

**Case Name:** *Barlow (On Behalf of Harthill Against Fracking) v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 146 (QB) (Date; 31 January 2019)

**Full case:** [Click Here](#)

**Commentary:** A Claim concerning procedural fairness at an Inquiry and the Claimant's ability to comment on an updated traffic management plan on behalf of the local action group was dismissed.

The updated traffic management plan had been produced just before the Inquiry but as the Claimant had decided not to apply for Rule 6 status, they had not been made aware of it immediately. The Inspector had refused to adjourn the Inquiry for the four weeks requested by the Claimant to allow them to consider the plan. Instead, the Inspector had ruled that on the first day of the Inquiry the Applicant's traffic expert should explain his report and answer questions about it from local people and the interested parties' representations on the report should then be made the following week.

The Court was satisfied that the Claimant was afforded a reasonable opportunity of putting their case to the Inspector and that they had taken that opportunity. In any event, the Court held that, in the circumstances, there was no evidence that the Claimant having had three weeks instead of four to consider the report had caused them any prejudice and therefore the claim did not succeed.

*Case summary prepared by Susannah Herbert*