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## ClientEarth wins air pollution case in High Court

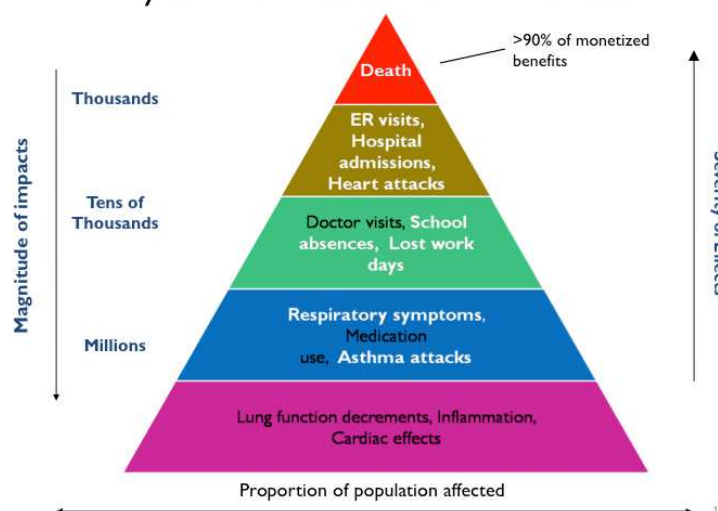
2 November 2016

ClientEarth has won its High Court case against the Government over its failure to tackle illegal air pollution across the UK.

In a damning indictment of Ministers' inaction on killer air pollution, Mr. Justice Garnham agreed with ClientEarth that the Environment Secretary had failed to take measures that would bring the UK into compliance with the law "as soon as possible" and said that ministers knew that over optimistic pollution modeling was being used.

In his ruling, the judge, who listened to two days of argument at the High Court last month, questioned Defra's five year modeling; saying it was "inconsistent" with taking measures to improve pollution "as soon as possible."

A "Pyramid of Effects" from Air Pollution





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Defra's planned 2020 compliance for some cities, and 2025 for London, had been chosen because that was the date when ministers thought they'd face European Commission fines, not which they considered "as soon as possible."

The case is the second the government has lost on its failure to clean up air pollution in two years.

In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible.

Those plans were so poor that ClientEarth took the government back to the High Court in a Judicial Review.

In his judgment handed down this morning, Mr. Justice Garnham ruled that the government's 2015 Air Quality Plan failed to comply with the Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modeling of pollution levels.

ClientEarth CEO James Thornton said: "I am pleased that the judge agrees with us that the government could and should be doing more to deal with air pollution and protecting people's health. That's why we went to court.

"The time for legal action is over. This is an urgent public health crisis over which the Prime Minister must take personal control. I challenge Theresa May to take immediate action now to deal with illegal levels of pollution and prevent tens of thousands of additional early deaths in the UK.

The High Court has ruled that more urgent action must be taken. Britain is watching and waiting, Prime Minister."

During evidence, the court heard that Defra's original plans for a more extensive network of Clean Air Zones in more than a dozen UK cities had been watered down, on cost grounds, to 5 in addition to London.



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ClientEarth air quality lawyer Alan Andrews added: “We hope the new Government will finally get on with preparing a credible plan to resolve this issue once and for all. We look forward to working with Defra ministers on developing a new plan which makes a genuine attempt to achieve legal limits throughout the UK as soon as possible.

“We need a national network of clean air zones to be in place by 2018 in cities across the UK, not just in a handful of cities.

The government also needs to stop these inaccurate Modeling forecasts. Future projections of compliance need to be based on what is really coming out of the exhausts of diesel cars when driving on the road, not just the results of discredited laboratory tests.”

<http://www.clientearth.org/major-victory-health-uk-high-court-government-inaction-air-pollution/>

Courtesy: ClientEarth



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