

**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**

**Appeal Reference APP/D0121/W/20/3259234**

**SUMMARY PROOF OF EVIDENCE**

**of**

**Sam Hunter Jones (BA (Hons), MPhil, GDL, LL.M)**

**Solicitor, ClientEarth**

## **1. Qualifications and experience**

- 1.1 This is a summary of my full proof of evidence ([BAAN/W3/1]), which sets out my relevant qualifications and experience.

## **2. Introduction**

- 2.1 In this proof of evidence, I address the implications of the proposed development for the achievement of the UK's domestic climate change objectives, principally its emission reduction obligations under the Climate Change Act 2008 (CCA 2008), and how these matters inform compliance with relevant national and local policy.

## **3. The UK's obligations under the Climate Change Act and current progress**

- 3.1 Under section 1 of the CCA 2008, the UK government is required to ensure that the "*net UK carbon account*" for 2050 is "*at least 100%*" lower than the 1990 baseline: this is the 'net zero' target.. The Act also requires the setting of five-yearly interim carbon budgets, twelve years in advance of the budget period in question.
- 3.2 The Climate Change Committee (CCC) is an independent statutory body established under the CCA 2008 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.
- 3.3 In line with the CCC's advice, the government has set the sixth carbon budget (2033-2037) at a maximum of 965 MtCO<sub>2e</sub>, meaning at least a 78% reduction below 1990 levels by 2035, and has laid regulations to introduce this budget into law.
- 3.4 The sixth carbon budget will be the first formally to include the UK's share of emissions from international aviation. Earlier budgets were set at a level that took international aviation emissions into account by including sufficient 'headroom' for them.
- 3.5 The latest government projections show that under existing policies the UK is currently significantly off track to meet the fourth carbon budget (2023-2027) and fifth

carbon budget (2028-2032). These budgets were set under the previous 80% target, and the CCC has advised that the fifth carbon budget will need to be significantly outperformed to stay on track to meet the sixth carbon budget and net zero target.

#### **4. UK climate and aviation policy**

4.1 Existing government policy on aviation has emphasised the importance of local planning authorities deciding applications for airport development based on their own consideration of the merits of each proposal. In particular, the government's June 2018 policy statement 'Beyond the Horizon: The Future of UK Aviation – Next Steps towards an Aviation Strategy' states (at para 1.29) that while the "*government is supportive of airports beyond Heathrow making best use of their existing runways*", the "*policy statement does not prejudge*" the decision of local authorities on proposals, which "*should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations*", and "*leaves it up to local, rather than national government, to consider each case on its merits.*"

4.2 I set out in my main proof how the recent Stansted Airport decision did not reflect these parts of the 'making best use' policy.

4.3 The Appellant emphasises the government's policy objectives to make the UK one of the best-connected countries in the world, for the aviation sector to make a significant contribution to the economic growth of the UK and for levelling-up regional growth. However, these objectives are expressly stated as being subject to airport developments being deemed environmentally acceptable by the relevant planning decision-maker and to proposals supporting the UK's obligations under the CCA 2008.

#### **5. Climate Change Committee advice**

5.1 The CCC's sixth carbon budget advice includes detailed analysis of the possible emissions pathways to meet the net zero target and identifies a central 'Balanced Pathway' that is based on policies that are "*feasible, not just technically and economically but also practically*".

5.2 In the specific context of the Balanced Pathway for the aviation sector, the CCC recommends that:

*“There should be no net expansion of UK airport capacity unless the sector is on track to sufficiently outperform its net emissions trajectory and can accommodate the additional demand.”* (p. 29)

5.3 The CCC assesses that the residual 23 MtCO<sub>2</sub>e/year of aviation emissions in 2050 under the Balanced Pathway would require 40% of the UK’s total engineered greenhouse gas removals to offset these emissions as part of achieving the UK’s economy-wide net zero target.

5.4 Consistent with its overall position in terms of carbon budgets and targets, the CCC does not see any role for the use of international credits as a substitute for reducing actual UK aviation emissions, including CORSIA.

5.5 In the context of planning decision-making and climate change more generally, the CCC advised in their June 2020 progress report to Parliament that *“[i]ncreasingly, all policy and infrastructure decisions will need to be checked against their consistency with the UK’s Net Zero target ...”* (p.164). Indeed, in the same report, the CCC specifically welcomed the decision of North Somerset Council to refuse permission for the proposed development, as an example of increased engagement with the net zero target, *“accelerated action”* and climate emergency declarations being *“factor[ed] in to project decisions”* (p.123).

## **6. Conclusions**

6.1 Any increase in greenhouse gas emissions increases climate change impacts and necessarily makes the achievement of the UK’s net zero target and interim carbon budgets more difficult, requiring further emissions reductions or removals elsewhere in the economy. This is particularly the case where the UK is currently off track to meet its fourth and fifth carbon budgets and the required emissions reduction trajectory to net zero. This principle is in line with the overall approach taken by the CCC in its sixth carbon budget advice, including in the specific context of aviation emissions.

- 6.2 The proposed increase in emissions would therefore, in my opinion, constitute a significant adverse effect of the proposed development, whether for the purposes of assessing compliance with relevant development plan policies and national planning policy or as a standalone material consideration in determining this appeal. This is in contrast to the conclusion in the Appellant's Addendum to its Environmental Statement, and I address in my main proof how this omitted assessment of relevant matters.
- 6.3 The proposed increase in emissions would constitute a significant adverse effect of the proposed development irrespective of the CCC's recommendation regarding 'no net expansion' in the sixth carbon budget advice. However, such an adverse effect is all the more clear and significant in circumstances where the proposed development does not comply with the clear recommendations of an authoritative statutory body such as the CCC.
- 6.4 In this context, to my knowledge, no net reduction in capacity at other UK airports is currently proposed that would allow for an increase in capacity at Bristol Airport in line with the CCC's advised capacity restriction. Current planned airport expansions, including the proposed development, would increase total UK passenger airport capacity to over 455 million passengers per year if approved, which exceeds by some 90 million passengers per year the 365 million passengers per year modelled by the CCC under the Balanced Pathway.
- 6.5 In these circumstances, the proposed development would be inconsistent with the CCC's recommended pathway and policies for the aviation sector. My view on this is not changed by the Appellant's Draft Carbon and Climate Change Action Plan (CCCAP), which I address in my main proof. The proposal would therefore not support, and risks actively undermining, the achievement of the central UK climate change obligations outlined above: namely, the 2050 net zero target and interim carbon budgets under the Climate Change Act. This is particularly so given the need for urgent action and the CCC's advice that "[t]he 2020s are the crucial decade" for action in order to be on track by 2033 to be able to comply with the sixth carbon budget.
- 6.6 Equally, in the words of the government's consultation on the draft Aviation Strategy, and contrary to para 7.7 of the Appellant's Statement of Case, the proposed

development would accordingly “*have a material impact on the government’s ability to meet its carbon reduction target*”.

6.7 It follows from these conclusions that I do not view the proposed development as complying with policy CS23 of the Development Plan, which requires that proposals for the development of Bristol Airport “*demonstrate satisfactory resolution of environmental issues*”. Equally, I do not view the proposal as being consistent with (i) the planning system’s overarching environmental objective and purpose of “*meeting the needs of the present without compromising the needs of future generations to meet their own needs*” as expressed in Chapter 2 of the NPPF, or (ii) Chapter 14 of the NPPF and para 148 in particular, which requires the planning system to “*shape places in ways that contribute to radical reductions in greenhouse gas emissions*”.

Sam Hunter Jones