



**Horsham
District
Council**



GATWICK AIRPORT NORTHERN RUNWAY PROJECT

Planning Inspectorate's Reference: TR020005

Legal Partnership Authorities

Issue Specific Hearing 6: Climate Change and Greenhouse Gas Emissions

Post-Hearing Submission

DEADLINE 4: 15 MAY 2024

Crawley Borough Council (GATW-AFP107)

Horsham District Council (20044739)

Mid Sussex District Council (20044737)

West Sussex County Council (20044715)

Reigate and Banstead Borough Council (20044474)

Surrey County Council (20044665)

East Sussex County Council (20044514)

Tandridge District Council (GATW-S57419)

Issue Specific Hearing 6 (“ISH6”) on Climate Change and Greenhouse Gas Emissions | Tuesday 30 April 2024

Post Hearing Submissions including written summary of the Legal Partnership Authorities’ Oral Case

Note: The Legal Partnership Authorities are comprised of the following host and neighbouring Authorities who are jointly represented by Michael Bedford KC and Sharpe Pritchard LLP for the purposes of the Examination:

- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council
- Reigate and Banstead Borough Council
- Surrey County Council
- East Sussex County Council; and
- Tandridge District Council.

In these submissions, the Legal Partnership Authorities may be referred to as the “*Legal Partnership Authorities*”, the “*Authorities*”, the “*Joint Local Authorities*” (“*JLAs*”) or the “*Councils*”. Please note that Mole Valley District Council are also part of the Legal Partnership Authorities for some parts of the Examination (namely, those aspects relating to legal agreements entered into between the Applicant and any of the Legal Partnership Authorities).

Purpose of this Submission

The purpose of these post-hearing submissions is to provide a written summary of the Legal Partnership Authorities positions on the Agenda Items discussed at the hearing. This includes both a summary of the Legal Partnership Authorities oral representations and, in some cases, further comments on the oral representations made by the Applicant at the hearing. Whilst the structure of these submissions follows the order of the Agenda Items, they do not include all of the Legal Partnership Authorities’ concerns in relation to each Agenda Item as not all of these positions were rehearsed orally at the ISH due to the need to keep oral representations succinct. The Legal Partnership Authorities would also be happy to provide answers in writing to any specific further questions which the Examining Authority (“ExA”) may have.

Attendance: ISH6 was attended by Michael Bedford KC for the Legal Partnership Authorities, instructed by Emyr Thomas, Partner and Parliamentary Agent, of Sharpe Pritchard LLP. The hearing was attended by various other representatives from the Legal Partnership Authorities who did not make oral representations.

No.	ExA's question / Agenda Item	Post-Hearing Submissions
3.1	<p>Policy Context</p> <p>The Applicant will be asked for its view on the extent, breadth and relevance of policy relating to Greenhouse Gas (GHG) emissions, concerning but not restricted to:</p> <ul style="list-style-type: none"> • Airports National Policy Statement (June 2018); • Beyond the Horizon – Future of UK Aviation: Making Best Use of Existing Runways (June 2018); • Flightpath to the Future (May 2022); • Jet Zero Strategy (July 2022); • Jet Zero Strategy: one year on (July 2023); • National Networks National Policy Statement (December 2014); and • Decarbonising Transport (2021) 	<p><u>General Approach to Policy</u></p> <ul style="list-style-type: none"> • The Legal Partnership Authorities accept and understand that it is not the purpose of the Examination to challenge or question established government policy and do not seek to do so. • However, it is relevant when considering the implications of the government's legal obligations¹ that both the Airports National Policy Statement ("Airports NPS") and both iterations of the National Networks National Policy Statement ("National Networks NPS") set out similar policy guidance to examining authorities and decision makers. • This policy position is set out in the Airports NPS at paragraph 5.82 and in the National Networks NPS (December 2014) at paragraph 5.18. • The Legal Partnership Authorities note that this policy is explicitly not that, because the Government has legislated for certain outcomes, the issue of Climate Change is irrelevant to Examining Authorities and decision-makers. • On the contrary, the policy position is that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its legal obligations. • The Legal Partnership Authorities therefore note that the Government clearly thinks the ExA needs to consider the issue of GHG emissions within this lens and needs to be satisfied that any increase from the project would not have a material effect on the Government's ability to meet the outcomes for which it has legislated. • It is therefore important that the ExA can interrogate the information which the Applicant has provided on the scale of the relevant carbon emissions so as to be able to make an informed judgement as to their significance, and therefore their materiality to the Government's objectives.

¹ Principally set out in the [Climate Change Act 2008](#) and [The Climate Change Act 2008 \(2050 Target Amendment\) Order 2019](#)

		<p><u>Airports NPS</u></p> <ul style="list-style-type: none"> • In paragraph 5.82, the Airports NPS provides as follows: <ul style="list-style-type: none"> <i>“Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government <u>to meet its carbon reduction targets, including carbon budgets.</u>” (Emphasis added).</i> • The use of these two terms clearly indicates some distinction between a “carbon reduction target” and a “carbon budget”. Whilst we know that the Climate Change Act 2008 includes a statutory mechanism for budgets, climate change targets are less rigid and defined. • The Legal Partnership Authorities note that the Jet Zero Strategies use the language of both “trajectories” and “targets”; for example, at paragraph 1.12 <i>Jet Zero (July 2022)</i> refers to an “<i>emissions trajectory for aviation which results in ambitious in-sector interim targets</i>”. These targets are of course separate from the legislative carbon budgets and are set out in the box between paragraph 1.12 and paragraph 1.13 in <i>Jet Zero (July 2022)</i> • Since the Jet Zero Strategies set out these figures as “interim targets” it is fair to say that the Jet Zero sets carbon reduction targets. • Given the reference to ‘carbon reduction targets’ at paragraph 5.82 of the Airports NPS, the Legal Partnership Authorities submit that: <ul style="list-style-type: none"> ○ When the ExA is reviewing the Applicant's material pursuant to paragraph 5.82 of the Airports NPS, the ExA is not only entitled but also required to review the extent to which the applicant has provided the necessary information to measure how the application’s carbon emissions fare against <u>both:</u> <ul style="list-style-type: none"> ▪ The legislative carbon budgets; <u>and</u> ▪ The achievement of the trajectories included in the Jet Zero Strategy <p>National Networks NPS 2024</p> <ul style="list-style-type: none"> • The Legal Partnership Authorities note there is no disagreement between the parties that the 2024 National Networks NPS is not intended to have effect for this examination, but it is nonetheless capable of being an important and relevant consideration to the ExA and, ultimately, the Secretary of State (per section 105(2) of the Planning Act 2008).
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		<ul style="list-style-type: none"> • As National Networks NPS (2024) places an emphasis on whole-life carbon assessments, the Legal Partnership Authorities submit that the ExA is entitled to interrogate whether the Applicant has provided, across its four topic areas of carbon effects of the NRP, enough information on whole-life carbon implications. • The Legal Partnership Authorities have questions as to whether the Applicant has indeed provided sufficient information in relation to the whole-life carbon position across those matters.
<p>4.1</p>	<p>The Position of the Climate Change Committee The Applicant and other IPs will be asked to comment on the recommendation of the Climate Change Committee (CCC) in its Annual Progress Report 2023 in respect of airport expansion, together with the Government’s response (see ExQ1 CC.1.1 and responses when published).</p>	<p>N/A</p>
<p>5.1</p>	<p>Future Baseline The Applicant will be asked to explain why the Environmental Statement (ES) uses four future baseline categories for GHG emissions.</p>	<p><u>Future Baseline Categories for GHG Emissions</u></p> <ul style="list-style-type: none"> • There remain differences between the Legal Partnership Authorities and the Applicant on how the future baseline should be assessed in various contexts. • For the purposes of most environmental impact assessment topics, the Legal Partnership Authorities do not disagree with the general approach of assessing first how the environment would be expected to evolve without the project, then assessing what the effect of the project is and therefore the materiality of the difference. • However, the Legal Partnership Authorities consider carbon to sit in a different bracket due to the nature of carbon emissions. We therefore share the view of the Applicant that it is relevant not only to compare emissions to a future baseline, but also to understand the total emissions of the Northern Runway Project within the context of the existing airport. • Unlike the Applicant, however, the Legal Partnership Authorities do not think there should be a preference for considering GHG Emissions in the context of a future baseline. Instead, we think that both contexts are relevant to the

		<p>assessment and that the ExA should therefore consider both the net effect and the gross effect of the Northern Runway Project in relation to GHG Emissions.</p>
<p>6.1</p>	<p>Assessment Criteria and Significance The Applicant and other IPs will be asked about the GHG assessment criteria including but not limited to:</p> <ul style="list-style-type: none"> • Downstream/ Well-to-Tank emissions; and • Risks associated with the achievement of the Jet Zero Strategy. 	<p><u>General Point on Assessment</u></p> <ul style="list-style-type: none"> • The Legal Partnership Authorities’ general view on assessment is that it is currently unclear whether the ExA has been provided with sufficient information from the Applicant to be confident that it has the means to assess whether all emissions associated with the Project have been brought into account. • As the ExA will need to be able to make judgements as to the significance and materiality of the carbon emissions involved in the NRP, the Authorities are concerned that sufficient information may not have been provided for the ExA to make this judgement. <p><u>Significance of Emissions</u></p> <ul style="list-style-type: none"> • The Legal Partnership Authorities draw the ExA’s attention to section 6.3 of the IEMA Guidance² which advises that: <ul style="list-style-type: none"> ○ <i>“An indicative threshold of 5% of the UK or devolved administration carbon budget in the applicable time period is proposed, at which the magnitude of GHG emissions irrespective of any reductions is likely to be significant. A project that meets this threshold can in itself materially affect achievement of the carbon budget.”</i> • This position, which relates to the consideration of impacts on national budgets, gives the guidance that 5% is capable of being seen as significant. • As stated above, simply pointing to the Government’s legal obligations is not sufficient. • In view of the Applicant’s position that their contribution to Carbon Budget Six would be 3.136% (Table 16.9.13, [APP-041]) we would welcome the Applicant’s confirmation that this assessment has been conducted in line with: <ul style="list-style-type: none"> ○ A whole life carbon assessment approach; and ○ A well-to-tank emissions approach. • The Legal Partnership Authorities also note, in relation to contextualisation and the IEMA guidance in section 6.4, that the contextualisation should take into account “sector-based strategies and budgets” which takes us directly to Jet Zero.

² Institute of Environmental Management and Assessment (IEMA) Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2nd Edition, February 2022

		<ul style="list-style-type: none">• The Authorities would therefore welcome confirmation from the Applicant as to whether the higher line in diagram 16.9.3 [APP-041, page 63] is showing Jet Zero (2022) or Jet Zero: One Year On (2023).• In relation to diagram 16.9.3, the Authorities would secondly welcome confirmation from the Applicant as to whether the aviation emissions from the Application include a whole life cycle assessment.• Even taking the figures in this diagram at face value, the diagram does not tell us what proportion of the Jet Zero budget the Application would account for. Looking at the diagrams crudely, one might consider that this is in the region of 15% to 20%. It would therefore be helpful if the Applicant could provide the figures so that we can actually see where this sits and the implications for the issue of the significance of the NRP project's emissions, as summarised above. <p><u>Whole-Life Carbon Assessments</u></p> <ul style="list-style-type: none">• The Legal Partnership Authorities note from the most recent National Networks NPS that whole-life cycle carbon assessments are not inconsistent with national budgets and the UK's carbon budgets as the Networks NPS now expects whole-life carbon assessments to take place.• In Chapter 16 of the Applicant's ES [APP-041], we observe that there are references to documents which might include whole-life carbon assessment as part of their methodologies; however, it is not clear to us whether those assessments have been applied by the Applicant thus far.• It is currently unclear whether the Applicant's approach is consistent with a whole-life carbon assessment and, if not, whether the applicant is proposing, particularly in the light of the revised National Networks NPS to provide further information on this issue.• The Legal Partnership Authorities consider that the Applicant's approach to this issue will have a key bearing on the assessment of significance of the result which are presented. <p><u>Environmentally Managed Growth</u></p> <ul style="list-style-type: none">• For clarity, the ExA should note that the Legal Partnership Authorities' calls for the Applicant to adopt an Environmentally Managed Growth approach to the NRP are primarily driven by concerns relating to the local environmental impacts (noise, air quality, traffic, greenhouse gas emissions) of the project, rather than its implications for carbon budgets and targets.• As explained in the Legal Partnership Authorities other submissions, the Environmentally Managed Growth approach would tie the achievement of growth to both mitigation measures which offset undue impacts of that growth and the claimed benefits of that growth.
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<p>7.1</p>	<p>Construction GHG Emissions The Applicant will be asked about GHG emissions during the construction phase including but</p>	<ul style="list-style-type: none"> The Legal Partnership Authorities consider there is a distinction between using whole-life carbon assessment at later stages of the project, particularly during the construction phase, and earlier ones. It is therefore appropriate that the Applicant's carbon action plan and the more recent construction carbon management strategy [REP3-107], progress towards integrating whole life carbon assessment into future workstreams. This

<p>not limited to the assessment of effects.</p>	<p>integration will be instrumental in demonstrating compliance with the PAS 2080 accreditation for the actual construction process.</p> <ul style="list-style-type: none"> • However, this is only part of the overall concern. The Legal Partnership Authorities' key concern lies on the assessment outlined in Chapter 16 of the ES [APP-041] , specifically regarding the extent to which the assessments conducted thus far have employed a whole life carbon assessment approach. While acknowledging that there may be certain unknown details which could impose limitations on the assessment's scope, it remains unclear whether the assessments presented in Chapter 16 have been conducted based on a whole life carbon assessment. • This query aside, there remains the separate issue of determining the steps to be taken during the construction phase of an approved project. <p><u>Local Policies</u></p> <ul style="list-style-type: none"> • In addition to the guidance provided to Airports and other national policies mentioned above, there are local development plan policies relevant to both the construction and operation of infrastructure assets which the Legal Partnership Authorities consider important to this discussion. • In particular, on sustainable building and sustainable energy use, the Legal Partnership Authorities do not consider the Applicant has considered these policies in their assessment to date. • The specific policies are in the Crawley Borough Council Local Plan with the following references; ENV6, ENV7, ENV9. • In addition, there are emerging local development plan policies in the CBC's draft Local Plan (see, for instance SDC2) which are also relevant to this area. As the ExA will recall from previous discussions, this plan is awaiting the inspector's report and has undergone modifications; therefore representing a well-developed emerging plan. • In Chapter 16 of the Applicant's ES [APP-041] – and in particular in relation to the ABAGO issues – it appears the Applicant has not considered any of these policies. • The IEMA Guidance makes clear that if there are local targets, strategies or budgets these should be considered for the purpose of context. • As such, the Legal Partnership Authorities have concerns that the assessment has not adequately considered relevant Local Policy.
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<p>8.1</p>	<p>The Applicant will be asked about GHG emissions during the operational phase in respect of:</p> <ul style="list-style-type: none"> • Airport buildings and ground operations; • Surface access; and • Aviation emissions including but not limited to: <ul style="list-style-type: none"> ○ Alternative fuels and nascent technology; and ○ GHG Emissions Trading and Offsetting 	<p>Local Transport Plans and Climate Strategies</p> <p><u>Surrey County Council</u> As referenced in the LIR [REP1-096] the Surrey Climate Change Strategy sets a key goal for the county to achieve a 60% reduction in Transport emissions by 2035 against business as usual as a minimum. This is developed further in the Greener Futures Climate Change Delivery Plan 2021-25, which targets a county wide emissions reduction of 1.3 million tonnes and 16-31% emission reduction from private vehicles and freight by 2025. By 2029 Surrey’s high ambition in the SCC Net Zero Pathway is for annual emissions from transport to be around 830 kTCO2e. Surface access transport emissions from the Project are expected to be 272 kTCO2e in 2029, around 33% of Surrey’s transport emissions. SCC’s LTP4 contain policies that aim to significantly reduce carbon emissions from transport to meet the commitment to 60% reduction in Transport emissions and net zero by 2050.</p> <p><u>Mid Sussex District Council</u> has adopted the following net zero targets: 2040 for emissions with the Council's direct control, 2050 for emissions that the Council can only indirectly influence, in line with the national target and 2050 for District-wide emissions, in line with the national target. The Sustainable Economy Strategy and Action Plan outlines the steps being taken to being a sustainable District. This was reference in the West Sussex LIR [REP1-068].</p> <p><u>Horsham District Council</u> has declared a Climate and Ecological Emergency and has set targets for its own activities to be carbon neutral by 2030. It has adopted a Climate Action Strategy, outlining a pathway for the District to become fully net zero and climate resilient by 2050. This was referenced in the West Sussex LIR [REP1-068, para 15.25]. The draft Horsham District Local Plan forms part of an emerging policy environment which will enable the creation of a sustainable, net zero district. In the short term (2024-2026) HDC intends to strengthen sustainability and low carbon requirements for development in the District, develop a Green Business Strategy and update the District’s Green Infrastructure, Greenspaces and Local Nature Recovery Strategies. In the medium term (up to 2029) HDC will develop an Energy Resilience Strategy. The Council has committed to a range of measures working towards its net zero target, as well as national commitments. Positive steps to reduce carbon emissions have been made, with a reducing of 35% between 2005 and 2021, however, given the severity of the impacts predicted by the Intergovernmental Panel on Climate Change, it is not enough for this trajectory to continue, it must be accelerated.</p> <p><u>West Sussex County Council</u> The West Sussex Climate Change Strategy 2020 aims for County Council operations and services to reach net zero carbon emissions by 2030. In order to achieve this aim 5 key commitments have been identified which will apply across all areas of County Council business when planning, delivering our services and operations. The commitments are:</p>
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		<ul style="list-style-type: none"> • We will mitigate the effects of climate change by reducing carbon emissions • We will adapt and be resilient to climate change • We will source and use resources sustainably • We will support and grow our green economy • We will transform how we work <p>The West Sussex Transport Plan 2022 to 2036 aims to reduce carbon emissions from the transport sector. One of the key objectives of the transport plan is to enable the transport network to achieve net zero carbon emissions by 2050 and the plan contains policies to achieve this aim.</p> <p><u>Crawley Borough Council</u>: In 2019, Crawley Borough Council committed to reduce its own emissions (including supply chain emissions) by at least 50% by 2030 and to net zero by 2040 at the latest, and to achieving carbon neutrality across the borough by 2050. A review of emissions across Crawley Borough was commissioned in 2020 to quantify major sources of emissions and identify how Crawley Borough Council influence could be used to drive emissions reduction. This estimated borough wide emissions at 629 ktCO₂e (thousand tonnes CO₂ equivalent) per year ,and established that 13% year on year emissions reduction was needed to align with Paris targets. Crawley Borough Council’s direct and indirect emissions (scopes 1, 2 and 3) were estimated as 35 ktCO₂e.</p> <p>A Climate Emergency Action Plan was adopted in 2021 to identify specific actions the Council would take to reduce its own emissions and influence borough wide emissions.</p> <p>Delivery of this plan has included:</p> <ul style="list-style-type: none"> • Sustainable Design and Construction policies SDC1-4 in the submission local plan to require improvements in energy efficiency, low carbon heating and water consumption, • securing over £7m of grant funding to retrofit 460 social homes owned by Crawley Homes to improve energy efficiency and reduce fossil fuel use, • delivery of the first phase of District Heat Network to provide lower cost and lower carbon heat to the new town hall and 130 households, • introducing policies in our local plan and Local Cycling and walking infrastructure plans to increase sustainable travel across Crawley Borough, • increasing the generation and storage of renewable power through rooftop solar and battery storage, and • electrification of travel through uptake of EVs and battery powered hand tools, and the roll-out of the West Sussex Charge Point Network.
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		<p><u>East Sussex County Council:</u> The draft East Sussex Local Transport Plan 4 (LTP4) 2024 – 2050 has an emphasis on tackling climate change, with a focus on policies and schemes that will support the decarbonisation of the transport system and the way in which transport can support, protect, and enhance our natural and built environment. (As part of the scenario planning undertaken in developing the draft LTP4 strategy, a high level assessment of carbon was undertaken on what is termed the ‘preferred future’ (i.e. what we want 2050 to look like). The ‘preferred future’ forecast indicated a further 19% to 30% reduction on forecasts, compared to the Department for Transport’s forecasts.</p> <p>Whilst further work will be undertaken to assess the carbon impacts on specific schemes and scheme types included in the East Sussex LTP4, using the Transport for the South East’s Carbon assessment tool, once available, it is not proposed to include specific targets. The East Sussex LTP4 will be in alignment with the ESCC climate change emergency declared in 2019. This was declared in response to the need to address human-induced climate change and to achieve the goals of the 2015 Paris Agreement, which is aligned with the UK’s legal requirement under the Climate Act to reduce greenhouse gas (GHG) emissions by at least 100% of 1990 levels (net zero), by 2050.</p> <p>General Comment</p> <p>The aforementioned documents detail precise policy objectives and carbon budgets established by the Legal Partnership Authorities. These need thorough scrutiny to assess the Applicant’s local impact. This contextualisation process aligns with the good practice guidelines outlined by IEMA, which mentions on page 28, <i>“It is good practice to draw on multiple sources of evidence when evaluating the context of GHG emissions associated with a project. The practitioner should be aware that sources of evidence are still emerging, subject to revision as understanding develops and innovation occurs, and in some cases will be contested and conflicted. Professional judgement will therefore be vital in integrating these sources of evidence and evaluating them”</i>.</p> <ul style="list-style-type: none"> • The Legal Partnership Authorities note that the IEMA Guidance, which the Applicant suggests it has followed in section 6.4, talks about contextualisation and makes clear that where there are local targets, strategies or budgets these should provide context to an assessment. • In terms of the general approach, the Legal Partnership Authorities do not accept that an IEMA-compliant assessment would only carry out contextualisation at the national level. Indeed, to ignore subnational targets when carrying out contextualisation would not be IEMA compliant. <p>ACA Accreditation</p>
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		<ul style="list-style-type: none"> • Further to discussions under this agenda item, Legal Partnership Authorities request that the Applicant identifies in subsequent written submissions which provision of the ACA accreditation precludes the use of other scheme. If there is a prohibition on using other schemes in conjunction with an ACA approved scheme, the Applicant should identify this explicitly. • The Legal Partnership Authorities consider that there may be some local schemes which are of value and, if the Applicant is suggesting it cannot use such schemes, the Authorities believe it would be appropriate for this position to be more clearly explained and justified.
8.2	The issue of non-CO2 impacts will also be addressed.	<i>N/A</i>
9.1	The Applicant will be asked about the comparison of the overall magnitude of emissions against UK Carbon Budgets, where relevant.	<i>N/A</i>
10.1	<p>The Applicant will be asked about measures to mitigate the impact of Proposed Development including but not limited to:</p> <ul style="list-style-type: none"> • Carbon Action Plan; • Surface Access Commitments; and • Other mitigation 	<p><u>Carbon Action Plan</u></p> <ul style="list-style-type: none"> • The Legal Partnership Authorities observe that the way the Carbon Action Plan (“CAP”) [APP-091] is currently formulated lacks significant sanctions or other measures in the event that the various commitments are not achieved. • During discussions, the Applicant briefly explained the process outlined in section 4 on monitoring, governance, and review, which includes a reference in some circumstances to government reporting outcomes. However, it does not involve any role for local authorities to participate in that process. • The Authorities consider this to be remiss. By way of comparison, the Surface Access Commitments [APP-090] have been modified by the Applicant [REP3-029]. These commitments already included a role for a forum to monitor and review commitments. What the applicant has done in the Surface Access Commitments is to progress that further, so that in the event of a dispute between the applicant and the forum about the efficacy of measures or appropriate mitigation measures, the applicant proposes to escalate such disputes to the Secretary of State through a further plan. The Secretary of State would then have the ability impose mitigation measures on the applicant to deliver on the Surface Access Commitments, particularly regarding public transport mode share. While the Legal Partnership

		<p>Authorities understand that these are slightly different issues, but in terms of giving teeth and enforceability to the CAP, we suggest there needs to be something similar to the latest iteration of the Surface Access Commitments in the CAP.</p> <ul style="list-style-type: none"> • Furthermore, it is clear there needs to be a role for local authorities in that process. While there is a live debate about who should have the final say, given the national and global nature of carbon, it may be reasonable to argue that the Secretary of State should be the final arbiter rather than individual planning authorities. Nonetheless, we strongly assert that the current CAP lacks the necessary enforcement mechanisms to achieve its outcomes.
11.1	The Applicant will be asked about the cumulative impact of the Proposed Development in the context of proposals to expand other UK airports.	<p>Cumulative Effects</p> <ul style="list-style-type: none"> • Whilst the Legal Partnership Authorities do not take issue with the position regarding circumstances where there is no sectoral target, as indicated in the case law concerning highway projects³, there are concerns regarding where there is a sectoral target. • Whether any such target is described as an interim target or not, sectoral targets remain significant. • The Jet Zero Strategy does outline a sectoral target for aviation. Therefore, it is relevant, when contextualising how this project aligns with that trajectory, to understand what proportion of that trajectory is attributed to this project in comparison to other projects. As such, the Legal Partnership Authorities consider it is pertinent to appropriately assess and inform the ExA about the emissions context of this proposal. This involves placing those emissions in the context of other known projects that are also aiming for the same sectoral target.
12	Action points	Action 10 was to “Provide details of relevant carbon budgets/ targets in relevant Local Transport Plans.” Please see these details under agenda item 8.1 above.
13	AOB	

³ See *The King (on the application of Boswell) v (1) Secretary of State for Transport and (2) National Highways* [2023] EWHC 1710 (Admin)