



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C1/2019/1053



R. (on the application of Plan B. Earth) –v– Secretary of State for Transport

ORDER made by the Rt. Hon. Lord Justice Lindblom

On consideration of the application for permission to appeal
And on consideration of the papers and without an oral hearing

Decision:

1. The application for permission to appeal and, if permission to apply for judicial review is granted on that application (under CPR r.52.8(5)), the claim for judicial review (under CPR r. 52.8(6)) will be heard by the Court of Appeal on 21 October 2019, together with the proceedings in C1/2019/1056, C1/2019/1145 and C1/2019/1154, with a combined time estimate of four days.
2. By no later than 4 p.m. on 1 October 2019 the parties in these proceedings will agree with the parties in C1/2019/1056 and C1/2019/1145, and lodge with the court:
 - (1) for all three claims for judicial review, taken together, a narrative of relevant events;
 - (2) for each of the three claims, an account of the relevant procedural history;
 - (3) for all three claims, taken together, a list of the main issues for the Court of Appeal, cross-referenced to the corresponding ground or grounds in the relevant statement of facts and grounds and the corresponding ground of appeal in the appellant's notice; and
 - (4) for each main issue, a list of the relevant propositions of law and supporting authority.
3. By no later than 4 p.m. on 8 October 2019 the parties in these proceedings will agree with the parties in the proceedings in C1/2019/1056, C1/2019/1145 and C1/2019/1154, and lodge with the court, a suggested timetable for oral submissions at the hearing.

Reasons

1. The importance of the issues raised in these and the related proceedings is obvious. So too is the need for those issues to be finally resolved as swiftly as possible and with the least multiplication of costs.
2. It is also clear that these and the related proceedings should be heard and determined together in this court, as they were in the court below. The hearing will be on the first available date for a hearing of the requisite length in Michaelmas Term, which is 21 October 2019. The parties and their legal representatives in all these proceedings must co-operate before the hearing to ensure that it can be efficiently conducted, with a clear focus on the contentious issues. I have set an appropriate timetable for the work that now needs to be done to assist the court.



Keith Lindblom

Date: 22 July 2019

By the Court

**DATED 22ND JULY 2019
IN THE COURT OF APPEAL**

ORDER

Copies to:

Plan B Earth Limited
62 Sutherland Square
London
SE17 3EL

Government Legal Department
Dx 123242
Kingsway 6

Bryan Cave Leighton Paisner Llp
Dx 92
London

Cms Cameron Mckenna Nabarro Olswang Llp
Cannon Place
78 Cannon Street
London
EC4N 6AF

Lower Court Ref: CO31492018