

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT
DIVISIONAL COURT

C1/2019/1053

BETWEEN:

THE QUEEN

(on the application of Plan B EARTH)

Claimant

-and-

SECRETARY OF STATE FOR TRANSPORT

Defendant

-and-

(1) HEATHROW AIRPORT LIMITED

(2) ARORA HOLDINGS LIMITED

Interested Parties

-and-

WWF-UK

Intervener

ORDER

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 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.