

THURSDAY 27TH FEBRUARY 2020

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO31492018

BEFORE LORD JUSTICE LINDBLOM
AND LORD JUSTICE SINGH
AND LORD JUSTICE HADDON-CAVE

B E T W E E N

THE QUEEN ON THE APPLICATION OF PLAN B EARTH LIMITED
APPELLANT/CLAIMANT

- and -

THE SECRETARY OF STATE FOR TRANSPORT
RESPONDENT/DEFENDANT

- and -

1. HEATHROW AIRPORT LIMITED
2. ARORA HOLDINGS LIMITED

INTERESTED PARTIES

UPON hearing Mr Crosland for Plan B Earth, the Respondent and Interested Parties;

AND UPON the Intervener intervening by way of written representations only;

IT IS ORDERED THAT:

1. The order of the Divisional Court in Claim C1/2019/1053 is set aside.

2. Permission to apply for judicial review is granted.

3. A declaration be granted that:
 - a. The Secretary of State acted unlawfully in failing to take into account the Paris Agreement on Climate Change when deciding to designate the Airports National Policy Statement in support of the expansion of Heathrow Airport.

 - b. The Airport National Policy Statement is of no legal effect unless and until the Secretary of State has undertaken a review of it in

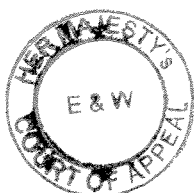


Her Majesty's
Court of Appeal

27 FEB 2020

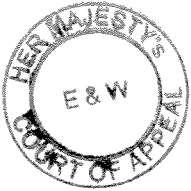
COURT 71
Appeal No.

C1/2019/1053



accordance with the relevant provisions of the Planning Act 2008.

4. The Defendant is to pay the costs of the Claimant in the Divisional Court and in this court, subject to detailed assessment and a cap of £35,000 in respect of the costs in the Divisional Court, and a cap of £35,000 in respect of the costs in this court.



5. Permission to appeal to the Supreme Court is refused.

By the Court

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ORDER

Copies to:

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*

* This order was drawn by Mr A Olajide (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr A Olajide, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number.