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ULEZ Court battle looming

12 April 2023



Sadiq Khan's proposed ULEZ expansion to the Surrey border will be challenged in the High Court after a judge ruled there were valid legal arguments to be heard.

Five councils, including **Surrey County Council**, launched a joint legal bid against **Transport for London** (TfL) and the Mayor of London's decision to expand the **Ultra Low Emission Zone** (ULEZ) on a series of grounds including that it failed to comply with statutory requirements, that it unlawfully failed to consider compliance rates. and did not consult on scrappage schemes.

Other matters raised by lawyers in February 2023 were the lack of cost benefit analysis, inadequate consultation and apparent predetermination.

Now a judge has said there is "an arguable case" that the Mayor of London, Sadiq Khan, has improperly handled the expansion decision.

Councillor **Tim Oliver**, Leader of Surrey County Council, said: "This is good news and I'm pleased that our challenge to the Mayor of London regarding ULEZ is proceeding. The impact on Surrey's residents and businesses has been ignored by the Mayor and it's frankly disgraceful that it's taken legal proceedings to have our voices heard.

"Our consultation response in July 2022 clearly highlighted that the Mayor's decision failing to include Surrey residents in any scrappage scheme was unacceptable, and proposed a number of other recommendations to help mitigate both the financial and potential environmental impacts of the expansion. Our concerns have not been addressed by The Mayor.

"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."

Taking to twitter was **Gareth Bacon**, Orpington MP and one of the London boroughs that joined forces with Surrey. He said: "I am delighted that the five local authorities, including Bromley, challenging ULEZ in the courts, have won the first stage in their legal battle against Sadiq Khan's decision. While the full legal case is still to be fought, today's decision is a significant step forward.

"The Court has decided that there is an arguable case that Sadiq Khan has improperly handled his decision to expand ULEZ across outer London. The Judicial Review will now proceed to a full hearing in the High Court. 2/5
"This means the Court believes there is an arguable case that the Mayor improperly handled the ULEZ consultation and failed to consult affected residents in neighbouring Home Counties properly.

"Sadiq Khan arrogantly dismissed this legal challenge like he ignored outer Londoners' concerns during the consultation. He was wrong to do so, and this should be a wake-up call. He still has time to cancel ULEZ expansion and spare residents his £12.50 daily road tax.

"Congratulations on today's success to Bromley, Bexley, Hillingdon, Harrow and Surrey councils, who brought this legal action. Like my constituents, I am pleased they have legally challenged ULEZ expansion, and I wish them every success in the upcoming hearing."

The court case follows TfL's November 2022 announcement that it would push on with proposals to expand the ULEZ scheme in August. It is understood that the High Court will sit to hear the matter in July. Should the court rule against the Mayor of London it has the potential to delay the August 29 expansion.

A spokesperson for the Mayor said: "The Mayor is pleased to see the court has refused permission for the majority of the grounds. We will continue to robustly defend his life-saving decision to expand the ULEZ and continue with preparations without delay. It is a shame that some local authorities have chosen to attempt this costly and misguided legal challenge instead of focusing on the health of those they represent.

"Around 4,000 Londoners die prematurely every year due to air pollution. This is a health emergency and the Mayor is not prepared to stand by and do nothing while Londoners are growing up with stunted lungs and are more at risk of heart disease, cancer and dementia due to our toxic air."

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