

BAAN

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-August 2021

STATEMENT OF CASE
of
BRISTOL AIRPORT ACTION NETWORK
(BAAN)

22 February 2021

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1. INTRODUCTION

- 1.1 This Statement of Case is submitted by Bristol Airport Action Network Coordinating Committee (“**BAAN CC**” or “**BAAN**”), which campaigns for the wellbeing of people and planet in opposing the application by Bristol Airport Limited (“**the Appellant**”) to expand Bristol Airport. We are 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.

- 1.2 BAAN was granted Rule 6 status on 11 January 2021. Our aim is to bring to the inquiry, in a co-ordinated and informed way, using evidence from recognised experts, local residents’ concerns about the climate change impact of the proposed development.

2. BACKGROUND

2.1 The appeal proposal is described as follows:

“Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.”
(“the Appeal Proposal”)

2.2 In February 2019, North Somerset Council (**“the 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 1 May 2019, the UK Parliament declared an environment and climate emergency.

2.3 On 10 February 2020 the Council’s Planning and Regulatory Committee voted 18 to 7 to refuse planning permission for the Appeal Proposal. They did so having taken into account 8,931 formal objections and 2,431 supporting comments registered on the planning website from the public.

3. PLANNING POLICY

- 3.1 BAAN will rely on the relevant provisions of the Development Plan, which comprises:
- 3.1.1 North Somerset Core Strategy (adopted 2017)
 - 3.1.2 Sites and Policies Part 1: Development Management Policies (adopted July 2016) and
 - 3.1.3 Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).
- 3.2 BAAN will also rely on applicable international, national and local policies and relevant statutory duties, including:
- 3.2.1 The Paris Agreement (ratified November 2016)
 - 3.2.2 Climate Change Act 2008 (as amended in 2019)
 - 3.2.3 Planning and Compulsory Purchase Act 2004
 - 3.2.4 National Planning Policy Framework (February 2019)
 - 3.2.5 Planning Practice Guidance (various)
 - 3.2.6 Beyond the Horizon: The Future of UK Aviation – Next Steps towards an Aviation Strategy (April 2018)
 - 3.2.7 Airports National Policy Statement (June 2018).
- 3.3 Finally, BAAN will rely on reports and other documents which comprise material planning considerations, including:
- 3.3.1 Intergovernmental Panel on Climate Change (“**IPCC**”) Special Report on *Aviation and the Global Atmosphere* (April 1999)
 - 3.3.2 IPCC Special Report on *Impacts of Global Warming of 1.5 °C* (October 2018)
 - 3.3.3 Climate Change Committee (“**CCC**”) *Net Zero – The UK’s contribution to stopping global warming* (May 2019)
 - 3.3.4 CCC *Reducing UK emissions, Progress report to Parliament* (June 2020)
 - 3.3.5 CCC *The Sixth Carbon Budget: The UK’s Path to Net Zero* (December 2020)
 - 3.3.6 CCC *Local Authorities and the Sixth Carbon Budget* (December 2020)
 - 3.3.7 CCC *The Sixth Carbon Budget: Aviation* (December 2020).

4. **BAAN'S CASE: CLIMATE CHANGE**

- 4.1 The National Planning Policy Framework (“**NPPF**”) requires the planning system to “contribute to the achievement of sustainable development.” Paragraph 7 summarises this as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”
- 4.2 The planning decision-making required to address the climate crisis is the pre-eminent example of meeting our present needs without compromising the ability of future generations to meet their own needs.
- 4.3 The IPCC’s Special Report on Global Warming (October 2018), identified the very serious additional impacts and risks associated with global warming of 2°C, as opposed to 1.5°C. Some of these impacts and risks are already being felt (for example, Holderness Coast in East Yorkshire is the fastest eroding coast in Europe resulting in loss of properties; sea-level rises means the village of Fairbourne in Wales will be abandoned as it has been decided that nearby sea defences will no longer be maintained). Closer to Bristol Airport’s location, it is likely that many areas of the nearby ‘Somerset Levels’ will also be inundated as sea level rises.
- 4.4 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.
- 4.5 The most significant environmental and economic impacts will, however, inevitably fall on those who are now young and on future generations. The NPPF’s focus on sustainable development obliges current need to be met in a way that does not compromise the ability of the young and of future generations to meet their needs. BAAN’s case is that the proposed expansion of Bristol Airport would clearly contribute towards compromising that ability.

- 4.6 Paragraph 148 of the NPPF requires that: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions”.
- 4.7 These policy commitments reflect the UK’s international obligations under the Paris Agreement, which was ratified in November 2016. This sets temperature-based goals for limiting global warming. Article 2 of the Agreement commits the Parties (including the UK Government) collectively to hold global temperature increases to “well below 2°C” above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5°C.
- 4.8 The NPPF policy commitments also reflect the requirements of the Climate Change Act 2008 (“CCA”), which places a duty on the Secretary of State to ensure a reduction in greenhouse gas (“GHG”) emissions by 2050 (“**the 2050 Target**”). The CCA commits the UK Government to set, and meet, a series of five-yearly carbon budgets, which reflect the fact that immediate and ongoing reductions in carbon emissions are required in order to meet the 2050 Target. Scientific experts overwhelmingly agree that if we are to have any chance of achieving our carbon targets then reductions cannot realistically be left to the 2040s and that significant action has to be taken by 2030.
- 4.9 Emissions from domestic aviation are included in the UK’s carbon budgets but these are a small percentage of the UK’s aviation emissions. Although international aviation emissions are excluded from the Fourth and Fifth Carbon Budgets (for 2023-2027 and 2028-2032), the CCA states that these emissions need to be taken into account when setting carbon budgets. Accordingly, the carbon budgets were set as if international aviation were included within the 2050 target, by leaving “headroom” for projected future emissions from

international aviation (and shipping). This previously translated into a cap of 37.5 million tonnes (“Mt”) of carbon dioxide equivalent (“CO_{2e}”).¹

- 4.10 On 27 June 2019, the government amended the Climate Change Act 2008 to impose a statutory obligation that, by 2050, there will be a 100% reduction in GHG emissions from 1990 levels (“**the Net-Zero Obligation**”). Previously an 80% reduction was required.
- 4.11 When adopting the Net-Zero Obligation, the Government relied on the recommendations of the CCC – the independent statutory body, expert on climate science and policy, tasked with advising the government under the Climate Change Act – in its Net-Zero Report (May 2019). The CCC stated it was essential that the Net Zero Obligation be achieved without the use of international credits and covering international aviation.
- 4.12 The CCC wrote to the Secretary of State for Transport on 24 September 2019, advising that passenger “demand cannot continue to grow unfettered” and that the “Government should assess its airport capacity strategy in the context of net zero.” This meant that “investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it” and that “[c]urrent planned additional airport capacity in London, including the third runway at Heathrow, is likely to leave at most very limited room for growth at non-London airports.” This was especially important as the CCC told the Secretary of State that “[z]ero-carbon aviation is highly unlikely to be feasible by 2050” and that “aviation was likely to be the largest [carbon] emitting sector in 2050, even with strong progress on technology and limiting demand.”
- 4.13 In December 2020, the CCC published its recommendations on the Sixth UK Carbon Budget (2033-2037). A group of reports set out the UK’s Pathway to Net Zero by 2050: a Main Report (“**the Net Zero Pathway Report**”); a Methodology

¹ Carbon dioxide, or CO₂, is the most prevalent greenhouse gas emitted when fossil fuels are burnt. It is, however, only one of a number of greenhouse gases that are emitted. Others include methane and nitrous oxide. To take into account the emission of other greenhouse gases when calculating the level of greenhouse gas emissions, an equivalent measure has been developed – CO_{2e} (or carbon dioxide equivalent). CO_{2e} allows other greenhouse gas emissions to be expressed in terms of CO₂ based on their relative global warming potential.

Report and a Policy Report. Sector-Summaries were also produced, which combine the relevant sector-specific information from each report.

- 4.14 The CCC's Net Zero Pathway Report 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.² It clearly states that steps need to be taken to limit demand for flying to reduce emissions rather than the increased use of offsetting.
- 4.15 The CCC addresses airport expansion in the Net Zero Pathway Report and 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 2050,³ 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)."
- 4.16 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. BAAN will refer to the relevant requirements under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017.

² It is worth remembering that the CCC's approach relies on the use of carbon dioxide removal and negative emissions technologies ("NETs"), which are as yet undeveloped and unproven at scale. It is only by assuming widespread use of NETs that the CCC is able to reserve such a large share of national emissions for aviation.

³ This reflects the conclusion of the UK Climate Assembly, the first UK-wide citizen's assembly on climate change commissioned by six House of Commons Select Committees). The majority of the Climate Assembly voted for 25% growth or less. The CCC concluded that this gives added confidence that demand management in line with the Net Zero Pathway would be acceptable to the UK general public.

- 4.17 The CCC's Aviation Sector Report also addresses the prospective worldwide system for controlling international aviation emissions. After more than 20 years of discussion, the International Civil Aviation Organisation ("ICAO") is proposing a global market offsetting arrangement, known as the Carbon Offsetting and Reduction System for International Aviation ("CORSA"). The CCC's advice has consistently been, and remains, that credits within CORSA should not be used to meet the UK carbon budgets. In the recent Net Zero Pathway Report, the CCC sets out why CORSA is not currently compatible with the UK's net zero commitment and the extensive changes that would have to be made to the scheme for it to be considered compatible.
- 4.18 The Government must set the Sixth Carbon Budget in law by the end of June 2021. The CCC next annual Progress Report is also expected in June 2021.
- 4.19 It is notable that the CCC's decarbonisation pathways are more lax than would be required if those pathways were informed by the temperature and equity commitments enshrined in the Paris Agreement. Judged against that metric, the Appeal Proposal is even more out of kilter with what is required.
- 4.20 BAAN's case is that:
- 4.20.1 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.
 - 4.20.2 The Appellant's current assessment of the extent of GHG emissions which will be produced by the Appeal Proposal 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.
 - 4.20.3 The additional emissions caused by the Appeal Proposal are not compatible with the Government's current forecasts concerning potential expansion at Bristol Airport.
 - 4.20.4 Whilst Government policy supports airports making "best use" of existing runways, this policy does not imply "maximum use" and is

subject to the important caveat that "the expansion of any airport must always be within the UK's environmental obligations".

4.20.5 The Net Zero Obligation and the CCC's Net Zero Pathway comprise the UK's environmental obligations.

4.20.6 The Appeal Proposal is not consistent either with the CCC's Net Zero Pathway or with achieving the Net Zero Obligation.

4.20.7 As set out in more detail below, this environmental impact means the Appeal Proposal fails to comply with Development Plan policies CS1, CS23 and DM50.

5. BAAN'S CASE: "SUSTAINABLE" AVIATION

5.1 Aviation accounts for a very significant and very difficult to decarbonise percentage of the UK's carbon budget. The CCC recognises that aviation will be one of the largest emitting sectors in 2050, even on its provision of 23 Mt CO_{2e} per year.

5.2 The Appellant contends that it will try to become an exemplar airport for sustainable aviation growth and seeks to rely on "sustainable aviation" as supporting its appeal.

5.3 The CCC's recommendations on aviation emissions take into account:

- a. the work of the Sustainable Aviation Coalition, which is the industry body for UK aviation which has committed to a Net Zero goal by 2050;
- b. the UK Government's Ten Point Plan for a Green Industrial Revolution and support for technological developments in aviation;
- c. the potential for technological developments in aviation jet fuel and low-emission aircraft.

The CCC's detailed research into these measures shows that, even if developed and certified, they will not realistically be able to assist the aviation sector to achieve the requisite emissions reductions by 2050. This is why demand management is crucial to achieving the Net Zero Obligation.

5.4 BAAN will lead evidence on "sustainable aviation", and will demonstrate that:

5.4.1 Efficiency gains do not result in reductions of total emissions released into the atmosphere, nor of overall energy consumption.

5.4.2 Electric aircraft will not realistically be available, even by 2050, for any commercial flights other than very short-haul and will not be available for the type of aircraft for which Bristol Airport is predominantly configured.

5.4.3 Over the next 20 years, small- and medium-sized short-haul aircraft may be powered by hydrogen, but this will require costly redesign of aircraft, increased fuel costs, operating costs, and ultimately higher ticket prices.

Airport infrastructure would also need to be modified for compatibility with these new and novel aircraft configurations. These factors will all increase the cost of flying, limit demand, and impact the case for expansion. Hydrogen combustion also usually produces GHG (NO_x) and most hydrogen production currently produces GHG (brown and grey hydrogen). Most near-term hydrogen production (blue hydrogen) will also produce GHG.

5.4.4 Biofuel is not a sustainable or scalable solution without causing increased global food prices, deforestation, loss of biodiversity, and thus exacerbating the climate and ecological emergency. Synthetic fuel technology is still in its infancy and, even if the processes of its production are improved, it will likely remain 3-5 times the price of conventional fuel and will require an unsustainable level of input from renewable energy, which will be needed to abate GHG emissions from road transport, domestic heating and industrial processes.

5.4.5 Current carbon pricing will not be effective in reducing emissions. Future emissions pricing is inevitable due to the economics of climate change and reliance on negative emissions technology, but this either will not achieve the necessary reductions or would make flying very expensive.

5.4.6 In any event, the Appellant's proposals are not consistent with the uptake of sustainable aviation measures.

5.5 BAAN's case is that no weight can be placed on the "sustainable aviation" measures put forward in support of the Appeal Proposal.

6. BAAN'S CASE: OVERALL

- 6.1 The Council's Core Strategy Policy CS23 requires that proposals for the development of Bristol Airport "demonstrate satisfactory resolution of environmental issues". Policy DM50 also emphasises this. One of the main environmental issues is climate change impact, which impacts on both people and the planet. This is also the focus of Policy CS1, which prioritises reducing carbon emissions and tackling climate change, committing the Council to action in this regard.
- 6.2 The Development Plan 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. 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.
- 6.3 BAAN's case is that the additional CO₂e which the Appeal Proposal will cause to be released into the atmosphere will make a meaningful contribution to increasing GHG emissions, thus contributing to hazardous climate change. The additional GHG 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.
- 6.4 There is no sensible way to mitigate the increased emissions. 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.

- 6.5 The additional GHG 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.
- 6.6 BAAN's case is that the Appeal Proposal is contrary to the Development Plan and there are no material considerations which justify the grant of planning permission. The Appeal Proposal will cause environmental harm, adversely affecting people and the planet, 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.
- 6.7 The Inspectors will be invited to dismiss the appeal.

7. LIST OF DOCUMENTS

7.1 BAAN will refer to the documents provided by the Appellant and other parties, and will additionally rely on the following documents:

No	Document Name
1.	IPCC Special Report on <i>Aviation and the Global Atmosphere</i> (April 1999)
2.	Paris Agreement (ratified 2016)
3.	IPCC Special Report on <i>Impacts of Global Warming of 1.5 °C</i> (October 2018)
4.	CCC <i>Net Zero – The UK’s contribution to stopping global warming</i> (May 2019)
5.	CCC Letter to Transport Secretary (12 February 2019)
6.	CCC <i>Reducing UK emissions, Progress Report to Parliament</i> (June 2020)
7.	CCC <i>The Sixth Carbon Budget: The UK’s Path to Net Zero</i> (December 2020)
8.	CCC <i>Local Authorities and the Sixth Carbon Budget</i> (December 2020)
9.	CCC <i>The Sixth Carbon Budget: Aviation</i> (December 2020)
10.	Lee et al “The contribution of global aviation to anthropogenic climate forcing for 2000 to 2018” (2021) <i>Atmospheric Environment</i> 244
11.	House of Commons Library Briefing Paper Number 8826 <i>Aviation, decarbonisation and climate change</i> (12 February 2021)
12.	DW “CORSIA too Broken to Fix” (22 January 2021)
13.	Gössling and Humpe “The global scale, distribution and growth of aviation: Implications for climate change” (2020) <i>Global Environmental Change</i> 65
14.	Matthews et al “Opportunities and challenges in using remaining carbon budgets to guide climate policy” (2020) <i>National Geoscience</i> 769
15.	Finlay Asher “Sustainable Aviation” Royal Aeronautical Society NE Rowe Award (October 2020)
16.	Carton et al “Negative emissions and the long history of carbon removal” (2020) <i>WIREs Climate Change</i>
17.	“Hydrogen-powered aviation: A fact-based study of hydrogen technology, economics, and climate impact by 2050” (May 2020)
18.	Anderson et al “A factor of two: how the mitigation plans of ‘climate progressive’ nations fall far short of Paris-compliant pathways” (2020) <i>Climate Policy</i> 1290
19.	Transport & Environment “Why ICAO and CORSIA cannot deliver on climate: A threat to Europe’s climate ambition” (September 2019)

20.	Royal Society “Policy Briefing: Sustainable synthetic carbon based fuels for transport” (September 2019)
21.	Carbon Brief “Planned growth of UK airports not consistent with net-zero climate goal” (June 2019)
22.	DBEIS <i>Updated Short-term Traded Carbon Values Used for UK Public Policy Appraisal</i> (April 2019)
23.	WWF Report <i>Grounded. Ten reasons why international offsetting won't solve Heathrow's climate change problem</i> (May 2017)
24.	Carbon Brief “Analysis: Aviation could consume a quarter of 1.5C carbon budget by 2050” (August 2016)
25.	Climate Central Report Report at https://coastal.climatecentral.org

7.2 BAAN may review or add to the documents list in due course.