

Government puts off the inevitable as Heathrow legal challenge delayed



The Government has delayed facing a legal challenge against its decision to back Heathrow expansion.

A High Court ruling, released today, decides that any judicial review examining the legality of the third runway scheme, including its air quality impacts, cannot be heard until after designation of a National Policy Statement (NPS) on aviation, anticipated in 2018.

The Department for Transport's move to delay a legal challenge has been condemned by a coalition of local councils, including Hillingdon, Richmond, Wandsworth and Windsor and

Maidenhead, together with Greenpeace UK and a Hillingdon resident, who had started judicial review proceeding against the third runway.

The claimants argued that the case should be heard now before more time and taxpayers' money is wasted developing a scheme that will never be able to comply with air quality law. They also point out that local residents should not have to face another period - perhaps years - of uncertainty over a scheme which they believe will never get planning permission.

Today's ruling does not concern the merits of the claimants' grounds for complaint - only the timing of the judicial review process. The judge said that: "Once the Secretary of State adopts and publishes a National Policy Statement the court will have jurisdiction to entertain challenges the claimants advance."

The coalition claims that the Government's October 2016 decision to back plans for the third runway is unlawful because it frustrates the legitimate expectations of local residents who have received clear and repeated promises from ministers over the years that it would never be built. This gave them the right, at the very least, to consultation before the Government decided to back Heathrow.

They also challenge the decision on the basis that the Government has failed to recognise the project's unlawful pollution impacts. They argue that the Airport Commission and the Government misapplied air quality law.



They also oppose an expanded Heathrow because of intolerable noise which would affect the most densely populated areas in the UK.

Cllr Ray Puddifoot, Leader of Hillingdon Council, said: "People right across London have repeatedly voiced their opposition to any expansion at Heathrow, and our job has always been, and continues to be, to represent our residents' views and to challenge this terrible decision to allow a third runway. Today's ruling is not the end of Heathrow's problems, it is just the first step in what will be a losing battle for them and the Government, neither of which can get around the problem of unlawful air quality impacts, let alone all of the other issues it faces. The blatant waste of public money by the Government at this time is lamentable."

Ravi Govindia leader of Wandsworth Council said: "The Government has taken a colossal gamble by delaying this legal action for at least a year. The country is now going to waste more time developing a scheme that will never pass a simple legal test on air quality. Nothing is going to change between now and 2018 to make this scheme any less polluting so they should face this challenge now or abandon the third runway."

Lord True, Leader of Richmond Council, said: "The Government has delayed the inevitable. The expansion of Heathrow would be the worst environmental decision of any government in modern times. And, the process in which Ministers have made their decision is now proven to be inadequate, incompetent and goes back on a six year commitment never to expand the airport. We will be a thorn in the Government's side until sense prevails."

Greenpeace UK executive director John Sauven said: "Today's ruling was about the timing of our legal challenge, not its merit. It doesn't change the fact that ministers have no solution to the huge air and noise pollution problems caused by a third runway. By forging ahead with a flawed consultation ministers are just delaying an inevitable legal challenge, wasting more time, energy, and public money in the process."

"Expanding Heathrow will heap more misery on thousands of Londoners already breathing illegal levels of air pollution and make it impossible for the government to comply with air quality laws. The government should ditch this project as they have promised to do many times in the past."