



## *Advance press notice*

23 July, 2021

# High Court to rule on net zero scrutiny of ministers

FOR IMMEDIATE RELEASE

Mr Justice Holgate will give judgment at 2pm on Monday 26th July on Transport Action Network's (TAN) judicial review of the Secretary of State for Transport's decision to approve the "largest ever" roads programme. Published in March 2020, the £27bn Second Roads Investment Strategy (RIS2) proposes over 4,000 miles of additional road capacity, weeks before ministers said we need to use our cars less to tackle the climate emergency.

At the hearing, which took place in the Royal Courts of Justice on 29 and 30 June, government lawyers were forced to concede that ministers in fact had no more detailed information before them, other than a briefing simply saying RIS2 was "consistent" with the net zero by 2050 climate target.

The key issue at the hearing was the degree to which it is appropriate for courts to scrutinise the climate impacts of major government decisions. Last month the Climate Change Committee's flagship recommendation in its [annual report to Parliament](#) was for Number 10 to "[c]ommit to a 'Net Zero Test' to ensure that all Government decisions are compatible with the legislated emissions targets." This case could therefore set an important precedent as to the intensity of review that English courts can provide to ensure this test, if implemented, or existing similar statutory obligations are met in practice.

Judgment will be handed down remotely and is expected to be [available online](#) shortly afterwards. TAN will be available for interviews and will be publishing a press release and FAQ briefing on [transportactionnetwork.org.uk](https://transportactionnetwork.org.uk) on Monday afternoon.

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## Notes for editors

*R (Transport Action Network Ltd) v Secretary of State for Transport and Another* [CO/2003/2020] was heard at the Royal Courts of Justice on 29 & 30 June by Mr Justice Holgate. TAN was represented by Rowan Smith at Leigh Day solicitors, David Wolfe QC (Matrix Chambers) and Peter Lockley (11 KBW). The following are available online: [Road Investment Strategy 2 \(RIS2\): 2020 to 2025](#), [TAN's press release at the start of the case](#) and [TAN's case pleadings and evidence](#).

NB This case is separate to TAN's challenge to the [National Networks National Policy Statement legal challenge](#), which relates to the policy road schemes are judged against in planning decisions. By contrast, RIS2 set the list of road schemes and funding for them.