

High Court dismisses application for HS2 judicial review

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The High Court has dismissed an application for permission for judicial review of the Prime Minister's decision to proceed with the HS2 railway project, and a related interim injunction to halt enabling and clearance works relating to HS2.

Chris Packham, represented by law firm Leigh Day, was seeking the injunction to stop the destruction of ancient woodlands pending the outcome of the judicial review. The injunction application was supported by witness statements from the RSPB and the Woodland Trust.

The High Court sitting as Divisional Court consisting of Lord Justice Coulson and Mr Justice Holgate dismissed the applications. The Court was due to provide its reasons on Monday.

A Department for Transport spokesperson 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.”

Mr Packham had argued that the decision to allow HS2 to proceed is unlawful because it was made on the basis of the findings and recommendations of the Oakervee Review. Mr Packham believes that the review deviated from its own terms of reference and was not rigorous in its consideration of environmental matters, including its impact on climate.

Mr Packham said: “The High Court’s decision is hugely disappointing. Not just for me – but for the future of the natural world. I had so hoped that we could go into this weekend safe in the knowledge that our precious ancient trees and all the life they support would still be there on Monday. But as a result of this decision some of the most beautiful organisms we have living in the UK will be gone forever as HS2 Ltd moves in with its chainsaws to hack into our ancient trees.

“As the ecological and climate crisis deepens, our future depends on what we do today. Together we will battle on. This might be David against Goliath but I am not giving up after just one slingshot. We are considering an appeal. That decision will be made when the Judges publish their reasons.”

Mr Packham is represented by Tom Short and Carol Day at law firm Leigh Day.

Tom Short, solicitor at law firm Leigh Day, said: “Our client is grateful for the enormous support his case has received from members of the public and from environmental experts who provided witness evidence including the RSPB and the Woodlands Trust.

“Like many of them, Mr Packham believes it is vital to ensure that the untold environmental destruction the HS2 project will bring is properly scrutinised before any irreversible impacts occur. He argues that the Oakervee Review is flawed, which in turn formed the basis of the Prime Minister’s decision to proceed, and failed to provide that scrutiny.

“Our client will await the reasoning of the court on Monday before deciding what steps he may take.”

Photo credit: HS2