



The government has admitted breaching European Union pollution legislation, during a High Court battle with environmental campaign group. Lawyers for Environment Secretary Caroline Spelman made the admission following action by ClientEarth.

But Judge Mr Justice Mitting said any enforcement action was a matter for the European Commission.

He refused to make any declaration, or to order Mrs Spelman to outline plans for cutting pollution levels.

ClientEarth had complained that Mrs Spelman had failed to consult on proposals which demonstrated how the UK aimed to comply with EU limits on levels of nitrogen dioxide.

It asked the judge to declare that plans set out by the Department for Environment, Food and Rural Affairs (Defra) did not comply with EU law, and order Mrs Spelman to publish revised proposals.

Government lawyers challenged the claim and said no High Court order was needed.

'Reasonable case'

Mr Justice Mitting said a lawyer had conceded that "the government is in breach of obligations" but said he would not make any "mandatory order".

He said the government could admit the breach and "leave it to the (European) Commission to take whatever action is right in enforcement".

"Such a mandatory order... would raise serious political and economic questions which are simply not for a judge," he added.

"Courts have traditionally been wary of entering this area of political debate - for good reason."

Mr Justice Mitting pronounced the action a "draw" and said costs should be shared.

A spokesperson for Defra said it was happy that "the judge has ruled on our favour".

"A significant part of the UK meets EU air quality limits for all pollutants and air quality has improved considerably in recent decades.

"Our air quality plans set out all the important work being done at national, regional and local level to meet all EU limits in the shortest possible time," the spokesperson said.

Stephen Hockman QC, for ClientEarth, told the court the charity had achieved something and said: "The government is in breach of its obligations under European law in relation to air quality.

"Although we have lost, it was a reasonable case to advance."

A spokesman said the legal challenge had been brought because air quality plans for 17 regions and cities would not comply with legal limits for air quality until after 2015, when the deadline for achieving the limits was 1 January 2010.

He said he had wanted the court to order Mrs Spelman to draw up plans that would achieve legal compliance throughout the UK by 2015, and also to make a declaration that she was in breach of her legal obligations.

ClientEarth chief executive James Thornton said: "The government's plans to tackle air pollution are frankly pathetic. They contain almost no new measures and show that they won't achieve air quality limits until 2025. It's nothing short of a disgrace."