

For immediate release

BELL TOLLS ON CARBON ECONOMY AS COURT RULES HEATHROW EXPANSION PLAN IS “UNLAWFUL”



This morning, 27 February, in a ground-breaking judgement of global significance, the Court of Appeal has ruled that the Government’s plans to expand Heathrow Airport are “unlawful” on the grounds that Chris Grayling, the Transport Minister of the time, failed to take account of the Government’s policy commitment to the Paris Agreement on Climate Change.

As the Government does not intend to appeal the ruling, it appears the Prime Minister, Boris Johnson and his Transport Secretary, Grant Shapps, have accepted the court’s judgement and decided to shelve the controversial plans to build a third runway in the midst of the heightening climate and environmental emergency.

The ruling emphasises that the Government cannot ignore its own policy commitment to the Paris temperature limit of 1.5°C when planning major infrastructure projects. Given that 197 governments have committed to the Paris Agreement, the judgement is likely to be influential

not just in the UK but on courts around the world and spells further trouble for the carbon-based economy, just days after J.P. Morgan warned of the need to change the economic system¹.

The Court, consisting of three Court of Appeal judges, said in a unanimous ruling:

" The Paris Agreement ought to have been taken into account by the Secretary of State in the preparation of the [Heathrow Policy], but was not ... What this means, in effect, is that the Government when it published the [Policy] had not taken into account its own firm policy commitments on climate change under the Paris Agreement.

That, in our view, is legally fatal to the [Policy] in its present form. As we have explained, the normal result in a successful claim for judicial review must follow, which is that the court will not permit unlawful action by a public body to stand."

In a "David versus Goliath" dimension to the proceedings, one of the successful claimants, was Plan B.Earth, a grass-roots, volunteer-based charity, which did not have enough funds to instruct external lawyers and was represented in court by one of its own volunteers.

Tim Crosland, Director of Plan B said:

"It would have been hard to imagine this outcome even a couple of years ago, but as the scale and impacts of the ecological crisis become clearer, with people dying and being displaced in the UK and around the world, it's vital we reject the politics of division and unite in adversity.

This is an important moment for all of us, and for our young people in particular. Some sanity is finally prevailing. It's now clear that our governments can't keep claiming commitment to the Paris Agreement, while simultaneously taking actions that blatantly contradict it.

We welcome the ruling of the Court and we welcome the Government's acceptance of it. The Government has a crucial responsibility to show real climate leadership ahead of COP26 and this is an important start.

It's all those people who have been working so hard to sound the alarm, whether by taking to the streets or in other ways, who have made this outcome possible. The message is finally getting through. The bell is tolling on the carbon economy loud and clear."

¹ <https://www.bbc.co.uk/news/business-51581098>

Notes to editors:

- For a more detailed Q & A see here: <https://docs.google.com/document/d/1Xg-b-S7C8x31eEBQsg962CqTCLpcQNxSJs-LorK67lg/edit?usp=sharing>
- **While a number of other parties brought claims against Heathrow expansion, Plan B cannot speak for those parties in this press release.**
- On 26 June 2018, Chris Grayling, the Transport Minister, designated plans to expand Heathrow Airport as a National Policy Statement under the Planning Act 2008.
- **The Planning Act 2008, s. 5(8) requires the Secretary of State to take account of “Government policy relating to ... climate change” in a National Policy Statement.**
- On 14 June 2018, Lord Deben and Baroness Brown, the Chair and Deputy Chair of the Committee on Climate Change (the CCC), wrote to Chris Grayling in the following terms to say: *“Dear Secretary of State, The UK has a legally binding commitment to reduce greenhouse gas emissions under the Climate Change Act. The Government has also committed, through the Paris Agreement, to limit the rise in global temperature to well below 2°C and to pursue efforts to limit it to 1.5°C. We were surprised that your statement to the House of Commons on the National Policy Statement on 5 June 2018 made no mention of either of these commitments. It is essential that aviation’s place in the overall strategy for UK emissions reduction is considered and planned fully by your Department ...”*. The letter in full is published here: <https://www.theccc.org.uk/wp-content/uploads/2018/06/CCC-letter-to-DfT-on-Airports-National-Policy-Statement.pdf>

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