

Claimant
T.J.E. CROSLAND
Second
TC/2
21 June 2021

Claim No: CO/1587/2021

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

B E T W E E N :

THE QUEEN

on the application of

- (1) PLAN B. EARTH
- (2) STEPHANIE ADETOLA KEZIA ONAMADE
- (3) JERRY AMOKWANDOH
- (4) MARINA XOCHITL TRICKS
- (5) TIMOTHY JOHN EDWARD CROSLAND

Claimants

- and -

- (1) THE PRIME MINISTER
- (2) THE CHANCELLOR OF THE EXCHEQUER
- (3) THE DEPARTMENT OF BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Defendants

SECOND WITNESS STATEMENT OF TIMOTHY JOHN EDWARD CROSLAND

I, **TIMOTHY JOHN EDWARD CROSLAND**, of 62 SUTHERLAND SQUARE, LONDON, SE17 3EL,
SHALL SAY AS FOLLOWS:

1. I make this statement, both in my capacity as Director of Plan B and in my personal capacity as the 5th Claimant, further to my first statement in these proceedings, in order to address:
 - (a) the report of the Climate Change Committee (“CCC”), the Government’s statutory adviser on climate change, published on 16 June 2021: *Independent Assessment of UK Climate Risk* (“the CCC’s risk assessment”);
 - (b) the ruling of a Belgian Court, on 17 June 2021, that the Belgian Government’s failure to meet its climate change targets violates both Articles 2 and 8 of the European Convention on Human Rights.
2. Except where otherwise stated, the facts and matters set out in this witness statement are within my own personal knowledge. Where they are not, I identify the source of my understanding and belief. In the course of making this statement, I shall refer to the CCC’s risk assessment, relevant excerpts of which are included in the exhibit to this statement, “[TC/2]”, alongside the BBC report of it. .
3. The CCC’s risk assessment, published pursuant to section 57 of the Climate Change Act 2008, is directly relevant to these proceedings, and in particular to Ground 2: it confirms the position of the Claimants, which is that the Defendants’ are systematically failing to take practical and effective measures to prepare for the impacts of climate change, in violation of the Claimants’ rights under Articles 2 and 8 of the European Convention on Human Rights.
4. While the ruling of the Belgian Court is not, of course, binding on the UK courts, it relates to the same threat from climate change, and the same jurisprudence at issue in these proceedings, adding to the growing body of case-law to the effect that Governments have legally binding obligations to take practical and effective measures to counter the threat from climate change.
5. The BBC reported the publication of the CCC’s risk assessment under the headline, “*UK warned it is unprepared for climate chaos*”¹. Chris Stark, the Chief Executive of the CCC is reported to have said:

¹ TC/2/2

"It's really troubling how little attention the government has paid to this. The extent of planning for many of the risks is really shocking. We are not thinking clearly about what lies ahead."²

6. In the Foreword, Baroness Brown, the Chair of the Adaptation Committee of the CCC, says:

"COVID-19 has been a tragedy, and it has shown us the importance of preparing for known risks. [This report] is an assessment of the known risks of climate change, and it is time for the UK to respond."³

7. The Executive Summary begins:

"Climate change has arrived. The world is now experiencing the dangerous impacts of a rapidly heating climate. And further warming is inevitable, even on the most ambitious pathways for the reduction of global greenhouse gas emissions.

Only by preparing for the coming changes can the UK protect its people, its economy and its natural environment." (emphasis added)

8. The Claimants' Statement of Facts and Grounds includes previous criticisms by the CCC of the Government's failure to prepare for the impacts of climate change:

"We find a substantial gap between current plans and future requirements and an even greater shortfall in action ..."

"The need for action has rarely been clearer. Our message to government is simple: Now, do it"⁴

"UK plans have failed to prepare for even the minimum climate risks faced"⁵

9. That previous criticism provides context for the CCC's risk assessment conclusion:

"Alarmingly, this new evidence shows that the gap between the level of risk we face and the level of adaptation underway has widened. Adaptation action has failed to keep pace with the worsening reality of climate risk."⁶ (emphasis added)

² TC/2/8

³ TC/2/14

⁴ SFG, §211

⁵ SFG, §215

⁶ TC/2/17

10. The CCC emphasises that this failure can not be attributed to lack of capacity or resources:

“The UK has the capacity and the resources to respond effectively to these risks, yet it has not done so. Acting now will be cheaper than waiting to deal with the consequences. Government must lead that action.”⁷ (emphasis added)

11. As an example of the risks not being prepared for are the risks to the UK’s food supply:

“Climate change poses a direct risk to crops, livestock and commercial trees through increased exposure to heat stress, drought risk, waterlogging, flooding, fire, and pests, diseases and invasive non-native species ...

There is no clear evidence that climate risks or opportunities for agriculture and forestry are being strategically planned for or managed.”⁸

12. The CCC’s risk assessment emphasises that the UK is vulnerable to impacts originating overseas:

“8. Multiple risks to the UK from climate change impacts overseas

Extreme weather events in the UK and globally can create cascading risks that spread across sectors and countries, with impacts an order of magnitude higher than impacts that occur within a single sector. The COVID-19 pandemic is a shocking example of a cascading global impact, albeit not a climate-driven event, which has resulted in terrible impacts to society and huge costs to Government.

There is growing potential for weather-related hazards, such as floods, hurricanes, or drought, to spark these kinds of cascading impacts globally. The current model of conventional risk governance in the UK, which focuses on single events, single sectors and characterisation of reasonable worst-case scenarios, should be updated to address cascading climate risks.”⁹ (emphasis added)

13. Consequently support for countries less well resourced than the UK is an essential component in defending the UK:

“Overseas programmes should work to reduce underlying vulnerabilities and not just respond to disasters. This ties in with the UK Government’s ‘levelling up’ agenda and its aims for global leadership, including through presidencies of the G7 and upcoming UN climate talks (COP26)”¹⁰

⁷ TC/2/17

⁸ TC/2/24

⁹ TC/2/28

¹⁰ TC/2/28

14. Like the Claimants, the CCC emphasises the need for an overarching framework to ensure climate change adaptation is integrated into relevant policies:

“The Government has an essential role to enable and enforce good adaptation planning across the UK. It can do this by addressing market failures, providing better information on risks, supporting the coordination of local action, implementing a framework of targets, incentives and reporting, and directly funding adaptation action. It should also provide a strong governance framework for adaptation to ensure that it is integrated more widely into relevant policies.”¹¹

“Previous iterations of the UK’s national adaptation plans have not articulated a positive vision for a resilient UK. The next set of national plans should be inspired by a clear vision for a well-adapted UK, where adaptation is integrated as standard into policies and business operations, and implications are clear for people, places and sectors throughout the UK.”¹²

15. The CCC highlights the Government’s failure to follow its previous advice to this effect:

“The Government has not heeded our past advice on the importance of setting this framework and resourcing it adequately. Adaptation governance has weakened over the past ten years at the same time as the evidence of climate risk has grown. This must change.”¹³

16. It highlights that 4°C warming, which is the current trajectory, would lead to:

“widespread threats to life”¹⁴.

17. The CCC cites as an example of ‘lock-in’, the current practice of allowing new houses to be built, in full knowledge that they will not be resilient to the impacts of climate change:

“Early adaptation action – before impacts actually occur – reduces vulnerability to current climatic variability and builds in resilience where decisions have long lifetimes or long planning processes, such as with major infrastructure projects. Early action is also needed to prevent, as far as possible, irreversible changes such as loss of species or ecosystems. Failing to do this leads to ‘lock-in’, where delayed decisions, or decisions that don’t consider the long-term risks, result in irreversible changes, increased climate change damages, or higher costs when larger and faster action is required later.

The current practice of building new homes without designing in adaptations to future conditions such as extreme heat is one example of ‘lock-in’. Retrofitting

¹¹ TC/2/29

¹² Ibid.

¹³ Ibid.

¹⁴ TC/2/30

windows and shutters is around four times more expensive than including them at design stage.”¹⁵

18. Like the Claimants, the CCC emphasise the discriminatory impacts of the Government’s failures:

“Climate change is likely to widen existing inequalities through its disproportionate effects on socially and economically disadvantaged groups. For example, lower income households are relatively more exposed to flood risk in the UK ...

Lack of action today stores up negative impacts for future generations, creating intergenerational inequalities ...

Actions to address climate change could also exacerbate existing inequalities if not carefully planned. Inequalities have been identified in the risk assessment in relation to where people live, their income level and assets, and characteristics such as age and ethnic background, that can correlate to current vulnerabilities and capacity to adapt to climate change.”¹⁶

19. Finally, the CCC emphasises the urgency and immediacy of the risk:

“The UK is not prepared for unprecedented extreme weather events that could occur now”¹⁷

... adaptation is a pressing priority now. It cannot wait for another year, or the next five-yearly assessment of risk.”¹⁸

20. On 17 June 2021, a Belgian Court of first instance ruled that the Belgian Government’s failure to meet its climate change targets is a violation of Articles 2 and 8 of the European Convention on Human Rights. As the judgment has not yet been translated into English I exhibit the Guardian report of the judgment which states:

“Belgium’s failure to meet climate targets is a violation of human rights, a Brussels court has ruled, in the latest legal victory against public authorities that have broken promises to tackle the climate emergency ...

By not taking all “necessary measures” to prevent the “detrimental” effects of climate change, the court said, Belgian authorities had breached the right to life (article 2) and the right to respect for private and family life (article 8) ...”¹⁹

¹⁵ Ibid.

¹⁶ TC/2/31

¹⁷ TC/2/34

¹⁸ TC/2/35

¹⁹ TC/2/39

The legal victory follows similar rulings in the Netherlands, Germany and France, where judges have condemned governments for inadequate responses to the climate crisis or failing to keep their promises.²⁰

STATEMENT OF TRUTH

I believe that the facts in this witness statement are true.

Signed



TIMOTHY JOHN EDWARD CROSLAND

Dated 21 June 2021

²⁰ TC/2/40