

Challenge to ULEZ gaining grounds

27 May 2023



The High Court has today (26 May 2023) announced it will allow further grounds for challenge as part of a Judicial Review by a coalition of councils into the proposed expansion of the Ultra Low Emission Zone (ULEZ).

At today's hearing, the coalition comprising the London boroughs of Bexley, Bromley, Hillingdon and Harrow, along with Surrey County Council was successful in its appeal, getting two additional grounds for challenge – out of three previously refused in April – added to the Judicial Review.

Those were:

- unfair and unlawful consultation in relation to expected compliance rates in outer London
- scrappage scheme – irrationality due to uncertainty and inadequate consultation.

On 12 April 2023 the High Court granted permission for the coalition to challenge the legality of Transport for London (TfL) and the Mayor of London's plans to expand the ULEZ to outer London from August 2023.

The permission then was granted on the following grounds:

- failure to comply with relevant statutory requirements
- whether the Mayor properly considered the previous “buffer zone” approach as a material consideration in relation to the scrappage scheme.

Matt Furniss, Cabinet Member for Transport, Infrastructure and Growth at Surrey County Council said: *“Today's decision is another step forward in our legal challenge to the Mayor of London, as we continue to highlight the significant financial and social impacts expansion of the ULEZ scheme would have on many of our residents and businesses.*

“Our consultation response back in July 2022 clearly highlighted that the Mayor's decision not to include Surrey residents in any scrappage scheme was unacceptable, and proposed a number of other recommendations to help mitigate the impacts of the expansion. Our concerns have still not been addressed by The Mayor, forcing these legal proceedings to have the voice of our residents heard.

“We remain committed to delivering a greener future, but it must be done in a practical and sustainable way. We will now await the findings of the Judicial Review in July.”

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