour of disclosure of environmental information under regulation 12(2) EIR 2004. In addition, where the environmental information to be disclosed relates to information on emissions, this prevents public authorities from relying on the exceptions in regulation 12(5) sub-paragraphs (d) to (g) of the EIR 2004.

12. In respect of the above request, we also wish to draw your attention to the judgment of the European Court of Human Rights in *Verein KlimaSeniorinnen Schweiz & Others v Switzerland*, which, noting the specific features and complexities of issues concerning climate change, found the following types of procedural safeguards are to be taken into account as regards the State's decision-making process in the context of climate change (para 554):

"(a) The information held by public authorities of importance for setting out and implementing the relevant regulations and measures to tackle climate change must be made available to the public, and in particular to those persons who may be affected by the regulations and measures in question or the absence thereof. In this connection, procedural safeguards must be available to ensure that the public can have access to the conclusions of the relevant studies, allowing them to assess the risk to which they are exposed

(b) Procedures must be available through which the views of the public, and in particular the interests of those affected or at risk of being affected by the relevant regulations and measures or the absence thereof. can be taken into account in the decision-making process."

13. It is plain that any permit variation application, which (as you accept) is likely to result in changes to the levels of emissions from the site, is an issue that concerns climate change such that relevant information held by public authorities relating to implementing relevant regulations (such as the Environmental Permitting Regulations) should be made available to the public. This information should include any supporting documents, such as risk or quality/quantity assessments, and should not contain any unjustifiable redactions.

<u>Response deadline</u>

14. In accordance with Regulation 9 of the EIR, please provide any advice and assistance that may help this request to be more effective, if required. If any of the information requested above is already publicly available, please indicate the location of its publication in your response.

15. Please provide the requested information as soon as possible and in any event within statutory deadline of 20 working days of your receipt of this request, i.e. by _____. Please provide your response in electronic format to the contact details in the letterhead above.

Yours faithfully,

_____

Annex 1: List of top producing onshore gas production fields in June 2024 (based on data compiled and published by the North Sea Transition Authority, as reported on in DrillorDrop)

Gas field	Gas volume (ksm3)	June 2024 rank	May 2024 rank
SALTFLEETBY	5,543	1	1
BILSTHORPE COLLIERY MINE VENT	456	2	2
STILLINGFLEET COAL MINE VENT	396	3	5
WHELDALE COAL MINE VENT	367	4	3
MALTBY COAL MINE VENT	347	5	4
PRINCE OF WALES COAL MINE VENT	146	6	7
BEVERCOTES COAL MINE VENT	83	7	6
MARKHAM MAIN COAL MINE	26	8	8
NEWMARKET COLLIERY MINE VENT	13	9	9
HATFIELD	0.02	10	10

Alternative Methods

It may also be helpful to gather information directly through site visits, and/or speaking to local journalists or councillors. The following will provide information on how to submit a complaint if unsatisfied with the response or inaction by the EA.

Complaints

Access to Information

If a request for information under FOIA or EIR is refused or the response provided is unsatisfactory, complaint procedures can be followed to dispute non-disclosure. The first step is to request an internal review from the public authority. Under the EIR, this is a statutory right, whereas under FOIA, it is recommended best practice.[109] This review should be requested within 20-40 days of the refusal, depending on the complexity of the case.

If the results of the internal review are not satisfactory, a complaint can be made to the ICO within 6 weeks. This must be accompanied with copies of the original request, refusal notice, and the results of the internal review, if applicable.[110] Such a request can be made here.
Should the ICO not uphold the complaint, it is possible to appeal to the First-tier Tribunal within 28 days of the ICO's decision notice. This is open to both parties and instructions can be found here.

Substantive Complaints

Alternatively, where concerns relate to the EA's wider actions, such as failure to investigate or regulate environmental harm, claims can be submitted directly to the EA via the EA complaints procedure.[111] If unsatisfied with the response provided, requests can be made to escalate the complaint to an internal manager.

If still unresolved, a complaint can be made to the Parliamentary and Health Service Ombudsman. Complaints to the Ombudsman may be assisted by contacting your local MP. It may take up to 4 months (approximately) to hear back from complaints to the Ombudsman. For

[109] Information Commissioner's Office, *'Part Six: Issuing a Refusal Notice'* (ICO) https://ico.org.uk/for-organisations/foi/section-40-and-regulation-13-personal-information/part-six-issuing-a-refusal-notice//
[110] Information Commissioner's Office, *'What to Expect from the ICO When Making an FOI or EIR Complaint'* https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/what-to-expect-from-the-ico-when-making-an-foi-or-eir-complaint/
[111] United Kingdom Government, 'Complaints procedure', Available at: https://www.gov.uk/government/organisations/environment-agency/about/complaints-procedure.

more information about what the Ombudsman can help remedy and how to submit complaints, view their website here.[112]

Alternatively, in cases involving significant or systemic failure to comply with environmental law, The Office of Environmental Protection ('OEP') may intervene. The OEP intervenes when a complaint concerns major, strategic issues, such as air pollution, water quality, and regulation, rather than individual minor complaints. The OEP may investigate a public authority if they (1) fail to take proper account of environmental law, (2) act unlawfully, or (3) fail to act as mandated by environmental law.[113] This may take the shape of the public authority failing to conduct or consider environmental impact assessments or failing to regulate harmful activities for which it is responsible. An example for this was seen in a case brought by Clean Air in London, where the OEP investigated Defra's compliance with legal air quality standards. However, although the OEP concluded serious, ongoing breaches of environmental law had been taking place, they concluded that enforcement would not hasten progress, where some improvements were already being made.[114] It is best to turn to the OEP after full attempts have been made to complain directly to the EA. The OEP can then issue recommendations to the EA and even a Court order where necessary and appropriate.[115]

---

[112] Parliamentary and Health Service Ombudsman, 'Making a Complaint', Available at: https://www.ombudsman.org.uk/making-complaint.

[113] For an example of what the OEP can do, see ' OEP finds there have been failures to comply with environmental law in relation to regulatory oversight of untreated sewage discharge', Available at: https://www.theoep.org.uk/news/oep-finds-there-have-been-failures-comply-environmental-law-relation-regulatory-oversight.

[114] Clean Air in London, *'CAL calls for OEP to be scrapped (or given more duties) and Emma Reynolds MP to comply urgently with NO_2 limit values'* (7 September 2025) https://cleanair.london/health/cal-calls-for-oep-to-be-scrapped/

[115] The legal basis for the OEP's enforcement powers in respect of public authorities can be found under Chapter 2 of Part 1 of the Environment Act 2021.

5. Remedies Against Operators

Chapter Summary:

This chapter will focus on the range of potential private law remedies which individuals can seek against the operators. The owners and operators of onshore oil and gas fields can be held responsible for infringements of their permit, licenses, or poor practices by the overseeing government agency as discussed in Chapter 2 of this report. But regulation of methane in the UK is weak; private companies may be able to comply with the letter of the law and yet still emit methane into the environment, leaving those affected to consider taking legal action directly against them.

Environment Agency Notices

The EA may issue a range of notices, a few of which are mentioned below. Where a company fails to comply with such notices, the authority may impose civil sanctions under the Environmental Civil Sanctions (England) Order 2010. Through this mechanism, the regulator can impose a monetary penalty up to 100% of the cost of compliance.[116]

Compliance Orders

Regulatory agencies, such as the EA, may issue compliance orders to ensure that the operating company adheres to specific environmental standards. These orders can require the implementation of the BAT or other practices to prevent methane leaks, venting, or flaring including during the early stages of site preparation and exploration.

Enforcement Notices

The EA, or National Resources Wales ('NRW'), can issue enforcement notices against a company where it believes the company has, is, or will contravene a condition of its environmental permit.[117] These require the operator to take specific corrective and/or preventative actions. These have a similar effect to a court injunction, without requiring court action. While there is no explicit mention of methane, environmental effects which are grounds for an enforcement notice include "harm to the environment or risk of harm to the environment" and methane would usually fall under this category.[118]

[116] Environmental Civil Sanctions (England) Order 2010, s7(1), s8(1).
[117] The Environmental Permitting (England and Wales) Regulations 2016, reg. 36.
[118] *Ibid*, s37(4)(a)(iii).

Suspension Notices

The EA is also able to issue suspension notices against the company. These suspend an environmental permit and prevent exploration activities until the "serious risk of harm to the environment" is mitigated in the way the EA prescribes.[119]

Derivative Actions

Under Section 172 of the Companies Act 2006, a company's board of directors must "promote the success of the company for the benefit of its members as a whole". Sub-section 1(d) specifies that the Directors have a duty to consider "the impact of the company's operations on the community and the environment". [120] Therefore, if any shareholder in the company believes the directors (and thereby the company) will, has decided, or failed to make a decision that will harm the company, that shareholder may instigate proceedings against the board for a breach of their duty. Such claims typically allege a breach of directors' duties or breach of trust. For example, a shareholder could be entitled to make a claim against the director if the director negligently fails to comply with conditions of an environmental permit or if the act harms the company and was not authorised or ratified through appropriate processes. If successful in proving such a breach, a director may be relieved of their position and could be personally liable for any loss sustained by the company. This remedy may be limited, however, by indemnities granted to directors or directors not having sufficient funds to repay the loss.

Importantly, only shareholders can bring this type of claim, limiting its availability to certain applicants. An individual could purchase a share in a publicly listed company in order to take shareholder action of this type. Derivative actions focused on climate action against major corporations have been used as a campaigning tool.[121] Bringing derivative action can be a useful means of drawing attention to company failures, even if the case itself does not succeed. It can impact the re-election of certain directors or exert pressure via the impact on the company's public image; so leading to a change in decision-making in the specific instance and in the future. Shareholder resolutions may be precautionary in nature but may also be an option to alert the directors of the company as to what shareholders would like the company to do. Although voting and encouraging others to refrain from voting for directors who are not aligned with climate goals is challenging, it can achieve a significant long-term impact.

---

[119] *Ibid*, reg. 37(3)(c), 37(6)(c).

[120] Company Act 2006, s260(1), (2), (3).

[121] To read more about ClientEarth's Derivative Action claim against Shell Plc: https://www.judiciary.uk/wp-content/uploads/2023/07/ClientEarth-v-Shell-judgment-240723.pdf and https://www.clientearth.org/latest/news/we-re-taking-legal-action-against-shell-s-board-for-mismanaging-climate-risk/.

Case Study: *ClientEarth v Shell Plc* [2023] EWHC 1897 (Ch)

In February 2023, ClientEarth filed a derivative action claim against Shell Plc arguing they had failed to follow the laws under section 260 of the Companies Act 2006 ('CA 2006'). Specifically, the claim was brought on the basis of the failure of Shell's Directors to promote the success of the company and act with reasonable care and skill within s172 and 174 CA 2006 respectively. ClientEarth submitted that Shell's directors had failed to do this by not considering the 'climate risk' of business. ClientEarth had obtained shares in Shell, so it was able to bring this claim.

The case was dismissed as the Court considered ClientEarth had insufficient evidence, in particular expert evidence and it did not believe that ClientEarth was acting in "good faith"; the requested mandatory injunction relief was too burdensome.

Potential derivative action may be founded upon a breach of requirements set by market regulators. For example, the UK's Financial Conduct Authority ('FCA') has released Sustainability Disclosure Requirements in its capacity as a market regulator. This guidance makes it mandatory for FCA-authorised companies to ensure that their advertising and information disseminated is clear, fair, and not misleading.[122] Having come into effect on 31 May 2024, this requires companies not to misrepresent themselves or their products as environmentally friendly if they are not. This is more commonly known as 'greenwashing'. For oil and gas companies, this may seem paradoxical as by their very nature they are polluters.

[122] Financial Conduct Authority, "Sustainability Disclosure Requirements" (November 2023), Available at: https://www.fca.org.uk/publication/policy/ps23-16.pdf.

Case Study: *McGaughey & Davies v Universities Superannuation Scheme Ltd.* [2023] EWCA Civ 873

McGaughey and Davies, members of the Universities Superannuation Scheme ('USS'), brought a derivative claim against the directors of the pension scheme's corporate trustee, USS Ltd. They claimed that the directors breached their duties under the Companies Act 2006 by continuing to invest in fossil fuels without a viable divestment plan to achieve the trust's 2050 carbon neutral target, thereby failing to act in the best interest of members.[123]

The Court of Appeal dismissed the claim, finding no *prima facie* case of loss or bad faith, holding that a derivative action was not the appropriate procedural route. However, the judgement was significant in that it clarified that similar claims may be more effectively pursued through direct or trust-based actions. Equally, despite being unsuccessful in Court, McGaughey and Davies achieved many of their aims, seeing the CEO announce their resignation, and the USS abandoning proposed pension cuts.[124] Thus, this case provides useful insights into litigation strategies, and displays the importance of climate litigation, even without formal legal wins.

Many prominent companies with oil and gas fields in the UK, including BP plc and Shell plc, have claimed they are becoming more environmentally friendly in their annual reports to shareholders.[125] As a shareholder of a public limited company, participating in the company's annual general meeting by asking questions and voting is another method of scrutinising such claims and seeking accountability.[126] Where companies provide misleading information about the extent of their environmental harm or initiatives, complaints can be made to the FCA directly or to the Advertising Standards Authority respectively. The agency complaint through its internal processes may then follow up, investigate and ultimately issue sanctions against the company.

Recent EU regulations have also opened up the possibility of more derivative actions, particularly in the climate context, see "Examples of Good Practice – The European Union".

[123] *McGaughey and Davies v Universities Superannuation Scheme Ltd* [2023] EWCA Civ 873.
[124] "McGaughey & Davies v Universities Superannuation Scheme Limited" (Sabin Centre for Climate Change Law, The Climate Litigation Database, 2021), Available at: https://www.climatecasechart.com/document/mcgaughey-davies-v-universities-superannuation-scheme-limited_5ed7.
[125] BP, "Sustainability Report 2024" (2024), Available at: https://www.bp.com/en/global/corporate/sustainability/reporting-centre-and-archive/quick-read.html?utm_source=chatgpt.com#sr-highlights-1-1; Shell, "Annual Reports and Accounts 2024" (2024), Available at: https://www.shell.com/investors/results-and-reporting/annual-report.html.
[126] See e.g. https://shareaction.org/.

Tort and Nuisance

Where a company causes harm to an individual or their land as a result of their activities, that company may be liable to the individual for that harm. These types of actions are called tort and nuisance actions and can result in damages (compensation) being granted to the individual or injunctions against the company's operation. The aim of this action is to, where possible, put the individual(s) harmed into the position they were in before the harm occurred. However, there is a significant barrier to such a claim in the form of the costs which could be ordered by the court against an individual if they did not succeed, combined with the costs of bringing a case for which legal aid is not generally available.

A claim of public nuisance can be brought if "serious harm" or a risk of serious harm is caused to the public under the Police, Crime, Sentencing and Courts Act 2022.[127] In the context of greenhouse gases, "statutory nuisance" can be claimed for "fumes or gases emitted from premises so as to be prejudicial to health", under s. 79(1)(c) of the Environmental Protection Act 1990.[128] Methane omissions could fall under this category.

At the time of writing there has been no final legal judgment in England and Wales for damages caused by methane emissions or climate change in general. However, research shows the direct link between methane and health problems due to its contribution to "ground-level ozone and pollution" which can cause or worsen "breathing problems, heart disease, cancer and strokes".[129] Cases such as the settlement in the Ella Adoo-Kissi-Debrah case involving road traffic pollution show the increasing scope for using tort law.[130] An undisclosed amount of compensation was agreed, after a coroner's decision officially recognised "air pollution" as a direct cause of the child's death. In the context of methane emissions from onshore oil and gas fields, harm and causation may be more easily established if highly concentrated amounts can be attributed to specific local fields. Following these recent legal developments and the progress in the field of attribution science, the next step would seem to be claims for damages caused by emissions. In the case of methane the challenge is the gap between the emission and the harm caused.

[127] Police, Crime, Sentencing and Courts Act 2022, s78.

[128] Environmental Protection Act 1990, s79(1)(c).

[129] Environmental Defense Fund, 'How methane harms our health and what we can do about it' Available at: https://www.edf.org/how-methane-harms-our-health.

[130] Hodge Jones & Allens Solicitors, 'Mother Praised by Government as She Reaches Settlement over Daughter's 'Air Pollution' Death' (31 October 2024), Available at: https://www.hja.net/news-and-insights/press-releases/civil-liberties-human-rights/mother-praised-by-government-as-she-reaches-settlement-over-daughters-air-pollution-death/.

6. Remedies in relation to Regulators

Chapter Summary:

This section will consider the remedies public bodies (such as the EA) can bring against private operators as well as actions by individuals in relation to the regulators where those bodies fail to act.

Public Authorities

It is the duty of public authorities to regulate effectively, ensure balanced protections and compliance with the relevant standards. Where the public authority is inadequately regulating such activities, there are firstly, non-judicial administrative remedies that members of the public can take. Members of the public can, at any time, submit a complaint to the public authority about the issue, requesting that the public authority review and take the necessary action to rectify it. If the issue is not dealt with in a satisfactory manner, there is a complaint mechanism to the relevant ombudsman (for instance the parliamentary and health service ombudsman), but this is focussed on process rather than substance. In the context of methane emissions, if a local resident believes a permit has been granted to a company without following the correct processes and any attempt to resolve this has been unsuccessful a claim for judicial review should be considered promptly, taking into account the strict timescales.[131] It is important to note that many of the EA's duties in relation to regulating onshore oil and gas sites allow a wide range of discretion or are target duties so failure to act may be difficult to challenge.

Judicial Review

Because of the complexity of judicial review and costs risks, it should not generally be attempted without professional legal help. The purpose of describing it here is to explain where it may apply.

Judicial review is a challenge in the Administrative Court (High Court) to the legality of decisions by public bodies such as the Environment Agency or local planning authority or other bodies exercising a public function such as a Water Authority. It may help to think of it as a review rather than an appeal since in general the most that the Court will do is order the authority to reconsider the decision, allowing it to make the decision again, lawfully. In brief, a judicial review claim can be brought by an individual or an organisation, with standing, arguing that a decision recently made by a public authority is unlawful. For a more detailed overview see 'An Introduction to Judicial Review' and The Administrative Court Judicial Review Guide 2024.[132]

[131] Senior Courts Act 1981, s29.

[132] Public Law Project, 'Guide Series: An Introduction to Judicial Review', Available at: https://publiclawproject.org.uk/content/uploads/2019/02/Intro-to-JR-Guide-1.pdf; Courts and Tribunals Judiciary, 'The Administrative Court: Judicial Review Guide 2024', Available at: https://www.judiciary.uk/wp-content/uploads/2024/09/24.85_HMCTS_Administrative_Court_Guide_2024_WEB1.pdf.

In the context of methane emissions, actions or failures to act by a public authority regulating high methane-emitting projects may be in breach of the law when granting a licence to an onshore oil and gas project without conducting proper due diligence. Judicial review may also be appropriate where a concerned individual notices that the public authority failed to (1) consider emissions during license issuance, (2) monitor projects, or (3) penalise companies in breach of its obligations. The action relates to challenging the public authority for their purported failure to regulate the company, not the company's action (unless they are at least in part state owned or run). Indications of breaches of this kind may be the speedy granting of licenses to onshore oil and gas projects or where a relevant project is emitting beyond what may be expected for a prolonged period. Another example is against a local authority which has granted planning permission without following the correct procedures. [133]

Case Study: *R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)* [2024] UKSC 20

One of the most important UK cases in relation to greenhouse gases is *R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others*, known as the Finch case. In this case, decided by the Supreme Court in 2024, Sarah Finch brought a claim against the Surrey Country Council for granting permission to extract oil. The permission allowed extraction from 6 wells over a 20-year period. In granting such permissions, the Planning Authority must carry out an Environmental Impact Assessment. Finch argued that such assessments must include consideration of downstream greenhouse gas emissions (emissions that would come from the use of the oil that is extracted) and not just the emissions from the extraction process itself. Finch claimed that the assessment was invalid as it omitted downstream emissions. Greenpeace UK and Friends of the Earth provided written submissions to the Supreme Court in support of this approach. Ultimately, the Supreme Court held that downstream emissions were required by law to be included in the assessment.

Standing

The first step in bringing a judicial review claim is to ensure that the party is seeking to bring an action against a public authority. To be a claimant in a judicial review proceeding, the party must have 'sufficient interest' in the matter. The claimant is the individual or NGO bringing the judicial review. There are two main ways in which someone may be able to establish their 'sufficient interest' in pursuing the case.

[133] *R (on the application of Weald Action Group) v Surrey County Council and others,* [2024] UKSC 20. More information can be found at: https://www.supremecourt.uk/cases/uksc-2022-0064.

1) The claimant must be affected by the action (or inaction) by the public authority; either as an individual, or by being part of a group of people who are affected. More commonly within the context of methane emissions, a resident living near a site with methane emissions that affects their health, or property could have 'standing'.

2) Environmental groups, NGOs, and other collective organisations can bring a claim if they can demonstrate a genuine interest in the issue (see case study below). For instance, an environmental advocacy group could challenge a regulatory body's failure to enforce environmental protections.

Requirements for Bringing a JR Claim

Judicial review can only be sought against decisions, acts or failures to act by public authorities. In particular, when an authority carrying out a public function has acted in violation of its powers. The legal action can only be against a public body or a body that acts in a public capacity. This is broadly defined based on the functions performed by the body. In the context of emissions this may include the EA, HSE, DESNZ, and even the Office for Environmental Protection ('OEP') to name a few.

The claim must be filed promptly and, in any event, no later than the three-month time limit. However, in cases concerning planning approvals, claims must be submitted no later than six weeks from the date of the decision or action being challenged. Prior to starting a judicial review, the claimant (individual, representative, or NGO) should consider send a pre-action correspondence letter to the defendant (public authority) outlining (1) the decision they are challenging, (2) what they would like rectified, and (3) the intention to bring a claim of judicial review if the matter is not resolved within a specified time period. This notice may allow the dispute to be settled without proceeding further. For example, the planning authority may agree that the decision they made to approve a project should be overturned.

Funding a case is a barrier to seeking a claim for judicial review as the legal costs are typically high. Though, a solicitor may be willing to enter an agreement for fees conditional on winning the claim known as a conditional fee agreement ('CFA') or a hybrid CFA which involves reduced fees. There is also the potential risk of losing the claim, as the court may, at its discretion under the Civil Procedure Rules, order the claimant to pay the other party's legal costs. However, this is a reduced risk in cases involving methane as they may be treated as an environmental claim under the 'Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters'. Under this convention, there is a default 'Aarhus costs cap' currently £5,000 that can be claimed from an unsuccessful individual who attempted to bring a judicial review claim and (currently) £10,000 from an unsuccessful company or NGO. The

Court can adjust these caps. The claimant will still be responsible for paying their own legal fees; the defendant can be ordered to pay up to £35,000 to the claimant if the claimant wins.

Grounds for Review

For a decision to be challenged through judicial review, the claimant must establish appropriate grounds for review- this means showing that the decision-maker acted beyond their legal powers or failed to fulfil their duty as outlined in the law. For example, failing to follow procedural requirements or delegating their decision making unlawfully, misusing their discretion by considering irrelevant considerations, unfairly using their powers by acting upon biases, or irrationality coming to an absurd conclusion. Note that showing that a public authority acted irrationally is a high threshold; it is easier to succeed if the main argument is focused on a procedural error or incorrectly applying the law.

Permission Stage

The claimant must first obtain permission from the Court before proceeding with judicial review. This will include submitting a detailed statement of facts and grounds and supporting evidence; see Evidence-Gathering and Complaints above for how to best prepare. After acknowledging the claim, considering defences and any replies, the Court will then normally consider the case privately (‘on the papers’) to assess whether the claim is arguable and has a realistic prospect of success. If permission is refused it is possible to renew the claim and ask for an oral hearing. If permission is granted, the case may proceed to a full hearing, or it may be settled.

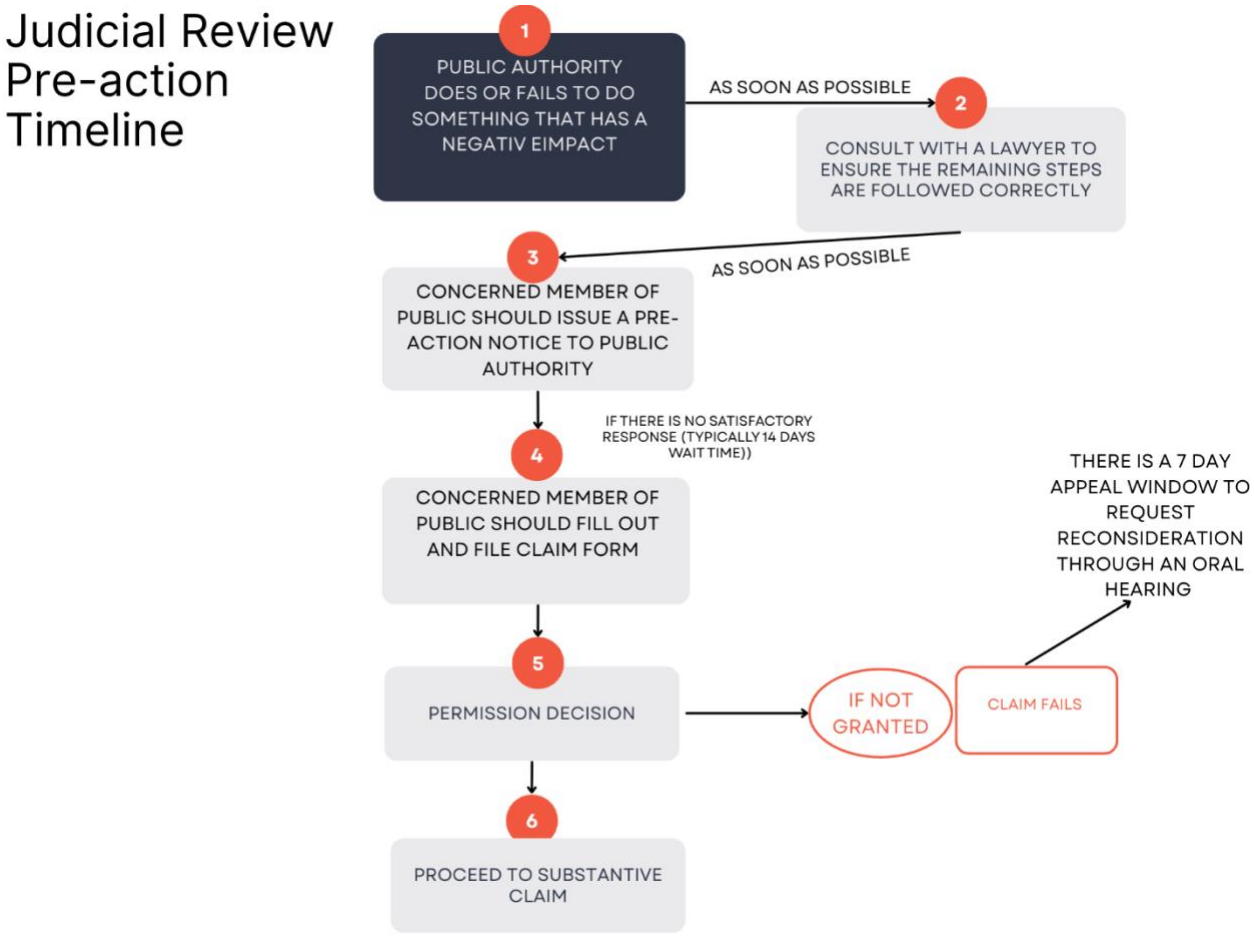

Figure 2

Remedies for Human Rights Violations

A judicial review might include human rights arguments. Excessive methane emissions from onshore oil and gas projects could potentially engage human rights protected under the Human Rights Act and the European Convention on Human Rights, in particular Article 2, the Right to Life, and Article 8, the right to respect for private and family Life.

The Human Rights Act

It is possible to bring a human rights claim for damages in the local County Court against a public body (such as the EA or a local planning authority). However, an ECHR breach is difficult in cases of methane pollution where severe negative impacts on health and private life are hard to prove. If UK law is non-compliant with the ECHR, for example if the law does not provide protection against methane pollution and if it could be shown the methane was causing a risk to the Article 2, Right to Life, an application could be made for a declaration that the law is incompatible with

the ECHR. This is not a remedy *per se* as it will only be a statement by the Courts notifying Parliament of the incompatibility and in practice it is very rare.

As mentioned above in the discussion about the European Court of Human Rights, in *Klimaseniorinnen* v *Switzerland*, the Court found that domestic legislation that does not adequately account for GHG emissions in the carbon budget and GHG reduction targets, as in the case of Switzerland, may breach Article 2 and Article 8 ECHR.[134]

The European Court of Human Rights

A UK resident may make an application ('petition') to the ECtHR against the UK where their ECHR rights have been violated, but only after they have exhausted all domestic remedies, so they have to try the UK courts first. It is now unusual to bring a claim to the ECtHR as many human rights claims are brought domestically under the Human Rights Act. Two recent cases illustrate the difficulty of relying on Articles 2 and 8 ECHR in the climate context. In *Plan B Earth and other v United Kingdom,* campaigners argued that the UK's climate policies were inadequate under the Paris Agreement targets and therefore breached the right to life and the right to respect for private and family life. The Court declared the case inadmissible as the applicants could not qualify as "victims" under the Convention and their claims of harm were too general. In *Humane Being v United Kingdom,* factory farming campaigners were also found to lack standing as not directly affected. [135] These outcomes indicate that systemic, policy-level climate complaints face a high threshold in the ECtHR, primarily because of the challenges of meeting the "victim" test and in evidencing the required elements of causation and remoteness. However, ECtHR case-law is evolving as a 'living instrument' and cases with proximate, local harms (for example acute pollution episodes, health impacts, or site-specific safety failures) could be more successful.

[134] *Verein KlimaSeniorinnen Schweiz and Others v Switzerland App* no 53600/20 (ECtHR, 9 April 2024).

[135] Climate Rights Database, 'Plan B. Earth and Others v. the United Kingdom' (13 December 2022), Available at: https://climaterightsdatabase.com/2022/12/13/plan-b-earth-and-others-v-the-united-kingdom/; Climate Rights Database, 'Humane Being v. the United Kingdom' (13 December 2022).

7. Examples of Good Practice: Case Studies

Chapter Summary:

While over 150 countries have committed to the GMP's goal of reducing methane emissions by at least 30% from 2020 levels by 2030, implementation strategies vary significantly. This section will describe examples of good practice by countries that are signatories to the GMP, with a particular focus on reducing methane emissions from oil and gas operations. Canada and Norway indicate comprehensive regulatory frameworks, rigorous monitoring systems, and enforceable reduction targets.[1] Their approaches show how national-level policies can translate global commitments into meaningful domestic action.

Canada

Like the UK, Canada endorsed the World Bank's Zero Routine Flaring by 2030 initiative.[136] It participates in the Global Methane Initiative, the GMP, and the Climate and Clean Air Coalition.[137] It has put this into practice through "fuel switching, increases in efficiency, the modernization of industrial processes" and more, as outlined in its 2021 National Inventory Report under the UNFCCC.[138] Under the Pan-Canadian Framework on Clean Growth and Climate Change, Canada originally committed to reducing methane emissions from the oil and gas sector by 40-50% by 2030.[139] This target has since been increased to a 75% reduction, reflecting the federal government's understanding of the urgency of this issue.[140]

To meet these commitments, Canada has implemented a range of primary and secondary legislation. At the federal level, flaring and venting is prohibited, except when authorised by the federal energy Regulator or required in emergencies.[141] The Canada Energy Regulator must be

[136] World Bank Group, 'Zero Routine Flaring by 2030 Initiative Endorsers', Available at: www.worldbank.org/en/programs/zero-routine-flaring-by-2030/endorsers.

[137] Global Methane Initiative, 'Canada: Partner Country: Global Methane Initiative', Available at: www.globalmethane.org/partners/detail.aspx?c=canada; Global Methane Pledge, 'Global Methane Pledge: Participants' (23 Sept. 2024), Available at: www.globalmethanepledge.org/#pledges; 'UN Environment Programme, 'Climate and Clean Air Coalition (CCAC)', Available at: www.unep.org/topics/energy/methane/climate-and-clean-air-coalition-ccac#:~:text=Founded%20in%202012%2C%20and%20convened,%2C%20and%20non%2Dgovernmental%20organizations.

[138] United Nations Framework for Climate Change 'Canada 2021 National Inventory Report' (12 April 2021), Available at: https://unfccc.int/documents/271493.

[139] Government of Canada 'Pan-Canadian Framework on Clean Growth and Climate Change' (23 June 2022), Available at: www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework.html.

[140] Government of Canada 'Reducing Methane Emissions' (18 July 2024), Available at: www.canada.ca/en/services/environment/weather/climatechange/climate-plan/reducing-methane-emissions.html.

[141] Canada Oil and Gas Drilling and Production Regulations (2009) s67.

notified through the daily drilling report, daily producing report, and any other written or electronic form, which includes the volume of flared or vented gas.[142] The Regulations Respecting Reduction in the Release of Methane and Certain Volatile Organic Compounds (Upstream Oil and Gas Sector) (2018) provide additional regulations such as the establishment of the Leak Detection and Repair Program to limit hydrocarbon gas that is released by equipment in oil and gas facilities. Crucially, however, provinces have the option to adopt these regulations or decline them, provided they do not surpass the federal targets. This is particularly important because the three major oil and gas provinces - Alberta, Saskatchewan, and British Columbia - have drafted their own rules.[143]

At the federal level, monetary penalties and fees relating to gas flaring and venting are not in place. Nevertheless, noncompliance with regulations and rules issued by the Canada Energy Regulator (e.g. reporting requirements on gas flaring and venting) can result in monetary penalties of up to CAN $100,000 (as of October 2025, £53,598.50) a day per violation.[144] Also the Canada Oil and Gas Operations Administrative Monetary Penalties Regulations provide regulatory agencies with further enforcement tools, including notices of noncompliance, orders, directions, and prosecution. There are non-monetary penalties which allow the Canada Energy Regulator to suspend or revoke an operating license.

Norway

Although Norway ranks among the world's 15 largest oil producers, it achieved the lowest flaring intensity globally from 2012 to 2022.[145] It is a member of the Global Methane Initiative, the GMP, the World Bank's Zero Routine Flaring by 2030 Initiative, and the Climate and Clean Air Coalition.[146] Unlike other jurisdictions, environmental and climate considerations appear to inform policies that govern Norway's petroleum industry, reflected through its restriction on flaring since oil production began in the 1970s.[147]

Gas flaring in excess of the quantities needed for operational safety is prohibited unless approved by the Norwegian Petroleum Directorate ('NDP'), with a fine for each day of non-compliance.[148] A carbon tax is imposed on all gas flared or vented and subjects those who violate the provisions.[149]

---

[142] World Bank, 'Canada: Federal', Available at: https://flaringventingregulations.worldbank.org/canada-federal.
[143] Government of Canada (n 139).
[144] Ibid.
[145] World Bank, 'Norway', Available at: https://flaringventingregulations.worldbank.org/norway.
[146] Global Methane Initiative 'Norway: Partner Country: Global Methane Initiative', Available at: www.globalmethane.org/partners/detail.aspx?c=norway.
[147] World Bank (n 142).
[148] Norwegian Petroleum Act (1996), s10. Note: The Norwegian Petroleum Act does not specify a maximum fine.
[149] UNFCCC, 'Norway's national communication under the Framework Convention on Climate Change - September 1994.', Available at: https://unfccc.int/sites/default/files/resource/nornc1Norway.pdf.

Excessive flaring is discouraged through non-monetary penalties, including the temporary suspension of activities, license revocation, and imprisonment for as long as two years for a wilful or negligent violation.[150]

The EU

The European Union Corporate Sustainability Due Diligence Directive 2024 ('CSDDD') requires certain large companies to adopt and implement transition plans, including assessing the environmental impact of their operations and taking concrete steps to achieve climate mitigation.[151] While it is an EU directive, the impact of these obligations extends to the UK. For instance, if an EU-registered oil company has a UK subsidiary that causes methane emissions in breach of due diligence obligations, victims can bring claims in the parent company's country of origin. Additionally, the requirements extend to the company's entire supply chain.[152] Where a UK company is or hopes to be a downstream distributor or an upstream supplier to an EU based company, CSDDD will apply. It should be noted that the Directive applies only to very large companies (those with over 1,000 employees and a net worldwide turnover exceeding €450 million) meaning its reach is limited. Article 29 of CSDDD introduces a civil liability regime, allowing individuals to bring claims for harms including "environmental abuse".[153] This can include actions against an EU-based parent company for violations committed by a subsidiary in another jurisdiction, such as England and Wales. That said, the Directive has not yet been transposed into the national laws of EU member states, and its full legal effect will depend on how each State implements it. Also there are ongoing political efforts to water down key provisions, which may further limit its impact.

---

[150] Norwegian Petroleum Act, 1996 (s10); CO2 Tax Act, 1990.

[151] Lilly Walstra ' What does the CSDDD mean for the UK?' (Grant Thornton, 24 April 2024), Available at: https://www.grantthornton.co.uk/insights/what-does-the-csddd-mean-for-the-uk/.

[152] European Commission, 'Corporate Sustainability Due Diligence' (EU Commission), Available at: https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en.

[153] LSE Grantham Research Institute, 'How the EU Corporate Sustainability Due Diligence Directive (CSDDD) Can Be Harnessed to Promote a Just Transition', Available at: https://www.lse.ac.uk/granthaminstitute/news/how-the-eu-corporate-sustainability-due-diligence-directive-csddd-can-be-harnessed-to-promote-a-just-transition/#:~:text=Where%20harm%20has%20occurred%2C%20Article,subsidiaries%20operating%20in%20other%20countries.

8. Acknowledgements

This report was written by Jurie Lee, Sydney Kagetsu, Ian Noronha, Oliver Hodges-Jackson, Akshhat, Savannah Sottak, Saifeddine Benamar supervised by Sue Willman, KC (hon), Senior Lecturer and Asst Director of Clinical Legal Education & Supervising Solicitor.

We thank Emily Mott, Jill Sutcliffe, Acland Bryant (Garden Court Chamber), Théophile Humann-Guilleminot, Maya Pardo, Emilia Britain, Clean Air Task Force, Weald Action Group, and Aidan Farrow for their review and valuable guidance. We are particularly grateful to the residents of Singleton in particular Philip Maber and Derek Stewart-Smith and beyond who were referred by the Environmental Law Foundation to the King's College Legal Clinic for inspiring and supporting this report.

Date of publication: November 2025

Cover image courtesy of Théophile Humann-Guilleminot. Pictured is a still of a recording of Singleton Oilfield.