

The logo for BAAN (Bristol Airport Action Network) is displayed in a light blue rectangular box with a subtle drop shadow. The word "BAAN" is written in a bold, dark blue, sans-serif typeface.

TOWN AND COUNTRY PLANNING ACT 1990

**Appeal by Bristol Airport Limited concerning land at North Side Road, Felton,
Bristol, BS48 3DY**

**DEVELOPMENT OF BRISTOL AIRPORT TO ACCOMMODATE 12
MILLION PASSENGERS PER ANNUM**

Planning Inspectorate Reference: APP/D0121/W/20/3259234

Local Planning Authority Reference: 18/P/5118/OUT

Date of Inquiry: July-October 2021

OPENING STATEMENT
of
BRISTOL AIRPORT ACTION NETWORK
(BAAN)

20 July 2021

Introduction

1. It is well understood and well known – so much so that it has become something of a colloquialism – that “our house is on fire”. There is a climate emergency, recognised at local and national level in the United Kingdom, which prompted adoption of the obligation to achieve net zero by 2050. But the oft-repeated mantra of the climate emergency, can, sometimes, drain it of its true force. That must be guarded against. Weston Super Mare, right where we sit, is predicted to be below the water level due to climate change by 2050. Climate change could not be more locally and nationally relevant, and it is central to the determination of this appeal.
2. We will in our lifetimes experience many severe impacts from the climate crisis, including increased risk from floods and more severe heat, resulting in higher heat-related morbidity and mortality and increasing loss of biodiversity. We will also experience the economic and social costs of the climate crisis, including the negative economic impact of stranded assets. The most significant environmental and economic impacts will, however, inevitably fall on those who are now young and on future generations. The National Planning Policy Framework’s focus on sustainable development obliges, in paragraph 7, that current need must be met in a way that does not compromise the ability of the young and of future generations to meet their needs. The proposed expansion of Bristol Airport would clearly contribute towards compromising that ability.
3. Bristol Airport Action Network Coordinating Committee (BAAN’s) case is that the Proposal’s very significant negative climate impacts, properly assessed, render it contrary to local and national policy, when that policy understood lawfully. The weight properly to be given to that lack of policy compliance is not outweighed by any other material considerations, meaning permission was properly refused by the Council and the appeal should be dismissed.

BAAN and Opposition to the Proposal

4. BAAN (Bristol Airport Action Network Coordinating Committee) campaigns for the wellbeing of people and planet in opposing the application by Bristol Airport Limited (“**the Appellant**”) to expand Bristol Airport. It is a group of campaigners, primarily comprised of members from Extinction Rebellion and other

environmental groups in the south-west region, as well as residents from local communities affected by the Appellant's expansion.

5. There is, as the inquiry is no doubt aware, stark feeling against the proposal. There were 11,507 formal comments on the Council's planning website before the local planning committee. 84% of those who commented from North Somerset were opposed to the expansion plans. 85% of comments from respondents in Bristol were objections and 99% of comments from respondents in Bath were objections. Most comments from local villages within the neighbouring local authority of Bath and North East Somerset were also objections, in high numbers; these are places under or close to the flight path or impacted by airport car traffic.
6. For the consultation period before this inquiry, 77% of the respondents were opposed to the airport's expansion plans.

THE CLIMATE CHANGE IMPACT OF THE PROPOSAL

Introduction

7. One of the things that sets this proposal apart from other planning applications is that it is designed, explicitly, to increase a fossil-fuel heavy activity: flying. No doubt the Appellant will mention that flying only produces 2-3% of global CO₂ emissions, but the percentage number is small simply because of the global scale: if aviation was a country, its 2-3% of global emissions means it would rank amongst the top 10 emitters, ahead of nations like Brazil and Mexico.
8. The percentage figure is higher in the UK, where per-capita aviation emissions are far higher than the global average. In 2019, UK aviation emissions accounted for 8% of the UK's total greenhouse gas emissions, up from 7% in 2018.
9. Aviation produces a significant amount of CO₂ emissions, which are projected to grow considerably, and which are exacerbated by an even greater global warming effect from aviation's non-CO₂ emissions. The impact of increased flying is not small.

10. No doubt the Appellant will also emphasise that, while the UK needs to decarbonise, that should not mean depriving hardworking families of their annual holiday abroad or preventing access to affordable flights to visit friends or travel for business. That, too, masks the reality. Firstly, the Climate Change Committee has emphasised that the growth in aviation – ie increased flights – compatible with decarbonisation can take place within current UK airport capacity.
11. But second, and perhaps more importantly, the reality is that it is the very small number of people who fly regularly who produce the vast majority of aviation emissions. It is worth quoting a recent House of Commons Library Briefing:

“The majority of flights are taken by a small proportion of the population. In 2019 international and domestic flights made up around 12% of emissions from UK households (which also includes energy usage in the home, other forms of transport etc.) but this is unevenly distributed across the population and is growing. A government survey of 1000 UK adults found that in 2013 70% of all flights were taken by only 15% of the population and 52% of people hadn’t flown at all over the past year.” [CD 9.57 pg 7, emphasis in original]
12. So in the UK – one of the world’s wealthiest countries – 48% of people do not take a single flight abroad in any given year, while the top 10% of frequent fliers take over half of all flights from UK airports.
13. This socio-economic distribution of emissions is important. Given that aviation is an energy- and emissions-intensive activity, which is utilised by a relatively small group of generally high-income individuals and organisations, it has an inequitable impact – a greater share of our ever-decreasing carbon budget going to more flights means less budget available for hospitals, schools, businesses, homes and other forms of more accessible transport.

Planning and Climate Policy

14. BAAN will rely on the expert evidence of Sam Hunter- Jones, a solicitor of the Senior Courts of England and Wales, practising as a Senior in-house lawyer at ClientEarth. He sets out the way in which local and national policy address climate change, and

in particular UK's obligations under the Climate Change Act 2008 and the current progress towards meeting those obligations.

15. He sets out in detail the various report of the Climate Change Committee (“CCC”), the independent statutory body established under the 2008 Act to monitor and advise on progress towards the 2050 climate target and the setting of carbon budgets. As well as being the leading specialist body in the UK on climate change, the importance of the CCC's advice in the context of planning is confirmed by national planning practice guidance, which expressly refers practitioners to the CCC's advice. All parties to the inquiry accept that the CCC's reports are obviously material planning considerations.
16. In December 2020, the CCC published its recommendations on the Sixth UK Carbon Budget (2033-2037), which set out the “Balanced Pathway to Net Zero”. This allows for 23 MtCO₂e/year by 2050 for all aviation emissions (domestic; international and military) and recommends explicit inclusion of international aviation in the Sixth Carbon Budget. It clearly states that steps need to be taken to limit demand for flying to reduce emissions rather than the increased use of offsetting.
17. The CCC's advice on airport expansion is very clear: it recommends “no net expansion” of UK airport capacity (unless the sector is sufficiently on track to outperform its net emissions trajectory – which the CCC says it clearly is not). The Aviation sector-specific report released by the CCC explains that its approach allows for 25% passenger growth from 2018 levels by 2050, but that this growth can be produced from within current UK airport capacity. Any airport expansion that does occur “would require capacity restrictions elsewhere in the UK (i.e. effectively a reallocation of airport capacity).”
18. This is one of the reasons that a cumulative and in-combination impact assessment of the GHG impact of the Appeal Proposal, along with current proposed regional airport expansion at London Stansted, Southampton Airport and Leeds Bradford Airport is required in order to make a properly informed decision. Proposed expansion at Heathrow and Gatwick should also be considered.

19. The documents published by the Government last week have not moved matters on particularly. The consultation document on Jet Zero proceeds on the basis that the Government will not need “to intervene directly to limit aviation growth” (§3.41). The underlying analysis document states that the Government’s modelling “suggests that capping demand may not be necessary to reduce emissions to levels which can be offset by [greenhouse gas removals] to achieve net zero” (§2.22). It goes on to emphasise that there is “much uncertainty” and the Government explicitly does not take demand management, including by direct intervention, off the table.
20. Local decisions are the point at which the Secretary of State will consider developments since the last policy statements – case law requires this approach. The decision-maker must evaluate the up to date evidence, including any updated science that post-dates national policy, and make the decision accordingly. The relevant national aviation policies allow for this, which the Appellant fails properly to appreciate.
21. First, the Aviation Policy Framework provides policy support for airports outside the south-east of England to make best use of their existing capacity, but specifically provides: “that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts” (§1.24) Thus, the APF recognises that “making best use” does not trump “environmental impacts”.
22. Second is the government’s June 2018 policy statement ‘Beyond the Horizon: The Future of UK Aviation – Next Steps towards an Aviation Strategy’, generally referred to as the “Making Best Use” or MBU policy. It is supportive of airports beyond Heathrow making best use of their existing runways. However, it explicitly recognises that “the development of airports can have negative as well as positive local impacts” and therefore instructs that “any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations.”
23. The Appellant takes a very specific approach, based on the MBU. The Appellant’s case is that the MBU effectively sidelines carbon emissions and removes them from

the ambit of consideration of the inquiry, as they say it “makes clear that carbon emissions are to be considered at a national level” (BAL 7/2 §2.4.3) and suggest that MBU “confirms” that the Government’s support of airports making best use of their existing runways “is consistent with national carbon commitments” (§4.5.24). It is incorrect as a matter of law to treat MBU as excluding any aspect of the climate change impact of the Proposal from the inquiry’s consideration; nor would it be correct to treat the MBU as “answering” the proposal’s impact on climate change.

24. The MBU policy does **not** remove carbon emission issues as part of local planning application processes. From the outset, the MBU makes it clear that proposals to make best use of an existing runway are “subject to environmental issues being addressed” (§1.5). The express proviso — “subject to environmental issues being addressed” — is a clear statement that making best use of an existing runway does not of itself address environmental issues. Notably, the MBU does not limit this to “local environmental issues” (cf §§1.22-1.24, 1.26, 1.29). Any residual doubt is removed by §1.29 which compels: “...any proposal [to] be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations.” Pointedly, the text does not limit this to “local environmental impacts”, so climate change issues, including the carbon and non-carbon impact of international aviation, must expressly be taken into account.
25. The MBU policy expressly recognises that there is “uncertainty over future climate change policy and international arrangements to reduce CO₂ and other greenhouse gases” (§1.14). It MBU is not conclusive of the approach to climate matters; in fact its conclusions on climate are deliberately tentative. Nothing in the documents published by the Government last week changes this.
26. By requiring decision makers to take “careful account of all relevant considerations, particularly economic and environmental impacts” (§1.29), MBU requires important Government and policy statements on cutting emissions to be taken into account, including the CCC’s reports and the Government’s response to those report. In this way, the CCC’s advice, for example, in the Balanced Pathway to Net Zero and are sewn into Government policy on aviation and became part of the planning system.

27. Finally, whilst MBU supports airports making “best use” of existing runways, this policy does not imply “maximum use”.
28. Sam Hunter Jones addresses the correct approach to MBU in his evidence, and the ramifications of this for the recent Stansted decision. This decision is under appeal to the High Court, partly on the basis of the approach taken on that occasion to the MBU and other policies (which, I should also point out, was not the same as the approach taken in the Marston airport decision).

Extent and Magnitude of the Proposal’s Climate Impact

29. The climate change impact of the Appeal Proposal is crucial to understanding whether it complies with local and national planning policy and with the statutory Net Zero Obligation. BAAN will rely on the evidence of Professor Kevin Anderson, an internationally respected climate scientist and one of the pre-eminent analysts of climate impact – to evidence Appeal Proposal’s serious negative climate impact.
30. His evidence shows that the Appellant’s current assessment of the extent of GHG emissions is an underestimate, as it omits assessment of a number of impacts. It also diminishes the magnitude and the seriousness of the GHG impact and relies on insecure and vague mitigation.
31. Professor Anderson’s evidence shows that, even on the Appellant’s underestimate of emissions, the climate impact is seriously negative. The projected emissions in the Appellant’s ‘with expansion’ case mean that the airport will increase its emissions substantially during the next two decades – exactly the time when the CCC Balanced Net Zero pathway requires a substantial reduction. The CCC’s pathway requires reductions in emissions from the mid-2020s, but the Airport’s emissions in the ‘with expansion’ case increase until well into the 2040s, with only a trivial 6% decrease below 2017 baseline reached in 2050. In order to follow the CCC’s Balanced Net Zero pathway, Bristol Airport’s aviation emissions would need to be reduced by 38% by 2050 (a cut of more than 180ktCO₂ per year), whereas the ‘with expansion’ forecast is for a reduction of only 6% (29ktCO₂). This expected 2050 emissions level at Bristol Airport is a sixfold underachievement against the reductions required by the CCC’s pathway for aviation.

32. One of the key ways in which the Appellant wrongly minimises the impact of proposed expansion is to compare it to the whole of the UK's carbon budget. The impact of any individual project appears small when compared with a much larger whole. The climate emergency is the result of steady inputs of CO₂ into the atmosphere in individually small but cumulatively planet-altering quantities over decades and centuries. So Professor Anderson has undertaken the correct analysis, and considered the impact of the proposed expansion in light of the local carbon budget for North Somerset.
33. His evidence is damning. He shows that when Bristol Airport's aviation emissions are properly apportioned against North Somerset Council's carbon budget, they would consume its entire carbon budget in the five years from the start of 2028 to the end of 2032. By 2040, a single year of the Council's share of aviation emissions from the airport would use up the entire carbon budget intended for the five years 2038–2042. The additional emissions make a bad situation even worse. The additional emissions from the expansion from 10 to 12 mppa mean that, by 2040, these extra emissions alone consume 82% of the five-year budget. This is a far more appropriate comparison of the significance of aviation emissions than comparing with the national total, and shows just how serious the impact will be.

The Climate Emergency and the Proposal

34. This proposal comes forward in an area where all the local and regional authorities have declared a climate emergency and have taken the position that expansion of Bristol Airport is incompatible with the reduction in GHG emissions necessary to address the climate emergency.
35. Bristol City Council was the first council to declare a climate emergency, in November 2018. On 9 December 2020, Bristol City Councillors voted in a Full Council meeting to oppose the expansion of Bristol Airport. A majority of councillors voted for the motion which stated that Bristol City Council "Acknowledges that airport expansion is incompatible with Bristol, the West of England and the region's carbon reduction targets and therefore must not go ahead".

36. In a statement supporting the local democratic decision of their neighbouring council, the Bristol Full Council meeting also stated the Bristol City Council “supports the North Somerset Planning Committee’s decision to reject the expansion plans”.
37. In March 2019, Bath and North East Somerset (BANES) Council declared a climate emergency and resolved to provide the leadership to enable the Bath and North East Somerset area to be carbon neutral by 2030. Also in March 2019, a BANES Full Council meeting opposed the expansion of Bristol Airport on the grounds that it was incompatible with its climate emergency declaration and its target to make Bath and North East Somerset carbon-neutral by 2030. In June 2019 BANES formally objected to Bristol Airport’s expansion plans.
38. In February 2019, North Somerset Council unanimously voted to recognise a “serious global climate challenge emergency” and declared an “environment and climate emergency”. They also agreed to take meaningful steps to address that emergency by aiming to become carbon neutral by 2030. On 10 February 2020 the cross-party members of the planning and regulatory committee voted to reject the airport’s expansion plans by 18 votes to 7.
39. In July 2019 the West of England Combined Authority (WECA) declared a climate emergency as part of its continued actions to reduce carbon emissions across the region. Previous WECA support for the proposed expansion of Bristol Airport has drained away, with two of the three authorities that form part of WECA opposed; WECA cabinet members openly opposed and the current Metro Mayor, Dan Norris, declaring in writing: “I am opposed to the expansion of Bristol Airport as it is not compatible with our climate ambitions”.

“Sustainable” Aviation

40. One of the ways in which the Appellant attempts to address the climate impact of the Proposal is to rely on various elements of “sustainable” aviation. BAAN will rely on the evidence of Finlay Asher, an aerospace engineer who, from 2012 to 2020, was employed by Rolls-Royce, designing aircraft engines.

41. His evidence shows that very little to no weight can safely be put on the Appellant's claims that various "sustainable" aviation initiatives will deliver emissions reductions or that there are credible reasons why the climate change impact of expanding Bristol Airport will not be significant. He addresses proposed aircraft efficiency; electric flight; hydrogen flight and alternative jet fuels, such as biofuels and synfuels. His evidence shows that:
- 41.1 In an industry like aviation, efficiency improvements grow the market and increase emissions, rather than reducing them. Efficiency gains will not result in **total** emissions or energy consumption reducing and cannot be relied upon in isolation, without measures to address demand, as the CCC has emphasised.
 - 41.2 Electric aircraft, whether hybrid-electric or fully-electric, will not realistically be viable for anything but very short-haul commercial flights, even by 2050, and will not be available for the type of aircraft for which Bristol Airport is predominantly configured.
 - 41.3 The associated costs and timescales required to develop and deploy hydrogen technology and infrastructure mean that it will not credibly support significant decarbonisation of Bristol Airport in the foreseeable future.
 - 41.4 Aviation biofuel is not a sustainable or scalable solution. There are only sufficient resources to support approximately 5.5% of projected EU jet fuel demand in 2030 and alternative fuels can only be scaled to a small fraction of existing aviation fuel consumption by 2035 or even 2040. Aviation synthetic fuels face problems of scale, cost, and use of renewable energy resources which mean they cannot contribute a significant percentage towards total aviation fuel consumption in a sustainable manner.
42. Many of the difficulties and concerns that Mr Asher evidences concerning these matters chime with difficulties and issues raised in last week's Jet Zero consultation, the Transport Decarbonisation policy and the underlying documents published.
43. The Appellant has also relied extensively on carbon offsetting and pricing schemes, such as UK ETS and Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). All of BAAN's expert witnesses address these. Their evidence shows that the UK ETS scheme is applicable only to domestic aviation emissions

which only contribute 4% of total UK aviation emissions and the CCC does not view the ETS and other market mechanisms as being sufficient on their own in achieving necessary emissions reductions for the sectors and activities that they cover. Indeed, the CCC advises against placing sole reliance on carbon pricing given the need “to address barriers and overcome preferences driven by factors other than price, as well as to deal with myopia and price uncertainty”. [CD 9.34].

44. Participation in CORSIA is voluntary until 2027, from which point it is tabled to become mandatory for airlines operating in countries that adopt the scheme. There are widespread concerns about the ability of CORSIA to deliver actual emissions reductions through offsetting, given the lack of enforceable governance structures for offset credits and sustainable fuels, and lack of verifiability of emissions reductions or removals. The CCC is explicit in its Sixth Carbon Budget Report that “the CORSIA scheme is not currently compatible with the Paris Agreement or the UK’s path”, and “under current rules, credits under CORSIA should not contribute to meeting the carbon budgets” [CD 9.34].

Conclusion

45. The proposed expansion is contrary to both local and national policy. Focusing on the Development Plan, the relevant policies – in particular the airport-specific policies CS23 and DM50 – do not prioritise the growth of the airport at all costs. They do the opposite. Policy CS23 prioritises the requirement that the Council be satisfied that the environmental impacts of airport growth are resolved. This fits with the spatial vision for North Somerset, set out in the Development Plan in “Vision 1” of the Core Strategy, which specifically states that, when considering the future planning of the airport, there needs to be a balance between any advantages of economic growth and the impacts on the region, on the health and amenity of individuals and on the natural environment.
46. BAAN’s case is that the additional emissions which the Appeal Proposal will cause to be released into the atmosphere, both the additional carbon emissions and the non-carbon emissions, will contribute to hazardous climate change. There is simply nothing to which the Appellant can point to address this – allowing the proposal now will increase emissions because allowing increased flights now means allowing increased emissions now, at just the time when the CCC has emphasised we need to

be taking rapid steps to decrease emissions. The Appellant's draft Carbon and Climate Change Action Plan ("CCCAP") certainly does not address this and, for the detailed reasons given in BAAN's evidence, little weight can be placed on the draft plan. Any technological solutions which may in future help to minimise aviation emissions: (1) are not available now; (2) are a significant way off having any appreciable impact, particularly for the type of flights taken from Bristol Airport; (3) are speculative and (4) will not address the inevitable additional emissions which will result, now, from allowing increased flights.

47. The additional carbon and non-carbon emissions will have an appreciable impact on the ability to comply with the Net Zero Obligation. The Appeal Proposal is incompatible with the CCC's Net Zero Pathway and with the temperature and equity principles of the Paris Agreement.
48. There is no sensible way to mitigate the increased emissions – once the additional CO₂ is released into the atmosphere, it will be there for over a hundred years, and the non-CO₂ emissions will, for a shorter period, intensify the resulting warming. That is the scientific inevitability of the proposal. There is also a high risk that the increased emissions will be subject to financial penalties in the near future, putting job creation at risk and contributing to the negative economic impacts which will be caused by the Appeal Proposal.
49. The additional carbon and non-carbon emissions caused by the Appeal Proposal would have a significant adverse impact, meaning the Proposal fails to comply with Policies CS1, CS23 and DM50 of the Development Plan. This means the statutory presumption against the grant of planning permission applies.
50. There are no material considerations which justify the grant of planning permission despite the statutory presumption against. National policy in the form of the NPPF weighs against – the proposal is not sustainable development, particularly in light of the obligation to meet the needs of the present without compromising the ability of future generations to meet their own needs; and the proposal is directly contrary to the requirement in paragraph 148 to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

51. The MBU policy is a material consideration. That too weighs against. MBU does not support airport expansion where the negative environmental impacts of a proposal cannot be addressed, and those environmental impacts plainly include the climate impacts of increased flights. In the Jet Zero consultation last week, the government addressed MBU and made it “clear” that, while MBU is a material consideration, “expansion of any airport must meet its climate change obligations to be able to proceed.” (pg 51).
52. The Appeal Proposal will cause environmental harm, adversely affecting people and the planet – this is yet a further material consideration against the grant of planning permission and significant weight should be given to that harm in the planning balance. The purported benefits of the Proposal, which are even weaker in the post-pandemic world, are outweighed by the harm which the Appeal Proposal would cause.
53. Addressing the climate crisis is the pre-eminent issue of our time – it is an issue of existential importance – and this appeal bring the issue into stark focus. The proposal’s negative climate impacts, properly assessed, render it contrary to local and national policy, when that is understood lawfully, and the weight properly to be given to that lack of policy compliance is not outweighed by any other material considerations. The Inspectors will, in due course, be invited to dismiss the appeal.

20 July 2021

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