



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO/3151/2017

In the matter of an application for Judicial Review

THE QUEEN

on the application of

PLANE JUSTICE LIMITED

versus

Claimant

CIVIL AVIATION AUTHORITY

Defendant

GATWICK AIRPORT LIMITED

Interested
Party

NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant;

Order by the Honourable Mrs Justice Lang DBE

1. Permission is hereby granted.
2. This is an Aarhus Convention claim within the meaning of CPR 45.41. The Claimant's liability for the costs incurred by the Defendant and Interested Party is limited to £10,000, and the Defendant's liability for the costs incurred by the Claimant is limited to £35,000, in accordance with CPR 45.43 & PD 45.5.
3. Costs reserved.

Observations:

In my view, the Claimant's grounds are reasonably arguable and merit full consideration. I am not satisfied that the "no difference" test in section 31(3C) Senior Courts Act 1981 applies. I am persuaded by the Claimant's detailed submissions in response to the Defendant's allegation of delay or lack of promptness to the effect that it could not reasonably have filed the claim any earlier.

Case management directions

- The Defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- The Claimant must file any reply and/or further evidence within 35 days of the service of detailed grounds for contesting the claim.
- The Claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.

- The Claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.
- The Defendant and any Interested Party participating in the proceedings must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The Claimant must file an agreed bundle of authorities, not less than 5 days before the date of the hearing of the judicial review.

Listing Directions

The application is to be listed for 2 days; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

Case NOT suitable for hearing by a Deputy High Court Judge



Signed MRS JUSTICE LANG DBE



The date of service of this order is calculated from the date in the section below

For completion by the Planning Court

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Solicitors:
Ref No. NVA1-001

14 SEP 2017

Notes for the Claimant

- To continue the proceedings a further fee, or a certified Application for Fee Remission if appropriate, must be lodged within 7 days of the service on you of this order. **For details of the current fee see the Court website.** Failure to pay the fee or lodge a certificate within that period may result in the claim being struck out.
- You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.

RECEIVED

15 SEP 2017

BY: _____