

The logo for BAAN, consisting of the word "BAAN" in a bold, dark blue, sans-serif font, centered within a light blue rectangular box with a subtle drop shadow.

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

**BAAN'S WRITTEN SUBMISSIONS ON
COP26 OUTCOMES AND THE
EXPANSION OF LUTON AIRPORT**

19 December 2021

Introduction

1. In accordance with the Inspectors' notes of 26 November and 3 December 2021, these are BAAN's short written representations on the outcomes of the COP26 Conference, particularly those recorded in Draft Decision -/CMA.3, and also as considered by the Climate Change Committee ("**CCC**") in their report "COP26: Key outcomes and next steps for the UK" (December 2021). The representations also address the expansion of Luton Airport.
2. The Inspectors invited representations on the Environment Act 2021. As applicable to planning decision-making, this legislation is particularly relevant to biodiversity matters, on which BAAN did not make submissions in the inquiry. These written representations therefore do not address the 2021 Act.

Outcomes of COP26

3. Draft Decision -CMA/3, also known as the Glasgow Climate Pact, is the cover decision summarising the key outcomes of the 26th Conference of the Parties ("**COP**") to the United Nations Framework Convention on Climate Change. As the decision records in its first line, the COP serves as a meeting of the Parties to the Paris Agreement. It is a key part of operationalising the Paris Agreement obligations.
4. The UK held the role of President of the COP and, as such, was a driving force behind compiling the text of Draft Decision -CMA/3. The text was agreed by all the Parties at the COP, so although it is still described as "draft", the content of the document is in final form.
5. Given that the UK's climate commitments, including those under the Paris Agreement, are an obvious material planning consideration in the determination of the application (see §75 of BAAN's Closing and §13 of BAAN's Legal Submissions), Draft Decision -CMA/3 is also obviously material, as it is part of the operationalisation of the Paris Agreement.
6. The first section of Draft Decision -CMA/3, "Science and Urgency", reinforces a number of key elements of BAAN's case on climate change, including:
 - 6.1 The importance of being guided by the best available science (paragraph 1) – in this inquiry, evidence on that is provided by Professor Anderson and Mr Asher;

- 6.2 The centrality of the work of the IPCC and, specifically, the importance of the Sixth Assessment Report (paragraph 2), referred to by both Mr Hunter Jones and Professor Anderson;¹
 - 6.3 The need for equity (paragraph 4), referred to by both Mr Asher and Professor Anderson;² and
 - 6.4 This is “the critical decade” (paragraph 5) for urgent action to avoid dangerous climate change – this echoes the CCC in the Sixth Carbon Budget Report, which stated that “[t]he 2020s are the crucial decade” for effective action.³
7. Paragraphs 3 and 5 of Draft Decision -CMA/3 record that COP26:
- “Expresses alarm and utmost concern that human activities have caused around 1.1 °C of global warming to date and that impacts are already being felt in every region, and that carbon budgets consistent with achieving the Paris Agreement temperature goal are now small and being rapidly depleted;*
- [and]
- Stresses the urgency of enhancing ambition and action in relation to mitigation ... in this critical decade to address gaps in the implementation of the goals of the Paris Agreement”* (underlined emphasis added).
8. This language, of expressing “*alarm and utmost concern*” and of “*stressing*” urgency, is among the strongest language adopted by United Nations decision-making documents.
 9. Professor Anderson’s evidence, unchallenged in the inquiry, is that the UK’s Paris-compliant budget from the start of 2022 is a maximum of around 3 GtCO₂, which represents less than eight years of emissions at the UK’s current output [BAAN/W1/1 §4.6]. His evidence was that this is the context in which to understand how little “wriggle-room” there is in the UK’s carbon budgets under the Climate Change Act 2008. The Glasgow Climate Pact strongly reinforces this – there is an urgent need, this decade, to mitigate (ie reduce) greenhouse gas emissions. Granting permission for expansion of Bristol Airport does the opposite: it permits additional greenhouse gas (“**GHG**”) emissions, the impact

¹ See Mr Hunter Jones’ Supplementary Proof of Evidence BAAN-W3-5 at §§4.13-4.14 and Professor Anderson’s Supplementary Proof of Evidence BAAN-W1-4 at section 2.1. See also BAAN’s Closing at §5.

² See Mr Asher’s Proof of Evidence BAAN/W2/1 at §§3.7-3.9 and Professor Anderson’s Proof of Evidence at §§5.10-5.12. See also BAAN’s Closing Statement at §§2-5.

³ CCC, ‘The Sixth Carbon Budget – The UK’s path to Net Zero’, p. 24 [CD 9.34].

of which will be exacerbated by radiative forcing, to be emitted at the crucial time when emissions reductions are required.

10. The fact that mitigation means reduction of GHG emissions (rather than emitting GHG and attempting to offset those emissions) is made clear in the Mitigation section of Draft Decision -CMA/3, which records that the COP:

“22. *Recognizes* that limiting global warming to 1.5 °C requires rapid, deep and sustained reductions in global greenhouse gas emissions, including reducing global carbon dioxide emissions by 45 per cent by 2030 relative to the 2010 level and to net zero around mid-century, as well as deep reductions in other greenhouse gases;

[and]

25. *Notes with serious concern* the findings of the synthesis report on nationally determined contributions under the Paris Agreement, according to which the aggregate greenhouse gas emission level, taking into account implementation of all submitted nationally determined contributions, is estimated to be 13.7 per cent above the 2010 level in 2030”

11. This starkly emphasises the gap between adopted policy and the policies and actions needed to meet the Paris Agreement temperature goals. It is a further material consideration weighing against the grant of permission for new high-carbon infrastructure which, all parties to the inquiry agree, will increase GHG emissions from the amount there would be if the development did not proceed.⁴
12. Beyond Draft Decision -CMA/3, there was agreement on the rulebook for international co-operation on carbon markets and non-market mechanisms under Article 6 of the Paris Agreement. These international credits fall within the CCC’s existing advice, which is that they should not be used to meet the UK’s carbon budgets,⁵ meaning that they are irrelevant to whether the expansion of Bristol Airport will have a material impact on the Government’s ability to meet Net Zero in 2050 and the Sixth Carbon Budget.⁶ The answer to that question remains the same as in BAAN’s Closing at §§25-28: the expansion would have such an impact.

⁴ See BAAN’s Closing §7.

⁵ CCC, ‘The Sixth Carbon Budget – The UK’s path to Net Zero’, p. 425 [CD 9.34].

⁶ It is notable that the UK Net Zero Strategy [INQ/126] does not envisage the use of international credits: see endnote 17 “*The UK may also purchase international credits to contribute to its carbon budgets. We assume that no such credits are purchased for the purposes of this analysis.*” [INQ/126 pg 351] and the CCC’s assessment of the Net Zero Strategy: “*These are comprehensive targets covering all greenhouse gases and all sectors, including international aviation and shipping, intended to be delivered entirely in the UK without recourse to international carbon credits.*” (pg 7).

13. In any event, the Article 6 carbon market and non-market mechanisms do not presently exist; will take years to develop; and it is unclear how they will in fact operate. It is thus not open to BAL to suggest that the environmental harms caused by the increased GHG emissions from the expansion can be mitigated via these schemes, nor can BAL properly ask that the Inspectors optimistically speculate about the future development of these mechanisms.
14. Standing back, and taking into account both the UN negotiated texts and the various political agreements announced around COP26, there has not been any outcome achieved at COP26 introducing any appropriate mechanism to control and reduce international aviation emissions, where the bulk of emissions from the expansion of Bristol Airport would be generated.

The CCC's COP26 Report

15. On 2 December 2021, the CCC published its report *COP26: Key outcomes and next steps for the UK* ("the **COP26 Report**").⁷ This states that Draft Decision - CMA/3 "rightly puts the focus on the 2020s as the critical decade for accelerating climate action" (pg 3). It emphasises that the world is currently on track for an expected temperature rise of around 2.7°C, reiterating the need for accelerated emissions reductions (pg 3). Importantly, the CCC echoes the point made by BAAN in the very first paragraph of its Closing:

"Every additional reduction to 2030 increases the chances of meeting the 1.5°C goal and reduces the climate damage the world will face."
(pg 3)

As Professor Anderson said in his evidence, "every tonne of carbon emitted into the atmosphere matters".

16. Turning to aviation, the CCC makes the point that international aviation was one of the important issues which was "not on the agenda at COP26" (pg 12, emphasis added). This reinforces the point made in §14 above that none of the COP26 outcomes introduce any appropriate mechanism to control and reduce international aviation emissions.
17. The CCC expresses some concern that international aviation was not on the COP26 agenda, given that it is one of the areas that requires "concerted action" to deliver Net Zero globally, including "demand reduction and behaviour

⁷ *COP26: Key outcomes and next steps for the UK* (2 December 2021), <https://www.theccc.org.uk/wp-content/uploads/2021/12/COP26-Key-outcomes-and-next-steps-for-the-UK-Final.pdf>

change” (pg 12). The CCC reiterates its view, expressed in the Sixth Carbon Budget Report⁸ and the Response to the Net Zero Strategy,⁹ that “limiting aviation demand growth” is important (pg 12; pg 22).

18. The CCC’s COP26 Report reinforces a number of other points made by BAAN during the inquiry. In relation to international aviation, the CCC records that it accounts for 2-3% of annual global GHG emissions, and that this is:

“comparable to the emissions produced by countries within the top ten biggest global emitters” (pg 12)

This exact point was made by Mr Asher in his evidence,¹⁰ in the context of addressing the way the aviation industry seeks to downplay aviation’s environmental impact by claiming it only contributes a small percentage to global emissions.¹¹

19. The COP26 Report also addresses non-CO2 effects, and includes a strong statement by the CCC on the matter: that, while non-CO2 effects are complex and large uncertainties persist,

“best-estimates suggest that these currently represent the majority of global aviation’s impact on the climate. Lee, D. et al. (2020) *The contribution of global aviation to anthropogenic climate forcing for 2000 to 2018. Atmospheric Environment*, 244, 117834.” (pg 31 fn 9, emphasis added)

20. Note that the CCC there refers to the paper by Lee et al, which is **CD 9.60**, and which was a key source for the evidence on non-CO2 effects given to the inquiry by Mr Asher and Professor Anderson.¹²

21. The COP26 Report thus yet again confirms the importance and extent of non-CO2 effects, which BAL have consistently sought to diminish, and emphasises the importance of demand management for addressing these effects. It therefore strengthens BAAN’s evidence concerning the failure to assess harm caused by the impact of non-CO2 emissions (see §§48-56 of BAAN’s Closing).

⁸ **CD 9.105** pgs 21 and 184; see also BAAN’s Closing, especially at §29.

⁹ *Independent Assessment: The UK’s Net Zero Strategy* (26 October 2021), <https://www.theccc.org.uk/publication/independent-assessment-the-uks-net-zero-strategy/> pgs 4 and 15; see also BAAN’s Submissions on the Net Zero Strategy §§9-11.

¹⁰ BAAN-W2-1 §3.1.

¹¹ BAAN-W2-1 §§2.1 and 3.5.

¹² See Mr Asher’s Proof of Evidence BAAN-W2-1 at §3.4 and Rebuttal at §§5.3-5.11; see Professor Anderson’s Proof of Evidence BAAN/W1/1 at §§6.1.1-6.1.3.

Expansion of Luton Airport

22. In January 2021, London Luton Airport Operations Limited applied for planning permission, inter alia, to increase the number of passengers using London Luton Airport from 18 million passengers per annum to 19 million passengers per annum,¹³ which could be accommodated by the existing infrastructure granted permission in 2014.¹⁴ The press has reported that that this application was approved on 2 December 2021,¹⁵ although the Council's planning portal shows that a decision is awaited, suggesting a decision notice is yet to be issued.
23. BAAN CC would ask the inspectors to note that the local Conservative MP for Hitchin and Harpenden, Mr Bim Afolami has said that the decision to approve the expansion "*completely ignores the environmental and cross-boundary impact*". He has now written to the Department of Levelling Up Housing and Communities asking that the matter be called in for determination by the Secretary of State and the DLUHC have said they will consider this request.¹⁶ This further suggests that a decision notice is yet to be issued.
24. Furthermore, it is notable that the Luton expansion application suffered from some of the same deficiencies as the produced by BAL, but without the corrective of the inquiry process to made good the errors:
- 24.1 It appears the Luton planning committee took the same incorrect approach to MBU as sometimes raised its head in BAL's evidence¹⁷ – it consigned climate change to an issue which is addressed only at national and international level, meaning the negative climate impacts of the expansion were side-stepped. However, in light of BAL's position as expressed in oral evidence, none of the parties to this inquiry accept that is the correct approach.
- 24.2 There was no cumulative impact study produced as part of the application put before the committee members of Luton Borough Council when they made the decision to expand. As set out in §§29-

¹³ Application 21/00031/VARCON | Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

¹⁴ LLAOL Planning Statement https://planning.luton.gov.uk/online-applications/files/18427529358A85C937C1C3B976F85C87/pdf/21_00031_VARCON-41431EP12V3_-_PLANNING_STATEMENT-908637.pdf

¹⁵ See, eg, <https://thelondonpress.uk/2021/12/02/luton-airport-expansion-to-accommodate-19-million-passengers-a-year-approved/>

¹⁶ <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-59635009>

¹⁷ See BAAN's Closing at §63.

30 of BAAN's Closing, it is crucial that the cumulative impact of airport expansion be assessed and taken into account by the decision-maker, in light of the CCC's obviously material advice that there should be no net expansion of UK airport capacity unless the sector is on track to outperform its net emissions trajectory. In view of the fact that (as stated by BAAN in evidence) expansion is planned at Leeds/Bradford, Southampton, Gatwick, Heathrow and Manson Airports (as well as Bristol), a cumulative impact assessment was essential for the Luton committee members to produce a properly informed, lawful decision.

- 24.3 Luton Airport claims it will become the 'most sustainable airport' by 2040 but, as in the case of Bristol Airport's claims to be a 'net-zero airport', this only refers to the airport's own operations not the emissions from the planes taking off and landing at the airport.

These matters further reduce any weight that could be placed on the Luton planning committee's in principle decision to grant planning permission.

25. In any event, as is the case with the expansion of Stansted, the expansion of Luton Airport would place even greater strain on the limited space remaining in the carbon budgets for aviation emissions, and increase the significance of any additional emissions from the expansion of Bristol Airport. Any grant of permission for expansion of Luton Airport would thus weigh against granting permission for Bristol Airport Limited's application.

Conclusion

26. The outcomes of COP26 strengthen a number of the key bases on which BAAN invited the Inspectors to dismiss the appeal. Moreover, none of the COP26 outcomes introduce any appropriate mechanism to control and reduce international aviation emissions.
27. Turning to Luton Airport, it appears that no decision notice has been issued, and any grant of permission for its expansion would weigh against granting permission for Bristol Airport Limited's application.

BAAN
19 December 2021