APPEAL REFERENCE: APP/D0121/W/20/3259234

IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

BRISTOL AIRPORT, NORTH SIDE ROAD,

FELTON, WRINGTON BS48 3DP

PCAA CLOSING SUBMISSIONS

These closing submissions are made on behalf of the PCAA. They are focussed on specific areas where evidence has been called by PCAA to identify very real concerns of local people in relation to a number of issues.

The submissions fall into two broad areas. All of them relate to the effect on the people that live locally to the airport. The two areas are the local environmental concerns arising directly from the operation of the airport and the wider impacts of the proposed airport expansion.

It is notable, PCAA says, that notwithstanding issues being raised in relation to both of these areas the Appellant has singularly failed to address them – either in their original application, which was rightly refused, or in this appeal following the opportunity for the airport to have time to reflect.

The local environmental concerns principally arise because of the location and history of the airport development.

No person would choose to build an airport in the location that Bristol airport occupies without addressing fundamental issues in a responsible way.

As we know, until around 16 years ago, Bristol Airport was a small regional airport, and it has rapidly expanded over a 16-year period to cater for, primarily, aviation holidays. The potential 'business routes' like Frankfurt or to the USA have a history of being tried and of having failed.

The intensity of use in the early part of the 21st century was tolerable for the local community with local homes historically existing extremely close to the airport operations. The intensity of use was tolerable for the transport infrastructure in place.

That no longer remains the case – even without further expansion. The approach adopted by Bristol Airport in expanding rapidly has led to innumerable complaints and problems.

The airport has grown without any of the necessary infrastructure development to support the expansion. The sort of infrastructure development that would necessitate a WebTag analysis. Had a thorough analysis been conducted this would have been self-evident.

The Airport's expansion has been accompanied by an emphasis on encouraging car travel to the airport. This is partly driven by necessity, because of the extremely poor public transport infrastructure, but also because the business model of the airport is built on profits from parking.

No-one would choose to build an airport catering for 10 million passengers per annum that was reliant on a single-carriageway 'A' road – however efficiently it could be engineered.

The local MP, Dr Liam Fox, said the following after describing a catalogue of issues in some detail, issues that would not be resolved by the proposed junction alterations to the M5 or the improvements to the A38:

> *The idea that we should purposely increase the pressure on the system, at a time when new housing is being built which will increase the pressure further, seems beyond reason.*

Continued expansion on that basis alone is irresponsible, and it is against local planning policy that clearly invites these issues to be addressed before expansion can take place.

Local Environmental Impacts

There are a number of key environmental impacts including serious impacts on the local community created by surface access problems and noise together with wider impacts on the environment.

Cross examination of Mr Witchalls on the subject of surface access exposed the complete lack of regard for the small communities affected by the traffic that they are

exposed to – both airport traffic generated through the operational requirements of the airport, and passenger traffic of people using roads other than the A38.

In fact, the complaints about surface access that you have heard, from the people living in this area, do not principally come from people living immediately next to the A38. They come from the residents of villages like Felton and the other surrounding areas.

There has been nothing to address those legitimate, and apparently accepted as legitimate by the Appellant, concerns.

When asked about what was being done to address concerns of the smaller villages using Felton as an example, the only response was that there were going to be improvements to the junction with the A38 – making it easier for people to use the rat runs. It was never explained how making it easier for people to use these routes was going to reduce or mitigate their use.

How does intensification and surface access provisions deal with the concerns raised in evidence, by for example Kay and Colin Wooler?:

> *Exhaust fumes from through traffic from beyond Winford is very obvious. Much of this is airport bound. Whilst it is a great threat to everyone's health, it is a greater issue for children both at Winford primary school, and especially when going to and from school along the High Street. The airport itself uses caterers based at the former Winford cattle market. They use huge, unweildy lorries that are very polluting. Exhaust fumes are evident as they lumber through Winford village These are serious environmental issues which have never been addressed and are a directly related to the airports activities. Winford itself, as a single use lane cannot cope with any increase*

Nothing is advanced to address Nick Tyrell's concerns expressed on behalf of Barrow Gurney Parish Council:

> *The B3130 route through Barrow Gurney village has long been regarded by many as a convenient short cut, particularly by taxi companies travelling between the city and the airport, providing a convenient and direct route from the A370 to the A38. It is also a favoured route for traffic from Wales, most of which uses the M49, M5 route to Portbury, then across country to the A38 via Barrow Gurney, to avoid Bristol altogether.*

Jenny Heath, living to the East of the airport in the area of the Chew Valley lakes:

> *The airport plan for expansion does not include adequate provision for the increased traffic that will be created, putting our country lanes at a greater risk of danger, destruction and disturbance.*

NSC Policy is clear:
Core strategy (CD 5.06 p) CS23 –

> *'Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure.'*

Development Management policies - DM50 (CD 5.04 p119/180) requires any airport expansion to deal with these issues. The policy aim is this:

> *'To ensure that, if further expansion of the Airport is required, proposals demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure'.*

The proposals put forward do not deal with the principal surface access environmental concerns raised by the communities surrounding the airport.

No-one is objecting to proposed modifications of the A38 to make it more efficient (subject to the reservations raised about specific details). It is clearly in everyone's interests to have traffic move as efficiently as possible.

But, to repeat, these proposals do not address the environmental concerns. The principal concern raised, but not addressed, is that the primary surface access is reliant on a single lane 'A' road, or people travelling across minor roads from the M5 or cross country from the East. Nothing put forward, apart from minor efficiency savings along one road, addresses this hugely limiting factor.

No proper public transport system is proposed. There are no designated bus lanes. There is no mass transit system (in fact Mr Melling, just last week, was quite specific in saying that he did not consider that it was the Appellant's role to provide that). Offsite park-and-ride capacity is claimed to be unfeasible in compliance with planning policies as part of the Appellants sequential test evidence in relation to the green belt.

The real-world physical constraints of surface access infrastructure remain as constraints to which no solution is advanced for the people most affected.

They are physical constraints that under the present level of traffic generated by the airport are regarded as unacceptable by everyone – everyone that is except for the Appellant who, as we have heard, make a significant part of their revenue from parking charges and who have therefore little commercial incentive to resolve them. There is certainly no confidence by the local community that there is any interest in doing so – one only has to consider the historic lack of implementation of the public

transport interchange at the same time as the drive towards provision of low cost (to the airport) car parking schemes to understand the properly founded basis for that lack of confidence. The unambitious 2.5% modal split proposal simply underlines the very real doubt that there is any interest by the Appellant in resolving the surface access problems created for the community. Their planning application, as summarised by the local MP will simply make things worse.

The local communities are made up from people that are living with their family cemeteries being used as toilets, with cars being abandoned for weeks at a time in their villages and country lanes while people choose not to pay any parking fee at all when they go on their holiday, of noise created day and night with traffic passing through – sometimes at speed to get to the airport and of things like unlawful or roving unofficial offsite parking that will always exist to undercut the airport rates – because it amounts to setting a rate below that which the airport can set and letting people park up in a field – these car parks despoiling the green belt. Solutions have been put forward to deliver more car parking without using the Silver extension phase 2, such as the immediate delivery of MSCP 2 and 3 and one level decked parking which should be comparable rates to off-site car parks to protect Greenbelt.

I am making representations on behalf of almost all of the surrounding Parish Councils, but these also have to be seen against the context of the democratically expressed will of every council of every political complexion in the area.

North Somerset Council (Independent in makeup), WECA, Bristol City Council (Green and Labour), Bath and North East Somerset Council (Councillor Sarah Warren – the Liberal Democrat councillor – described by Appellant's counsel as an 'extremist' in opposing airport expansion when the Liberal Democrats were implementing the preceding Conservative authorities' policies, as explained by Conservative Councillor Karen Warrington who followed on to give evidence about the impact on the communities that she represents.)

There is no support for this proposal, across the complete political spectrum, and when deciding the weight that should be given to these local opinions we invite you to give considerable weight to these democratically expressed views.

These views are not unreasonable. They are far from extremist. They are rational views based on the assessment by the people living in this area. People that, as part of their elected representative roles within our local community, will clearly be concerned to balance any local economic benefits with the harm that is being caused. They live here. They will live with the consequences of their decisions, they have roles and duties to consider the alternatives balancing all of the competing interests.

It is no accident that they all, from every quarter and quite rationally, oppose expansion.

The Appellant, having had these issues raised as part of the rejection in the original decision, has failed to advance anything that addresses these important requirements of NSC policy. The impact on the communities surrounding the airport at 8.9 mppa is already at an unacceptable level and nothing has been put forward that demonstrates a satisfactory resolution of the impact of growth on surrounding communities as part of this application. The failure by the Appellant to address the real-world impact of growth on surrounding communities and surface access infrastructure we submit strongly weighs against allowing this Appeal.

Noise

The level and times of excessive noise is intolerable at 8.9 mppa – intensification will only make it worse. It is also clear that incremental decreases in noise measured by LAeq averages will have little real-world benefit for people living under the flight paths where individual aircraft – although some may be quieter than previous models - will still be sufficiently loud as individual flights to have meaningful deleterious impacts on those living underneath:

Ronny Morley on behalf of people living near Cleeve:

> *'The airport commences at 06.00 hrs with a vengeance as multiple aircraft depart at that time. There is usually a flight every three minutes in the summer months between 06.00 hrs and 07.000 hrs. The noise is considerable, and residents are woken on a regular basis. But since 2016 aircraft have been departing earlier than 06.00 in the summer months. There are now flights from approximately 04.00 hrs. These aircraft movements again disturb residents. When these flights commenced in 2016, residents complained to the Airport and the issue was discussed at the Airport Consultative Committee but to no avail. Flights before 06.00 have increased yearly since 2016.'*
>
> *The timing and frequency of movements during growth to 10 mppa and subsequently have not been considered in the Airport Health Impact Assessment nor within the Environmental Statements. We request that the frequency and timing of aircraft movements are examined.*

It should be noted that the Appellants own 2030 fleet mix forecast shows that 27% of aircraft still in use in 2030 will be existing generation aircraft. (INQ/10 – table 1)

The proposed planning approval are for more night-time flights than Heathrow Airport – the national hub serving London and the UK – the largest airport in the UK. There is absolutely no justification for that.

The proposal for removal of the split between summer and winter night flights, meaning that there will be a significantly worse impact at the times of year that people generally want or need to sleep at night with windows open.

Under the presently granted permission people woken at 6am (and earlier) by flights – examples given in the evidence of Hilary Burn – the current levels – two hours of flights taking off at a rate more than 1 flight every 4 minutes between 6am and 8am, again at lunch-time and again in the evening. It begs the question, where are all of the additional flights going to be added? What peace will be left for people living nearby?

There is no peace on the weekends – especially in the summer when people are more likely to want to use their gardens – if they could.

None of the proposals in this Appeal are in accordance with the requirements to address the local environmental impact. Intensification of night-flights, a central part of this application in fact and completely unnecessarily, does the opposite.

In relation to the noise issue I remind you of the evidence of Dr Tricia Woodhead –

> *'In the short term, a lack of adequate sleep can affect judgment, mood, ability to learn and retain information, and may increase the risk of serious accidents and injury. In the long term, chronic sleep deprivation may lead to a host of health problems including obesity, diabetes, cardiovascular disease, and even early mortality'.*
>
> *The WHO reports declare that aviation noise is not just a nuisance and disturbing to those living under a flight path but it has medical and psychological impacts. WHO recommends inside noise levels at 45 dBA or less in the day and 40dBA at night. (562).*
>
> *Measurements during 2020 3.5 miles from the airport in my newly built well insulated and double-glazed property were consistently over 48dBA when a plane was landing and 55dBA on take-off. All windows were shut.*

You have not been shown any evidence that these studies are wrong.

The Noise mitigation scheme

Airports are different to other planning applications where there are impacts on the local community.

Civilian Airports fall outside of the ability for neighbours that are affected to claim compensation through civil remedies of nuisance. Those that live within the vicinity of airports are wholly reliant on the compensation schemes put forward. A person who's home is blighted by the noise and aviation fuel, or by passing motor traffic, cannot claim (as they could in nuisance) for the loss of value to their home, or for their loss of amenity.

We have heard evidence about the inadequacy of the scheme in operation locally. Around £5,000 for a property, if you are lucky enough to be chosen, to provide sound insulation.

Within a planning context, there is no sharing of the benefits of aviation improvements in noise with the communities affected by the impacts. It is all one-sided, with all of the benefits going to the Appellant.

The noise mitigation scheme put forward represents payments far below what would be paid as a proper recompense under a nuisance action which those that suffer from the Appellant's activities are unable to bring by law. There is no ability to claim for economic impact on house prices.

The scheme itself is wholly inadequate – even at raised amount of money being offered – with a cap of £5,000 per home – to address the very limited area that it is designed to compensate for. We know, and it is a matter of simple mathematical calculation that it will take over 6 years for everyone affected to be able to claim this amount.

PCAA do not accept that £5,000 is in anyway adequate. No evidence has been put forward to show the cost of the windows/ventilation systems – the reality is that you would not get much change from £5,000 for the replacement of one large sash window, or two medium sized windows. It is being extremely generous to the Appellant to say that everyone will get their houses to a suitably increased level of acoustic protection in 6-7 years at the rates of compensation being put forward. The reality is that it will take decades. That means decades of people suffering the ill effects to their health and well-being.

The compensation scheme does not pay anything for the inconvenience of organising the replacement windows.

It does not address the inability of people to use their gardens. To invite family and friends around.

It does not address the health effects of increased hypertension and all of the other health conditions with associated morbidity increase, not to mention the chronic health impacts before that stage is reached. All of this is documented in fully validated, peer reviewed medical research.

You have heard evidence from Mr Densham, by reference to a letter that he had been sent, that the scheme is insulting to local people. It is. It does nothing to address the real issues that are experienced:

> *We no longer complain as to do so results in confirmation that there is permission for these night flights, but there seem to be regular flights around 3 am and arriving at about 5 am presumably to be ready for the morning flush out that will awaken us regularly at 6am. Some 'getting used to it' arises in the winter with windows and shutters closed fast, but in the summer it is impossible to sleep through the noise and with dreadful effect upon our health.*
>
> and,
>
> C*urrently when adults visit us conversation must cease when planes pass overhead. Even now we can no longer carry out charitable events as we used to in the past very regularly because of the noise intrusion.*

The compensation scheme does nothing to compensate those people who's villages are turned into rat-runs for airport traffic or the service vehicles supporting the airport.

The combined suggestion that making alterations to the A38 junctions and roundabouts, and that the noise mitigation scheme somehow addresses the environmental concerns is akin to putting lipstick on a pig. By not addressing the real environmental issues and the real concerns, however much lipstick is applied, it is still a pig.

Finally in relation to 'local' issues I turn to the impact on the Special Area of Conservation

This Appeal seeks to build a car park on high value foraging land used by species for which a nearby Special Area of Conservation is designated.

The designation of an area as a Special Area of Conservation is because it either contains habitats or species that warrant protection, because of threats to the habitats or species. The legal protection surrounding them is intended to give them, in relation

to any scheme not directly involved with the management of the site, a high degree of protection from intervention and disruption of the habitats and species protected.

If there has to be interference with the sites or the species within them, that protection has to comply with a strict set of rules to ensure that it is justifiable.

The process that has been followed has failed to comply with the protective measures put in place to protect that status.

There is no doubt that in relation to this Appeal that there will not only be interference with the SAC features, but that the plan will both in construction and operation of the car park cause the permanent loss and degradation of foraging habitat that in turn would have a *'moderate – probably significant'* effect on the protected species. The protection of these areas is specifically set out in the North Somerset and Mendip Bats SAC Guidance on Development.

Paragraph 2.2 of this Guidance (CD 5:17) specifically deals with important contributions of the areas around the designated SAC:

> *However the landscapes around the SAC itself are also important in providing foraging habitat needed to maintain the favourable conservation status of the horseshoe bats. Therefore the guidance sets out strong requirements for consultation, survey information and appropriate mitigation, to demonstrate that development proposals will not adversely impact on the designated bat populations.*

What is proposed as resolution to this interference with the SAC are not features intended to either avoid harm, or to limit harm to within acceptable levels such that there is no likely significant effect on the features of the SAC. What is being proposed is that habitat that is significant in supporting the SAC will be destroyed, and will be replaced by 'replacement habitat' elsewhere.

In the Appellant's own report, the following is advanced *'Where existing habitats or features of value to bats cannot be retained as part of the development proposals, the SPD requires the provision of replacement habitat. The surveys undertaken in accordance with the SPD are also required to inform the metric for calculating the replacement habitat to be provided. The SPD sets out the precise methodology for calculating an appropriate level of replacement habitat.'* It continued (para 1.2.5) *'An Ecological Management Plan for the site must be provided setting out how the site will be managed for SAC bats in perpetuity.'*

The PCAA has submitted separate legal submissions on this point. They can be summarised as follows. The approach adopted cannot be justified in law.

In the case of *T C Briels* – a case involving replacement habitat being created to offset the damage caused to an SAC by a motorway the European Court ruled -

> *'It is clear that these measures are not aimed either at avoiding or reducing the significant adverse effects for that habitat type caused by the A2 motorway project; rather, they tend to compensate after the fact for those effects. They do not guarantee that the project will not adversely affect the integrity of the site within the meaning of Article 6(3) of the Habitats Directive.'*

Similarly in the Court of Appeal in Smyth the law was set out by Lord Justice Sales as follows:

> *[Where a] preventive safeguarding measure of the kind I have described is under consideration, which eliminates or reduces the harmful effects which a plan or project would have upon the protected site in question so that those harmful effects either never arise or never arise to a significant degree, then it is directly relevant to the question which arises at the art 6(3) stage and may properly be taken into account at that stage.*
>
> By contrast he explained
>
> *On the other hand, where measures are proposed which would not prevent harm from occurring, but which would (once harm to a protected site has occurred) provide some form of off-setting compensation so that the harm to the site is compensated by new environmental enhancing measures elsewhere, then it cannot be said that those off-setting measures prevent harm from occurring so as to meet the preventive and precautionary objectives of art 6(3). In the case of off-setting measures, the competent authority is asked to allow harm to a protected site to occur, on the basis that this harm will be counter-balanced and offset by other measures to enhance the environment elsewhere or in other ways. In order to allow the harm to a protected site which art 6(3) is supposed to ensure does not occur, a competent authority will have to be satisfied that such harm can be justified under art 6(4), taking account of the off- setting compensation measures at the stage of analysis under art 6(4). Such measures would not be capable of bearing on the application of the tests under art 6(3), and so could not be relevant at the art 6(3) stage.*

It is clear, beyond any doubt that the provision of replacement habitat in this case ought to have followed the procedure set out under Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

The Appellant was obligated to advance 'imperative reasons of overriding public importance,' which carries a different test entirely to that put forward as part of this Appeal. The appellant has failed to advance any such IROPI grounds, that would require quite different considerations to that put forward as, for example, part of the sequential test for damaging the green belt.

As the 'competent authority' required to consider the requirements of the Conservation of Habitats and Species Regulations 2017, PCAA say that the Appellant has failed to provide sufficient information to deal with the Regulation 64 grounds and, on that basis, that this Appeal must be refused.

Alleged economic benefit

Having heard all of the evidence, PCAA continues to challenge the evidence advanced by the Appellant to support its economic case.

The Inspectors will recall that Dr Chapman raised serious concerns about the approach adopted by the Appellant in submitting their economic case for the development. Whether the appellant has substantiated a solid economic case is of course one of the considerations that the Inquiry will need to consider when weighing in the disbenefits of the Appeal and it will be recalled that Dr Chapman gave evidence that was highly critical of the opaque way that passenger forecasting and carbon values had been assessed in their modelling, based upon his own direct experience of conducting sensitivity modelling.

The consequence of that opaque approach, means that there have been significant changes to the carbon valuation policy, it is impossible to now put any reliance on the evidence advanced by the Appellant to support these aspects of their case. Just as it was impossible to properly assess the original figures advanced, it is now impossible to unpick the re-calculations in view of the changes.

Just considering carbon values – despite Department for Transport guidance in 2020 that analysts should be sensitivity testing at higher carbon values in preparation for the higher carbon value policy change, the Appellant did not do this. It has meant that the recent – wholly expected changes – cannot now be meaningfully understood against the evidence originally submitted by the Appellant.

This failure has an impact on both the forecasting values put forward by the Appellant, as well as on the economic case.

The most recent guidance issued by the department for Business Energy and Industrial Strategy on the *Valuation of Energy Use and Greenhouse Gas* from July 2021 was a publication providing supplementary guidance to the Green Book. It makes it clear, beyond any doubt, that the approach adopted by the Appellant, has significantly failed to properly approach greenhouse gas valuation (not just CO2 valuation) in the planning process.

Critically, in this July 2021 guidance note, BEIS make explicitly clear that:

At Paragraph 1.1:

"It is intended to aid the assessment of proposals that have a direct impact on energy use and supply and those with an indirect impact through planning"

Paragraph 2.7 states:

"*Analysts should ensure that all changes in energy use and UK GHG emissions factor in the interactions that policies and projects in one sector can have on other sectors. For instance, planning decisions may impact on transport emissions as well as emissions from buildings."*

This guidance is also absolutely clear that emissions should be monetised, it says (in direct contradiction of the positions put forward by York Aviation) at paragraph 3.29:

"Once the change in GHG emissions (measured in tCO2e) resulting from the project or policy proposal has been quantified using the methodology above, these emissions should be given a monetary value. It is important to value both the changes in emissions from fuel use, and also the changes in emissions from other sources."

The new documents also reiterate the Government's position that non-CO_2 effects and impacts overseas (i.e. including arriving flights) should be quantified. The policy paper (INQ/054) states:

"A policy or project that increases or decreases GHG emissions domestically or internationally relative to a "business as usual" scenario is required to quantify the change in emissions, and then apply the carbon values."

The July 2021 guidance note makes it clear:

"Where appropriate, proportionate and possible to identify the impact of the proposal on emissions overseas or that occur outside the target framework (e.g. radiative forcing from aviation), the change in emissions overseas should be valued…"

As anticipated by Dr Chapman, during the course of this Inquiry, the Government has published its revised valuation.

In relation to the revised carbon valuations put forward by the Appellant (INQ/074) it is unclear whether construction costs and surface access emissions have been properly

treated, and it is clear that the Appellant has, in contradiction of BEIS guidance, failed to include non-CO2 greenhouse gas emissions and overseas impacts.

Not only has time shown how woefully inadequate the original submissions by the Appellant were, but it is clear that they have failed to properly address the changes in their more recent submissions.

As set out by Dr Chapman (para 6.2.7) – with the significant changes to carbon valuation – the increase in the scheme's carbon costs resulting from the new BEIS carbon 'central' values means that the scheme's overall benefit-cost profile is deeply negative. This deficit grows significantly if the high carbon values are applied, which is appropriate sensitivity testing. We know the likely direction of travel in relation to greenhouse gas emissions based on recent research.

What Dr Chapman's submission also makes clear is that the significant majority (ie more than 85%) of the emission costs of this scheme will not be captured by the UK's current carbon pricing mechanism, the UK ETS, and are therefore not in any way 'internalised' within the aviation sector. As the new BEIS carbon values represent an estimate of the true 'abatement cost' of emissions, this means that at-best, this scheme will leave a financial burden on society and future generations worth hundreds of millions of pounds, and at-worst it will be a driver of catastrophic climate breakdown.

Carbon – its impacts on the Appeal

We must assume that the government will meet the (carbon) target and impose the necessary policy measures to do that.

NSC have an acknowledged role within that process. Core Strategy 1 requires that '*development should demonstrate a commitment to reducing carbon emissions*.' (CD5:06 p.24/152)

We know that the CCC makes it clear that the Government is presently not on target to meet those obligations, and it was unchallenged that the current Corsia and ETS schemes are not going to achieve the net zero targets.

It follows that significant additional action will need to be taken, and increasingly abrupt action will be necessary as time passes to achieve the 2050 net zero legal requirement.

The government policy is to permit the continued sustainable expansion of aviation, with affected communities supported and the environment being protected, and is reliant on anticipated carbon efficiency savings in aviation – based upon the assessments available as to what those will be.

The Government has yet to publicly state that they will introduce a mechanism to manage demand.

In relation to aviation we know that already built into the system (through planning permissions already granted) is capacity expansion exceeding the 25% efficiency savings that aviation is expected to make up until 2050. These figures for efficiency savings aren't guesswork – they are based upon the evidence of the people working within these sectors considering technological advances and anticipated efficiency savings.

The June 2021 Climate Change Committee progress report (CD 9:130) – relatively up to date information, shows that the continued expansion of aviation, through the grant of planning permissions already granted, will take place. What is also demonstrates is that any continued expansion of capacity will make it significantly harder for the government to meet its Carbon budget targets. If that happens Carbon savings will need to be made elsewhere, or as Mr Osund-Ireland said in his evidence, either other sectors will have to suffer disproportionate impacts and/or compensation will need to be paid to any airports given permission that have to be subsequently revoked. Neither of these economic costs have been factored into the economic benefit / dis-benefit forecasts.

The Government's making best use policy, which itself requires any development to be sustainable and that development remains subject to the UKs climate obligations (see CD 6:04 para 1.12), has to be considered against the Government's net zero legal obligation and the recent revaluation of Carbon and the requirement to account for other greenhouse gas contributors. The policy has so far permitted the grant of expanded aviation capacity that now exceeds any anticipated progress on efficiency savings. The weight given to policies for aviation expansion within MBU has to be measured against all of these additional factors.

You will recall that when cross examining a local business representative I asked the question whether, while supporting the proposed expansion, any businesses that they represented were willing to shoulder the additional burden of carbon reduction to enable the government to meet its legal obligations. Notwithstanding the evidence given by Mr Osund-Ireland on behalf of the Appellant, it seemed to be a surprise to a business representatives that, as there is a single carbon budget including aviation, that if airports continue to expand the requirements for savings will fall elsewhere – and possibly on them.

Of course, many business owners are acutely aware of the disastrous and costly impact that climate change will have on their businesses. More than 110 local businesses understand that the negative impacts and costs will be real and damaging

to business activity (see G Mercer, Ecotricity and many other business submissions). The harm will be measured in £ billions in increased flood defences. In land given up to the sea as indefensible, in increased prices for food as harvests reduce in productivity, and in mass displacement of hundreds of millions of people around the globe as parts of the world become uninhabitable through heat or drought to name a few.

These are all widely recognised results of continuing as we currently are.

One of the most memorable witnesses in this Inquiry was Teri Burgess, the member of the Ontario Teacher's Pension fund who gave evidence as her own country was cloaked in smoke from the forest fires that are now linked to global warming, fires that are ironically themselves destroying areas that have been planted up under carbon offsetting schemes. Her clear evidence was that many members and supposed beneficiaries of this Appeal, do not want their pensions to be making money from this expansion. She was to describe the record temperatures afflicting the down of Lytton in British Columbia, with the whole town burning down three days later. The evacuation from their homes of thousands of people in Canada. The crops withering under the heat. One of the features of the modern, post covid, world is that we can now hear evidence from someone who is going from giving evidence to packing their bags in readiness to leave their home because of the encroaching fires – with a fire burning out of control about an hour away from her own home.

In relation to climate change it is important to remember that it is the activities that we have already done, the carbon dioxide and other greenhouse gasses that have already been emitted to date, that have brought us to this position.

This Appeal does not address these environmental concerns in any way at all. In fact – the Appellants are inviting, without providing any adequate answers themselves, that the pace of harm be increased.

The Appellants do not show you how an increase in CO2 and greenhouse gas emissions over and above that already built into the aviation planning process will achieve sustainability. They simply say – without a blush of embarrassment, and without reflecting the cost properly in their own economic assessments that will be incurred elsewhere – that it is up to the Government to achieve its goals, and that by law we have to assume that they will. That is not an argument that demonstrates or supports the sustainability of their application. It is not only an abrogation of responsibility, but the very silence on the subject evidences the difficulty that achieving sustainability in the face of the additional contribution to climate change that expansion creates.

One of the grounds that local democratically elected representatives rejected the proposed expansion was because the Appellant had failed to deal with this as part of their application.

They have done nothing since to address this issue.

As you are aware from the evidence in this Inquiry, this approach is even causing concern within the aviation engineering sector, who fear an abrupt and rapid impact on their business as 2050 comes closer. There are only 28 years left until 2050 and the difficult decisions that need to be taken will be taken soon – assuming of course, as we are reminded by the Appellant that we have to assume that the Minister will comply with the law and achieve the net zero goal.

As with the decision in the Inspectors report at Manston, we invite you to conclude that this proposal will make a material impact on the ability of the Government to meet its carbon reduction targets, and that this should be given significant weight against granting this appeal.

To summarise the PCAA submissions, the Appeal should be refused.

The Appellant has failed to address the actual environmental concerns of local residents – a specific requirement in local policy for any airport development. Any incremental benefits in noise and efficiency will be more than offset by the huge increase in air traffic volumes. There is no sharing of any benefits.

Nothing has been done to address the actual impact on the people most affected by the spatial access problems. Proposals to improve a motorway junction and aspects of the A38, do not address these concerns in any way at all.

The Appellant's has failed to address the issues of carbon dioxide and other greenhouse gasses. Any weight given to Making Best Use has to be considered against the fact that planning permissions already exist that exceed any expected efficiencies in aviation. Every additional granted development now will materially impact the Government's ability to meet its carbon reduction targets.

And finally:

The development proposed would be unlawful in relation to the approach taken towards the Habitats Directive site. An IROPI process ought to have been followed.

Brendon Moorhouse
4th October 2021