



# Judiciary of England and Wales

## Press Summary

### **Peter Barclay v Secretary of State for Transport Communities Against Gatwick Noise Emissions v Secretary of State for Transport**

Neutral Citation Number: [2026] EWHC 1556 (Admin)

Tuesday 23 June 2026

Note: This summary is provided to assist in understanding the decision of the Court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the Court, which will be published on the National Archives (<https://caselaw.nationalarchives.gov.uk/>).

## Decision

1. Mr Justice Mould has today handed down judgment dismissing two claims seeking judicial review of the Secretary of State for Transport's [**"the SST"**] decision of 21 September 2025 to make the Gatwick Airport (Northern Runway Project) Development Consent Order 2025 [**"the DCO"**].

## Background

2. Currently, Gatwick Airport operates with a single main runway and two terminals. The DCO authorises dual runway operations through altering the existing northern runway, lifting restrictions on the northern runway's use and delivering the additional facilities and infrastructure required to increase the passenger throughput capacity of the airport. This includes substantial upgrade works to surface access routes to the airport.
3. The application for development consent was made by Gatwick Airport Limited [**"GAL"**], the operator of Gatwick Airport. The Northern Runway Project is a national significant infrastructure project [**"NSIP"**] which requires examination and determination in accordance with the Planning Act 2008. The Examining Authority submitted their report to the SST on 27 November 2024. They recommended refusal of GAL's draft order but proposed an alternative order which included a wide range of additional and varied environmental controls. Following an extensive round of further consultation, the SST decided to grant approval for the project for the reasons given in her decision letter.
4. Mr Peter Barclay is a local resident and Chair of the Gatwick Area Conservation Campaign [**"GACC"**]. GACC was established in 1968 and seeks to protect and improve the environment in the local area around Gatwick Airport. Communities Against Gatwick Noise Emissions [**"CAGNE"**] is a community group formed in February 2014 to address issues in relation to Gatwick Airport, particularly noise impacts and environmental harm. Mr Barclay, GACC and CAGNE all participated in the examination process and later consultation following publication of the Examining Authority's report.

5. Mr Barclay advances 5 grounds of challenge to the decision. CAGNE have 6 grounds of challenge. Both claimants contend that the SST has failed to carry out a lawful assessment of the environmental impact of greenhouse gas emissions from expanded airport operations. Both claimants also argue that the SST has made an unlawful assessment of noise impacts on local communities. Mr Barclay contends that the SST has misinterpreted national policy on airport expansion and failed to honour the objectives of the Planning Act. He also challenges the lawfulness of the SST's conclusions on the economic benefits of the expansion project. CAGNE argues that the SST has unlawfully failed to take account of the current delivery risks in relation to the government's Jet Zero Strategy ["JZS"]. CAGNE also contends that the SST has imposed ineffective and unlawful requirements for the management of wastewater at the expanded airport.

#### Reasons for the decision

6. Mr Justice Mould applies the principles for judicial review of a DCO decision as summarised in R (Save Stonehenge World Heritage Site Limited) v Secretary of State for Transport [2022] PTSR 74. In relation to the Climate Change Act 2008, the judge refers to R (Global Feedback Limited) v Secretary of State for Environment, Food and Rural Affairs [2024] 1 WLR 2923. On the approach to judicial review of environmental impact assessment, the judge refers to R (Friends of the Earth) v Heathrow Airport Limited [2021] PTSR 190 and R (Finch) v Surrey County Council [2024] PTSR 988.
7. The judge finds that the SST does not misinterpret the national policy framework. The SST is correct to base her decision on the policy support given to making best use of the existing runways at airports in London and the South East [101]-[104]. The SST's decision is in accordance with the statutory purposes of the Planning Act 2008 [129]-[131]. The SST reaches lawful and reasonable conclusions that the project is both needed and will bring forward national economic benefits [173]-[180]. The judge finds that the SST does not reach contradictory conclusions in relation to the project's contribution towards achieving net zero and the materiality of its impact on meeting national carbon reduction targets [207-212].
8. The judge finds that the SST's approach to assessing the emissions from inbound international flights [230]-[231] and non-CO<sub>2</sub> emissions [262]-[264] is lawful and reasonable. Other challenges to the SST's assessment of the environmental effects of the project on climate are also rejected [269]-[270], [280]-[281] and [284]-[286]. The judge finds that in deciding to make the DCO, it is lawful for the SST to rely on the policy initiatives which comprise the JZS high ambition scenario, including those for the effective management of delivery risk. The SST's approach is not affected by the existence of departmental Policy Commission returns submitted to the Secretary of State for Energy Security and Net Zero for the purposes of fulfilling his duties under the Climate Change Act 2008 [300]-[301].
9. The judge finds that the SST did not carry out a legally flawed noise impact assessment [340]. Nor did the SST misinterpret or fail to apply national policy for the management and mitigation of aircraft noise [346]-[350]. The judge finds no legal flaw in the SST's decision to impose requirement 31(9) of the DCO to enable the effective management of wastewater from future operation of the expanded airport [362]-[364].
10. The judge dismisses both claims [366].

*References in square brackets are to paragraphs in the judgment.*