
LONDON COURT ORDERS UK GOVERNMENT TO PUBLISH DRAFT AIR POLLUTION PLANS BEFORE VOTE

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The High Court in London has ordered a draft plan for tackling air pollution to be submitted by May 4 - four months earlier than the government had wanted - and a full report by July 31. "Air pollution has created exceptional public health circumstances," Justice Garnham said in the ruling on Thursday.

"These steps are necessary in order to safeguard public health," said the judge. "The continued failure of the government to comply with directives and regulations constitutes a significant threat to public health."

Environment Minister Andrea Leadsom is "obliged to comply with orders of this court as any other litigant," the court ruled.

The government had gone to the High Court to extend an April 24 deadline to submit its plan to improve air quality and comply with nitrogen dioxide limits set by the EU.

The judge said the governments own figures showed that nitrogen dioxide pollution, primarily from diesel traffic such as buses, was linked to the premature deaths of 23,500 people a year in the UK. "That is more than 64 deaths each day," Garnham said.

'Purduh' defense 'no defense'

Ministers claimed that missing the April 24 deadline was due to the government entering a period of 'purdah' in which it could not announce new policies that might influence the outcome of the election in June.

QC James Eadie, acting for the government, had said publication would drop a "controversial bomb" into a mix of local and national elections. "The application was made with considerable reluctance," he said. "It is not some sort of guise or demonstration of lack of commitment to improving air quality."

The government may appeal the ruling and the Department for Environment, Food and Rural Affairs (DEFRA) said it was considering the judgment.

A Downing Street spokeswoman said on Thursday that the government "will consider the judgment and decide what to do next."

London Fog, 1952. A bus crawls long the Embankment after a blanket of fog covered London.

Pollution high on EU agenda

Under the EU's Air Quality Directive, member states were to comply with nitrogen dioxide limits in 2010 - or by 2015 if they had delivered plans to deal with high levels of the gas, which is produced mainly by diesel engines.

But EU member states have been failing for some years to meet agreed limits on a range of pollutants associated with respiratory and other illnesses.

Over 400,000 premature deaths per year could be avoided by lowering emissions particularly of diesel cars, according to European Commission data.

Environment, Food and Rural Affairs Minister Andrea Leadsom outside 10 Downing Street.

Political embarrassment

The opposition Labour Party this week accused the government of failing to act on air pollution and has vowed to bring in a new Clean Air Act, including a network of "clean air zones" if it is elected.

The smaller opposition party, the Liberal Democrats, had demanded the government publish the report before the election. Ed Davey, the party's former cabinet minister for Energy and Climate Change, said this week the government was seeking to block release of the report because it was worried the "shaming" findings would become a major election issue.

"The Conservatives have hidden the truth about their toxic policies," Davey said. "A vote for the Tories is a vote for more air pollution."

"Ministers are hugely embarrassed because it is EU air quality standards the government is flouting. No wonder [Prime Minister] Theresa May wants a hard Brexit, so she can change the rules to leave polluters free to damage the nation's health. You can't have clean air and a hard Brexit," Davey said.

Clean air campaigners pleased

"Air pollution is an election issue with or without publication of this plan and we clearly need robust commitments from all parties on tackling the UK's toxic air," said Areeba Hamid, a clean air campaigner at environmental group Greenpeace.

"We're delighted with today's decision. We have said that this is a public health issue and not a political issue," said Anna Heslop, clean air lawyer for ClientEarth, which brought the case against the government.

Environmental pressure group Greenpeace also welcomed the verdict, saying the court had "called out the government on its underhand dodging of the air pollution crisis."