

## Link - Costs Protection in Environmental Claims

## Annex A

## **Aarhus Convention Claims Data**

Table based on data provided by the MoJ in 2015 under the EIRs 2004 and the MoJ's Quarterly Statistics for Judicial Review January – March 2015<sup>1</sup>.

## **Combined RCJ and District Registries Data (England and Wales)**

Period	April 2013- March 2014	April 2014- March2015
No of Aarhus Convention Claims	118	153
Successful challenge to status of claim by defendant <sup>2</sup>	1	8
Unsuccessful challenge to status of claim by defendant	4	5
No of claims granted permission to proceed <sup>3</sup>	50	79
% success rate of claims granted permission to proceed	43%	54%
No of cases settling between permission and substantive hearing	16	22
No of claims ultimately successful for the claimant <sup>4</sup>	26	37
% success rate of claims successful for claimant (of the totals of 117 (2013-2014) and 145 (2014-2015))	22%	26%

<sup>&</sup>lt;sup>4</sup> This figure may include a number of cases for which permission was initially refused but which were granted permission to proceed at oral renewal. MoJ Quarterly statistics for JR confirms that 4% of all cases lodged received an oral renewal and were granted permission to proceed in 2000. This fell to 2% for 2013 and 3% in 2014. The figure is therefore unlikely to affect the overall success rate significantly



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<sup>&</sup>lt;sup>1</sup> Available here: <u>https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/432070/ci</u> <u>vil-justice-statistics-jan-march-2015.pdf</u>

<sup>&</sup>lt;sup>2</sup> The table assumes these cases do not continue

<sup>&</sup>lt;sup>3</sup> It is assumed that some claims are withdrawn between issue and permission. This number is likely to be small but it may affect the success rate quoted to an extent