

**R (on the application of Friends of the Earth Ltd and others) (Respondents) v
Heathrow Airport Ltd (Appellant)**

Appellant Heathrow Airport Ltd

Respondents (1) Friends of the Earth Ltd, (2) Plan B Earth

Issue Did the Secretary of State’s failure to take account of the UK’s climate change commitments under the Paris Agreement render the designation of the Airports National Policy Statement favouring the development of a third runway at Heathrow Airport unlawful?

Facts On 26 June 2018, the Secretary of State for Transport designated the Airports National Policy Statement (“ANPS”) under section 5(1) of the Planning Act 2008. The ANPS supports the development of a third runway at Heathrow Airport to deliver additional hub airport capacity in the South East of England.

On 12 December 2015 the UK government adopted the Paris Agreement on Climate Change, which enshrines an aspiration to achieve a net zero greenhouse gas emissions level during the latter half of the 21st century. The UK ratified the Paris Agreement on 17 November 2016.

The respondents (and others) challenged the ANPS on the basis of its failure to take account of the Paris Agreement. The High Court dismissed their application for judicial review, but the Court of Appeal allowed their appeal and held that the ANPS was unlawful. The appellant now appeals to the Supreme Court.

Chronology of proceedings

Date of hearing	Date of judgment	Court	Judge	Order
11 – 15 and 18 – 19 March 2019	1 May 2019	High Court (QBD)	Hickinbottom LJ and Holgate J	Application for judicial review dismissed.
17, 18, 22 and 23 October 2019. Further written submissions 1 and 6 November 2019	27 February 2020	Court of Appeal (Civil Division)	Lindblom, Singh, and Haddon-Cave LJJ	Appeal allowed in relation to the climate change issues. The Airports National Policy Statement in support of the development of the third runway at Heathrow Airport was unlawful and of no legal effect.
	6 May 2020	Supreme Court	Lord Reed Lord Hodge Lord Sales	Permission to appeal granted.

HEARING VIA VIDEO CONFERENCE

Hearing Date: 7 & 8 October 2020

Lord Reed, Lord Hodge, Lady Black, Lord Sales, Lord Leggatt

Counsel

Appellant

Lord Anderson of Ipswich KBE QC
Michael Humphries QC
Richard Turney
Malcolm Birdling

1st Respondent

David Wolfe QC
Peter Lockley
Andrew Parkinson

2nd Respondent

Tim Crosland, Director, Plan B

Timetable

Day 1

10.30-13.00 - Heathrow Airport Limited (Lord Anderson KBE QC)
14.00-15.30 - Heathrow Airport Limited (continuing)
15.30-16.00 - Friends of the Earth (David Wolfe QC)

Day 2

10.30-12.00 - Friends of the Earth (continuing)
12.00-13.00 - Plan B Earth (Tim Crosland)
14.00-15.00 - Plan B Earth (continuing)
15.00-16.00 - Heathrow Airport Limited (Reply)

You can watch video of today's hearing at www.supremecourt.uk, from tomorrow.
Look for the relevant case profile in our 'Current Cases' section: scroll to the bottom to see the available