WEALD ACTION GROUP

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Secretary of State for Energy Security and Net Zero
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Dear Prime Minister and Secretaries of State

I am writing to you because I am concerned by the Prime Minister's statement following the publication of the Nuclear Regulatory Review, written by John Fingleton, last November.[1] In a speech on 1 December 2025, the Prime Minister said that in addition to accepting the Fingleton recommendations, he was "*asking the Business Secretary to apply these lessons across the entire industrial strategy*".[2]

I know that the Wildlife Trusts, RSPB and others have expressed serious concerns about recommendations 11, 12 and 19, because of the threats they pose to wildlife habitats, national parks and national landscapes, and I fully endorse those.

I am also particularly concerned about recommendations 15 and 20, and explain briefly why below.

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[1] John Fingleton, *Nuclear Regulatory Review 2025*. https://assets.publishing.service.gov.uk/media/692080f75c394e481336ab89/nuclear-regulatory-review-2025.pdf

[2] Prime Minister's speech on Britain built for all, 1 December 2025, https://www.gov.uk/government/speeches/prime-ministers-speech-on-britain-built-for-all-1-december-2025

Recommendation 15: "overturn the Finch judgment for low-carbon infrastructure"

Recommendation 15 includes:

- legislating so that an environmental assessment completed under one regulatory regime is accepted as sufficient for other regimes, unless there are compelling reasons to require additional information, and
- legislating to overturn the 'Finch' judgment for low-carbon infrastructure.

I – on behalf of the Weald Action Group – brought the judicial review which led to the 'Finch' judgment.[3] The case centred on whether it was legal for Surrey County Council to allow an oil development without assessing the greenhouse gas emissions that would occur when the oil was eventually burned. The Supreme Court ruled that these downstream emissions must be included in the that environmental impact assessment (EIA) process for new fossil fuel developments.

The ruling has been widely recognised as a victory for common sense. It brought consistency to an area of law that had previously been interpreted differently by different developers and regulators. The Department for Energy Security and Net Zero said it brought "*greater clarity and stability*" for offshore oil and gas developers.[4]

Based on the Finch ruling, the Department for Energy Security and Net Zero issued new guidance on the environmental assessment of new offshore oil and gas developments.[5] Legislating to replace the current EIA regime would undermine the substantial work undertaken in developing the new guidance.

The specific criticism Fingleton makes of the Finch judgment is that it might create a need to assess greenhouse gas emissions associated with nuclear developments multiple times along the supply chain (paragraph 306). He's right, EIAs may be required along the supply chain. This may already be required in contexts other than planning: the Greenhouse Gas Protocol is all about measuring and reporting greenhouse gas emissions – and nothing to do with the Finch judgment.

But there's no need for developers to repeat assessments that have already been done. The EIA Regulations (2014 Amendments) are clear: "*The developer shall, with a view to avoiding duplication of assessments, take into account the available results of other*

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[3] R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UK Supreme Court 2022/0064. https://www.supremecourt.uk/cases/uksc-2022-0064

[4] DESNZ, 'New guidance issued for environmental impact assessments'. https://www.gov.uk/government/news/new-guidance-issued-for-environmental-impact-assessments

[5] DESNZ, *Environmental Impact Assessment (EIA) – Assessing effects of downstream scope 3 emissions on climate*. https://assets.publishing.service.gov.uk/media/6853fa3d1203c00468ba2b15/Supplementary_guidance_-_Effects_of_Scope_3_Emissions.pdf

relevant assessments … in preparing the environmental impact assessment report." Any information provided in EIAs earlier in the supply chain can be relied on again.

Assessment of greenhouse gas emissions supports the case for other low-carbon energy

Fingleton seems to miss the key point that a thorough assessment of greenhouse gas emissions, including downstream emissions, is actually helpful for nuclear and other forms of low-carbon energy. It provides a transparent and firm basis for arguing the (not universally accepted) pro-climate credentials of such development, because it enables the full benefits of the much lower greenhouse gas emissions to be taken into account in comparison to energy produced from fossil fuels.

Recommendation 20: making legal challenges riskier for claimants

Recommendation 20 is to raise and allow the removal of the cost cap for judicial reviews and limit legal challenges to Nationally Strategic Infrastructure Projects to a 'single bite of the cherry'

Fingleton says, "*It's important for the public to be able to challenge public bodies when they make mistakes*" (paragraph 348). The judicial review process and the Aarhus costs cap are vital parts of this. I was able to bring my judicial review challenge because of the Aarhus costs cap. Had we faced the prospect of paying the other side's full costs, the Weald Action Group would not have embarked on the case. And our application for judicial review was refused twice and we went to the Court of Appeal. We took several bites of the cherry – and went on to win what as an important ruling.

The reason there have been so many legal challenges related to EIA is not that challenging decisions is too easy. There is already a high bar to being able to bring a judicial review case. Already cases deemed without merit can't proceed. The vast majority don't make it past the permission stage.

The reason that claims are permitted and do succeed is that developers' consultants sometimes omit information or minimise impacts in a way that is unlawful. If the developer does their job properly, there is no risk of successful legal challenge.

Specific focus of the Review on the nuclear sector

The Nuclear Regulatory Review was commissioned to review civil and defence nuclear regulation and to propose reforms to regulate nuclear energy. Yet the Prime Minister has said he wishes to see the recommendations applied across the entire industrial strategy.[6]

[6] Prime Minister's speech on Britain built for all

Given the specific remit of the Review, I don't understand why its recommendations would be applied beyond the nuclear sector. John Fingleton himself said that "*nuclear is sufficiently specific… I think the more you try to apply the same standard across all of infrastructure, the more challenging it might be.*"[7] He reinforced this when giving evidence to the House of Lords Industry & Regulators Committee on 3 February, saying the Review was "*about a very specific sector – the nuclear sector… It was a reasonably well-defined piece of work, a well-defined question*."

As the government prepares its response to this report, I therefore ask you to confirm that you do not plan to implement recommendations 15 and 20.

Yours sincerely

Sarah Finch
Weald Action Group

[7] Tess Colley, 'Controversial Fingleton review author "in two minds" about rolling regulatory proposals across whole Industrial Strategy', *ENDS Report*, 27 Jan. 2026. https://www.endsreport.com/article/1946454/controversial-fingleton-review-author-in-two-minds-rolling-regulatory-proposals-across-whole-industrial-strategy