

Case summary

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.

Parties

Appellant(s)

Heathrow Airport Ltd

Respondent(s)

R (on the application of Friends of the Earth Ltd and others)

Appeal

Justices

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

Hearing start date

07 Oct 2020

Hearing finish date

08 Oct 2020

Watch hearing

07 Oct 2020 [Morning session](#) [Afternoon session](#)

08 Oct 2020 [Morning session](#) [Afternoon session](#)

Judgment details