

# Press release

For immediate release

## The environment loses out in Expressway judicial review

A High Court decision against Berks Bucks and Oxon Wildlife Trust (BBOWT) means the government can press ahead with its plans for a new Expressway between Oxford and Cambridge without looking at the potentially devastating impact their corridor selection may have on the environment and wildlife. The ability of the government to get away with delivering a plan of this size without strategic environmental assessments and proper consultation, shows our planning system is broken.

BBOWT is taking advice on appealing the decision and making a reference on a key point of environmental law to the Court of Justice of the European Union.

BBOWT challenged the government for its failure to conduct a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) – requirements under European law – before it chose a preferred corridor for the Expressway. This failure excluded key stakeholders, including expert ecologists, from the decision-making process, and the government chose the corridor that evidence shows to be the worst option for wildlife.

Our legal challenge has taken place against the backdrop of work beginning on the High Speed 2 railway. There were no environmental assessments for this project either, and the clearance of sites prior to construction work has resulted in destruction of wildlife habitats. We raised our concerns about HS2 from the beginning, and are dealing with the consequences of the government's failure right now at our Calvert Jubilee site.

Matthew Stanton, Head of Policy, at Berks, Bucks and Oxon Wildlife Trust, said: 'This could spell disaster for the environment. It seems no lessons have been learned from HS2. The government is riding roughshod over environmental law. National planning policy requires a net gain for biodiversity, which demands vision from developers and those who approve planning applications. The Expressway is a 20<sup>th</sup> century solution to a 21<sup>st</sup> century challenge. We do not need more congested roads and air pollution – especially as we face the urgent task of reducing the nation's carbon footprint. The Welsh Government understood this and rejected the proposed M4 relief road which would have destroyed the Gwent Levels.'

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Carol Day, Solicitor at Leigh Day, the firm that represented BBOWT in the legal challenge, said: 'The court's judgment will be a disappointment to many who believe that proper assessment of the environmental impact of large infrastructure projects should be assessed from an appropriately early stage – at a point where alternative options are genuinely still on the table.

'It is unfortunate that decision-makers have ignored the concerns of specialist wildlife organisations and local people and pressed ahead without such strategic assessment, particularly for a scheme described as a project of a magnitude not undertaken in the UK for some 30 to 40 years. We will be carefully reviewing the judgment with our client, who is considering whether to appeal the decision.'

BBOWT will continue to scrutinise the government's plans for the Expressway, including the scope and content of any future public consultations. We need to ensure that the potential impact of this concrete corridor on the environment and wildlife is fully assessed and the public are made aware. We will engage with planners and developers and use our expertise and local knowledge to provide evidence about how the expressway plans will impact on local wildlife.

The Expressway is only one part of the Oxford to Cambridge Growth Arc being promoted by the government. As well as a new concrete corridor, this will include up to one million new homes, industrial estates, railways and utilities infrastructure. We demand that the government carries out an SEA on its Growth Arc vision. The idea that the environment can be ignored in such a huge project is reprehensible.

We thank all the people who have supported us in this legal challenge – BBOWT members and supporters, donors to our campaign, other concerned organisations including those who provided statements to back our case, and local councils.

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## **Notes to editors**

- In November 2018, BBOWT issued a claim in the High Court, challenging the government. In January 2019 we were refused permission for a judicial review, but that decision was then overturned in the High Court in February. The judicial review hearing was on 19 and 20 June and written judgement was received from the High Court today.
- BBOWT has denied HS2 contractors access to Calvert Jubilee nature reserve to carry out clearance works until they produce a scheme of works and mitigation that addresses our concerns and respects the needs of wildlife. Their works to create new habitat to compensate for habitat that will be lost as a result of HS2 should take place well in advance of any clearance works. The risk is that habitat is destroyed, HS2 is scrapped, no new habitat is created and we will have lost precious habitat and species for nothing. BBOWT strongly opposes HS2's plans as they currently stand.

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- The **Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)** is one of 46 Wildlife Trusts across the UK working to achieve the shared aim of securing a better future for wildlife. BBOWT's vision is to create a region rich in wildlife and appreciated by all. BBOWT manages 87 nature reserves across the three counties, works with other agencies and individuals to help safeguard the wider countryside, and aims to inspire people to take action for wildlife. BBOWT has over 25,000 memberships. Find out more at [www.bbowt.org.uk](http://www.bbowt.org.uk)
- **The Wildlife Trusts** is a partnership of 46 local Wildlife Trusts across the UK, plus the Isle of Man and Alderney. The vision is 'an environment richer in wildlife for everyone' and it is the largest UK charity dedicated to conserving all our habitats and species, with a membership of more than 850,000 people including 135,000 junior members. The Wildlife Trusts campaign for the protection of wildlife and invest in the future by helping people of all ages to gain a greater appreciation and understanding of wildlife. Collectively, the Trusts also manage more than 2,300 nature reserves spanning over 102,000 hectares. For further information please visit [www.wildlifetrusts.org](http://www.wildlifetrusts.org).

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