



Press release: For immediate release

Plan B heading for Court over Government's Covid Recovery Programme

Today, 21 July, the climate litigation charity, Plan B, took a decisive step towards legal action, serving the Government with a Pre-Action Protocol letter over its failure to consider the consequences for the climate emergency of its approach to Covid Recovery.

Ordinarily the Government has 14 days to respond, although it may seek an extension of time.

Plan B argues that by using billions of pounds of public money to prop up fossil fuel corporations, while failing to provide the necessary finance to transition to a clean and sustainable economy, the Government is breaching:

1. The "net zero" target in the Climate Change Act,
2. Its own policy commitment to the Paris Agreement temperature limit of 1.5°C and "well below" 2°C, and
3. The rights to life, the right to family life, and the prohibition on discrimination in the exercise of those rights, under the Human Rights Act.

The letter quotes from an opinion piece published in June in the Guardian by the Governor of the Bank of England, Andrew Bailey, his predecessor Mark Carney, and counterparts from France and the Netherlands, which says:

"We have a choice: rebuild the old economy, locking in temperature increases of 4°C with extreme climate disruption; or build back better, preserving our planet for generations to come."

4°C warming implies the loss of billions of lives, with the younger generation, marginalised communities and the Global South on the frontline. Such warming is beyond adaptation and inconsistent with an organised global community.

Plan B argues that knowingly committing to such a trajectory is a breach of the Government's most basic responsibility to safeguard the lives of its people, imposing an obligation, individually and collectively, on all people of conscience to organise to safeguard the right to life.

Just a few weeks after publishing that opinion, the same Governor of the Bank of England was conceding that climate considerations were being ignored in the Government's provision of financial assistance:

“[T]he crisis has required hard decisions to be taken on competing priorities. The Bank’s lending to companies as part of the emergency response to Covid 19 has not incorporated a test based on climate considerations. This was deliberate, because in such a grave emergency affecting this country we have focused on the immediate priority of supporting the jobs and livelihoods of the people of this country. We believe that the Bank’s duty to the people of this country requires such a difficult choice to be made ...”.

Following the resignation of Sir Mark Sedwill, previously the Government's senior civil servant and National Security Adviser, who is reported to have angered the Government by advising that the climate emergency was the leading threat to UK national security, Plan B's letter implies that the Governor's *volte face* may be attributable to pressure from central government.

Tim Crosland, Director of Plan B, said:

“The Government can either follow the scientific and economic advice and take a decisive step towards a cleaner, fairer and more sustainable economy, creating vast number of new jobs; or it can ignore that advice by prioritising its corporate sponsors and locking us into the path to climate breakdown and a future that is grim beyond words.

It seems that Boris Johnson and Dominic Cummings are set on choosing the second option, but we can't let that happen.”

Notes to editors:

1. The letter in full is here:
<https://planb.earth/wp-content/uploads/2020/07/PAP-Letter-for-circulation.pdf>
2. Plan B previously brought a successful legal action against the Government's plans to expand Heathrow Airport, on the basis that it had failed to take proper account of the Paris Agreement:
https://www.nytimes.com/2020/02/27/world/europe/heathrow-airport-third-runway-uk.html?fbclid=IwAR1AAgOE8X5n3SiMa4KP0479c_23ns-OUpkWNDDQwGz3SQz8B5Dle1pt-SU
3. The Government-backed Citizens Assembly on climate found that nearly 80% of the public want a recovery plan that supports climate goals:
<https://www.reuters.com/article/us-health-coronavirus-britain-climatecha/uk-citizens-assembly-backs-climate-friendly-coronavirus-recovery-idUSKBN23T3AX>

4. A pre-action protocol letter is the precondition to legal action against the Government and the first formal step in the process.
5. Plan B had previously written an informal letter on 7 July, requesting a response by 17 July: <https://planb.earth/wp-content/uploads/2020/07/New-Deal-for-Polluters>
6. The Government's lawyers replied that they would wait for a pre-action protocol letter before providing a formal response.
7. Andrew Bailey's op-ed of 5 June is here: <https://www.theguardian.com/commentisfree/2020/jun/05/world-climate-breakdown-pandemic>
8. His subsequent change of position is set out here: <https://www.bankofengland.co.uk/news/2020/july/statement-on-banks-commitment-to-combatting-climate-change>
9. For further information on the "right of revolution": https://en.wikipedia.org/wiki/Right_of_revolution

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