



Neutral Citation Number: [2022] EWHC 3296 (Admin)

Case No: CO/3840/2022

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LEEDS

1 Oxford Row,
Leeds LS1 3BG

Issued: 20th December 2022
Handed down: 21st December 2022

Before:

MR JUSTICE FORDHAM

Between:

**THE KING (on the application of GROUP FOR
ACTION ON LEEDS BRADFORD AIRPORT
(acting through Nicolas Mark Hodgkinson)**

Claimant

- and -

SECRETARY OF STATE FOR TRANSPORT

Defendant

Estelle Dehon KC and Ruchi Parekh (instructed by Leigh Day & Co) for the Claimant
Government Legal Department for the Defendant

Determination as to Venue

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE HON. MR JUSTICE FORDHAM

MR JUSTICE FORDHAM:

1. This is a judicial determination on the papers, but where it is, in my judgment, appropriate to give reasons by way of a short judgment. This is a claim for judicial review in which a minded to transfer order (“MTTO”) was made on 24 October 2022. The Claimant’s team had filed the claim in London answering “yes” to this question in Form N461: “Have you issued this claim in the region with which the claim is most closely connected?” The MTTO is a mechanism to allow the parties to file representations “to indicate opposition to transfer”. It provides the partes 7 days to respond. If representations are made, a Judge then needs to consider the papers and make a ruling.
2. Both parties have filed representations resisting transfer to Leeds. They each rely on the fact that this case raises issues sufficiently similar to another case (CO/3830/2022) that it is intended to invite the Court already seized of that other case to deal with both cases. It is regrettable that this point was not made in Form N461. It may be that the MTTO would have been avoided. But I am satisfied that this is a good reason. Duplication of the same or similar issues in different venues is capable of undermining the overriding objective. The Judge dealing with CO/3830/2022 – whose papers are not before me but whose reference number shows it was filed first – should have full visibility and be able to deal with all issues, including case-management, and including any issue as to venue. For this reason, I will decline transfer to Leeds.
3. Other arguments have been put forward. It is said that London is appropriate because the issue is of “national importance”, and because the Defendant and both parties’ chosen lawyers are in London. Reliance is placed on avoiding travel costs to Leeds. I would not have accepted these arguments, had they stood alone. The named individual Claimant is in Leeds (postcode LS8). The Group Claimant has a name which speaks for itself. It is described in the Grounds for Judicial Review as having its sufficient interest in challenging the Defendant’s “Jet Zero Strategy” – the target of the claim – because it is a group of West Yorkshire citizens whose “aim is preventing any expansion of Leeds Bradford Airport”. I would not have accepted that the “national” nature of the Strategy, in these circumstances, support a conclusion that the claim has its closest connection with the South-East region, for which London is the regional Administrative Court.

20.12.22