

# Chris Packham announces appeal of HS2 decision

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Environmental campaigner Chris Packham CBE has announced that he is seeking permission to appeal the decision by the High Court to dismiss his judicial review of the government's go-ahead on HS2.

The High Court decided on Friday 3 April 2020 that it would not grant permission for a judicial review of the decision by the government to go ahead with the high speed rail project. An application for an urgent injunction to stop enabling and clearance works related to HS2 destroying ancient woodlands, was also dismissed.

Mr Packham, who is represented by law firm Leigh Day, has submitted an application for appeal to the Court of Appeal.

He is appealing the High Court ruling arguing that the court misunderstood grounds 2 and 3b of his case which relate to consideration of environmental impacts and consideration of the implications of the Paris Agreement on Climate Change on the project.

Mr Packham will argue in his appeal that the Prime Minister and Secretary of State for Transport were told

that the Oakervee Report, on which the government based its decision, set out a sufficient account of the scale and significance of the environmental impacts of Phase 1 of the project, when in fact it had not done so.

He will further argue that although the Secretary of State was aware that HS2 would contribute significantly to climate change in the period up to 2050, he was not told of the legal implications of that for the UK's international Paris Agreement obligations and therefore failed to take into account the Paris Agreement when making this decision.

Mr Packham said: "Despite the devastating dismissal of our case by the High Court I am determined not to give up. In these times of climate and environmental emergency, resilience is key.

"Now is not the time to give up, now is the time to muster and protect what we have left. It is heart-breaking that we were not able to stop the clearance works that have already begun on this project.

"I have heard reports from the ground that there has already been low level cutting of hazel in Broadwells Wood and the felling of around 15 veteran trees on edge of Crackley Woods. These are ancient woodlands that used to provide a safe and stable home to an abundance of wildlife, parts of which are now gone forever.

"The works are completely irreversible. Yet still we fight on, as we must try to protect all the other precious flora and fauna which is at risk from the HS2 project. I deeply believe that I still have a strong case against this ludicrously environmentally damaging project and I will argue in my appeal that the High Court judgment missed key points which still need to be answered."

Carol Day, solicitor at law firm Leigh Day, added: "Mr Packham is seeking to argue that the High Court failed to properly address parts of his claim in relation to the loss of irreplaceable ancient woodlands and climate change.

"He believes that if the Government is determined to proceed with this costly and damaging project, it must be on the basis of a full and proper understanding of the environmental impacts. Now more than ever it should be recognised that meeting our international environmental obligations has a vital part to play in protecting nature and human health."

A statement given by the Department for Transport after the High Court dismissed the judicial review said: "We are pleased with this verdict. While our current priority is combating the spread of coronavirus, we must continue our work to level up the country. HS2 will be crucial to that ambition, boosting capacity and connectivity across our rail network.

"We have tasked HS2 Ltd with delivering one of the UK's most environmentally responsible infrastructure projects."

*Photo credit: HS2*