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FULL TRANSCRIPT (with timecode)

00:00:05:12 - 00:00:46:09

Good morning. Uh, can all those present hear me clearly, please? Thank you. Um, and can I confirm that the live stream with this event has commenced? Thank you. It's now 10 a.m.. Welcome to this issue specific hearing in relation to the application made by Gatwick Airport Limited, who will refer to as the applicant for an order granting development consent for the Gatwick Airport northern runway project, as described in the application form. The application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restrictions on the northern runways, use and delivering the upgrade or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport.

00:00:47:17 - 00:01:06:14

This includes substantial upgrade works to certain surface access routes which lead to the airport. My name is John Hockley. I am a charter town planner and a member of the Royal Town Planning Institute. I'll be chairing this hearing and making some introductory comments. And if I could just ask my colleagues to introduce themselves, please. Um, thank you.

00:01:06:16 - 00:01:16:18

Mr. Hockley, and good morning, everyone. My name is Doctor Philip Brewer. I have a PhD in applied acoustics and am a member of the Institute of Acoustics. Thank you.

00:01:18:12 - 00:01:24:09

Good morning. My name is Helen Cassini. I'm a chartered town planner and member of the Royal Town Planning Institute.

00:01:26:03 - 00:01:36:03

Good morning. My name is Kevin Gleason. I'm a chartered town planner, a member of the Royal Town Planning Institute, and I'm the lead member of the panel. I'll be leading the questioning today.

00:01:36:24 - 00:01:42:19

Good morning. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers.

00:01:44:03 - 00:02:20:11

Thank you. We have all been appointed by the Secretary of State to be members of this panel, and we constitute the examining authority or the Xa for this application. We will be reporting to the Secretary of State for transport as to whether the Development Consent Order should be made. For those here in the venue, you will have met Sian Evans, who is a planning inspector at Case Manager back there on the left, who has taken over duties from Georgia Herald. She supported today by Jennifer Savage and Martin Almond from the Case team. If you have any questions about the examination process or the technology we're using, then the case team should be your first point of contact before we consider the items on the agenda.

00:02:20:15 - 00:02:27:04

Just a few housekeeping matters that we need to deal with. So firstly, can everyone please set all devices and phones to silent please?

00:02:29:08 - 00:03:00:05

There are no fire alarm tests or drills scheduled for today, so in the event of a fire alarm, please could you exit the room and the fire? Um, evacuation Assembly point is just outside the main entrance on the left hand side. Toilets are located on this floor. On the ground floor. Um, we're informed that park car parking charges, excuse me. Will not apply to those attending this meeting. Um. Any issues? Please speak to reception or the case team. And also, when using the desk based microphones, could you ensure that their position close enough to your face? Thank you.

00:03:01:27 - 00:03:35:00

In addition to this in-person event, the hearing is taking place on a Microsoft teams platform and is being both live streamed and recorded. For those persons joining online, you may switch cameras and microphones off. If you are not participating specifically in the discussion. Should you wish to raise a question, please use the Microsoft Teams hand function and when invited, you can turn your microphone and camera on. Then. Um. Please be advised as well that the chat function on Microsoft Teams is disabled and cannot be used. If we have to adjourn proceedings today, including for breaks, we will have to stop the live stream.

00:03:35:02 - 00:03:41:06

And when we recommence the meeting and restart the live stream, you'll need to refresh your browser page to view the restarted stream.

00:03:43:06 - 00:04:21:27

Because the digital recordings that we make are retained and publish, they form a public record that can contain your personal information and to which the General Data Protection Regulation supply the Planning Inspectorate to practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. Consequently, in you, if you participate in today's hearing, it's important that you understand that you'll be live streamed and recorded, and that the digital recording will be published. For those of you participating virtually. If you don't want your image to be recorded, you can switch off your camera. If any individual or group wishes to use social media, report, film or record during today's meeting or any subsequent hearings, then they are free to do so.

00:04:21:29 - 00:04:53:10

But please do so responsibly and with proper consideration for other parties. This must not be disruptive and the material must not be misused. The only official record of the proceedings is this recording, which will be uploaded onto the Inspectorate's website as soon as possible after the hearing. Tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. The hearing today will be a structured discussion which Dxa will lead, and we are familiar with the documents already submitted.

00:04:53:12 - 00:05:25:04

So when answering a question you do not need to repeat at length something that has already been submitted. When referencing a document, please give the appropriate pins examination, library reference and additionally the first time you use an abbreviation or an acronym, could you give the full title as there will be there people participating or observing who may not be as familiar with the documents as you are? We'll look to take a break at around 1130 and break for lunch around 1 p.m. for 45 minutes to an hour. Afternoon break around 315, and we intend to close the hearing no later than 430.

00:05:26:12 - 00:05:36:22

The Tsar has a list of those persons present today who wish to speak in relation to the various agenda items, and we know everyone who gave advance notice of wishing to attend is present.

00:05:38:19 - 00:06:10:25

It's not our intention to do full introductions at this point, but for the purpose of identification and for the benefit of those who may be watching the digital recording later. Those intended to speak are asked to state your name, who you represent on any preference, and how you wish to be addressed when you first speak. Please speak clearly into the microphone and additionally give your name and any organisation you're representing every time you're asked to speak subsequently throughout the hearing. Now, I'd like to turn to the agenda for this hearing. The agenda was published and placed on the Planning Inspectorate website on the 17th of April, 2024.

00:06:11:19 - 00:06:49:12

We considered it a main issue for discussion at this hearing is the applicant's approach to the assessment of climate change effects and gas and greenhouse gas emissions. And Mr. Gleeson will say more about this under item two. We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be completed or are taking longer than anticipated today, it may be necessary to prioritize matters and defer other matters to written questions. For the avoidance of doubt, at the end of discussions on each item, we will be asking the applicant for any final comments they have on any representations made during these discussions.

00:06:51:04 - 00:07:11:16

Finally, this is a hearing and not an inquiry, and therefore there will be no formal presentation of cases or cross questioning of other parties. As such, any questions that you may have for other parties need to be asked through the way. This approach is set out in section 94 of the Planning Act 2008. Are there any questions at this stage about the procedural side of today's hearing or the agenda?

00:07:14:29 - 00:07:26:03

Okay. I'm not seeing any hands or there's none online. Okay. Thank you. So, um, I'd like to move to agenda item two, and I'll pass to Mr. Gleeson to take us through this item. Thank you.

00:07:27:18 - 00:07:33:19

Thank you. So agenda item two says the examining authority will explain the purpose of the hearing

00:07:35:12 - 00:08:08:27

as already outlined. This hearing will focus on issues which we wish to address primarily to the applicant. Although interested parties will be asked for their views where appropriate. This hearing addresses climate change and specifically greenhouse gases. The applicant's environmental statements contained chapter 15 Climate Change and chapter 16 Greenhouse Gases. Chapter 15 concerns the proposed effects of current and future climate change on the proposed developments.

00:08:09:13 - 00:08:43:18

Chapter 16 provides an assessment of greenhouse gases, considering the potential effects of the proposed development on, and the contribution of the proposed development to the climate. To date. Any questions we asked about the potential effects of climate change have been through written questions, and there are no questions on that topic, which we need to address through this hearing. Today's hearing will primarily be addressing issues related to greenhouse gases and chapter 16 of the Environmental Statements.

00:08:45:25 - 00:09:04:26

Note that the agenda was prepared before we saw the deadline. Three submissions and therefore there may be some shift in focus on some matters on the agenda. It's also important to recognize the clear connection and overlap between items, which may be reflected in the time spent on different matters.

00:09:06:17 - 00:09:21:04

It's also worth recording. The climate change, and particularly the issues related to greenhouse gases, is the second most common issue raised in relevant representations, with over 1700 comments on this issue.

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So in addition to the documents listed in the agenda, it's item three. Parties may find it useful to have the EMA guidance 2022 s chapter 16 Carbon Action Plan and the Construction Carbon Management Plan close at hand.

00:09:44:25 - 00:10:01:02

And given the technical nature of this hearing, the examining authority would find it particularly helpful if all parties participating could provide written summaries of those oral submissions to the hearing by deadline, for which is the 15th of May.

00:10:03:11 - 00:10:06:07

Are there any questions or comments about the purpose of the hearing?

00:10:10:04 - 00:10:14:00

Can't see any hands. So in that case, I'll move on to item three.

00:10:17:03 - 00:10:53:16

So item three says the applicant will be asked for its views on the extent, breadth and relevance of policy relating to greenhouse gas emissions concerning but not restricted to, the airports and national policy statements. Beyond the horizon, which is the future of UK aviation. Making best use of existing runways. Flight path to the future. Jet zero strategy and Jet zero strategy, one year on national networks, National policy statements and decarbonising transport.

00:10:56:07 - 00:11:06:13

So under this item, we will be focusing on what the policies require rather than how they are or not actually met.

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Also worth noting that section 106 of the Planning Act states that in deciding an application, the Secretary of State may disregard representations if they relate to merits of policy set out in a national policy statement.

00:11:27:11 - 00:11:52:24

We're also cognizant of case law. The role of this decision maker being to exercise judgment, not to interpret policy as set out by the applicant in response to Cagney's relevant representation. Nevertheless, one area of the national policy which the applicant has commented on, we will be addressing and would welcome the clarification on that when we come to it.

00:12:01:04 - 00:12:18:29

So I'm not going to go through the national policy statements as relevant to this topic itself. But I will focus, as I say, on one question about the applicant's comments on it and that concerns. Yes. Table 16 .2.1.

00:12:20:24 - 00:12:45:24

And though it says that paragraphs 5.71 to 5.73 of the National Policy Statement explain how the Climate Change Committee leave a headroom in their five year UK carbon budgets that account for international aviation. Could the applicant explain how they see that operating, please?

00:13:04:11 - 00:13:41:12

Uh, Scotland House for the applicant. Um, perhaps I can lead off on this. Alaska. Mr. Mr. Robertson to, uh, to ARIN. Um, as we understand it, the approach has been taken is that for the purposes of assessing the impact of the scheme on carbon budgets prior to the sixth one, um, those carbon budgets, uh, have been, uh, based on, um, allowing for headroom, um, to allow for aviation, um, emissions and circumstance where aviation emissions aren't specifically included as part of the budget itself.

00:13:41:23 - 00:14:23:23

As far as the sixth carbon budget is concerned, although there are not statutory changes that have been made which bring aircraft emissions formally within the scope of the, uh, of the CA 2008, uh, aviation emissions have been included, a move away from headroom to be included within the budgeting process. So there is have been a shift between carbon budgets four and five and uh, on six. Um, that has been allowed for in our uh, assessment because when we have assessed the scheme against, uh, carbon budget 4 or 5 and six, we have allowed for the fact that it's been a shift between the move from headroom and the previous budgets to including aviation within the budgets.

00:14:24:01 - 00:14:45:03

Uh, in, in carbon budget six. In essence, it doesn't make too much of a difference, because either way, the analysis has allowed for the fact that either aviation emissions are treated as part of the headroom and the other words the budgets lived out accordingly, or whether they're specifically included in carbon budget itself, they've been allowed for in those different ways within the assessment work that we've carried out.

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A fair assumption.

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Could you just say a bit more about your interpretation of headroom? That was really where the question was leading.

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Mr. Robertson. Thank you sir. Thank you.

00:15:01:11 - 00:15:33:05

Key fobs for the applicant. Yes. The headroom allowance was included when the the Climate Change Committee was providing its recommendation to the government on the setting of the fourth and fifth carbon budgets, but it's it's not explicitly within the carbon budgets because under the under the the legislation at the time, it was not required to be. So it's provided as um, a number within, as I say, within the Climate Change Committee's recommendation to government.

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But when taken forward into the assessment, we consider the, the the emissions arising from NRP under the the budget as it was set for fourth and fifth carbon budgets without international aviation emissions, but then included for the sixth carbon budget in Scotland.

00:15:54:03 - 00:16:25:28

I think in terms of the word headroom, the budget has been set not to include aviation specifically, but effectively the budget has been assessed as if aviation emissions were included in the headroom. Uh reflects that. So essentially there is a there's a formal change between the fourth and the fifth budget, but the headroom effectively means that the budget has been set to allow for aviation emissions, even though they're not specifically included in the budget itself. And that's what we understand headroom to mean.

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I think Mr. Robertson can add something as well.

00:16:29:02 - 00:16:47:04

Keith Robertson for the applicant, sorry, just to confirm that the headroom is associated with international aviation emissions only. So domestic, uh, domestic emissions are already included within the fourth and fifth carbon budget setting process. The headroom was to allow for international aviation.

00:16:49:01 - 00:16:49:16

Thank you.

00:16:55:27 - 00:17:26:24

I just highlighted this point. Um, paragraph 5.82 of the NPS, which will be covered later in the agenda. This is the statement that any increase in carbon emissions alone is not a reason to refuse development consents, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of the government to meet its carbon reduction targets, including carbon budgets.

00:17:26:26 - 00:17:43:12

We will come back to that, but that is significant, obviously. I have no other questions about the airport and national policy statements in regard to these policy statements. Does anyone wish to comment on that at this point?

00:17:46:06 - 00:18:25:07

Now I'm not seeing any indication. So let's move on to the next document then, which is beyond the horizon, making best use of existing runways. Um, and in respect of greenhouse gases. Paragraph 1.14 of that document states that significant steps have been made in developing international measures for addressing aviation carbon dioxide emissions, including on the Global Offsetting Scheme for International Aviation, known as the Carbon Offsetting and Reduction Scheme for International Aviation, or Corsia.

00:18:25:13 - 00:18:56:12

Is that the pronunciation? It goes on to state that there remains uncertainty over future climate change policy and international arrangements to reduce carbon dioxide and other greenhouse gases. Paragraph 120 also states that there is significant uncertainty over the likely future cost of these measures and their impacts on carbon. So this policy mix is presented to illustrate the type of abatement action that could be taken.

00:18:57:08 - 00:19:15:12

It should not be interpreted as a statement of future carbon policy. So what I'd like to ask, starting with the applicant, can these statements be considered as policy, and if so, what weights should be applied to this document in respect of greenhouse gas matters?

00:19:20:22 - 00:19:24:07

Uh, Mr. Rhodes. I will do that, sir. Thank you. Thank you.

00:19:24:09 - 00:19:26:25

Sir. John Rhodes for the applicant.

00:19:28:12 - 00:20:12:04

But I think it's apparent from government policy and government publications, including those listed in the agenda, that the government is continually monitoring, modelling and assessing carbon impact

with the basis of keeping its position completely up to date. In fact, the government policy recognises the uncertainty that you've drawn attention to and that the pathway to net zero is uncertain. But what the government does say is that, particularly in the net zero strategy and its update, that it's an objective with many alternative measures, and if some measures fall away, other measures can be drawn on essentially as a as a toolkit to achieve the objective.

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And government doesn't express any doubt at all about its ability to achieve net zero and aviation's contribution to carbon reduction within that. So I think discussion within my policy about carbon needs to be seen in the light of later documents which update that discussion. But the important point I think to make is that the government continues to state that its policy on Mu is up to date, and it stated that in a number of places, including in the net zero strategy, but also in its response to the Climate Change Committee.

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So whilst the modelling changes and continually monitored, the policy itself is considered to be robust and balanced in the government's words.

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Thank you. But. Do you consider that that document as a whole is policy, or is it possible to draw distinctions between what's

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let's put it in terms of the NPS is clearly policy. NBU is it includes things like the trajectory for achieving net zero. Um,

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as I've identified paragraphs 1.14 and 1.20 introduce an element of uncertainty. Does that in certainty mean that it isn't considered as policy, or is that still something you would regard as policy?

00:21:51:22 - 00:22:23:26

Thank you, Sir John Rhodes, for the applicant. I think it's apparent on the face of the document that it's not all intended as policy. Um, it has an unusual structure to it. So that paragraph 1.25, for instance, is headed Policy Statement, which indicates that I think the style of the document indicates that other paragraphs, uh, within the document are explanatory or discuss if the policy itself is set out under the heading 1.25.

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And that's making best use of existing runways justified and explained by reference to other paragraphs. But um, other paragraphs are not statements of policy.

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Okay. Thank you. And in that case, um, how would you how should the Secretary of State consider the weight of that document.

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Compared rest of.

00:22:48:16 - 00:22:55:16

The of the, uh, making best use documents compared to the national policy statement?

00:22:56:16 - 00:23:34:20

Thank you. Um, Secretary state should consider that the making best use policy is completely up to date. Has full effect. Those words are used, uh, within the net zero strategy has full effect. Um, it's described by the government as a robust and balanced policy. Um, and it's been continually re endorsed as up to date policy so that it stands side by side with the NPS. It doesn't have NPS status, of course, but it does have the full status of government policy produced at the same time, consistent with and complementary to the A and S.

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Okay. Thank you.

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So let's then move on to Flight Path to the future, which was issued just before the Jet Zero strategy. So Flight Path to the future establishes a strategic framework for the aviation sector and includes within it an ambition for 10% sustainable. Um aviation fuel to be blended into the UK fuel mix will come onto the issue of SAF later in the hearing, but for now again, similar question as previously how should flight path to the future be considered in policy terms?

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And so John Rhodes for the applicant. Flight Path to the future is another up to date government policy.

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And its terms are consistent with the policies that we've been discussing. It helps us to ensure to understand the government is maintaining its core policies within the NPS and Mbu. It confirms on page seven and page 26 that those policies continue to have full effect. Um, and it explains that the government remains committed to airport and aviation growth. Um, but that growth must be achieved within climate change obligations.

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Um, but it continues to, uh, endorse on page 18 the policy of making best use of capacity.

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Okay. Thank you. So you used the phrase full effect a couple of times already in relation to, uh, the Mbu and, uh, like path to the future. Um, full effects is a term which is used in respect of the airports national policy statements and other national policy statements. Is there a distinction to be drawn between the national policy statements and those of the documents? Do they have less significance?

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John Rhodes for the applicant. So there is a distinction to be drawn because you're very clearly aware that the term full effect has a legal status within the Planning Act 2008, which only applies to national policy statements. So there is clearly a distinction between them in law and in application to DCO applications and decisions. But the other statements have the full effect of being government policy and being up to date in that respect.

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Okay. Thank you.

00:26:41:24 - 00:27:13:09

So let's move on then, to the Jet Zero strategy, which was published in July 2nd, 2022. And we will come back to this document, I'm sure, during the course of the day. But in policy terms, um, again, just asking you to comments generally on the extent to which the material within that document can be regarded as government policy and what materials should be considered as background or supporting information.

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I know you've you've partially covered that already, but is there anything further you wish to say on Jet Zero?

00:27:26:19 - 00:28:04:00

And John Rhodes for the applicant. Um, so there's obviously a lot to say about Jet Zero. But in the context of your question, um, if I might just say, from my perspective, jet zero is a strategy, um, not a policy. Um, but it sets out an up to date statement of the government's position and the government's intention. It's an extremely helpful document in explaining how the government, um, can meet its objectives for aviation at the same time as meeting its objectives for, uh, carbon reduction.

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And it sets out, um, a number of strategies of which you are aware, perhaps its most significant in context of today's discussion in recognising that there is a tension between airport expansion and carbon objectives. But explaining that in its own words, it's critical that that tension is resolved because the government recognises the economic importance of aviation at the same time as the critical importance of carbon reduction, and therefore the strategy sets out to achieve both objectives in a complementary way.

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Thank you. Um. And then jet zero strategy one year on. Do you wish to comment any further on that in terms of policy, government policy?

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So I think the again, John Rhodes for the applicant, the significance of zero one year on is a demonstration that the government is absolutely determined to monitor and keep up to date its position on carbon and aviation. So to produce a one year on document, um clearly is intended to keep the policy up to date, but also to report on progress against the strategy. And we know that the strategy has six particular themes for carbon reduction. And the government is investing literally in a number of those themes and wants to report on progress.

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And because of the uncertainty about the pathway to net zero, to continually adjust its its strategy and to explain very transparently how it's doing that. So zero, um, one year on is helpful, I think, particularly in the emphasis on monitoring and how the government recognises that it must, um, be as clear and up to date and comprehensive, and it can be in its monitoring in order that it can effectively monitor and implement the adjustments necessary to the net zero strategy.

00:30:24:25 - 00:31:01:23

It directly recognises the uncertainty around a number of measures, including sustainable aviation fuel, but nevertheless restates its confidence that, uh net zero will be achieved and the aviation will play its part within that. Um, yes. So I think principally is an update and a greater emphasis on monitoring in order to ensure that the policy remains effective and properly applied. But a helpful restatement from the airport capacity point of view of confidence that the strategy can be achieved.

00:31:02:01 - 00:31:02:25

Okay. Thank you.

00:31:05:00 - 00:31:37:16

Let's move on then, to, um, the national Networks national policy statement. And the original statement was published in 2014. And we now have a new statement which was published in March

2024. Um, we asked a question, written question about this in our first written questions, which was Gen 11.33 regarding that revised statement.

00:31:38:20 - 00:31:50:02

Can the applicant outline the changes to that statement in respect of greenhouse gases and any consequences for the determination of this application, please.

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Uh, John Rhodes for the applicant.

00:31:58:17 - 00:32:20:09

So both the 2014 National Policy Statement and the updated National Policy Statement for National Networks 2024 are relevant to this examination. And they are consistent in their approach. But they show a development in policy, which is helpful.

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So the if I may briefly touch on the 20 2014 NPS, um, it makes clear that emissions from road development are considered to be very small in the context of carbon budgets. And then it states that paragraph 518 that the government has an overarching national carbon reduction strategy, which is a credible plan for meeting carbon budgets, including a range of non planning policies, which will ensure increases from road development do not compromise overall carbon reduction commitments.

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And it states the government is legally required to meet this plan. It's an unusual statement in a planning policy document. And then it says, therefore, any increases in carbon emissions is not a reason to refuse development consent unless the increase is so significant. In the similar words, the same words as we find in the the and but helpful context that any increase is not a reason to refuse consent because the government has that strategy.

00:33:30:21 - 00:34:07:01

And then if we look at the NPS 2024, it does move the our understanding forward and it does move government policy forward. And in particular, it explains that government subparagraph 224 government's policies in the Transport Decarbonisation Plan demonstrate how we will deliver transport contribution to emission reductions in line with net zero emissions. And then states again, the duty lies with the Secretary of State to meet the climate change obligations, including the sixth carbon budget.

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That's paragraph 527 and then paragraph 538. Helpfully, I think it states that the Secretary of State regularly assesses whether the UK has sufficient policies and proposals overall to meet UK carbon budgets, with a view to meeting the net zero target in line with the government's duties in the Climate Change Act. Um.

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And then I think relevant to this examination, it would not be feasible or sensible for such an assessment to be done at the time of taking individual development decisions. It's paragraph 538. In other words, the government is saying it's our responsibility. It's our duty. That's what we are doing. And then. But paragraph 541. Given the range of non planning policies aimed at decarbonising the transport system, government has determined that a net increase in operational carbon emissions is not of itself reason to prohibit the consenting of national network projects or impose more restrictions on them.

00:35:16:24 - 00:35:51:06

In the planning policy framework, operational emissions will be addressed in a managed economy wide manner to ensure consistency with carbon budgets, net zero and our international climate change commitments. Therefore. And then it goes into the same test, explaining, I think in progressively more detail why the government says that an increase in carbon from an individual scheme isn't a reason to refuse unless it's so significant impact on the government's ability to achieve its statutory carbon budgets.

00:35:51:10 - 00:36:29:23

So in that respect, the 2024 NPS provides more detail. It's more up to date, but it has the same logical framework through it where there are differences in the 2024 MPs relate particularly to a requirement for a whole life carbon assessment. That's a requirement that doesn't appear in the previous NPS, and it explains that the whole life carbon assessment must be undertaken consistent with the principles of past 2080, which I expect we'll discuss later today and in relation to mitigation.

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Um, and I didn't touch on this earlier, but both the A and RPS and the 2014 national networks, NPS do require the applicant to mitigate carbon impacts, but the emphasis is on impacts within their control, explaining that government is taking responsibility for aviation emissions. Um, but there is a tightening in the 2024 NPS in the wording in relation to mitigation. So in the NPS and the uh 2014 national networks, NPS mitigation has to be appropriate or acceptable in the 2024 NPS was a statement at paragraph 540 that the applicant has taken must satisfy the Secretary of State that the application applicant has taken all reasonable steps to reduce the total carbon emissions at all stages of development.

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Thank you. Which is, uh, a stronger emphasis in policy, and I think consistent with the requirement for whole carbon assessments in line with past 2018.

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Okay. Thank you. Um, just looking at what is set out in the 2024 version. So paragraph 1.16 says the Secretary of State has decided that for any application accepted for examination before the designation of the revised NPS, the 2015 NPS should have effects. Um. The revised NPS will therefore have effects only in relation to those applications for development consents accepted for examination after the designation.

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So that doesn't doesn't have effects in your your, uh, proposals. However, um.

00:38:30:28 - 00:38:37:04

Is capable, potentially capable of being important and relevant consideration. And that's your position, is it?

00:38:39:02 - 00:38:41:11

So entirely agree with the words the policy. Okay.

00:38:41:13 - 00:39:05:08

Thank you. That's fine. So that covers the NPS. Um, I also had decarbonizing transport listed, but I don't need to ask any questions about that. I'd like to to just move on to a couple of issues which arise from relevant representations that were made.

00:39:07:11 - 00:39:07:28

Um.

00:39:12:18 - 00:39:18:04

And the first one is the representation from the Aviation Environment Federation.

00:39:19:23 - 00:39:20:08

Um.

00:39:22:09 - 00:39:33:24

And AF said the applicant is wrong to rely on the efficacy of current policy measures to reduce emissions to net zero by 2050.

00:39:36:06 - 00:40:00:21

Indicating that AFS case is a criticism of, and the failure to accept government policy, rather than meaningful objection to, the Northern Railway application. I think, um, as for the line, um, I wonder if they want to expand on, uh, the original comments or comments on the applicant's response? Yes, Mr. Johnson, I think yes.

00:40:03:09 - 00:40:44:17

Thank you. Good morning. Tim Johnson from the Aviation Environment Federation. Uh, thank you for the question. I think our comment largely related to the reliance on existing policy, um, as set out in the documents that you've been referring to. In particular, I think we agree with the applicant's summary of net zero just now, when they regarded it more as a strategy rather than as a policy. And I think that's that's the key point here, that many of the policies that are required to deliver the objectives here are policies that will be enacted in the future, but for which there are present no clear plans.

00:40:44:27 - 00:41:29:07

Um, there are also significant doubts that we think have been raised about the trajectories that government is relying on. Some of these, I think we'll cover when we get on to the section that's coming up around the Climate Change Committee. But I think, um, there is clearly demonstrable evidence that there will be difficulties for government in finding the right policies to meet these these policy objectives. And therefore, we think as a basis for making the assertion that national policy exists to guide us towards and net zero goal that that is placing too much emphasis on at this point in time.

00:41:29:25 - 00:42:01:18

Um, if I may, you ask the applicant about the relevance of the airports national policy statements. Uh, your first question and the applicant, I think, summarised the difference between the approaches in the fourth and fifth and sixth carbon budgets. Very well. Um, but the applicant did states that there was no material difference between the approaches. They may be constructed differently, but there's no material difference between the two approaches.

00:42:01:20 - 00:42:36:15

And I think we disagree with that. I think there is a strong difference, and that is that under the fourth and fifth carbon budgets, the emissions from international aviation and shipping are estimated in advance. Those emissions are deducted from the carbon budget and effectively, the other sectors in the economy are capped at the reduced level. The actual performance of international aviation emissions during that those carbon budgets is of no consequence to whether the revised budget is met.

00:42:37:09 - 00:43:08:12

Under the six carbon budget. That's very different. Uh, as the applicant said, it is government's intent to include international aviation and shipping missions directly in the six carbon budget. And if those emissions are, um, aviation emissions are outperforming, um, what is estimated in in the trajectory

during the six carbon budget, it has a direct impact not only on meeting the carbon budget, but on the effort required by other sectors to remain in compliance.

00:43:08:14 - 00:43:47:10

So we do agree with how the applicant has, has been, has, has answered the question. But we disagree that there is no material differences. And it's a fundamental difference between the two. And that in part. Sorry for labouring the point, but that in part relates to our earlier answer about the efficacy of of of the policies. If we are not confident at this stage that government has the policies to deliver the emission reductions, it says there is a real risk during the six carbon budget, uh, that it will either put pressure on other sectors or if it doesn't do that, then it put pressure on, on, on, on meeting the carbon budget requirements.

00:43:48:01 - 00:43:55:29

Thank you. We will come on to those matters. I'm sure you'll understand. That's helpful. Can I ask the applicant to respond to that, please, Scott.

00:43:56:07 - 00:44:29:13

For the applicant. Can I just pick up on on two points? Um, I'll come on to Jet zero in a moment, but it's important to see Jet zero in the context of the 2000 act regime. No, there's no there's no dispute that the aircraft emissions of carbon, uh, associated with the development or material, how to be considered in the context of the A and S, the Am, the NPS tests. But this was within the context of the mechanisms that are available to control those at a national level in order to meet the carbon target and budgets.

00:44:29:23 - 00:45:08:15

We know from previous decisions, um, that, uh, decision makers have been regarded as, uh, reasonable and concluding that there is no reason to doubt that measures will be in place to address aviation emissions in the light of the legal duty to ensure that carbon budgets are not breached. And the fundamental point here, which leads to the jet zero point, is that, um, the control regime here is operated by government within the context of a fully sovereign parliament, a clear legal duty under the 2008 act to meet its net zero target and carbon budgets.

00:45:08:23 - 00:45:42:24

And we say within that legal framework, it's perfectly reasonable to conclude that the UK's regime for controlling GHG emissions will will operate effectively. That conclusion has been reached in the Bristol case. The Luton care for Stansted decision um, as well. And it's quite appropriate to follow it in this um in this case leading on from that obviously jet zero uh, even if it's regarded as a strategy as opposed to policy, has been brought forward within that legal context.

00:45:43:00 - 00:46:15:05

It confirms clearly that the government does not see the commitment the aviation sector or airport expansion is incompatible with meeting carbon targets. Um, it's also confirmed the need for monitoring and review, taking steps to ensure progress towards net zero is kept on track. And Mr. Rhodes is identified that already, and we've heard about it in relation to the jet 011 year on. So jet Zero recognises that that technologies need to evolve.

00:46:15:07 - 00:47:03:03

It recognises the degree of uncertainty in the same way as Mbu did, but it's effectively saying it's responsibility of government to keep the aviation sector on track. And our our case is that the Secretary of State and you, as a panel, can legitimately assume that these objectives are going to be achieved. And that approach isn't disturbed by any recognition within the policy, that there is uncertainty about how different measures are going to come forward. Um, it's entirely appropriate for the Secretary of State to rely upon those policies to reach a conclusion that there wouldn't be any

material effect of an individual proposal on the ability to meet, um, uh, carbon budgets, because the government is aware that steps have to be taken.

00:47:03:05 - 00:47:36:17

It is committed through its strategy of doing so, and it knows it must do that to meet its legal obligations. So we don't accept, um, the proposition that appears to be advanced in the relevant representations that, um, one should somehow say, well, there's uncertainty recognised within the policy, and therefore that means that this project, you somehow be dismissed for that reason. The policy recognises already there's a degree of uncertainty. But the important point is that it makes a commitment to ensuring that jets will meet its objectives within a very.

00:47:36:20 - 00:47:39:00

A clear legal duty that's imposed on the government.

00:47:40:18 - 00:47:42:03

Mr. Rudd says that as well.

00:47:42:20 - 00:48:13:18

Sir, if I may, John John Rhodes for the applicant, just on the questions of uncertainty and that new policies will be required and reaching net zero will be difficult. Um, so the government agrees with that and recognises that, as Mr. Lyness said, but it may be helpful to draw attention to two recent things. Um, what? In the context of the government keeping the Jet Zero strategy constantly under review.

00:48:13:20 - 00:49:11:26

It's committed to a review of the strategy as a whole in 2027, although it's monitoring on an annual basis. Um, and since this examination started, the government's issued at least two new statements of its, of its position. So the first was on the 24th of March, so will submit these with the written submissions. But on the 24th of March, the government responded to the Environment Audit Committee that made recommendations in relation to the UK aviation sector, and the Audit Committee recognised that the government will review the Jet Zero strategy in 2027, but asked when you do so, will you consider demand management as a measure at that point, if Jet Zero isn't working and the government response which we will provide to you, uh, set out again, confidence that Jet Zero sets out how the aviation sector can achieve net zero.

00:49:12:13 - 00:49:43:19

Um, and continued to explain the government's modelling and its satisfaction. That was the case. But if we find that the sector is not meeting the emissions reduction strategy, we will consider what further measures may be needed to ensure that the sector maximises in sector reductions to meet the 2050 target. Um, in other words, this examination can have the confidence of knowing that the government is aware of these issues and will take action if it's necessary, but doesn't consider it to be necessary.

00:49:43:24 - 00:50:14:28

And the second, um, even more recent announcement was last week that the government, um, committed itself to legislate that by 2030, 10% of all jet fuel from flights taking off from the UK should be sustainable aviation fuel. And in doing so, it explained. This is part of our approach and ensuring that rationing of flights through demand management is ruled out. Um, and in that context.

00:50:16:02 - 00:50:51:28

I think it hopefully helpful to say that the 10% support mandate for 2030, a number of people have doubted whether that's achievable or not. The government has now legislated for it, given its confidence, and it also is different from the confidence which the Climate Change Committee showed in it. So their balance pathway had a 2% assumption by 2030, governments mandated for 10%.

Because the government doesn't believe that demand management is the solution, it believes that technology and fuels and market mechanisms are the future.

00:50:52:00 - 00:51:22:08

But just just to say that I think it's important in that context to recognise that the government hasn't set an aviation sector or even a transport sector carbon budget deliberately, because the government explains that it's an economy wide target and that some sectors are harder to decarbonise than others, and that the government will absolutely push aviation to meet the high ambition trajectory.

00:51:22:11 - 00:51:57:20

But what it does say in Jet Zero strategy at 3.58 is even if the aviation aviation sector does not step up and meet its high ambition scenario, net zero 2050 will still be achieved. So even if it was right that jet zero cannot be achieved and that's not the government's position. That doesn't mean that the government's policy in relation to aviation will change. It's not expected to change, and there is a higher expectation that the ambition and the trajectory will be met.

00:51:57:27 - 00:52:13:01

But if it's not, what the government is charged with doing is balancing its climate change objectives with its economic objectives, or meeting both objectives. And it has identified the critically important role for the economy of aviation.

00:52:13:08 - 00:52:43:12

Okay. Thank you. We will come on to those issues, uh, later in the agenda. Uh, we were aware of the environments or audit committee, I think that's submitted in in one of the deadline, three submissions by one of the IP. So we were aware of that. The uh, SAF mandates. Uh, as I say, we will come on to that later. As a government's objective, the 10% that's useful for context.

00:52:43:14 - 00:53:19:25

Can I move on then to a question or a comment which Cagney raised in their relevant representation? And this was that the weight to be given to a policy can be reduced partly or wholly, where it has been overtaken by events. This is especially so where policy addresses science based matters, but those matters move on. That is what is happening to the Jet Zero strategy, and very little weight can be placed on the jet zero strategy in addressing the northern projects climates impacts the applicants response to that.

00:53:19:27 - 00:53:42:04

At rep one zero 48, um noted that Geo strategy represents an up to date government policy. Excuse me? It is specifically kept up to date. Um, and there's the commitments through jet zero ¥1 as has been outlined. So, um.

00:53:45:03 - 00:54:05:25

Notwithstanding the government's commitment to the strategy, does Cagney not have a point about this, about the strategy or the policy being founded on science based matters? I'll ask the applicant first and then ask if Cagney, I want to say more on their representation. Do you wish to comment on that science based approach?

00:54:10:04 - 00:54:48:01

Uh, John Rhodes for the applicant. So my view is that, um, this examination is entitled to rely fully on the jet zero strategy. Um, because. It is an up to date statement of the government strategy, reinforced by a number of other publications which place confidence in that strategy, and the concerns which parties have about their strategy are concerns which government already understands and government is addressing through continual monitoring, through financial investment, through other measures as well the legislation in order to achieve that strategy.

00:54:48:14 - 00:54:51:17

Um, so, so in in my view, it's a.

00:54:51:25 - 00:54:54:29

Strategy rather than the policy, as you said already. Well.

00:54:55:10 - 00:55:28:23

So yes, the. But I don't think that diminishes its importance. Neither does it change the context of this discussion in that rather than a strategy, the government has an absolutely binding legal commitment to meet its climate change obligations, and it's required to produce policies and strategies to set out how it achieves that. That's required under section 13 of the Climate Change Act. So this is a policy produced as a result of that obligation in order to achieve that obligation.

00:55:28:29 - 00:56:00:05

So parties may doubt the strategy, but the commitment is absolutely binding. And the government continually recognises and sets out in NPS and other policies that it is committed to and obliged to meet that and determined to meet that. So the strategy is very helpful explanation of how it's to achieve that. But its policies are those set out in the amps they set out in Mbu, and they're continually refreshed in the sense that up to date statements explained, they continue to have full effect.

00:56:00:14 - 00:56:06:24

Okay. Thank you. Does, uh, anyone from Cagney wish to comment on what we just heard?

00:56:07:12 - 00:56:40:14

Thank you sir. Thank you. Yes. Stella Horne, on behalf of Cagney. There are two separate points that were addressed in that exchange, and I'll deal with them separately, if I may. The first was about the jet zero strategy, and indeed other underlying policies being founded on a science based approach and therefore science based evidence being relevant to the weight to be given to such strategy. In my submission, the.

00:56:40:16 - 00:57:13:21

Well, the applicant didn't really respond to your question directly on whether that was right or wrong, but in my submission it is right. And there's clear legal, um, decisions. There are clear legal decisions on which this examining authority can rely in order to justify by taking into account up to date scientific evidence, um, as a reason for reducing the weight or stepping away from either policy or strategy on which reliance is being placed by the applicant.

00:57:13:23 - 00:57:57:08

That's the Stevenson judgement or the torque fracking decision, which did the same analysis, but in relation to fracking rather than in relation to aviation. Um, and that legal position can be fleshed out in post hearing submissions, if that would be helpful. Uh, the second aspect of the exchange between USO and the applicant, um, focuses on the emphasis given to the legal obligation on the government, the 2008 act legal framework, and what this examining authority can do in relation to that.

00:57:57:17 - 00:58:28:20

And as I understand, the applicant's position, it's that the legal framework of the Climate Change Act 2008 and the legal obligation to achieve particular outcomes, is such that this examining authority can be certain or can reasonably rely on the Jet zero strategy and other um, strategies as demonstrating that the government will meet its climate change obligations, including if there is airport expansion.

00:58:29:13 - 00:59:13:29

But there is, of course, evidence that's directly relevant to that, too. And that's the evidence that's coming out in the context of the carbon budget delivery plan, judicial review, the hearing of which took place earlier this year. And I understand that a decision on that judicial review, um, will be made, one hopes imminently, uh, that's relevant in a number of ways. First, the evidence that came out in the context of that judicial review, um, evidence provided by the Secretary of State for net zero, um, showed a number of things, including that contrary to what the applicant just said, there are, in fact, sectoral budgets, including, as I understand, for aviation that are used within the department.

00:59:14:10 - 00:59:45:12

Um, just they aren't shown to ministers. Um, the rest of the evidence indicated that there were risk factors that were known within the department, but that were not, um, shown to or, uh, provided to the minister when the decision was made that the carbon budget delivery plan complied with the Climate Change Act obligations. Now we'll wait to see if the court accepts that evidence. Plainly, if the court does accept.

00:59:46:09 - 01:00:20:01

That the situation is such that the government has not lawfully taken into account the risk that policies will not achieve. The obligation to meet the carbon budgets. Then that is something that is plainly relevant to this examining authorities analysis. And B would give a rational, a wholly rational basis for this, examining authority to give less weight to strategies such as the jet zero strategy.

01:00:22:02 - 01:00:50:21

In the examining authority's decision making process. It's also plainly relevant to what the applicant has said about the assumption that the NPS provides that the government is on track. It's also plainly relevant to the analysis about whether the concrete additional emissions that this airport expansion is accepted will produce, um, might imperil the meeting of the legal targets.

01:00:51:09 - 01:00:54:18

Thank you. It's the applicant wish to come back on that.

01:00:56:26 - 01:01:28:23

Um, John was the applicant, so I wouldn't, uh, try to address any legal issues. Um, but just to say, I think two things in response to that submission. The first is. The fact that the Jet zero strategy relies on science. Um, is obviously true. Um, but the important point to make is that the government is completely aware of that. And importantly, the Jet Zero strategy is not a static document.

01:01:29:06 - 01:02:10:20

The government published an update one year on. Both documents explain that government is constantly monitoring the position in order to ensure, um, that the trajectories are being met, um, and that if there is evidence in relation to science which causes parties to doubt the jet zero strategy, the solution is to submit that evidence to the government as part of their continuing review of policy. So far as this examination is concerned, policy remains in place and recently endorsed and up to date as up to date by the government in the light of its understanding of the science.

01:02:10:22 - 01:02:41:25

Um. And there was a point made about additional emissions. Emissions here and the extent to which they can be achieved within the trajectory. Um. This examination already knows that the government has published a modelling framework with the Jet Zero strategy, which includes the emissions from this project. And that informed the Jet Zero strategy and its confidence that, um, managing demand of airport growth was not necessary.

01:02:42:25 - 01:02:43:17

Okay. Thank you.

01:02:44:03 - 01:03:20:27

Yes. Yes. Scott, for the for the applicant. Um, as far as the first point is concerned, it goes back to an issue that you raised at the outset, sir, which is that the general understanding through the legislation is that, um, one should not be entertaining submissions which effectively question government, um, policy. That's a general proposition that, um, can apply outside the 2000, that act in circumstances where government um, through ministers has expressed clear strategic policy.

01:03:21:08 - 01:03:54:20

Uh, we say this is not the appropriate forum to, uh, to question that and, uh, suggestions that less weight should be attached to policy for various reasons. Often our property characterizes direct challenges to the policy itself, which we say at this examination is not best placed to examine. And that is reflected in the approach which has been taken in other cases, including the challenge to the months and decision which we know has gone before the Court of Appeal.

01:03:55:00 - 01:04:37:28

But clearly, at the first instance decision, um, it was found the Secretary of State could legitimately assume in decision making that the objectives set out in jet zero would be achieved. In that case, the Secretary of State had relied upon policies to reach a view that carbon emissions was an issue to which neutral weight should be afforded in the decision making process, and the judge held that the Secretary of State was entitled to rely upon his own policies, which hadn't been the subject of any successful legal challenge, to deliver the outcome for which they were designed, namely, achieving the carbon budgets which had been and were to be legislated without impacting upon aviation demand.

01:04:38:11 - 01:05:10:20

And insofar as a criticism was made about the policy itself, um, one must, as Mr. Rose uh said, bear in mind that the policy itself recognises that there is a degree of uncertainty here, but it makes the commitment to ensuring that if needs be, measures that are proposed under the strategy are reviewed and action is taken to ensure that, um, the sector fulfils what government regards as its as its obligation.

01:05:10:22 - 01:05:33:02

So we don't um, we don't accept, um, the proposition that there are advancing which somehow suggest that effectively it's a job for this examination to start scrutinising the merits of, uh, of of government policy. Um, one final point on um,

01:05:34:24 - 01:06:07:00

uh, the reference, the judicial review will obviously see what happens as a result of that and any submissions that Cagney makes, but it's important to emphasize that there aren't any legal carbon budgets relating to the aviation sector. Plainly, Jet Zero has a policy of approaching or strategy to ensure that the aviation sector reaches net zero. But it's fundamental to recognise that this, um, approach to carbon budgeting is done at a national economy wide level.

01:06:07:02 - 01:06:13:18

There are no legal obligations relating to the aviation sector reflected in the carbon budgeting. Okay.

01:06:14:21 - 01:06:28:29

Thank you. Okay. I think, um, we've covered policy in quite a bit of depth there. Are there any other comments anyone wishes to make about the policy context to greenhouse gases?

01:06:30:08 - 01:06:30:24

Yes.

01:06:33:03 - 01:07:11:19

Thank you sir. Michael Bedford, King's counsel for the joint local authorities. Obviously there's a there's a number of issues that have been rehearsed in those various exchanges, and I'm not going to attempt to pick up on all of them. And we can make comments as appropriate in our post hearing submissions. But can I just deal with, um, one of your key points in terms of approach? Uh, firstly, clearly the joint local authorities absolutely accept and understand that it's not the purpose of this examination, uh, to challenge or question established government policy.

01:07:11:21 - 01:07:35:21

And we're not in any way seeking to do so. But I think it is relevant when one is considering, uh, the implications of the government's legal obligations, which it is clearly set out, uh, in both the Climate Change Act and then in the attendant 2019 regulations.

01:07:37:10 - 01:08:07:07

It has set those obligations out, but it is nonetheless both in the airport's national policy statement and in both iterations of the national networks. M.P.s included effectively a similar policy guidance to examining authorities and to decision makers. And that policy is not that because we have legislated.

01:08:08:24 - 01:08:36:22

So you can be assured that the outcome will be achieved. And the issue is therefore irrelevant to you and to the decision maker. That is not the policy. The policy as set out in the airport's NPS at paragraph 5.82, and also in national networks, the 2015 version at paragraph 5.18.

01:08:38:15 - 01:09:18:19

Is in terms of the issue. It's not a reason for refusing development consent, so long as the decision maker is satisfied. That any increase from an individual project is not so significant as to have a material effect. On achieving the obligations. So I say if the position were that well, because there's a legal obligation, end of story, you wouldn't need that policy and you wouldn't be being asked to consider the issue.

01:09:19:11 - 01:09:48:24

But I say the government clearly does think that you do need to consider the issue and consider it within that lens, as it were, of asking yourself, are the emissions so significant that they will have a material effect on achieving the objectives? So I make that as a general point, which is why it is important to be able to interrogate the information that the applicant has provided, to see whether it does give you information about the scale.

01:09:50:21 - 01:10:16:22

Of all relevant carbon emissions, so as to be able to make an informed judgement on their significance and therefore their materiality in terms of the, um, objectives. So that's an initial point that I made. Then a second point is that, so far as the airport's NPS is concerned.

01:10:20:17 - 01:10:51:13

It uses in paragraph 5.82. Uh, two phrases. Um, it says, uh, material impact on the ability of government to meet its carbon reduction targets, including carbon budgets. And so it obviously sees there as being some distinction between what is a target and what is a budget.

01:10:51:15 - 01:11:08:02

We know through the Climate Change Act there is a statutory mechanism for budgets. But so far as Carbon reduction targets are concerned. They are perhaps more, um.

01:11:12:12 - 01:11:31:14

Amorphous. I don't know whether that's quite the right word, but perhaps they're less rigid is perhaps what I'm trying to say. And when one looks at jet zero. Jet zero does use both the language of trajectory.

01:11:33:00 - 01:12:14:06

And the language of targets. And I'm looking in particular, uh, at, uh, jet zero. Uh, when um, uh, paragraph, um, 1.12. It terms. It refers to a emissions reduction trajectory for aviation. And then it says in paragraph 1.12, the trajectory results in ambitious in sector interim targets.

01:12:14:08 - 01:12:40:21

And it obviously then sets out those figures and those interim targets then repeated in the box, which sits between paragraph 1.12 and paragraph 1.13. So, uh, it is, we would say fair to see, uh, jet zero as setting in sector targets.

01:12:43:03 - 01:12:49:26

And those obviously do sit within the overall carbon budgets, which are the legislative creature.

01:12:52:03 - 01:13:27:08

And so when you're looking at the, again, the applicant's material as to the extent to which it enables you to answer the questions in paragraph 582 and paragraph 518, and particularly in terms of the aviation side of matters, uh, um, paragraph 582, I would say that you are, um, not only entitled, but also required to look at. The extent to which the applicant has given you the necessary information, not only to measure.

01:13:29:03 - 01:14:02:03

How the application carbon emissions fare against the budgets, but also how they fare against the achievement of the trajectories. And noting, of course, that the trajectory in jet zero one year on is a slightly lower or sharper, if that's the right phrase trajectory than the trajectory in the jet series strategy as initially published. So those were two instance overarching points that I'd like to make.

01:14:02:05 - 01:14:16:15

And then there is a third overarching point, which is simply the emphasis which now comes out very strongly in the national networks. NPS 2024.

01:14:19:12 - 01:14:44:19

Which, as I don't think there's any disagreement about the way the transitional provisions work that national networks is not. Sorry, the 2024 one is not intended to have effect for this application, but it is nonetheless capable of being an important and relevant consideration and the emphasis that that gives to whole life carbon assessments.

01:14:51:02 - 01:15:23:07

And again, we would say you're entitled to interrogate whether the applicant is actually provided across the four topic areas that it's used to look at, uh, um, the carbon effects of the development, information on whole life carbon, uh, implications. And we have some I'll say their questions at the moment rather than, uh, concluded views, but we have some questions on whether there's actually sufficient information to answer a whole life carbon position in relation to those matters.

01:15:24:07 - 01:15:24:29

So thank you, sir.

01:15:25:06 - 01:15:35:25

Thank you. And we will come on to some of those matters later in the agenda. And before asking the applicant to respond understands Councillor Essex wish to make comments.

01:15:43:01 - 01:16:47:25

Thank you, if I may. Um, thank you, inspectors. And this follows directly on on from the point made by the King's Council. I have a general comment and then a more specific one to follow. First, firstly, um, in general, Um Gallus is set out as I understand that the flight path for the future talks about committing to aviation airport growth on one hand. Uh, and also for that to be achieved within climate change emission obligations. But my question really is what if it doesn't? And what if it turns out that it can't? And what if the potential measures top down that the government can make within technologies in the market are not sufficient to actually allow the government to remain within its legal obligations that it set itself? And what if bottom up measures in an airport specific place are needed to to make sure that we can perform the obligations, um, and, and therefore wider things need to change and therefore that there might indeed be a role for planning and for planning.

01:16:47:27 - 01:17:32:16

As I said, nations such as this to to consider climate change. Um, as not not that it necessarily has to, but it might be required to do so in the future. Um, so not saying that, that we, we have to, um, do things at this level because it is possible. It is entirely possible. Um, potentially, um, the jet zero might at least achieve some of what it achieves. But if it doesn't, then then is there an obligation to at least embed something at this level? And then secondly, more specific, specifically building on, on the on the Casey's point? Uh, my understanding is jet zero sets an overall trajectory for UK aviation, as highlighted most eloquently by the relevant representation by AF.

01:17:32:18 - 01:18:07:10

The projected actual growth for Gatwick Airport is outside of that envelope. Um, I understand from the applicant's response that monitoring to stay within a target is the approach that they're looking at from government, from Net-zero point of view, from a point of view. But but if we're setting a an airport expansion that it deliberately places ourselves outside of the target to start with, then monitoring isn't going to be sufficient mechanism to get us to back to where we need to be. We need to have some remedy to allow us to get back within that situation.

01:18:07:12 - 01:18:33:12

So how do you manage carbon emissions from the expansion at Gatwick if it positions itself entirely without outside of the jet zero envelope, presumably Jet Zero sets out how it can manage carbon emissions within the envelope with which it sets itself. But if Gatwick positions itself outside outside of that envelope, then surely that means that Jet Zero is a policy is going to be insufficient to address Gatwick expansion plans.

01:18:33:14 - 01:19:02:26

Thank you. Um, Mr. Linus, I'd like to respond to, uh, Mr. Bedford's comments that I think the points which Councillor Essex was making are really issues that we're going to be dealing with later in the agenda. So if you're happy, could you postpone your comments on that to later? And we will, because they fit in there getting away from policy into some of the detail I want to talk about onto other items Scotland.

01:19:02:28 - 01:19:08:06

Or for the applicant. That's entirely understood sir, I agree. Thank you. Um, as for Mr. Bedford's point, um.

01:19:10:02 - 01:19:43:23

First of all, there's no dispute that we have to apply the the policy test and the NPS and the NPS. We don't shrink from that at all. But our point is that, as previous decisions have established, one must apply that test within the context of the reality that there are mechanisms in place to control emissions at a national level to meet the carbon target and, uh, budgets. Um, we can put this out in more detail in the note or a note of the hearing today.

01:19:43:25 - 01:20:15:22

But we know that in the, in the Bristol, um, decision which ended up in the, in the High Court, um, the, the panel reaching the decision, um, had relied on the fact that the act places an obligation on the Secretary of state to prepare policies and proposals that meet carbon budgets. And in short, the courts, uh, found that the panel was acting reasonably and concluding that there wasn't any reason to doubt that those measures would be in place.

01:20:16:07 - 01:20:46:16

Um, the Luton coal in, uh, decision, um, albeit it was relying upon NPF, which makes the same point as the MPs does about other pollution control regimes, relied upon that policy to say that, um, one can assume that other control mechanisms are going to work. And in the Stansted decision, uh, it was found that there are any number of mechanisms that the government might use to ensure that its obligations are achieved.

01:20:46:18 - 01:21:40:03

And we say that remains relevant when one is applying the the policy tests. As for the approach to the Amps policy itself. Um, we had not taken the use of the word target, um, to suggest anything other than the legislative target to reach net zero. Uh, and insofar as Mr. Bedford suggesting something wider, we're not convinced by that. And one of the reasons we say that is when one looks at the national networks and the latest one and it says at paragraph 5.39 that where an applicant assesses the carbon impact of a scheme against carbon budget six and then later carbon budgets, it says taken also to have assessed the carbon impact of the scheme against the net zero target and the Climate Change Act 2000 net as they are in line with this targets.

01:21:40:05 - 01:22:15:29

So we we say that indicates that the use of the word target and the amps was intended to mean the net zero targets. And the reason that the national networks MPs goes on to take a different approach, uh, by asking whether the emissions caused by a scheme or solution that would have materially impact on the ability to go on to achieve the statute decarbonisation statutory carbon budget, not targets, is that is effectively saying if you meet the budgets, you don't have to worry about the statutory target because the budgets are on, on the track for the for the target itself.

01:22:16:01 - 01:22:55:03

So for those reasons, we say the target being mentioned in policy is the net zero statutory target, not some other policy. Uh, target. That said, we'll come on to this later, I'm sure. Um, what the applicant has done is contextualize the emissions of the project within, uh, net zero, um, as a sectoral, uh, benchmark. So insofar as Mr. Bedford's suggesting that we'll need to consider the emissions of the project in the context of what net zero is seeking to achieve, we say we have sought to do that within our carbon.

01:22:55:06 - 01:23:06:27

Um, uh, assess. In any event, uh, insofar as there are points made about that being outside the envelope or otherwise and say, we'll come back to that later on because we we don't accept that proposition.

01:23:09:09 - 01:23:30:17

Okay. Thank you very much. Um, I think that brings us to the end of that agenda item. The next item will be the position of the Climate Change Committee. It is now just approaching 11:25. I think it's an appropriate time to take a break. So we all now adjourn until 20 to 12. Thank you.