

PRESS RELEASE

Government net zero commitment challenged in High Court

Heathrow expansion means targets cannot be met, say claimants

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For immediate use

A cross-party group of politicians will join claimants, campaigners and residents outside the High Court on the morning of Thursday 17th October as the legal challenge against the proposed expansion of Heathrow continues (1), with the Government's new target of net zero emission by 2050 a key element of the judicial review.

The Court of Appeal will be hearing the challenges from Local Authorities, the Mayor of London and Greenpeace as well as Friends of the Earth, Plan B Earth and Heathrow Hub (2).

The challenges are being made against the decision to designate the Airports National Policy Statement on two key grounds: the absence of plans to address commitments under the Habitats Directive and the incompatibility of the expansion plans with the UK's climate change commitments.

The previous challenge was dismissed by the High Court on a technicality as the Government had not incorporated the Paris Agreement into law. However, the Climate Change Act (2008) has now been amended to incorporate a target of Net Zero by 2050, which places an even more pressing demand upon Government to limit the expansion of carbon intensive infrastructure.

The Committee on Climate Change (CCC) has also recently advised the Government that aviation will become the biggest source of carbon in the UK by 2050 and that expansion at Heathrow leaves very little room for growth at any other airport (3).

In a direct blow to aviation industry claims of technological solutions to aviation's carbon problem, the CCC states that zero-carbon aviation is highly unlikely to be feasible by 2050.

Paul McGuinness, Chair of the No 3rd Runway Coalition, said:

"If the unavoidable increases in noise pollution and poorer air quality were not enough, the recent inclusion of a net zero carbon target in the Climate Change Act has tightened the noose around Heathrow expansion even further.

"The Committee on Climate Change has highlighted that demand for aviation must be limited and that a third runway at Heathrow would inevitably mean restrictions on capacity at other airports across the UK.

"It's now vital for Government to pause plans for Heathrow expansion, to reassess airport capacity strategy for the whole country."

ENDS.

NOTES

1) Gathering outside the Royal Courts of Justice at 9am for photograph and speeches from politicians and claimants. Spokespersons from the Coalition are available for interview all day.

2) Local authorities include London Boroughs of Hillingdon, Richmond upon Thames, Hammersmith and Fulham, Wandsworth and the Royal Borough of Windsor and Maidenhead.

3) <https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf>

Background: On 1st May 2019, when the parties' application to apply for Judicial Review of the Secretary of State's designation of Airports National Policy Statement had their cases thrown out, the judgment made it clear that the judges had not considered the actual merits of Heathrow expansion. Lord Justice Hickinbottom stated that they were "*only concerned with the legality (of the Secretary of States procedures), and not the merits of the Airports National Policy Statement.*"

However, on 22 July 2019, when the parties were given leave to appeal, Justice Lindblom stated that "the importance of the issues raised is obvious". The Net Zero Carbon target was incorporated into the Climate Change Act in June.

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