

Claimant
T.J.E. CROSLAND
Third
TC/3
29 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

THIRD 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 second statement in these proceedings, in order to address the report of the Climate Change Committee (“CCC”), the Government’s statutory adviser on climate change, published on 24 June 2021: *Progress in reducing emissions: 2021 Report to Parliament* (“**the Progress Report**”).
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 Progress Report, relevant excerpts of which are included in the exhibit to this statement, “[TC/3]”, alongside the Reuters report of it, “*Britain risks missing climate targets due to lack of policies - advisers*” and the Carbon Brief report, “*CCC: UK will miss climate goals by ‘huge margin’ without new policies*”.
3. The Progress Report, presented to Parliament pursuant to Section 36(1) and Section 59 (1) of the Climate Change Act 2008, is directly relevant to these proceedings, and in particular to Grounds 1, 2 and 3.
4. The lynchpin of the Defendants’ defence, set out at §54 of the their Summary Grounds of Defence, is that:

"The basic factual contention underlying the claim – that the Government is not doing enough to meet its own net zero target under the CCA 2008 and/or to meet its international obligations under the Paris Agreement – is misconceived and wrong."
5. Contrary to the Defendants’ position, the Progress Report confirms that the Claimants’ “basic factual contention” is well-founded. The Defendants are now left with a choice between:
 - (a) disputing the expertise and evidence of the CCC, the Government’s independent, statutory adviser on climate change; or
 - (b) making the appropriate concessions.
6. According to Reuters, at the time of publication of the Progress Report, Chris Stark, the Chief Executive of the CCC, told reporters:

"The targets (Britain) set are not going to be achieved by magic. Surprisingly little has been done so far to deliver on them."¹

7. According to the Carbon Brief report, Stark highlighted the "procrastination" of the Second Defendant:

"Stark emphasised in the press briefing that the government needed the full support of the Treasury, but with its net-zero review - originally due in autumn 2020 - yet to be completed, the CCC chief executive said its silence was "really noticeable".

"We've had procrastination from our finance and economics ministry on this, despite the promised turnaround in their thinking on climate," he said."²

8. In their Joint Foreword to the Progress Report, Lord Deben, Chair of the CCC, and Baroness Brown, Chair of the Adaptation Committee, state:

"... it is hard to discern any comprehensive strategy in the climate plans we have seen in the last 12 months. There are gaps and ambiguities. Climate resilience remains a second-order issue, if it is considered at all. We continue to blunder into high-carbon choices. Our Planning system and other fundamental structures have not been recast to meet our legal and international climate commitments".³

9. They continue:

"... the Committee's advice to step-up the ambition and resourcing of adaptation continues to go unheeded. And the willingness to set emissions targets of genuine ambition contrasts with a reluctance to implement the realistic policies necessary to achieve them ...

... A pattern has emerged of Government strategies that are later than planned and, when they do emerge, short of the required policy ambition."⁴

10. They urge the Government to heed the lessons of the pandemic:

"COVID-19 casts a long shadow, but there are three broad lessons from the pandemic: first, we have seen the critical importance of effective planning for high-impact eventualities; second, we have experienced the ability of government to act with pace and scale when it is

¹ TC/3/4

² TC/3/16

³ TC/3/20

⁴ TC/3/20

required; and third, we have learned that people are willing to support change when they have the information before them.”⁵

11. Key messages are set out from page 8 of the Progress Report, under the heading: “*Overall progress in climate policy: Net Zero and adaptation*”. This states:

“Without a much stronger and urgent effort, we will breach 1.5°C of warming in the early 2030s and remain ill-prepared for the future ...

... Action must occur across the world, with richer countries acting earliest, while offering support for poorer countries. As host of the upcoming UN climate talks (‘COP26’) the UK has a particular responsibility to implement effective climate action and drive global efforts ...

... [the UK] has fallen behind on adapting to the changing climate and has not yet provided a coherent plan to reduce emissions in the critical decade ahead ...

... overall progress in planning and delivering adaptation is not keeping up with increasing risk. The UK is less prepared for the changing climate now than it was when the previous risk assessment was published five years ago ...

... The UK has been a strong contributor to international climate finance ... However, recent cuts to the UK’s overseas aid are undermining these commitments.”⁶

12. The section continues:

“Some government departments are not sufficiently prioritising climate change, and none are yet moving at the pace required ...

The UK does not yet have a vision for successful adaptation to climate change, nor measurable targets to assess progress. Not one of the 34 priority areas assessed in this year’s progress report on adaptation is yet demonstrating strong progress in adapting to climate risk. Policies are being developed without sufficient recognition of the need to adapt to the changing climate. This undermines their goals, locks in climate risks, and stores up costs for the future ...

⁵ TC/3/21

⁶ TC/3/22

Climate risks affect all aspects of society, while any new source of emissions could put the Net Zero path at risk. Climate change must therefore be integrated throughout policy and planning decisions, and must be a key consideration in the Government's proposed planning reforms ..."⁷

13. Like the Claimants, the CCC emphasises the imperative for the Government to provide the public with good information about the climate crisis and to ensure that private-sector investment decisions are aligned to climate targets:

"Reducing emissions and adapting to climate change will require a whole-of-society endeavour. Success will require the public to be engaged in the challenge, building public consent for the changes with a broader understanding of what is required and why. Workers will need help to develop the required skills and to fill the jobs created during the transition. Businesses must be encouraged, and in some cases required, to invest in solutions and make low-carbon, climate-resilient choices"⁸

14. Like the Claimants, the CCC highlights the impact of the Government's cuts to overseas financial support for those on the frontline:

"Climate challenges are fundamentally integrated with wider challenges for ecosystems and economies. This means climate finance and climate action are not fully isolated from cuts to the UK's Official Development Assistance (ODA) in practice. The Government has said the cut to ODA is temporary; now that the UK's economic recovery is underway, the Government should provide a firm timeline for reinstating its previous commitment."⁹

15. The Executive Summary of the Progress Report points to the absence of a "coherent approach" to meeting the Government's net zero target and consequent acts and decisions of the Government which are "potentially incompatible with the overall need to reduce emissions":

"More generally, there is a need for a coherent approach to achieving Net Zero and to ensure that all Government policies are compatible with the transition to Net Zero, together with adapting to climate change. Decisions on road building, planning, fossil fuel production and expansion of waste incineration are not only potentially incompatible with the overall need to reduce emissions but also send mixed messages and could undermine public buy-in

⁷ TC/3/23

⁸ TC/3/24

⁹ TC/3/24

to the Net Zero transition. We recommend implementation of a 'Net Zero Test' to ensure that all Government policy decisions are compatible with the legislated emissions targets.

The Government should now focus on delivering their stated policy aims, scaling up the rate of delivery rapidly and putting in place a comprehensive policy framework this Parliament (i.e. to 2024)."¹⁰

16. The significance of the failings identified by the CCC can only be understood in the context of the urgent threat from the climate crisis. In the words of the Second Defendant:

"Climate change is an existential threat to humanity. Without global action to limit greenhouse gas emissions, the climate will change catastrophically with almost unimaginable consequences for societies across the world."¹¹

17. There is no time to lose. As stated by Sir David King, the Government's former Chief Scientific Adviser:

"What we do over the next three to four years, I believe, is going to determine the future of humanity. We are in a very, very desperate situation."¹²

18. The Defendants' failure to take practical and effective measures to confront the climate crisis, and their repeated failure to heed the urgent warnings of their expert advisers, violates the rights of the Claimants and all those within the jurisdiction. Such failure must be properly challenged before it is too late.

STATEMENT OF TRUTH

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

Signed



TIMOTHY JOHN EDWARD CROSLAND

Dated 29 June 2021

¹⁰ TC/3/37-38

¹¹ SFG, §53

¹² SFG, Cover sheet