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The Rt Hon Grant Shapps
The Secretary of State for Transport
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**BY EMAIL:**

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31 January 2020

Dear Sir

**REQUEST FOR COMMENTS AND FURTHER INFORMATION**

We write in response to the Secretary of State's Request for Comments and Further Information of 17 January 2020 specifically at Paragraph 14.

> "The Secretary of State invites the Applicant and other Interested Parties to comment on revised wording in relation to requirement 19 (airport-related commercial facilities) for inclusion in any DCO that might be granted in due course: "*Works Nos 15,16 and 17 must only be developed and used where the local planning authority has agreed in writing that those works have a direct relationship to and support the operation of Works Nos. 1 to 11 and 13*"."

1. Five10Twelve Limited is an Interested Party.
2. Thanet District Council's ("TDC") Local Impact Report at Section 4.2 confirms the adequacy of allocated employment land at Manston Business Park, which the Applicant recognise has suffered from slow take up despite its proximity to the airport and its flag ship status. TDC's Local Impact Report (paragraph 4.2.5) confirms that TDC does not believe that the Applicant has justified its proposals for commercial development on the Northern Grass Land, particularly when TDC has made adequate provision for employment development elsewhere.
3. The most recent TDC Draft Local Plan Sustainability Appraisal Addendum Report of 3 October 2019[1] maintains TDC's position.
4. As you will be aware, any airport development which would lead to an increase of carbon (and other GHGs) emissions must be rigorously scrutinised. The Airports Commission identified four key areas relevant to the assessment of the carbon impact of airport expansion:
    a. increased airport capacity leading to a net change in air travel;
    b. airside ground movements and airport operations;
    c. changes in non-aviation transport patterns brought about by a scheme's surface access strategy; and
    d. **construction of new facilities** and surface access infrastructure[2] (emphasis added).
5. There is likely to be significant increase of carbon (and other GHGs) emissions arising from the construction of new facilities known as Works Nos 15,16 and 17 (if built) and surface access infrastructure.
6. The extraordinary scale of the Applicant's proposed business park will have far-reaching environmental consequences and if the new facilities known as Works Nos 15,16 and 17 are to be included in any DCO that might be granted in due course the **environmental implications must also be assessed and rigorously scrutinised as part of this DCO's Examination**.
7. The Applicant has failed to satisfactorily quantify the increase of carbon (and other GHGs) emissions from the new facilities known as Works Nos 15,16 and 17.

[1] https://www.thanet.gov.uk/wp-content/uploads/2019/10/SA-Report_Final-issue_20191003.pdf
[2] Airports Commission, *Final Report* (dated July 2015)

8. The Applicant has failed to satisfactorily demonstrate that the new facilities known as Works Nos 15,16 and 17 would not have a material impact on the Government's ability to meet the Net Zero target, and therefore, the new facilities known as Works Nos 15,16 and 17 cannot be included in any DCO that might be granted.

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Dear Sir

**REQUEST FOR COMMENTS AND FURTHER INFORMATION**

We write in response to the Secretary of State's Request for Comments and Further Information of 17 January 2020 specifically at Paragraph 23.

We respectfully submit the attached document from the Environmental Law Foundation with supporting legal Opinion from Gethin Thomas of 39 Essex Chambers as further information to our letter of 17 October 2019, Section 2.5, pages 9-11.

Yours faithfully

Enclosure: ELF - Manston Airport Submissions - Climate Change - GT 30 01 20 v3

Environmental Law Foundation

access to environmental justice for all

**Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by RiverOak Strategic Partners Limited ("the Applicant") for an Order granting Development Consent for the reopening and development of Manston Airport in Kent.**

**RESPONSE TO THE DEPARTMENT FOR TRANSPORT'S REQUEST FOR COMMENTS AND FURTHER INFORMATION ON BEHALF OF THE ENVIRONMENTAL LAW FOUNDATION ("ELF")**

## A. INTRODUCTION

1. The Environmental Law Foundation (ELF) is a pro-bono legal charity that was set up in 1992 to assist local communities and individuals with environmental, public interest concerns; helping to address the imbalance of resources and access to experts available to local communities. ELF takes enquiries direct from members of the public, receiving approximately 250 enquiries a year. Last year we received numerous enquiries from communities across the UK who were concerned by their local airport's plans for expansion. When ELF receives a pulse of similar enquiries as we did last year, we try to bring a more strategic approach to the subject matter, rather than treating all enquiries separately. As such we decided that there was a need for a community outreach event on regional airport expansion. This was held on the 28th November at 39 Essex Chambers where we heard from solicitors, barristers, NGOs, and community groups who could share legal information with other community groups, Parish Council's etc. ELF takes an on-going interest in the environmental impacts of airport expansion, such proposals as are occurring on an unprecedented scale currently across the UK. Samara and Jason Jones-Hall were speakers at the ELF event, focusing on their experience of participating in the first DCO for airport expansion, putting in detailed representations as Five10Twelve Limited. As lay people participating in the first regional airport DCO for Manston Airport, their experience was of great interest to attendees. ELF has been looking for further ways to support Samara and Jason Jones-Hall including providing this document as part of their submission.

2. This response to the Department of Transport's ("DfT") written request for comments and further information, dated 17 January 2020. ELF will focus on the issue of climate change, raised at paragraph 22 and by Five10Twelve Limited at paragraph 23 of that request.

3. In summary, the ELF is extremely concerned by the very real risk that if the Climate Change and GHG emissions targets put forwards by the Manston Airport Development Consent Order ("DCO") Applicant ("the Applicant") are accepted here, there will be wide-ranging implications in due course, as other airports also seek to expand through DCO processes. It is ELF's position that the Applicant has failed to satisfactorily demonstrate that the scheme would not have a material impact on the Government's ability to meet the Net Zero target, and therefore, the increase in carbon emissions is, in and of itself, a sufficient reason to refuse development consent.

## B. CLIMATE CHANGE AND AVIATION: THE CONTEXT

### Background

4. By way of a very brief summary, greenhouse gases ("GHGs"), including carbon dioxide (CO2), occur naturally in the atmosphere, and provide a blanket that traps heat from the sun, warming the Earth. Climate change is being caused by the release of additional GHGs from human activity, trapping more heat, and leading to a rise in global temperature.[1]

5. In the judicial review claim of the Secretary of State for Transport's Airports National Policy Statement ("ANPS") designating a third runway at Heathrow as the preferred scheme for meeting the need for new airport capacity in southeast England, *R. (on the application of Spurrier & ors) v Secretary of State for Transport* [2019] EWHC 1070 (Admin) ("the Heathrow JR"),[2] Hickinbottom LJ and Holgate J summarised the mechanics of the climate change crisis in the following terms:

    (i) the concentration of GHGs in the earth's atmosphere is directly linked to average global temperatures;

    (ii) the concentration of GHGs has been rising steadily – and, with it, mean global temperatures – since the start of the Industrial Revolution and;

    (iii) the most abundant GHG, accounting for at least two-thirds of all GHGs, is carbon dioxide (CO2) which is largely the product of burning fossil fuels.[3]

[1] As well as methane (CH4), nitrous oxide (N2O), ozone (O3), and fluorinated gases.
[2] Appeal pending.
[3] At para 559.

6. Specifically, the planet's average surface temperature has risen more than 2 degrees Fahrenheit (0.9 degrees Celsius) since the late 19th century.[4] Temperatures have increased significantly in the last 35 years. Indeed, the past five years have been the warmest of the last 140 years, since record keeping began in 1880. Earth's global surface temperatures in 2019 were the second warmest on record, and with only the temperatures recorded in 2016 being higher. This increase in temperature has been driven mostly by increased emissions into the atmosphere of carbon dioxide and other greenhouse gases produced by human activities.[5] Global warming is therefore accelerating at an obviously alarming rate.

7. Rising temperatures in the atmosphere and ocean are contributing to the continued mass loss from Greenland and Antarctica and to increases in extreme weather events, such as heat waves, wildfires, intense precipitation.[6] Indeed, in the Heathrow JR, the Divisional Court recognised that:

> *The increase in global temperature has resulted in (amongst other things) sea level change; a decline in glaciers, the Antarctic ice sheet and Arctic sea ice; alterations to various ecosystems; and in some areas a threat to food and water supplies. It is potentially catastrophic.*[7] (emphasis added)

8. The catastrophic effects of climate change are already being felt. The number of climate-related disasters has tripled in the last 30 years.[8] A study recently published in a peer-reviewed journal has observed that the continuous increase in atmospheric CO2 concentrations in the past four decades is positively and significantly associated with the notable global increase in the frequency of intense flood and storm events. The authors of the study forecast that the number of climate disasters could double in less than 21 years, and thus

[4] NASA Goddard Institute for Space Studies, *NASA, NOAA Analyses Reveal 2019 Second Warmest Year on Record* (GISTEMP v4) (dated 15 January 2020): https://data.giss.nasa.gov/gistemp/ (last accessed 30 January 2020). Please see also: National Centres for Climate Change Information, *Global Climate Change Indicators*: https://www.ncdc.noaa.gov/monitoring-references/faq/indicators.php (last accessed 30 January 2020); University of East Anglia Climatic Research Unit, *Temperature Data*: https://crudata.uea.ac.uk/cru/data/temperature/ (last accessed 30 January 2020); NASA Goddard Institute for Space Studies, Surface Temperature Analysis (GISTEMP v4): https://data.giss.nasa.gov/gistemp/ (last accessed 30 January 2020).

[5] NASA Goddard Institute for Space Studies, *NASA, NOAA Analyses Reveal 2019 Second Warmest Year on Record* (GISTEMP v4) (dated 15 January 2020): https://data.giss.nasa.gov/gistemp/ (last accessed 30 January 2020).

[6] Ibid.

[7] At para 559.

[8] Oxfam International, *5 natural disasters that beg for climate action*: https://www.oxfam.org/en/5-natural-disasters-beg-climate-action (last accessed 30 January 2020).

severely damage the environment, socioeconomic progress, and welfare of millions of people worldwide.[9]

**Aviation emissions**

9. Aviation is a significant source of carbon emissions. Direct emissions from aviation account for about 3% of the EU's total greenhouse gas emissions and more than 2% of global emissions.[10] The main pollutants emitted by aircraft engines are: carbon dioxide (CO2), nitrogen oxides (NOX), sulphur oxides (SOX), unburnt hydrocarbons (HC), carbon monoxide (CO), particulate matter (PM) and soot. Airport surface access transport movements (by cars and buses, for example), as well as airside ground movements and airport operations, further increase the overall GHGs emissions from aviation.

10. Moreover, in addition to the emission of GHG's, aircraft exhausts also emit condensation trails, consisting of water vapor, which are also likely to play a further significant role in global warming, by trapping heat radiating from the Earth's surface.[11] Accordingly, it is important to bear in mind that aviation has climate warming effects beyond carbon emissions.

11. GHGs from commercial aviation are rapidly increasing. If the global aviation sector were treated as a nation, it would have been the sixth-largest source of carbon dioxide (CO2) emissions from energy consumption in 2015.[12]

12. UK carbon emissions from aviation have almost doubled since 1990.[13] By 2020, global international aviation emissions are projected to be around 70% higher than in 2005 and the International Civil Aviation Organization ("ICAO") forecasts that by 2050 they could grow by a further 300-700%.[14]

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[9] Ramon E. Lopez Vinod Thomas Pablo A. Troncoso, "Impacts of Carbon Dioxide Emissions on Global Intense Hydrometeorological Disasters", *Climate Disaster and Development Journal*, (Volume 4, Issue 1, January 2020) (available online here: https://www.cddjournal.org/article/view/vol04-iss1-3 (last accessed 30 January 2020)).

[10] European Commission, Reducing Emissions from Aviation: https://ec.europa.eu/clima/policies/transport/aviation_en (last accessed 30 January 2020).

[11] Lisa Bock and Ulrike Burkhardt, Institute of Atmospheric Physics in Oberpfaffenhofen, Germany, "Contrail cirrus radiative forcing for future air traffic" *Atmos. Chem. Phys.*, (19, 8163–8174, 2019), available online here: https://www.atmos-chem-phys.net/19/8163/2019/ (last accessed 30 January 2020)a.

[12] International Council for Clean Transportation, *CO2 emissions from commercial aviation, 2018* (dated September 2019), available online here: https://theicct.org/sites/default/files/publications/ICCT_CO2-commercl-aviation-2018_20190918.pdf (last accessed 30 January 2020).

[13] Airports Commission: Final Report (dated July 2015), p 66, para Figure 2.12.

[14] European Aviation Safety Agency, *Emissions*: https://www.easa.europa.eu/eaer/topics/overview-aviation-sector/emissions (last accessed 30 January 2020).

13. UK aviation currently accounts for around 7% of the UK's total greenhouse gas emissions, but its share of emissions is likely to continue to increase as other sectors, such as energy and manufacturing, decarbonise more quickly. This means that aviation could represent a 25% share of the UK's greenhouse gas emissions by 2050.[15]

14. Accordingly, any airport development which would lead to an increase of carbon (and other GHGs) emissions must be rigorously scrutinised. The Airports Commission identified four key areas relevant to the assessment of the carbon impact of airport expansion:
    a. increased airport capacity leading to a net change in air travel;
    b. airside ground movements and airport operations;
    c. changes in non-aviation transport patterns brought about by a scheme's surface access strategy; and
    d. construction of new facilities and surface access infrastructure.[16]

**The Climate Change Act 2008**

15. In 2008, the UK implemented a legislative framework for it to achieve its long-term goals of reducing greenhouse gas emissions and to ensure steps are taken towards adapting to the impact of climate change:[17] the Climate Change Act 2008 ("the CCA 2008") and the Planning Act 2008 ("the PA 2008").

16. The relevant features of CCA 2008 are as follows:

    a. It established a Committee on Climate Change ("the CCC"), an independent public body to advise the UK and devolved Governments and Parliaments on tackling climate change, including on matters relating to the UK's statutory carbon reduction target for 2050 and the treatment of GHGs from international aviation (pursuant to section 32).

    b. It set a mandatory target for the reduction of UK carbon emissions, as enacted, to ensure that the net carbon account for the year 2050 is at least 80% lower than the 1990 baseline (pursuant to section 1).[18] The Secretary of State for BEIS has the power to amend that percentage, subject to certain conditions (section 2(1)). As discussed

[15] HM Government, Aviation 2050 (December 2018(, para 1.24.
[16] Airports Commission, *Final Report* (dated July 2015).
[17] Climate Change Act 2008, Explanatory Notes, para 3.
[18] As observed by the Divisional Court in the Heathrow JR (EWHC 1070 (Admin)), at para 566: the statutory target of a reduction in carbon emissions by 80% by 2050 was amended during the passage of the Bill, as a result of Parliament's response to the international commitment to keep the global temperature rise to 2°C above pre-industrial levels in 2050.

further below, that target was so amended on 27 June 2019, so that it is now the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least *100%* lower than the 1990 baseline ("the Net Zero target").[19]

c. Section 1 sets a target that relates to carbon only. Section 24 enables the Secretary of State for BEIS to set targets for other GHGs.

d. The Secretary of State is also required to set for each succeeding period of five years, at least 12 years in advance, an amount for the net UK carbon account ("the carbon budget") (pursuant to sections 5(1)(b) and 8); and ensure that the net UK carbon account for any period does not exceed that budget (section 4). Only domestic flights are currently covered by carbon budgets.

e. Section 10(2) sets out various matters which are required to be taken into account when the Secretary of State for BEIS sets, or the CCC advises upon, any carbon budget, including:

> *(a) scientific knowledge about climate change;*
> *(b) technology about climate change;*
> *(c) economic circumstances, and in particular the likely impact of the decision on the economy and the competitiveness of particular sectors of the economy;*
> *(d) fiscal circumstances, and in particular the likely effect of the decision on taxation, public spending and public borrowing;*
> *(e) social circumstances, and in particular the likely impact of the decision on fuel poverty;*
> *(f) ...*
> *(h) circumstances at European and international level;*
> *(i) the estimated amount of reportable emissions from international aviation and international shipping...* (emphasis added)

17. The effect section 10(2)(i) is, as the Divisional Court explained in the Heathrow JR, that although for the purposes of the CCA 2008 emissions from GHGs from international aviation do not generally count as emissions from UK sources (pursuant to section 30(1)), in relation to any carbon budget, the Secretary of State for BEIS and CCC must take such emissions into

[19] Climate Change Act 2008 (2050 Target Amendment) Order 2019 SI No 1056, art.2(2) (June 27, 2019).

account.[20] The CCC has recommended that the CCA 2008 be amended so as to take account of international aviation emissions.[21]

18. The PA 2008 established a "development consent" procedure for "Nationally Significant Infrastructure Projects" defined to include certain "airport-related development", which includes the construction or alteration of an airport that is expected to be capable of providing air passenger services for at least 10m passengers per year (sections 14 and 23).

19. The Manston Airport application is the first ever airport in the UK to apply to be considered as a Nationally Significant Infrastructure Project (NSIP) and to go through the DCO process. Heathrow, Gatwick, and Luton are likely to follow, as well as, potentially, Stansted.

**The Net Zero target and aviation emissions**

20. The Paris Agreement, an agreement within the United Nations Framework Convention on Climate Change ("UNFCCC") was adopted by consensus on 12 December 2015, following the 21st Conference of the Parties of the UNFCCC. The UK ratified the Paris Agreement on 17 November 2016. In the recitals to the Paris Agreement, the parties *'[recognised] the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge*'.

21. The Paris Agreement's key aim is to improve the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels, and moreover, to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (as prescribed in Article 2).

22. Article 4(1) states that '*in order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible…*'. Article 4(2) requires parties to '*prepare, communicate and maintain successive nationally determined contributions that it intends to achieve.*' Article 4(3) states that each party's '*successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition…*' (emphasis added).

[20] EWHC 1070 (Admin), para 571.
[21] *Meeting the UK aviation target – options for reducing emissions to 2050* (dated December 2009), available online here: https://www.theccc.org.uk/publication/meeting-the-uk-aviation-target-options-for-reducing-emissions-to-2050/ (last accessed 30 January 2020).

23. In May 2019, the CCC recommended that, in order to ensure that the UK's nationally determined contribution reflects its highest possible ambition, the UK should set a net-zero greenhouse gas emissions target for 2050.[22] Following this advice, as noted above, the CCA 2008 was amended to make the target law on 27 June 2019.[23]

24. The Government recognised that '*international aviation and shipping have a crucial role to play in reaching net zero emissions globally*',[24] and has made clear that its plans for net zero emissions cover the whole of the economy, including emissions from international aviation and shipping. The Government has indicated an intention to legislate to that effect.[25]

25. The CCC had previously recommended carbon budgets be on an appropriate path towards a 2050 target that allows room for international aviation emissions, with the aim of achieving an overall 80% reduction by 2050 (the pre-Net Zero target). In 2015, the CCC concluded that sensible planning assumptions was for international aviation emissions in 2050 to return to their 2005 level. This followed the CCC's earlier advice in its 2009 report, *Meeting the UK aviation target – options for reducing emissions to 2050*, that UK aviation emissions should be kept below its 2005 level, which was 37.5Mt$CO_2$.[26]

26. In 2018, the Government acknowledged that it is not likely to be on track to meet this target:

> *DfT's October 2017 aviation forecasts give CO2 emissions from UK departing flights of between 36.6 and 45.7Mt in 2030; between 36.3 and 45.1Mt in 2040; and between 35.0 and 44.3Mt in 2050, depending on demand scenario and airport capacity options.*[27]

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[22] Committee on Climate Change, *Net Zero – The UK's contribution to stopping global warming* (dated 2 May 2019), available online here: (last accessed 30 January 2020).
[23] Climate Change Act 2008 (2050 Target Amendment) Order 2019 SI No 1056, art.2(2) (June 27, 2019).
[24] Climate Change Act 2008 (2050 Target Amendment) Order 2019 SI No 1056, art.2(2) (June 27, 2019), Explanatory Notes, para 10.5.
[25] The Secretary of State for Business, Energy and Industrial Strategy, Mr Greg Clark, stated that '*We have followed the advice of the Committee on Climate Change and our plans for net zero cover the whole economy, including international aviation and shipping. We await the committee's advice on how to legislate.*' Hansard HC (12 June 2019) Volume 661 Column 682 Net Zero Emissions Target.
[26] Climate Change Committee, *Fifth Carbon Budget Report* (dated November 2015), p 53 available online here: https://www.theccc.org.uk/wp-content/uploads/2015/11/Committee-on-Climate-Change-Fifth-Carbon-Budget-Report.pdf. (last accessed 30 January 2020); *Meeting the UK aviation target – options for reducing emissions to 2050* (dated December 2009), available online here: https://www.theccc.org.uk/publication/meeting-the-uk-aviation-target-options-for-reducing-emissions-to-2050/ (last accessed 30 January 2020).
[27] Clare Perry (then Minister of State (Business, Energy and Industrial Strategy) (Energy and Clean Growth)), *Aviation: Exhaust Emissions: Written question – 120954* (8 January 2018), available online here: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-12-21/120954 (last accessed 30 January 2020).

27. In assessing capacity for airport expansion in the south-east, the Airports Commission integrated the CCC's planning assumption into its approach to forecasting aviation demand. It therefore focused on the 37.5MtCO2 target. It also developed two sets of forecasts: (i) one assuming that emission reductions will be made where they are most desirable or efficient across the global economy, with these forecasts assuming that carbon emissions from flights departing UK airports are traded at the European level until 2030 and then as part of a global carbon market, described as a 'carbon-traded scenario', and (ii) one with a firm aviation emissions cap in place of 37.5 MtCO2.

28. Notwithstanding that the Airports Commission considered in its Final Report that the '*future reality is most likely to lie somewhere between the two*' scenarios,[28] the Government's Clean Growth Strategy (published in October 2017) relied upon the first 'carbon-traded scenario'. It considered that, on the assumptions of that scenario, it may be possible to meet the 2050 target under the CCA 2008 domestically if aviation emissions are 44 MtCO2. The Government did, however, make clear that it had not reached a final view on the appropriate level of international aviation and shipping emissions in 2050.[29]

29. The DfT's UK Aviation Forecasts (dated 24 October 2017), referred to above, specifically estimated that:

    a. The total baseline emissions for the UK would be between 35.0 and 42.1 MtCO2. This baseline obviously does not include Manston Airport, nor does it include any other airport expansion.

    b. If the Heathrow North West Runway scheme is implemented, the total UK emissions would be between 38.1 and 44.1 MtCO2.

30. Accordingly, on the Government's projections, the 37.5 MtCO2 target may well be breached without airport expansion, and would be breached by the implementation of the Heathrow scheme alone. Moreover, the possible 44 MtCO2 limit may well also be breached without more than the implementation of the Heathrow scheme.

31. However, and in any event, the 37.5 MtCO2 target was set in order to achieve the then target under section 1 of the CCA 2008: a reduction of emissions by 80% by 2050. It has now been

[28] Airports Commission, *Final Report* (dated July 2015).
[29] HM Government, *Clean Growth Strategy* (dated 12 October 2017), available online here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf.

superseded by the implementation of the Net Zero target, and is therefore out of date. This is a change of fundamental importance, and is considered in further detail below in respect of the Applicant's proposed GHG emissions targets.

32. Lord Deben, the Chairman of the CCC, has written to the Secretary of State (dated 24 September 2019), in order to address the implications of the implemented Net Zero target for international aviation emissions. The CCC has advised that demand growth must be limited to 25%.[30] The CCC's scenarios from its net zero advice suggest that:

> *aviation emissions could be reduced from 36.5 MtCO2 in 2017 to around 30 MtCO2 in 2050 through a combination of fuel efficiency improvements, limited use of sustainable biofuels, and by managing demand growth. Major technological breakthroughs in commercial aviation are unlikely to make a significant difference to emissions by 2050 given long development and certification lead times, and slow turnover of the fleet.*[31]

33. Professor Jim Watson, in the UK Net-Zero Advisory Group to the Committee on Climate Change Chair's Final Report, has also emphasised the importance of a lower carbon emission target for aviation emissions:

> *The further ambition scenario includes a reduction in aviation emissions when compared to the previous CCC scenario for meeting the 80% emissions reduction target. This previous scenario includes passenger demand growth of 60% from 2005 levels, which would be offset by improvements in airframe and engine technology and some use of biofuels. Demand has already increased by approximately 30% since 2005, so this means a further 25% growth in demand from current levels. The further ambition scenario includes additional biofuels and the introduction of hybrid electric aircraft in the 2040s…*
>
> *Whilst the CCC are right to be cautious on the timescale for replacing fossil fuels with biofuels and electrification, some advisory group members felt that the assumptions for the aviation sector do not represent a fair share of the reductions required for net zero. Allowing 31 MtCO□e of aviation emissions in 2050 stands out*

[30] This letter is cited in the DfT's request for comments and further information, para 22. It is available online here: https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf (last accessed 30 January).

[31] Annex, p 9: https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf (last accessed 30 January).

*if most other sectors are required to reduce emissions to very low levels to achieve net zero. This reinforces a need to support low and zero carbon innovations in the aviation sector, and to explore how demand growth can be limited further so that it is below the CCC's trajectory.* (emphasis added)

**The emerging UK Aviation Strategy**

34. The UK's aviation strategy is currently in development. Insofar as is relevant, the Aviation 2050 Consultation Paper (December 2018),[32] explains that, in order to implement the government's long term vision and pathway for addressing UK aviation's impact on climate change, the government also proposes to (at para 3.96):

> *Require planning applications for capacity growth to provide a full assessment of emissions, drawing on all feasible, cost-effective measures to limit their climate impact, and demonstrating that their project will not have a material impact on the government's ability to meet its carbon reduction targets*

35. Whilst this is only an emerging draft policy, the Government's obligation to meet its carbon reduction targets is enshrined in the CCA 2008.

## C. ASSESSING THE APPLICATION'S CLIMATE CHANGE IMPACTS

**Principles of assessment**

36. There are three main principles that must be inform the assessment of the application's climate change impacts:

    a. First, the issue of the impact of the application on climate change must now be re-visited at the DCO stage on the basis of the up to date scientific position, taking account of government policy and changes to the law.

    b. Secondly, carbon emissions may, in and of itself, be a reason for a refusal of development consent, if it impacts the Government's ability to meet its carbon reduction targets.

[32] Cm 9714.

c. Thirdly, the climate change impacts of the application cannot be assessed in a vacuum, but must be considered against the planned airport expansions across the UK.

37. First, in the Heathrow JR, the Divisional Court made clear that the up to date scientific position in respect to climate change would be re-visited at the DCO stage of the Heathrow scheme (at para 648):

> *In our view, given the statutory scheme in the CCA 2008 and the work that was being done on if and how to amend the domestic law to take into account the Paris Agreement, the Secretary of State did not arguably act unlawfully in not taking into account that Agreement when preferring the NWR Scheme and in designating the ANPS as he did. As we have described, if scientific circumstances change, it is open to him to review the ANPS; and, in any event, at the DCO stage this issue will be re-visited on the basis of the then up to date scientific position.*

38. The Divisional Court also observed (at para 631(v)) that:

> *The assessment of the impact of carbon emissions at the stage of development consent will clearly include emissions from aircraft using Heathrow in flight.*

39. Indeed, the opportunity for further scrutiny of the climate change impacts at a the DCO stage was partly why the Divisional Court dismissed the climate change ground. Moreover, it must be borne in mind that the judgment was handed down on 1 May 2019, before the publication of the CCC's Net Zero advice, and the subsequent implementation of the Net Zero target. Accordingly, assessing the application's impact of climate change is an important facet of the DCO process.

40. Secondly, the carbon emissions may, in and of itself, be a reason for a refusal of development consent, if it impacts the Government's ability to meet its carbon reduction targets. The duty under section 1 of the CCA 2008 is overarching. Moreover, the Airports National Policy Statement made clear that:

> *Expansion must be deliverable within national targets on greenhouse gas emissions…*
>
> *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 to meet its carbon reduction targets, including carbon budgets….*[33]

41. As such, if the increase in carbon emissions resulting from the project would have a material impact on the ability of Government to meet its carbon reduction targets, then that is so significant that development consent may be refused. Expansion cannot be deliverable if it would result in the breach of national targets on GHGs.

42. Finally, it is critical that the climate change impacts of the application are assessed against the current planned airport expansions in the UK, for at least two reasons: (i) the carbon emissions impact of the application on the ability of the Government to meet its national targets has to be assessed with those expansions in mind (particularly Heathrow), and (ii) this is the first DCO process for an airport expansion, and will be likely to be followed by others. As such, this approach to the assessment of climate change will provide an invokable precedent.

43. It is notable that the CCC observed that:

> *The Government should assess its airport capacity strategy in the context of net zero. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it. Current planned additional airport capacity in London, including the third runway at Heathrow, is likely to leave at most very limited room for growth at non-London airports.*[34] (emphasis added)

44. This conclusion is consistent with the DfT's aviation forecasts of 2017, referred to be above. Therefore, and as further considered below, this Application may be scrutinised against that context.

## D. THE APPLICATION

[33] DfT, Airports National Policy Statement (5 June 2018), paras 2.18 and 5.82. Available online here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714106/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-web-version.pdf (last accessed 30 January 2020). It is important to note that the DfT's modelling was based on the expansion plans set out in the 2003 Air Transport White Paper.

[34] Annex, p 14: https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf (last accessed 30 January).

45. Chapter 16 of the Applicant's Environmental Statement addresses climate change. However, it predates the legislative implementation of the Net Zero target in June 2019. Its assessment is deficient in a number of key respects.

46. The Applicant's proposed target emission limit has been superseded by the Net Zero requirement prescribed in the CCA 2008 (at para 16.13.4):

> *For the future baseline, there is uncertainty regarding UK GHG policy in the aviation sector which makes setting a definitive target to judge significance against challenging. Whilst the Airports Commission: Final Report in sets a gross total emissions cap of 37.5 MtCO2 from the aviation sector by 2050, the Clean Growth Strategy (2017) suggests that the obligations under the Climate Change Act can be met if aviation emissions are 44 MtCO2e.*

47. As explained above, even on the former 80% target, the Applicant is wrong to invoke and rely upon the 44 MtCO2 limit. First, it may well be met if the Heathrow North West Runway scheme was the only airport expansion project implemented by 2050. Secondly, 44 MtCO2 is also based on assumptions (the carbon-trading scenario described above) that may well not transpire, as recognised in the Airports Commission report.

48. The Applicant's own environmental statement suggests that the scheme could not be implemented without having a material impact on the Government's ability to meet its former carbon targets (16.4.25):

> *It is not possible to prescribe a quantified level of GHG emissions to the site at peak operation that would be in-line with meeting this target or otherwise as there are too many other factors that influence the satisfaction of the 80% emissions reduction target and any associated UK aviation targets…*

49. Therefore, even on the former 80% by 2050 requirement, Manston could not establish that it would not materially impact on the Government's ability to satisfy it.

50. In any event, critically, the 37.5 MtCO2 (and 44 MtCO2) targets are out of date. These targets were set in response to the pre-Net Zero requirement. They have been superseded by Net Zero, and therefore cannot be relied upon by the Applicant. As noted above, it is likely to be

necessary to reduce aviation emissions to 30-31 MtCO2 in order to enable the Government to meet the Net Zero requirement.

51. Notwithstanding that the increased air traffic resulting from the opening of Manston Airport would be likely to go far beyond the '*very limited room for growth at non-London airports*'[35] in order to meet Net Zero, there are a number of particular aspects of the scheme that render it likely to have a further significant detrimental impact on the Government's ability to meet the CCA 2008 requirement:

    a. Manston Airport does not have a hydrant fuelling system, unlike many other airports which rely on fuel pipelines on site. This means that fuel for planes will need to be moved by fuel tankers on road surface access to be stored on site for use. This will generate additional GHGs.

    b. The only surface access for freight, and for passengers, to and from the new airport (if built) is by road surface access. Unlike other airports in the south east of England, there is no rail access. This has the obvious disadvantage of resulting in significant road vehicle movements, even as compared against other airports.

    c. The airport has been closed for nearly 6 years and most infrastructure will need to be built. As such, there is likely to be significant carbon emissions arising from the construction of new facilities and surface access infrastructure.

52. Therefore, in all the circumstances, the Applicant has failed to establish that the scheme would not have a material impact on the Government's ability to deliver the Net Zero target by 2050. Therefore, the increase in carbon emissions can, and respectfully should, constitute a reason for development consent refusal.

## E. CONCLUSION: THE WIDER CONSEQUENCES

53. There is significant airport expansion planned across England already. UK airports are planning to expand almost three times faster than the CCC consider is sustainable. Analysis undertaken by Sky News of the plans for 21 of the country's biggest airports show they intend to add 192 million passengers to the 286 million that already use their terminals over the next

[35] See para 43 above.

10-20 years, which equates to a growth of 67%.[36] As explained above, the CCC has advised that growth must be limited, at the very most, to 25% in order to meet the Net Zero target.

54. It is simply not possible for these planned expansions to all progress if the Government is to meet Net Zero. This application must be carefully considered against that context. Due to the particulars of this scheme, summarised above, Manston Airport is especially at risk of materially impacting the Government's ability to meet Net Zero.

**Gethin Thomas**

[redacted]

**Emma Montlake**

**Environmental Law Foundation**

**30 January 2020**

[36] https://news.sky.com/story/uk-airport-expansion-plans-make-2050-climate-change-target-unlikely-11836533.

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The Planning Inspectorate
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Bristol BS1 6PN

**BY EMAIL:**
ManstonAirport@planninginspectorate.gov.uk

31 January 2020

Dear Sir

REQUEST FOR COMMENTS AND FURTHER INFORMATION

We write in response to the Secretary of State's Request for Comments and Further Information of 17 January 2020 specifically at Paragraph 23. We respectfully submit further information as follows:

1. Five10Twelve Ltd is an Interested Party

2. Our letter of 17 October 2019 detailed at paragraph 2.5, pages 9, concerns relating to the need for the Applicant to demonstrate cost-efficiency and sustainability, specifically:

    2.1. Notwithstanding the fact that the Airports National Policy Statement ("ANPS") does not directly have an effect, it is important to note that with regards to airport development, the ANPS states:

    *"The final business plan will include details of the future capital expenditure that the licensee proposes to incur"* (paragraph 4.37, ANPS)

    and

    *"The applicant should demonstrate in its application for development consent that its scheme is cost-efficient and sustainable, and seeks to minimise costs to airlines, passengers and freight owners over its lifetime"* (paragraph 4.39, ANPS)

3. The Applicant's Capital Expenditure was presented during the Examination as an appendix to the Applicant's responses to the Examining Authority's ("ExA"), First Written Questions (REP3-187) at page 1064 and is attached herewith in our **Appendix A**.

3.1. The Applicant's "Business Plan" takes the form of a rudimentary Profit and Loss Forecast ("P&L"), with updated version submitted at Appendix to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 04 June 2019, (REP8-011), and is attached herewith in our **Appendix B**.

3.2. We respectfully submit that the Applicant's Capital Expenditure ("CapEx") and P&L as presented do not in any way constitute detailed costings. No figures have been provided for individual budget lines nor any other breakdowns other than the four construction phases in the CapEx.

3.3. As such, it is not possible to ascertain whether any individual budget lines listed in the CapEx has been appropriately costed or whether appropriate sums have been allocated to ensure the proposed development is *"cost-efficient and sustainable"* or that any measures have been put in place to ensure costs associated with the most sustainable approaches to construction and/or development have been considered.

4. Our letter of 17 October 2019 further detailed at paragraph 2.5, pages 10-11, concerns relating to the lack of inclusion of the Applicant's estimated aviation emissions in the UK Aviation Forecasts and the impact of the Applicant's proposal on the ability of Government to meet its carbon reduction targets.

4.1. We note that whilst already-established UK airports operated by experienced and established operators are increasingly budgeting for measures to reduce or offset carbon emissions - for example Doncaster Sheffield Airport's announcement that it is to install a £2m solar farm[1] - no such carbon offsetting measures or schemes appear to have been budgeted in either the Applicant's CapEx or in its P&L costings.

5. Our letter of 17th October 2020 detailed at paragraphs 6.3 and 6.4 concerns relating to the Applicant's good standing, corporate structure and repeated failures to demonstrate and/or evidence of funding and/or funders throughout the DCO Examination. This is pertinent since - notwithstanding the ANPS does not directly have an effect - the ANPS states at Paragraph 4.5 that:

*"The Secretary of State will have regard to the manner in which benefits are secured and* ***the level of confidence in their delivery****".* (Bold added for emphasis).

6. Whilst the Applicant has continued to refer to an unspecified "consortium" and un-named and unevidenced investors as "backers", we respectfully remind the Secretary of State of recent issues concerning Seaborne Freight and the lack of confirmed evidence of any "backers" or "funders" that led to the collapse of the Seaborne Freight contract at substantial public cost.

6.1. As the Secretary of State will be aware, both Seaborne Freight and the Department for Transport had described Arklow Shipping as Seaborne Freight's "backer" on the basis of expressions of interest. In the Seaborne case, this was also evidenced - which is clearly not the case with this DCO Applicant.

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[1] Press Release: Peel L&P, July 2 2019 http://www.peelenergy.co.uk/latest/2019/7/2/doncaster-sheffield-airport-to-slash-emissions-with-2m-solar-farm Last accessed 31/1/20. (Also attached at **Appendix C**)

6.2. The well-publicised cancellation of Seaborne's contract was widely reported as being due to Arklow's withdrawal, with Arklow Shipping later confirming:

*".. it was never a 'backer' or had 'any formal agreement' with Seaborne, nor was it a contract partner".* [2]

## 7. Conclusion

7.1. As detailed at paragraphs 3-4, above - the Applicant has not "secured" any benefits as regards carbon off-setting or mitigation of GHG emissions, nor is it able to provide any *"level of confidence in their delivery"*, as detailed in paragraph 6, above.

7.2. As such, we respectfully submit that the DCO must be refused.

[2] The Irish Times, Wicklow shipping company 'had no contract' with UK no-deal Brexit firm, 11/2/19 https://www.irishtimes.com/news/ireland/irish-news/wicklow-shipping-company-had-no-contract-with-uk-no-deal-brexit-firm-1.3789647 Last accessed 31/1/20. (Also attached at **Appendix D**).

# Appendix A

Applicant's Capital Expenditure
(REP3-187, Page 1064)

## Appendix F.1.6 – Capital Expenditure:

| | PHASE 1 | | PHASE 2 | | PHASE 3 | | PHASE 4 | |
|---|---|---|---|---|---|---|---|---|
| Item Description | Approximate Quantity | Unit | Approximate Quantity | Unit | Approximate Quantity | Unit | Approximate Quantity | Unit |
| CONSTRUCTION | | | | | | | | |
| Demolitions of buildings | - | LumpSum | - | | | | | |
| Runway 10-28 | 123,660 | m³ | | | | | | |
| Runway Shoulder | 41,700 | m³ | | | | | | |
| Redundant Runway Pavement | 434,500 | m³ | | | | | | |
| Taxiways | 98,800 | m³ | | | | | | |
| Taxiway Shoulder | 17,170 | m² | | | | | | |
| Cargo Apron (Phase 1, 2, 3, 4) | 96,533 | m² | 96,533 | m² | 27,967 | m² | 27,967 | m² |
| Passenger Apron (Phase 2) | - | m² | 27,600 | m² | | | | |
| Recycling Apron (Phase 2, 3, 4) | - | m² | 4,800 | m² | 4,800 | m² | 4,800 | m² |
| G.A. Apron (Phase 1, 2, 3) | 6,914 | m² | | | 2,286 | m² | | |
| Peri Tracks | 28,800 | m | - | | | | | |
| FBO Apron | 2,500 | m² | - | | | | | |
| New Signal Junction | - | LumpSum | | | | | | |
| New Ghost island Junction | - | LumpSum | | | | | | |
| Staggered Junction | - | LumpSum | | | | | | |
| New Roundabout | - | LumpSum | | | | | | |
| New Internal Roads (Phase 1, 2, 3) | 9,412 | m | | | 688 | m | | |
| Parking / Loading / Storage Areas (Phase 1, 2, 3, 4) | 57,226 | m² | 52,725 | m² | 52,725 | m² | 52,725 | m² |
| Landscaping | - | LumpSum | | | | | | |
| Approvals Process | - | - | | | | | | |
| Earthworks - Topsoil Cut | 92,500 | m³ | | | | | | |
| Eartworks - General On-Site Cut | 475,000 | m³ | | | | | | |
| Earthworks - General On-Site Fill | 360,000 | m³ | | | | | | |
| Earthworks - Disposal Off Site of Surplus Topsoil | 212,500 | m³ | | | | | | |
| Earthworks - Disposal Off Site of Surplus Cut Material | 95,000 | m³ | | | | | | |
| Earthworks - Dispodal Off Site of Contaminated Cut Mat. | 90,000 | m³ | | | | | | |
| Earthworks - Extra Over for Imported Fill Material | 167,500 | m³ | | | | | | |
| Drainage | 6,500 | m | | | | | | |
| Drainage Items, e.g., interceptors, pumps | - | LumpSum | | | | | | |
| Drainage Ponds | 26,560 | LumpSum | | | | | | |
| Noise Mitigation Bunding | - | - | | | | | | |
| Pegwell Bay Outfall Pipeline (Remedial Works to Existing) | - | LumpSum | | | | | | |
| Airside AGL | - | LumpSum | | | | | | |
| Approach Lighting | - | LumpSum | | | | | | |
| Apron High Mast Lighting | - | LumpSum | | | | | | |
| Navaid Improvements - DME | - | LumpSum | | | | | | |
| Navaid Improvements - ILS | - | LumpSum | | | | | | |
| Navaid Improvements - IRVR | - | LumpSum | | | | | | |
| Navaid Improvements - NDB(L) | - | LumpSum | | | | | | |
| Navaid Improvements - VOR | - | LumpSum | | | | | | |
| Navaid Improvements - VCCS | - | LumpSum | | | | | | |
| Navaid Improvements - Wind Shear Instrument | - | LumpSum | | | | | | |
| Airfield Signage | - | LumpSum | | | | | | |
| Utility Diversions | - | LumpSum | | | | | | |
| Utility/Substation Upgrade Provisions | - | LumpSum | | | | | | |
| Relocation of Existing MOD Aerial | - | LumpSum | | | | | | |
| Refurb Existing Radar Station | - | LumpSum | | | | | | |
| Fixed Ground Power | 19 | No. | | | | | | |
| Control Tower | - | LumpSum | | | | | | |
| Fire Station | - | LumpSum | | | | | | |
| Fuel Farm | - | LumpSum | | | | | | |
| Museum | - | LumpSum | | | | | | |
| Business Park - Office Buildings (Phase 1, 2) | 6,326 | m² | 19,949 | m² | | | | |
| Business Park - Warehouse Buildings (Phase 1, 2) | 48,775 | m² | 30,050 | m² | | | | |
| FBO Hanger | 2,048 | m² | - | | | | | |
| Business Aviation Centre (Phase 1, 2, 3) | 1,127 | m² | | | | | | |
| Recycling Hangar (Phase 2, 3, 4) | - | m² | 3,405 | m² | 3,405 | m² | 3,405 | m² |
| Cargo Facility (Part Phase 2, 3, 4) | 12,038 | m² | 19,168 | m² | 19,168 | m² | 19,168 | m² |
| 2 x Business Aviation Hangars (Part Phases 2, 3, 4) | 1,066 | m² | | | 4,162 | m² | | |
| Refurb Existing Terminal Building (Phase 2) | - | LumpSum | - | LumpSum | | | | |
| New Terminal Building Extension (Phase 4) | - | LumpSum | | | | | - | LumpSum |
| **Estimated Cosntruction Costs (£)** | | **169,026,120** | | **62,765,471** | | **22,913,171** | | **23,430,571** |
| **Contingency (£)** | *10%* | **16,902,612** | *10%* | **6,276,547** | *10%* | **2,291,317** | *10%* | **2,343,057** |
| **GRAND BUDGET TOTAL (£)** | | **185,928,732** | | **69,042,018** | | **25,204,488** | | **25,773,628** |

# Appendix B

Applicant's P&L
(REP8-011)

# Narrative for P&L Forecast used in the RSP Business Plan for Manston

The P&L has been put together to forecast the likely revenues and costs associated with the operation of the airport over a 20 year period.

The basis of the forecast is the traffic forecast provided by Azimuth Associates which details aircraft sizes, carried tonnage, passenger volumes and movements.

Aeronautical, Handling and Fuel revenues (net of hydrocarbon costs) have been calculated for both freight and passenger operations. Aeronautical rates assumed are similar to those of other UK regional airports handling cargo and low cost passenger carriers. Handling and Fuelling will be provided by the airport directly (there is a conservative assumption that eCommerce/Integrators will self-handle); the rates for these services are based on knowledge of other airports operations that provide similar services.

Passenger Commercial net income is conservatively assumed to be consistent with airports handling low cost passengers around the same volume levels.

Property income is derived from the Landside Business Park adjacent to the airport, Maintenance Repair and Overhaul (MRO) facilities leasing, Fixed Based Operations (FBO) leasing, Airside Warehouse leasing and Aircraft Parking income. The rates for all of these are set to be comparable to other airport operations in the UK.

Direct and Indirect costs have been assumed at levels comparable to other UK airports providing similar services.

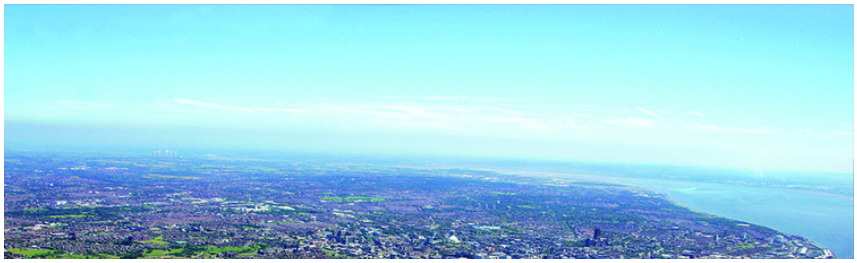
| **Revenues (£000s)** | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 | Y11 | Y12 | Y13 | Y14 | Y15 | Y16 | Y17 | Y18 | Y19 | Y20 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Freight Revenue** | **-** | **16,682** | **18,552** | **25,506** | **26,799** | **28,927** | **31,160** | **32,377** | **34,440** | **33,970** | **35,345** | **36,759** | **38,326** | **39,859** | **41,734** | **43,403** | **45,139** | **47,122** | **49,007** | **50,966** |
| *Tonnes* | - | *96,553* | *108,553* | *167,092* | *173,741* | *181,436* | *192,908* | *200,673* | *216,765* | *212,351* | *222,377* | *234,508* | *244,690* | *256,989* | *270,579* | *283,904* | *296,594* | *312,344* | *324,838* | *340,758* |
| *Movements* | - | *5,252* | *5,804* | *9,700* | *9,936* | *10,144* | *10,872* | *11,184* | *11,392* | *11,600* | *12,064* | *12,547* | *13,048* | *13,570* | *14,113* | *14,678* | *15,265* | *15,875* | *16,510* | *17,170* |
| *Aeronautical Yield (£/MT)* | | *44.82* | *43.79* | *44.31* | *43.83* | *46.46* | *49.17* | *48.26* | *44.97* | *46.69* | *46.08* | *45.45* | *45.33* | *44.89* | *44.34* | *43.95* | *43.75* | *43.20* | *43.20* | *42.83* |
| | | | | | | | | | | | | | | | | | | | | |
| **Passenger Revenue** | **-** | **-** | **1,573** | **1,715** | **1,732** | **2,288** | **2,414** | **2,414** | **2,414** | **2,414** | **2,497** | **2,583** | **2,672** | **2,765** | **2,862** | **2,963** | **3,067** | **3,176** | **3,289** | **3,407** |
| *Passengers* | - | - | *662,768* | *679,868* | *686,672* | *965,295* | *975,591* | *975,591* | *975,591* | *975,591* | *1,011,587* | *1,049,022* | *1,087,954* | *1,128,444* | *1,170,553* | *1,214,347* | *1,259,892* | *1,307,259* | *1,356,521* | *1,407,753* |
| *Movements* | - | - | *4,932* | *5,024* | *5,064* | *6,702* | *6,754* | *6,754* | *6,754* | *6,754* | *6,966* | *7,186* | *7,416* | *7,654* | *7,902* | *8,160* | *8,428* | *8,707* | *8,997* | *9,298* |
| *Aeronautical Yield (£/Pax)* | | | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* | *0.50* |
| | | | | | | | | | | | | | | | | | | | | |
| *WLU (k)* | - | *966* | *1,748* | *2,351* | *2,424* | *2,780* | *2,905* | *2,982* | *3,143* | *3,099* | *3,235* | *3,394* | *3,535* | *3,698* | *3,876* | *4,053* | *4,226* | *4,431* | *4,605* | *4,815* |
| *Aeronautical Yield (£/WLU)* | | *4.48* | *2.91* | *3.29* | *3.28* | *3.21* | *3.43* | *3.41* | *3.26* | *3.36* | *3.32* | *3.29* | *3.29* | *3.27* | *3.25* | *3.23* | *3.22* | *3.19* | *3.20* | *3.18* |
| | | | | | | | | | | | | | | | | | | | | |
| *Freight as % of WLU* | | *100%* | *62%* | *71%* | *72%* | *65%* | *66%* | *67%* | *69%* | *69%* | *69%* | *69%* | *69%* | *69%* | *70%* | *70%* | *70%* | *70%* | *71%* | *71%* |
| *Pax as % of WLU* | | *0%* | *38%* | *29%* | *28%* | *35%* | *34%* | *33%* | *31%* | *31%* | *31%* | *31%* | *31%* | *31%* | *30%* | *30%* | *30%* | *30%* | *29%* | *29%* |
| | | | | | | | | | | | | | | | | | | | | |
| **Pasenger Commercial net income** | **-** | **-** | **1,988** | **2,040** | **2,060** | **2,896** | **2,927** | **2,927** | **2,927** | **2,927** | **3,035** | **3,147** | **3,264** | **3,385** | **3,512** | **3,643** | **3,780** | **3,922** | **4,070** | **4,223** |
| Yield (£/Pax) | | | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| | | | | | | | | | | | | | | | | | | | | |
| **Property Income Total** | **-** | **9,774** | **10,391** | **13,577** | **19,398** | **22,168** | **22,613** | **22,811** | **22,891** | **23,477** | **23,986** | **25,050** | **25,615** | **26,384** | **27,317** | **28,143** | **29,174** | **30,082** | **30,757** | **32,024** |
| | | | | | | | | | | | | | | | | | | | | |
| **TOTAL REVENUE** | **-** | **26,456** | **32,504** | **42,838** | **49,989** | **56,279** | **59,114** | **60,529** | **62,672** | **62,789** | **64,862** | **67,538** | **69,877** | **72,393** | **75,424** | **78,151** | **81,160** | **84,302** | **87,122** | **90,620** |
| | | | | | | | | | | | | | | | | | | | | |
| **Costs (£000s)** | | | | | | | | | | | | | | | | | | | | |
| Passenger | - | - | 2,651 | 2,719 | 2,747 | 3,861 | 3,902 | 3,902 | 3,902 | 3,902 | 4,046 | 4,196 | 4,352 | 4,514 | 4,682 | 4,857 | 5,040 | 5,229 | 5,426 | 5,631 |
| Freight | 1,502 | 6,008 | 6,590 | 9,258 | 9,860 | 7,859 | 8,825 | 9,404 | 10,933 | 10,155 | 10,649 | 11,075 | 11,527 | 11,988 | 12,676 | 13,183 | 13,710 | 14,376 | 14,951 | 15,549 |
| ATS | 500 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 |
| RFFS | 500 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 |
| Operations | 188 | 750 | 902 | 980 | 987 | 1,024 | 1,035 | 1,042 | 1,056 | 1,052 | 1,064 | 1,077 | 1,088 | 1,101 | 1,114 | 1,127 | 1,139 | 1,152 | 1,164 | 1,177 |
| Maintenance | 250 | 1,000 | 1,203 | 1,306 | 1,316 | 1,365 | 1,380 | 1,389 | 1,408 | 1,403 | 1,419 | 1,436 | 1,451 | 1,468 | 1,485 | 1,502 | 1,518 | 1,537 | 1,552 | 1,569 |
| MT | 250 | 1,000 | 1,203 | 1,306 | 1,316 | 1,365 | 1,380 | 1,389 | 1,408 | 1,403 | 1,419 | 1,436 | 1,451 | 1,468 | 1,485 | 1,502 | 1,518 | 1,537 | 1,552 | 1,569 |
| Site and Freight Security | 250 | 1,000 | 1,203 | 1,306 | 1,316 | 1,365 | 1,380 | 1,389 | 1,408 | 1,403 | 1,419 | 1,436 | 1,451 | 1,468 | 1,485 | 1,502 | 1,518 | 1,537 | 1,552 | 1,569 |
| **Operations TOTAL** | **3,439** | **13,758** | **17,752** | **20,876** | **21,543** | **20,838** | **21,903** | **22,516** | **24,116** | **23,319** | **24,015** | **24,656** | **25,320** | **26,006** | **26,928** | **27,673** | **28,443** | **29,368** | **30,196** | **31,066** |
| | | | | | | | | | | | | | | | | | | | | |
| **Overheads TOTAL** | **6,200** | **6,200** | **6,865** | **7,794** | **7,824** | **7,967** | **8,587** | **8,614** | **8,694** | **8,680** | **8,725** | **8,799** | **8,842** | **8,917** | **8,967** | **9,015** | **9,086** | **9,137** | **9,208** | **9,257** |
| | | | | | | | | | | | | | | | | | | | | |
| **EBITDA** | **(9,639)** | **6,498** | **7,887** | **14,168** | **20,622** | **27,475** | **28,624** | **29,400** | **29,862** | **30,790** | **32,123** | **34,083** | **35,716** | **37,471** | **39,530** | **41,463** | **43,631** | **45,797** | **47,718** | **50,297** |
| *Margin* | | *2%* | *7%* | *24%* | *25%* | *36%* | *38%* | *38%* | *37%* | *39%* | *40%* | *41%* | *42%* | *44%* | *45%* | *46%* | *47%* | *48%* | *48%* | *49%* |

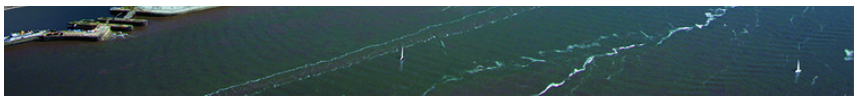
# Appendix C

Press Release, Peel L&P
Re: Doncaster Sheffield Solar Farm

# Doncaster Sheffield Airport to slash emissions with £2m solar farm

July 2, 2019





The Aviation Minister Baroness Vere visited Doncaster Sheffield Airport (DSA) as its investors the Peel Group today (Monday 1 July) announced plans to build a £2m solar farm which will generate 25% of the airport's energy and drastically reduce its carbon footprint.

Peel Energy is to develop, construct, own and operate the solar farm which is due to be operational in 2020 and will provide 1.7 MWp of zero carbon energy, saving 220 tonnes of carbon every year – the equivalent of boiling 2.2m kettles every year.

The development is a key part of the Airport's 20-year Masterplan which sees passenger's numbers soar to 1.45m this year and forecasted by the airport to double within the next 5 years, consistent with its market breaking growth over the past five years in excess of 75%.

The Aviation Minister was also there to witness the Airport sign up to the Women in Aviation and Aerospace Charter which makes a commitment to building a more balanced and fair industry for women. This follows the launch of the airport's Bright Futures schools engagement programme that aims to inspire children, particularly girls, to consider a career in aviation.

Aviation minister Baroness Vere said:

"To bring about real change in transport, we need to do things differently. From decreasing carbon emissions at airports to increasing female representation, the aviation industry is acting now to safeguard our future.

"Today's investment shows that airports are finding practical ways to become cleaner and greener, and Doncaster Sheffield's commitment to the women in aviation charter is another vote of confidence in our work to build a fairer sector for all."

On her visit to the airport the Minister viewed the economic project being delivered at DSA. Through both aviation and rail DSA is the catalyst to deliver thousands of new jobs, housing, advanced

We are pleased that the Aviation Minister recognises our position as a key part of the solution for the UK's aviation needs and as a growth driver for the economy. We are committed to our part in delivering the opportunity here around DSA which with the right support from government can start making an impact on people in the North lives now, not years away.

"Our other announcements made today are vitally important for our sustainable future, reducing our carbon emissions alongside our airlines and further committing to women in aviation – both crucial for the long term and central to our values."



Newer / Older

## Contact us

**For queries relating to Peel Energy:**

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**Or write to us at:**
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Peel Energy Limited | Company No.6335364 | Registered in England & Wales

The Peel Energy Biodiversity Policy can be downloaded here.

# Appendix D

Irish Times, 11/2/19
Re: Arklow Shipping

# Wicklow shipping company 'had no contract' with UK no-deal Brexit firm

Arklow Shipping had numerous talks about ferry service but had 'no formal agreement'

Mon, Feb 11, 2019, 13:19 | Updated: Mon, Feb 11, 2019, 14:38

**Simon Carswell** Public Affairs Editor

An Irish shipping business that the UK government claimed pulled support from a company contracted to provide ferries in the event of a no-deal Brexit had "no contractual agreement" with the firm, a well-placed source has said.

The British Department of Transport said it had decided to cancel a contract with Seaborne Freight to provide additional ferries across the English Channel to ease post-Brexit pressure on Dover after Arklow Shipping, which it described as the company's "backer", decided to "step back from the deal."

The awarding of the £13.8 million (€15.7 million) contract to Seaborne to run ferries from Ramsgate in England to Ostend in Belgium caused a storm of controversy when it emerged that the company had no ships and that the terms and conditions on its website appeared borrowed from a food delivery firm.

The Co Wicklow firm declined to comment on the department's statement when contacted by *The Irish Times*. However, a source close to the firm said that while it had discussions with Seaborne about providing ships, it was never "a backer" or had "any formal agreement" with Seaborne, nor was it "a contract partner."

Arklow Shipping, a long-established shipping business owned by the Tyrell family, "stepped away" from further talks with Seaborne "for commercial reasons," said a source with knowledge of the firm's dealings with Seaborne.

Arklow Shipping owns and operates a fleet of 55 dry bulk vessels from two bases, its home base in Co Wicklow and Rotterdam in the Netherlands.

The company's managing director James A Tyrell wrote to UK transport secretary Chris Grayling last month, saying the firm had talks with Seaborne over the previous 12 months. He said it intended to finance the purchase two vessels to operate a route between Ramsgate and Ostend and to buy a stake in Seaborne.

RELATED

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The letter, sent by Mr Tyrell to Mr Grayling on January 18th, was published on social media on Saturday after the UK department released its statement.

"I consider that Seaborne's plans to deliver a new service to facilitate trade following from the UK's departure from the EU are both viable and deliverable," Mr Tyrell told the British secretary in his letter.

"I will be working closely with the team at Seaborne to ensure that they have appropriate support from Arklow Shipping to deliver on their commitments to Her Majesty's Government."

The source with knowledge of Arklow's dealings said that it had "numerous discussions" with Seaborne but that the firm "never came to any formal agreement."

It was now "puzzled and a bit annoyed" for being blamed for the cancellation of the contract and believed the matter had been "blown out of proportion," the source said.

The company is also said to have reacted with surprise at pro-Brexit Conservative MP Jacob Rees-Mogg questioning whether the Irish Government encouraged the Wicklow firm to withdraw its support.

Minister of State for European Affairs Helen McEntee said over the weekend there was “absolutely no truth” to Mr Rees-Mogg’s claim.

Arklow Shipping has had no contact with the Government, said the source.

The cancellation of the contract has led to calls from both Conservative and Labour MP for Mr Grayling to step down as transport secretary amid increasing concern within British business community that the UK is not prepared for a no-deal scenario with 46 days until Britain is due to leave the EU.

The Conservative MP and former business minister Anna Soubry said Mr Grayling “should be quietly considering his position.”

Labour MP Andy McDonald, the UK’s shadow transport secretary, called on Mr Grayling to resign. “While Theresa May needs the few friends she has right now, we cannot have this incompetent transport secretary heaping humiliation after humiliation on our country. He has to go,” he said.


## READ MORE

- EC staff in Northern Ireland taking low-key approach to leaving
- Brexit Day: ‘Our time has come’ – what the UK papers say
- ‘Whatever Brexit turns out to be, we have to be ready to work and succeed’
- The Irish Border signs off Twitter: ‘It feels like I won the battle and lost the war’
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Brexit

Deal or No Deal: countdown to Brexit continues as the deadline for crashing out of Europe fast approaches. See more here.





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**BY EMAIL:**
ManstonAirport@planninginspectorate.gov.uk

31 January 2020

Dear Sir

**REQUEST FOR COMMENTS AND FURTHER INFORMATION**

We write in response to the Secretary of State's Request for Comments and Further Information of 17 January 2020 specifically at Paragraph 15.

> "15. The Secretary of State seeks the views of the Applicant, Thanet District Council (who would have responsibility under any made DCO of discharging such a Requirement) and other Interested Parties in relation to the definition of "airport related" in article 2 for inclusion in any DCO that might be granted in due course. This would read: ""*airport-related" development means development directly related to and required to support operations at Manston Airport including, but not limited to freight distribution centres, including freight forwarding and temporary storage facilities*."

1. Five10Twelve Limited is an Interested Party.
2. Section 115(1) of the PA2008 is clear that there are only two categories of development for which development consent may be granted. These are (a) development for which development consent is required, or (b) associated development.
3. Under the PA2008, only development that has the requisite effect referred to in section 23(5)(b) which is "*to increase by at least 10,000 per year the number of air transport movements of air cargo movements for which the airport is capable of providing air cargo services*" could be classified as the principal development.
4. Any development that does not have this requisite effect is therefore not part of the principal development.
5. We respectfully reiterate that the list of the NSIP Development Works (1-11 and 13) does not comply with the requirements of Section 23(5)(b) of the PA2008.
6. We respectfully remind the Secretary of State for Transport that as stated in the April 2013 Department for Communities and Local Government Guidance, associated development "***requires a direct relationship between associated development and the principal development***".[1]
7. Further, the Applicant must ensure that **the impacts of all relevant development are assessed, including any associated development**[2].
8. In addition, the DCLG Guidance states the Applicant should ensure that there is **sufficient information to deal with any relevant European environmental requirements**[3].
9. The Applicant has not:
   (a) provided a definitive list of associated development
   (b) ensured that the impacts of any associated development are assessed; and
   (c) provided sufficient information to deal with any relevant European environmental requirements.
10. Therefore under the DCLG guidance the definition of "airport related" in article 2 for inclusion in any DCO that might be granted in due course simply cannot be a wide shopping list of unquantified, unspecified, unmeasured and unassessed associated developments.

---

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf

2 *Ibid*

3 Principally under the Environmental Impact Assessment Directive (85/337/EC), the Habitats Directive (92/43/EEC) and the legislation transposing the requirements of those directives.

11. The definition of airport related development be amended as follows:

""*airport-related" development means development directly related to and required to support operations at Manston Airport including, but not limited to freight distribution centres, including freight forwarding and temporary storage facilities* . ***It does not include any development that has not been cumulatively environmentally assessed ".***

Yours faithfully

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31 January 2020

Dear Sir

**REQUEST FOR COMMENTS AND FURTHER INFORMATION**

We write in response to the Secretary of State's Request for Comments and Further Information of 17 January 2020 specifically at Paragraph 14.

> "14. The Secretary of State invites the Applicant and other Interested Parties to comment on revised wording in relation to requirement 19 (airport-related commercial facilities) for inclusion in any DCO that might be granted in due course: "*Works Nos 15,16 and 17 must only be developed and used where the local planning authority has agreed in writing that those works have a direct relationship to and support the operation of Works Nos. 1 to 11 and 13*"."

1. Five10Twelve Limited is an Interested Party.
2. Thanet District Council's ("TDC") Local Impact Report at Section 4.2 confirms the adequacy of allocated employment land at Manston Business Park, which the Applicant recognise has suffered from slow take up despite its proximity to the airport and its flag ship status. TDC's Local Impact Report (paragraph 4.2.5) confirms that TDC does not believe that the Applicant has justified its proposals for commercial development on the Northern Grass Land, particularly when TDC has made adequate provision for employment development elsewhere.
3. The most recent TDC Draft Local Plan Sustainability Appraisal Addendum Report of 3 October 2019[1] maintains TDC's position.
4. As you will be aware, any airport development which would lead to an increase of carbon (and other GHGs) emissions must be rigorously scrutinised. The Airports Commission identified four key areas relevant to the assessment of the carbon impact of airport expansion:
    a. increased airport capacity leading to a net change in air travel;
    b. airside ground movements and airport operations;
    c. changes in non-aviation transport patterns brought about by a scheme's surface access strategy; and
    d. **construction of new facilities** and surface access infrastructure[2] (emphasis added).
5. There is likely to be significant increase of carbon (and other GHGs) emissions arising from the construction of new facilities known as Works Nos 15,16 and 17 (if built) and surface access infrastructure.
6. The extraordinary scale of the Applicant's proposed business park will have far-reaching environmental consequences and if the new facilities known as Works Nos 15,16 and 17 are to be included in any DCO that might be granted in due course the **environmental implications must also be assessed and rigorously scrutinised as part of this DCO**.
7. The Applicant has failed to satisfactorily quantify the increase of carbon (and other GHGs) emissions from the new facilities known as Works Nos 15,16 and 17 .
8. The Applicant has failed to satisfactorily demonstrate that the new facilities known as Works Nos 15,16 and 17 (if built) would not have a material impact on the Government's

[1] https://www.thanet.gov.uk/wp-content/uploads/2019/10/SA-Report_Final-issue_20191003.pdf
[2] Airports Commission, *Final Report* (dated July 2015)

ability to meet the Net Zero target, and therefore, the new facilities known as Works Nos 15,16 and 17 cannot be included in any DCO that might be granted.

Yours faithfully