

Government will be challenged in the courts over Heathrow decision



Hillingdon, Richmond, Wandsworth and Windsor and Maidenhead councils, together with Greenpeace and a resident of Hillingdon, have today served legal papers on the government for unlawfully supporting the expansion of Heathrow.

In a legal submission to the High Court, the 'coalition' is seeking a Judicial Review of the government's decision to support the expansion of the airport - something that the government previously promised would never happen.

Harrison Grant Solicitors, on behalf of the 'coalition' have filed a formal request for a judicial review. If successful, it is hoped the case will be heard in the High Court early next year.

Together, the claimants argue that the government has failed to recognise the project's unlawful air quality impacts and that the consultation held to make the decision was fundamentally flawed. Therefore, the expansion of the airport cannot go ahead. In addition, the legal challenge seeks to hold the government to the promise that a third runway would never be built. If the request is successful, and the coalition wins the judicial review, the decision to proceed with the runway would be overturned.

Cllr Ray Puddifoot, Leader of Hillingdon Council, said: "The government has stubbornly refused to accept that it is breaking the law on the very important issue of air quality in relation to Heathrow. Therefore, this Council, together with the London Boroughs of Wandsworth and Richmond upon Thames, the Royal Borough of Windsor and Maidenhead, Greenpeace and a Hillingdon resident, have had no option other than to issue judicial review proceedings in the High Court.

"There are two grounds of challenge at this stage. In addition to our claim that there has been a significant breach of established air quality laws, we have also claimed that the government has acted contrary to our legitimate expectation that it would honour its repeated promises not to expand Heathrow. However, it has been made very clear to the government that we have fully reserved our position in relation to other matters of complaint such as climate change, equalities, noise pollution and the economic case for Heathrow expansion and that, if necessary, further legal proceedings will be brought in the future."



Lord True, Leader of Richmond Council, said: “The expansion of Heathrow would be the worst action of any government in modern times. And, the process in which Ministers have made their decision is dishonest, incompetent and goes back on a six year commitment never to expand the airport.

“Millions of people have already told the government that they won’t stand for any expansion. Indeed - 100,000 people voted NO in the referendum run by us and Hillingdon. Their objections have so far fallen on deaf ears. We have given the government every opportunity to change their minds, to relook at the evidence that clearly shows expansion is not feasible. Instead they seem hell-bent on driving through an expansion that will create further havoc for the environment and way heavily on the public purse.

“Therefore we have no choice. We will take every available step to fight the expansion - in the courts and every other forum available to us. And stop it.”

Leader of Wandsworth Council, Cllr Ravi Govindia said: “This feels like Groundhog Day for many of us. Back in 2010 we overturned the Brown Government’s plans for a third runway on environmental grounds and we’re now heading back to the same court to do it all over again. Six years later and we now know that air pollution is far more damaging to health and this expansion proposal is far bigger and more polluting than the last. It beggars belief that our government has backed a plan which is so clearly untenable in law and common sense and we have been left with no choice but to defend our residents interests in the courts.”

Cllr Simon Dudley, Leader of The Royal Borough of Windsor and Maidenhead, said:

“The Royal Borough has been very consistent in saying it will hold government to account for its decision and seek to protect our residents from the public health risks of an expanded Heathrow Airport. Our involvement in this legal action seeks to achieve those objectives, and in addition our long standing objections to and manifesto commitments to resist the expansion of Heathrow Airport and protect our residents.”

Greenpeace UK executive director John Sauven, said: “Ministers have been clutching at straws to avoid admitting one simple fact - that it’s practically impossible to expand Heathrow without breaking air pollution rules and busting our climate targets. The government’s own advisers have warned that without steeper carbon cuts on the rest of the economy a third runway would breach the UK’s climate targets. The government’s air pollution plans have also been found wanting by a damning High Court ruling. It’s clear that ministers greenlighted the third runway without thinking through its repercussions for people and the environment. This is reckless and unlawful. If ministers are hell bent on disregarding the laws that protect us from pollution, a courtroom is where we’re going to hold them to account. We have stopped a third runway once before, and we can do it again.”

Christine Taylor, who lives in Harlington, close to Heathrow airport, and is a co-claimant in the Judicial Review, said:

“We lived under the shadow of a third runway for decades. Then we were promised over and over again that it wouldn’t go ahead, and now the nightmare has started all over again. This is hugely unfair on local residents who were also promised that they wouldn’t still be suffering the high levels of noise and air pollution that Heathrow generates. Many people around here have made crucial choices like buying a home or taking up a job based on ministers’ promises. Now their life plans have been shattered. If ministers want to go through with this injustice, we’re ready to go to court to stop them.”

Judicial review is a process by which the courts review the lawfulness of a decision made (or sometimes lack of a decision made) or action taken (or sometimes failure to act) by a public body. It is a mechanism by which a judge considers whether a public body has acted in accordance with its legal obligations and if not, can declare a decision taken by it invalid.

An alliance between Greenpeace and local councils successfully overturned the Brown Government’s backing for a third runway in the High Court in 2010, which prompted the incoming Cameron Government to emphatically rule it out.