From:	[redacted]
To:	Manston Airport
Subject:	Transboundary Screening TR020002-002603-MANS - Regulation 32 Transboundary Screening
Date:	14 June 2019 18:21:12
Attachments:	Carbon Zero target Amendment to Climate Change Act.rtf Climate Con- why a new global deal on aviation emissions is really bad news.rtf 2018_09_EuroICSA_letter_Commision_re_CORSIA_ETS.pdf

FROM: Chris Lowe **Interested party: 20014275**

Dear ExA,

I have studied the Advice-note-12v2-2 and paragraph 3.1.5 says:

"3.1.5 The transboundary screening process will identify if the Proposed Development is likely to have significant effects on the environment in another EEA State in accordance with Regulation 32."

Now I understand that to mean any type of environmental effect on other EEA state or states, so I ask the question: "How is the term "significant" determined"?

My particular reason for asking this is the major climate heating (this now being the preferred term instead of climate change, because it is the heating that is so important) effect of the proposal, primarily from the aircraft, especially where these fly over EEA states, but also from all the associated activity including road transport, and other developments. In addition the aircraft cause air pollution, as does the surface traffic, and as already shown in the Air Quality responses, air pollution travels across Europe, as the UK found when we had a peak in air pollution due to Belgian bonfires.

The Proposal is an airport and therefore all the aircraft will take off or land elsewhere, and therefore the impact of the proposal will be to increase the number of aircraft operating at other airports and thereby increase the climate heating and air pollution at those locations.

I appreciate that the usual protocol is for the climate heating impact to be assigned to the country where the aircraft takes off, but the provision of the new facilities at Manston would also mean more aircraft taking off in Europe (as well as elsewhere) and thereby causing new impacts at the take off location, and the aircraft coming from Manston would also increase landing traffic at the recipient location. So both arriving and departing aircraft at Manston would increase pollution at and around other EEA airports, thereby causing an additional Transboundary effect.

So all these affect other EEA states and are 'significant' environmental effects.

Clearly, if Belgian bonfires cause a peak in air pollution the UK then the increase in air pollution generated at Manston (and climate heating) will affect Belgium when the wind blows towards them, and other EEA states.

The proposal is a rather larger and continuous generator of emissions than Belgian bonfires, so its effect on other EEA will also be even more significant, and can only be classified as a "Significant effect".

The UK Committee on Climate Change has advised the UK to aim for zero carbon, which the Government accepted on 12 June, by an amendment to the Climate Change Act (See attached), and that advice equally applies to other European states, albeit to a slightly different degree depending on their relevant progress to zero carbon.

So any increase will adversely affect the EEA, and because the zero carbon and air pollution targets are so challenging to achieve, any increase will be "significant".

Hence I consider that your latest Transboundary Screening (TR020002-002603-MANS - Regulation 32 Transboundary Screening.pdf) of 30 January 2019, conclusion:
"Inspectorate remains of the view that the Proposed Development is **not likely** to have a significant effect on the environment in another EEA State." is wrong as it does not appear to take the above evidence into account.

I am particularly concerned that the information on Page 6, refers to the the Applicant's ES and appears to accept the views in that document.

However the ES has already been challenged by a large amount of evidence by others and myself, both on climate heating and on air pollution, and therefore the Screening should take account of that evidence.

The fact that the ES provides "No reference to potential transboundary impacts " for Air Quality and "does not specifically reference any EEA states " for climate heating, means that the Applicant may have "forgotten" to reference EEA states, or possibly wished to minimise the proposal's impacts.

For Climate Heating, the reference to Chapter 16: Climate (Change) Heating, says: " It is not possible to apportion or identify any impact of an increase (or any particular level of increase) in GHG emissions in terms of environmental effects on a particular EEA state, therefore it is not anticipated that there is potential for significant effects on the environment of any European Economic Area (EEA) State or group of EEA States resulting from carbon emissions from the DCO Project, instead the impact is considered to be at a global level with any effects and mitigation subject to international agreements. "

This appears to simply avoid the issue because the Applicant cannot apportion the impact to a particular state, whereas the total emissions will be "significant" in terms of trying to achieve Zero Carbon, or even the Paris Agreement.
Saying that "the impact is considered to be at a global level" confirms that the emissions are significant, as 'global' implies an even wider impact than merely the 'EEA states'.
Furthermore the reference to "effects and mitigation subject to international agreements" is to the ICAO (international Civil Aviation Organisation) whose proposals to try and manage emissions are at best, insufficient, and also too slow and too late to avoid runaway effects.
The article 'Climate Con- why a new global deal on aviation emissions is really bad news' (attached) illustrates all the reasons that the ICAO activity is trying to close the door after the horse has bolted.

This view is also supported by the attached letter to the European Commission, highlighting that the ICAO proposals do not even meet the Paris Agreement, to which the UK is a signatory.

Therefore I ask that the Transboundary Screening be revisited and revised in light of these facts, preferably with time for interested parties to comment.

Thank you.

Best wishes,

Chris Lowe

Draft Order laid before Parliament under sections 2(6) and 91(1) of the Climate Change Act 2008, for approval by resolution of each House of Parliament.

Draft Statutory Instruments
2019 No.

Climate Change
The Climate Change Act 2008 (2050 Target Amendment) Order 2019

Made

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Coming into force in accordance with article 1

A draft of this instrument was laid before and approved by a resolution of each House of Parliament, in accordance with sections 2(6) and 91(1) of the Climate Change Act 2008 (“the Act”)(1).

Before the draft was laid, the Secretary of State—

(a)obtained and took into account the advice of the Committee on Climate Change, in accordance with section 3(1)(a) of the Act; and

(b)took into account representations made by the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in accordance with section 3(1)(b) of the Act(2),

The Secretary of State considers that since the Act was passed, there have been significant developments in scientific knowledge about climate change that make it appropriate to amend the percentage specified in section 1(1) of the Act.

Accordingly, the Secretary of State, in exercise of the power conferred by section 2(1)(a) of the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and comes into force on the day after the day on which it is made.

Amendment of the target for 2050

2.—(1) Section 1 of the Climate Change Act 2008 is amended as follows.

(2) In subsection (1), for “80%” substitute “100%”.

Name

Minister

Department for Business, Energy and Industrial Strategy

Date

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends section 1 of the Climate Change Act 2008 (c. 27) by altering the percentage

amount in subsection (1). Section 1(1) imposes a duty on the Secretary of State as to the level of the “net UK carbon account” (the amount of net UK emissions of targeted greenhouse gases for a period adjusted by the amount of carbon units credited or debited to the account) for the year 2050. The duty is to ensure that the net UK carbon account is lower than the “1990 baseline” (the baseline of net UK emissions of targeted greenhouse gases against which the percentage amount in subsection 1(1) is applied) by a minimum percentage amount.

The amendment in this Order has the effect that the minimum percentage by which the net UK carbon account for the year 2050 must be lower than the 1990 baseline is increased from 80% to 100%.

A full impact assessment has not been produced for this instrument.
(1)

2008 c.27
(2)

see sections 95 and 96 of the Act for definitions of “national authority” and “relevant Northern Ireland Department”.

www.legislation.gov.uk/ukdsi/2019/9780111187654

Climate Con: why a new global deal on aviation emissions is really bad news

https://corporateeurope.org/en/blog/climate-con-why-new-global-deal-aviation-emissions-really-bad-news

27.09.2016 Transport Carbon trading

A new climate deal is expected to be agreed soon by the International Civil Aviation Organization (ICAO), the United Nations agency governing aviation. But it is a cop out that allows airlines to carry on polluting.

It sounds like a fine riddle: what can grow exponentially but still remain the same size? A new global deal on climate emissions from aviation promises just that, "carbon neutral growth" from an industry that is the world's fastest growing source of greenhouse gases.

When diplomats meet in Montreal this week for the triennial Assembly of the International Civil Aviation Organization (ICAO), the results are likely to be prosaic: a delay in cutting emissions until 2021, at which time a voluntary scheme would be introduced that allows airlines to continue polluting by paying others to clean up for them. The controversial "carbon offsetting" scheme at the heart of this proposal is likely to involve counting reductions in greenhouse gas emissions twice, posing a significant new threat to hopes of avoiding dangerous climate change.

A growing problem

The airline industry is currently responsible for about two per cent of the carbon dioxide emissions that play a lead role in causing climate change, but the impact of flying could be more than double that headline figure.

Without getting too technical, emissions from planes change the balance of energy in the atmosphere ("radiative forcing"), as well as forming cirrus clouds (the contrails so beloved of conspiracy theorists) that can lock in further warming. Taking all of these factors into account, aviation is responsible for closer to five per cent of the climate change problem, a small but significant share. The bigger problem, though, is that flying is expected to be the fastest growing cause of climate change.

Airlines fly over three billion passengers every year – a figure that is heavily concentrated on a handful of frequent flyers based in the world's richest countries. That number is expected to double by 2035, accompanied by a large increase in cargo flights. By 2050, ICAO estimates that emissions from civil aviation could rise by between 300 and 700 per cent, which could see them accounting for over 20 per cent of total global greenhouse gas emissions by that date.

The carbon neutral myth

Global regulators have been glacially slow in reacting to the rise of aviation emissions. The 1997 Kyoto Protocol, the first major treaty to reduce greenhouse gas emissions, excluded international aviation altogether and left it in the hands of the International Civil Aviation Organization (ICAO). The recent Paris Climate Agreement confirmed that position, even though ICAO, heavily influenced by the airline industry, has dragged its feet and avoided climate action for nearly two decades. Greenhouse gas emissions from aviation have already doubled since 1990, the baseline used to measure progress in tackling climate change in other economic sectors.

The core of the proposed ICAO declaration will be a promise of "carbon neutral growth" in international flights from 2020, but it has a series of loopholes big enough to fly a jumbo jet through them.

Although the ICAO deal would be global in scope, it does not cover anything close to all of the world's civilian flights. Around 40 per cent of flights start and end in the same country, and these are not covered by the scheme. Domestic flights made by US carriers alone represent 14 per cent of global aviation emissions, while domestic flights in India and China are the fastest growing aviation markets in the world.

While the EU, USA, China and Japan have suggested they would take part in ICAO's voluntary scheme, Brazil and South Africa head the list of countries that have stated they would opt out until it became mandatory in 2027. Even after that date, many low-income countries will remain exempt. These opt-outs are argued for on the basis of justice between countries "but they will not protect the economic or other interests of anyone but a

12th September 2018

Vice President Šefčovič, Commissioner Violeta Bulc, Commissioner Miguel Arias Cañete
European Commission, Rue de la Loi 200
1049 Brussels, Belgium

CORSIA & European climate ambition on aviation

Dear Vice President Šefčovič, Commissioner Bulc, Commissioner Arias Cañete

EU aviation emissions increased 96% from 1990 to 2016, and are now 3.6% of EU emissions. These emissions are included in the EU 2030 target, and ambitious action is required to ensure the target is achieved.

ICAO's Carbon Offsetting and Reduction Scheme (CORSIA) for International Aviation is the primary measure which the Commission is pursuing. Draft rules, known as SARPs, have been adopted by the ICAO Council and sent to states for a response. States have been given until October 22nd to provide an initial response to the SARP, and December 1st to notify of any differences to be filed. The Commission will propose a common position for member states to adopt.

This takes place against the background that environmental safeguards in the CORSIA have been progressively weakened since 2016. European NGOs active in ICAO (EuroICSA) wish to make it clear that EU member states are in no position to respond to the SARP provisions at this time because, under EU law, it is the clear responsibility of the Council and European Parliament to first undertake a review of the EU's Emissions Trading System (EU ETS) and CORSIA provisions as set out in the 2017 revision to the ETS Directive[1].

Any reply proposed by the Commission should reserve European and member state positions through filing a general difference to protect Europe's right to meet its legal obligations including domestic laws and its obligations under international law, in particular the Paris Agreement.

The Commission and member states have an obligation to respect EU and international law. Any premature or uncritical response to ICAO by Europe would be condemned as a serious breach of Europe's legal obligations and all means available seized to challenge such a move.

We support the development of a Delegated Act to amend certain non-essential elements of the MRV provisions in the aviation ETS subject to the clear condition that any changes solely increase accuracy, transparency and accountability of reporting, in no way reduce any functionalities of existing ETS legislation, and are without prejudice to any future decision as regards participation in the CORSIA.

[1] Art 28b, Regulation 2017/2392

Given CORSIA's unresolved issues, its environmental weakness and lack of alignment with European climate ambition, industry calls to replace the EU ETS are premature and must be rejected. Such a move would also constitute a breach of Europe's obligations under the Paris Agreement, which has a target for outbound aviation emissions and which excludes the use of international credits. CORSIA breaches both of these commitments, and therefore relying on it as the sole measure to address aviation emissions would constitute backsliding in ambition, which the Paris Agreement prohibits.

A requirement to replace the EU ETS, with its more ambitious target and reliance on allowances, with the CORSIA which has a weaker target and relies on offsets of as yet unknown quality and which count for zero towards climate targets under EU law, would itself constitute a breach of the Paris Agreement's Article 3 no backsliding provision. The ETS as currently functioning has secured 100% compliance from over 500 carriers.

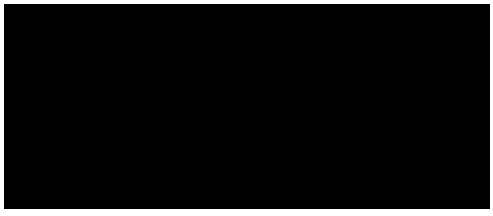
ICAO member states have until 2020 to indicate whether they will participate in the first voluntary phases of CORSIA. This decision must await the CORSIA review under the ETS legislation. We wish to make it clear that no decision on volunteering for CORSIA should be made until after this review. There is the option to volunteer all flights or none, or just flights to and from Europe, thus excluding flights between EU states.

In all its dealings with ICAO, Europe must defend its prerogative to go beyond lowest-common-denominator international agreements and protect its ability to meet and strengthen provisions to fulfil its existing and future Paris Agreement commitments.

We urge you to condition any work to support or implement CORSIA solely in accordance with EU and international law, and in a manner which reaffirms Europe's commitment to the Paris Agreement and its transition to a zero carbon economy. For the reasons outlined above, we call on you to:

- To reject any calls from industry to replace the EU ETS with the CORSIA
- To delay a response to ICAO about the SARP draft rules and the voluntary participation in CORSIA until the completion of the ETS review, as mandated by the ETS Directive.

Sincerely,



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small globe-trotting elite" explains HYPERLINK "http://cclr.lexxion.eu/data/article/9877/pdf/cclr_2016_02-010.pdf" \t "_blank" Parth Vaishnav, a research engineer at Carnegie Mellon University.

The actual emissions reduction measures that ICAO is proposing are mainly limited to technological improvements to the efficiency of plane engines and frames, alongside planning smarter routes. As these all rely on mature technologies, however, efficiency gains are likely to be vastly outstripped by the growth of aviation traffic. Besides, "If you make a more efficient product it spurs route development and overall expansion" points out Jeff Gazzard, coordinator of the European GreenSkies Alliance, a grassroots campaign on air transport.

ICAO's other major proposal to reduce emissions is increasing the use of biofuels. Despite years of testing, there are few signs that "biofuels or the latest Virgin-backed wankpot" (to use Gazzard's colourful phrasing) could displace a significant proportion of aviation fuel, or their associated CO_2 emissions. And if biofuels were taken up widely, this could come at a huge social and environmental cost. Vast areas of land would be required for biofuel plantations, which would mean either cutting down forests or taking over areas currently used for food production.

Even then, ICAO admits that none of these measures will plug the gap to put aviation on a pathway consistent with 2° Celcius, let alone the 1.5°C target that the Paris Agreement "aspires" to. So it has put a "market-based mechanism" at the centre of its carbon neutral plan.

Offsets

ICAO's carbon market plan would allow airlines to continue polluting more, while buying carbon offsets to compensate for this additional pollution.

Offsets do not reduce emissions, but just shift where those reductions are coming from. In practice, richer countries and those with the highest aviation emissions would purchase offsets generated by projects to reduce greenhouse gas emissions in other economic sectors, often located in developing countries.

That's similar to the Clean Development Mechanism (CDM), the world's largest carbon offsetting scheme, which was established as part of the Kyoto Protocol but had woeful results. CDM offsets have been notable for dubious accounting that meant polluting companies got paid for doing almost nothing, or even expanding harmful projects. The market for CDM credits "eHYPERLINK "http://www.theguardian.com/environment/2012/sep/10/global-carbon-trading-system" \t "_blank" ssentially collapsed寰□ in 2012, and since then a ton of carbon has cost far less than a cup of coffee.

There is a significant danger that the offsets bought as part of the ICAO scheme could be double-counted – showing up in both the national greenhouse gas reduction plans submitted as part of the Paris Climate Agreement, as well as being claimed by airlines as a means to continue polluting.

The use of offsets generated by forestry projects could pose particular problems. "Examples of where forest offsets have excluded people from their land are rife" says Hannah Mowat, forest and climate campaigner at FERN. "Given the social conflict that's arisen from people being denied access to their land and their traditional use of forests being restricted, airlines must consider the likely damage to communities – and hence their own reputation."

"Offsets provide the aviation industry a license to grow." says Magdalena Heuwieser of FT Watch, an Austrian environmental and human rights group. "It's a very dangerous lie to present aviation as sustainable or carbon neutral - this distracts from real necessary solutions."

ICAO: a fox guarding the henhouse

The fact that ICAO is closing in on a climate treaty that allows aviation emissions to keep on growing rapidly comes as no surprise to seasoned observers of the industry.

"ICAO is a technocratic organization staffed mainly by people with backgrounds in airlines or airline manufacturing, and whose decisions are made by representatives from transport and aviation ministries of its 170 member states" explains Gazzard, a veteran of many campaigns on aviation and the environment. "There is almost a default position for everything ICAO does that is a compromise lowest common denominator… it is there to preserve the status quo."

ICAO's mandate, established in the 1944 Chicago Convention, is to ensure "the safe and orderly growth of international civil aviation." But faced with an environmental crisis, it is very difficult to square the circle of growth and emissions control – "and, effectively, they don't bother," says Gazzard.

The influence of the airline industry on the regulator is a key factor here. Across the street from ICAO's head office in Montreal, where this week's assembly takes place, likes the headquarters of the International Air Transport Association (IATA), the industry's main corporate lobby group.

IATA's influence on the mooted ICAO deal is not hard to see. In fact, the main points of the UN body's "carbon neutral growth" plan are virtually indistinguishable from a "carbon neutral growth" plan put forward by the IATA, which similarly promotes a system based on offsets, supplemented by biofuels and modest efficiency gains.

No deal is better than a bad deal

Given the proximity of ICAO to the industry it is meant to regulate, and its long track record of avoiding climate action, it is highly unlikely that it will adequately regulate greenhouse gas emissions from flying. The offer on the table in Montreal offers no advance on efficiency improvements that the industry is likely to make anyway to achieve cost savings. Biofuels and offsets are a dangerous distraction that could have significant negative impacts on communities in the global South.

Against this backdrop, the best possible outcome would be that ICAO fails to agree a climate deal at all, increasing pressure for the UN Climate Change Convention to take responsibility for aviation, and for domestic climate regulators to take action.

Whatever happens at the Montreal talks, countries and regions will need to take further rapid action to reduce emissions from flying in their own airspace.

In the European Union, that is likely to see efforts to revive the inclusion of international aviation emissions in the bloc's Emissions Trading System (ETS) – similar, in some respects, to the ICAO market measure, but with a set of binding targets.

The ETS is far from perfect, admits Gazzard, but "applying it to aviation was a strategic breakthrough that we now must defend at all costs. It was the first time ever that we had [regulators] who were not part of the industry."

It is vital that climate or environmental regulators are put in charge of aviation emissions, which means the European Commission's Directorate-General for Climate Action in the case of EU countries, but there is less agreement on the methods. Corporate Europe Observatory and others argue that the EU ETS is failing to reduce emissions, with the aviation sector gaining huge windfall profits in the early stages of the scheme and continuing to receive free permits to pollute. Stopping airport expansion, taxing aviation fuel (or proxy measures such as passenger duties) and rebalancing subsidies from air to rail might all be considered alternatives. But if negotiators come back from ICAO with a deal on climate emissions, it's a safe bet that it will be so weak as to form part of the problem rather than part of the solution.