

# GALBA

Group for Action on Leeds Bradford Airport

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3 February 2021

Dear Mr Feeney and Ms Cunningham

## **Objection to Planning Application 20/02559/FU**

This is an updated objection made by Group for Action on Leeds Bradford Airport (GALBA) to planning application 20/02559/FU, by Leeds Bradford Airport (LBA). The website for the application records that comments must be submitted by 4 February 2021. We understood that meant that our updated objection could be provided by that date and would be taken into account in the determination of the application.

We repeatedly wrote to you to ask when the application would be determined, or if there was even any broad indication of when the Plans Panel would consider the application, particularly as further documents from the Council and LBA kept being added to the planning portal, meaning further matters needed to be added to our updated objection. We wrote most recently on 14 January 2021. On 19 January 2020 you wrote: "The LBA planning application is still under consideration and although some dates have been suggested, I am not in a position to confirm, when the item will be considered at Panel."

Yesterday the portal was updated to show the Committee Date as 11 February 2021. Given the date for comments to be submitted is 4 February, we do not see how those comments (including ours, which has been submitted before that deadline) can properly be taken into account by officers in their report to the Plans Panel. This is very disappointing, and was wholly avoidable.

Our updated objection raises serious and cogent matters and we ask that these be fully taken into account in the Officer's Report and in your recommendation on whether to grant planning permission for the proposal.

Our main objection was made on 20 July 2020, with a small amendment on 29 July 2020. The points we made in that objection still stand – this simply updates our objection in light of further information provided by LBA and by the Council and the release by the Climate Change Committee of the Sixth Carbon Budget.

GALBA's overall objection remains that the application does not comply with the development plan, in particular policy SP12, because the proposal will have unacceptable adverse environmental impacts (in particular greenhouse gas impacts) and local impacts (in particular, climate change, the resultant negative impacts on people and communities from that change, public health impacts and other impacts arising from noise, traffic etc). Material considerations under the National Planning Policy Framework (NPPF) also weigh against planning permission being granted – in particular the proposed development does not comply with paragraph 148 because it fails to contribute to radical reductions in greenhouse gas (GHG) emissions. The claimed economic benefits of the development have been overstated and are not a sufficiently strong material consideration to overcome the lack of compliance with the development plan.

GALBA also objects because of serious flaws in the Environmental Statement (ES), which mean that it would actually amount to an error of law for the Council to consider LBA's application on the basis of the current ES.

For ease, we have set out this updated objection to follow the same structure as the objection on 20 July 2020, but with a new topic, NOTAM, added:

1. Legal flaw in the Environmental Statement;
2. (a) Application effectively for increased passenger numbers;  
(b) NOTAM (a "NOTAM" is an aviation notice);
3. Greenhouse gas (GHG) impact and climate change;
4. Noise impact (and see Appendix 1 to this objection);
5. Surface access and local transport impact;
6. Public health impact;
7. Overall impacts on the local community – human rights obligations;
8. Overestimation of economic benefit;
9. The "fallback" position;
10. Lack of compliance with the Development Plan;
11. Overall Planning Balance.

As before, GALBA has focused its objection on these areas, in order to make it manageable and to be of most assistance to the planning officers and members of the Plans Panel. This means we have not been able to include in this objection all of the concerns that the local community has, and will raise, about the proposed development. We nevertheless support those concerns and urge the Council to take them into account.

#### 1. Legal Flaw in the Environmental Statement - Updated

On 22 September 2020, GALBA's barrister wrote an urgent legal letter to you, setting out why there were patent defects in the Environmental Statement ("ES"), based on the independent expert analysis of the Socio-Economic environmental information and some of the Climate Change information detailed in a Report by the New Economics Foundation ("NEF Report"), dated September 2020. The letter set out that the ES failed to carry out a cumulative assessment of GHG Impacts of regional airport expansion and it failed to assess the socio-economic impacts over the wider region or at UK level. Without this information, the ES does not comply with the legal obligations in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is not a proper ES. The letter set out why it would be unlawful for the Council to consider LBA's application without a proper ES.

In November 2020, the Council published an "Economic Peer Review" by Volterra of the NEF Report. This review did not address the failure to conduct a cumulative impact assessment. It also did not review the failure to assess socio-economic impacts over the wider region or at UK level, but side-stepped the issue. NEF responded in December 2020 ("NEF Response" – note, not a document commissioned by GALBA but instead produced independently by NEF). This explained again why a wider study area was required to capture the behavioural responses of people living in LBA's catchment area (see pg 15), drawing on the Department for Transport's guidance on transport scheme appraisal. Neither the Council nor LBA has otherwise responded to the legal flaws in the ES.

The legal flaws in the ES mean any grant of planning permission would be tainted with unlawfulness. So GALBA asks the Council to refuse to grant planning permission. LBA has failed to provide the information that the Council, by law, must have so it can consider properly the environmental impacts of the proposed development.

#### 2. (a) The Application is Effectively for Increased Passenger Numbers

See GALBA's objection made on 20 July 2020, setting out why the application is effectively for increased passenger numbers because LBA says it cannot increase to 7mppa by 2030 without the development. We understand the Council accepts that LBA does not have permission to increase to 7 mppa unless the current application is approved.

## 2. (b) NOTAM

On 9 November 2020, we sent you a further legal letter which drew your attention to the additional error permeating the ES i.e., that the 'without development' scenario is premised on a fundamentally untenable interpretation of the operative planning permission (P/07/02208/FU) and the related aviation notice, UK NOTAM S45/1993 ("NOTAM"). This is a really serious error, because it means the 'without development' scenario significantly overestimates the current permitted impacts, meaning that the ES significantly underestimates the impacts of the proposal. This is not a minor error.

It would appear that following the GALBA letter, the Council required further information from LBA, which has led to the production of two Further Information Reports (refs: 3542796; 3542799). There is however nothing in these reports that adequately addresses the concerns raised by GALBA.

First, LBA's interpretation of the relevant conditions, including the NOTAM, is simply unarguable in light of the plain meaning of the relevant words used – as previously set out in the legal letter. Second, LBA's attempted justification that the original assessments in the ES remain unaffected even if one assumes the alternative (and we say, correct) interpretation, is entirely unevidenced. LBA has provided little more than broad brush assertions about the "slightly lower" without development scenario. Where minimal figures are provided, these are difficult to digest and provide an incomplete (and thus possibly misleading) picture. Third, LBA's throwaway statement that modern aircraft have operated at night-time in significant numbers for over a period of 10 years is similarly unevidenced, such that no weight can be placed on this assertion.

See also GALBA's objection made on 27 January 2021 which sets out further issues with the new reports.

Accordingly, it remains the case that it would be unlawful and irrational for the Council to determine this application in the absence of a properly re-assessed ES.

## 3. Greenhouse gas (GHG) impact and climate change - updated

### (a) *Climate Change Impact Cannot be Ignored or Left to Central Government*

GALBA's objection made on 20 July 2020 sets out why climate change is a material consideration in all planning decisions.

GALBA is very concerned that the Council and the Plans Panel is taking the wrong approach to the climate change issue. LBA has stated that climate change and GHG emissions are matters for national government, not for the Council (see eg paragraph 5.106 of LBA's Planning Report; and Ecolyse's Climate Change Response to LCC's Position Statement). That is fundamentally incorrect.

On 15 October 2020, GALBA provided a detailed legal advice to the Council, as well as a plain language summary to the Plans Panel, setting out why the Council cannot lawfully ignore the climate change impact of the proposal, or just assume that the impact can be accommodated (for example, by assuming that national carbon budgets can absorb any extra emissions; or by assuming any international carbon reduction schemes will reduce or neutralise extra emissions). If the Council made these assumptions, it would be doing the opposite of what regulations 3, 4 and 26 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 ("the EIA Regulations") require. Ignoring the climate change impact would also fail to understand the Council's own policy SP12 and paragraph 148 of the NPPF. It is therefore crucial for the Council to understand the true scale of the GHG impact and also the true nature of the impact.

*(b) The ES Underestimates the Scale and Nature of the GHG Impact, so the Council Must Make its Decision Based on the GHG Impact Calculated by the Leeds Academics*

In the July 2020 Objection we set out why LBA's ES was an underestimation of the scale and of the nature of the GHG impact. All those reasons still hold.

It is important to note the independent technical review of the Planning Application conducted by WSP, a global expert planning and environmental consultancy, who the Council engaged. **WSP came to many of the same conclusions as GALBA about why the ES underestimated the GHG impact.** WSP concluded in its September 2020 report, that the failure to include emissions from inbound flights and the failure to include radiative forcing mean that the ES provided "a significant under-estimate in terms of a 'reasonable worst case' scenario" (para 3.2.2). The WSP review states:

"Together, the above elements would lead to a very much higher estimate of emissions from aircraft movements resulting from the proposed development **(in the order of 4 times** the total emissions presented)" (emphasis added).

WSP also flagged that the GHG chapter in the ES only gives the "cumulative" emissions from 2024-2030. But the lifespan of the proposed development is much longer – 60 years at least.

The council asked for a cumulative assessment over that longer period, but LBA did not provide it. Other regional airports have made this sort of cumulative assessment: Southampton considered a 120 year lifespan; Luton considered up to 2050. The WSP review strongly criticised the lack of a proper cumulative assessment by LBA (see Appendix B under “Scope – Temporal”). LBA just gives just a “high level scenario” up to 2050 in paragraph 7.3.19 of the Environmental Statement, with minimal information for 2050.

The Council cannot ignore the WSP independent technical review. Nor does the 1½ page note produced by Ecolyse in October 2020, on behalf of LBA, actually answer WSP’s criticisms. So it does not give the Council a cogent reason to prefer LBA’s assessment and dismiss WSP’s independent review. It simply re-asserts LBA’s previous justifications, without engaging with WSP’s reasons for taking a different view. And, in a very disingenuous way, Ecolyse suggests that WSP accepted the ES as “largely sound” when WSP clearly considered that the GHG emissions chapter underestimated GHG emissions by a factor of four and failed to produce the necessary cumulative assessment over the lifetime of the development. Clearly WSP did not consider either the methodology or the conclusions on GHG emission to be sound.

On the GHG emission from arrival flights, Ecolyse simply asserts that this is justified to prevent double-counting, but fails to engage with the key point: these are new flights which would not exist without the proposed development. There is thus no double-counting. The Ecolyse response also does not engage with the fact that LBA’s approach misapplies a corporate accounting approach for existing flights to EIA for new flights, contrary to the EIA Regulations, which require all direct and indirect impacts of the development to be assessed.

Ecolyse also simply reassert LBA’s position on radiative forcing – this issue is dealt with in more detail below. Finally, Ecolyse ignores WSP’s criticism of the lack of a cumulative assessment of emissions over the 60 year lifespan of the development, so that serious criticism has gone completely unanswered.

As we have already said, the Council cannot ignore the WSP independent technical review. It cannot ignore the issues raised by GALBA. We note with concern that, in a “Subject briefing Note for City Plans Panel members” (10 August 2020), prepared by Richard Crowther, and in the Position Statement on the application (25 September 2020), prepared by Carol Cunningham, the wrong approach is taken. They suggest that the disagreement about how to calculate GHG impact does not matter because there will be a significant adverse effect regardless of how the emissions are assessed. But when the officers and the Plans Panel weigh up in the planning balance the environmental harms vs any benefits, the

Plans Panel has to know the extent or magnitude of the harm to know what weight to give it. If the true extent of the harm is four times more than LBA say, or even greater than that, then that is highly relevant to whether any economic benefits outweigh the harm. Every additional tonne of greenhouse gas emitted has a monetary impact, as well as a human one.

The Council has to confront the fact that the ES is deeply flawed. It cannot properly use the calculations made by LBA in the ES or just assume the flaws don't matter. Rather, the Council must use the robust environmental information that has been provided to it: the calculations undertaken by the Leeds Academics Prof Steinberger, Professor Chatterton, Dr Finney and Mr Vogel in their objection. They do the cumulative assessment over the 60-year period 2024—2084, taking into account all the relevant sources of emissions. They conclude that cumulative GHG emissions would be 52.9 Mt CO<sub>2</sub>e in the with-development case; and 30.4 Mt CO<sub>2</sub>e in the without-development case. The net effect of the development over that period would thus be 22.5 Mt CO<sub>2</sub>e. Emissions from the airport until 2084 would thus, alone, exceed the entire carbon budget for the whole of Leeds. These figures present a proper and realistic worst case scenario, which is what the Council is required to consider.

If the Council does not do this, but instead relies on the ES Chapter on GHG, the Council would be falling into legal error because of the failures to quantify and assess important impacts.

When the true GHG impacts are understood, it is clear that:

- (a) the proposal is incompatible with the goal for Leeds to reach net-zero by 2030;
- (b) over the period 2024—2050 the development would mean the airport, alone, would use up the equivalent of 75% of the total carbon budget for the whole of Leeds
- (c) over a 60 year period, emissions from the airport would, alone, exceed the entire carbon budget for the whole of Leeds. So the proposal is entirely incompatible with both Leeds' and the UK's net zero obligation;
- (d) the additional GHG emissions caused by the development would make it impossible for the West Yorkshire Combined Authority to meet its target of net zero by 2038 (see also GALBA's additional objection on 14 December 2020 for details).

(c) Potential "Clawback" Not Relevant and No Robust Evidence Provided

In Para 10.22 of the "Position Statement" issued in September 2020, the issue of potential "clawback" of emissions is raised. "Clawback" refers to the effect of attracting passengers to LBA who would otherwise have made a longer journey to a different airport. This is raised seemingly as a way to diminish the impact of the GHG emissions. The Council addressed "clawback" in EIA Scoping Opinion (see page 5 of LBA's Climate Change ES Chapter) and said: "If this cannot be demonstrated robustly, it is better to assume the reasonable worst case and provide a

commentary to this effect.” LBA chose not to quantify any “clawback” but instead to adopt a reasonable worst case scenario (see pg 5). LBA said:

“CAA travel data indicates that residents from West Yorkshire are travelling to Manchester Airport to complete their flights. This would indicate that With Development and a greater range of destinations from the Airport, those passengers would potentially choose to fly from the Airport reducing road journey distances and GHG emissions. This benefit is recognised, however, as proposed by LCC the assessment has adopted a reasonable worst case and not sought to quantify this saving relative to the scenario Without Development.”

This quote makes absolutely clear that **LBA chose not to rely on any potential “clawback”**, having thought about the issue. The Council asked for robust evidence of any benefits from clawback, but none has been given and there is no justification for treating the GHG impacts as less serious because of a vague notion of “potential clawback”.

(d) The Most Up to Date Guidance from the Climate Change Committee

On 9 December 2020 the Climate Change Committee (“CCC”, the independent statutory body tasked by the Climate Change Act 2008 with giving advice) published its recommendations on the Sixth UK Carbon Budget (2033-2037). The CCC published a group of reports which also set out the UK’s Pathway to Net Zero by 2050: a Main Report; a Methodology Report and a Policy Report. Sector-Summaries were also produced, which combine the relevant sector-specific information from each report.

The expert nature of the CCC’s and its independent statutory role under the Climate Change Act 2008 has been acknowledged by the Government, and all five of the previous carbon budgets have been accepted. In planning terms, the CCC’s advice on how to achieve net zero is the latest scientific evidence and is the main guidance on net zero from the relevant statutory body. The CCC’s advice, specifically about how the net zero target will be achieved, is therefore a material planning consideration relevant to the Council’s decision.

The CCC set out a number of “pathways” to achieve Net Zero, with the main advice aimed at the central or “Balanced Pathway”. The CCC explicitly addresses airport expansion and recommends “**no net expansion**” of UK airport capacity (UK Net Zero Pathway Report pg 176, emphasis added). The Aviation sector-specific report released by the CCC explains that its approach allows for 25% passenger growth by 2050, but that this growth is within current UK airport capacity – ie it does not require any airport expansion to be achieved and it does not assume that there will be any expansion (pg 11). Any airport expansion that does occur “would require capacity restrictions elsewhere in the UK (i.e. effectively a reallocation of airport capacity).” (pg 11).



The CCC's recommendations take into account:

- a. the work of the Sustainable Aviation Coalition, which is the industry body for UK aviation which has committed to a Net Zero goal by 2050;
- b. the UK Government's Ten Point Plan for a Green Industrial Revolution and support for technological developments in aviation;
- c. the potential for technological developments in sustainable aviation fuel and zero-emission aircraft.

The CCC's detailed research into these measures shows that, even if commercialised, they will not be able to achieve the requisite emissions reductions by 2050. This is why demand management is crucial to achieving Net Zero.

On 15 December 2020, Dr David Joffe, the CCC's Head of Carbon Budgets, answered questions about the CCC's reports concerning aviation. When explaining the concept of "no net expansion of airports", he said:

"No net expansion means either no expansion [of airports], or expansion in one part of the country has to be balanced by other parts of the country. Clearly the most high-profile potential increase in capacity is in the south-east, and if that expansion of capacity goes ahead, then that means not only no expansion of regional airports, but that some of them would have to restrict flights or would have to close. There's just no scope for ever-increasing airport expansion to be compatible with our climate target."

Applying this to the current application, the Council has before it information that shows that the proposed development is not in line with the requirements of net zero, locally, regionally or nationally. It is certainly not in line with what the CCC's guidance shows is required for the aviation sector between now and 2030 or between now and 2050.

One further matter from the CCC's Net Zero Pathway Report must be addressed: **non-CO<sub>2</sub> emissions and radiative forcing**. There is consensus that aviation produces a range of non-CO<sub>2</sub> pollutants that affect the climate in different ways and which, overall, contribute to warming of the climate. In particular, contrails have a warming effect. The non-CO<sub>2</sub> effects will generally dissipate, in contrast to the CO<sub>2</sub> emissions, which persist in the atmosphere for centuries into the future (Net Zero Pathway Report pg 374). While the CCC's advice is that these non-CO<sub>2</sub> effects should currently not be accounted for in the UK's carbon budgets, because it is challenging to aggregate their effects accurately, the CCC has advised that the UK should report annual best estimates of the impacts of these non-CO<sub>2</sub> effects as "they are a significant part of aviation's impact on the climate" (pg 374).

The CCC's advice does not justify exclusion of non-CO<sub>2</sub> effects from assessment of the climate change impact of the development. The CCC recognised that they should be reported because they are a significant part of aviation's impact on the climate.

This impact is relevant to planning decision-making. GALBA made a short objection on 23 December 2020 about climate change, and highlighted what WSP correctly said about the difference between advice given for inclusion of matters within national targets and the requirements of producing an EIA under the EIA Regulations 2017.

There is a really key point on environmental impact assessment: **There does not have to be scientific consensus on methodology before an effect which is acknowledged to be harmful is assessed via EIA.** This is reflected in the precautionary principle, that scientific uncertainty is not a reason for excluding something even if it cannot be precisely quantified. The operation of this principle is particularly important when a specific Proposed Development is being subject to impact assessment (as opposed, for example, to the type of Strategic Impact Assessment of a plan or policy which was at issue in the Heathrow Supreme Court decision). Ecolyse, in its October 2020 response to WSP, fails completely to engage with the precautionary principle. At the very least, in order not to underestimate the climate change impact of the proposed development by ignoring an acknowledged source of emissions that worsen global warming, the ES should have engaged with that recent scientific knowledge and should have given a general quantification of the non-CO<sub>2</sub> effects of the Proposed Development.

(e) International Aviation and CORSIA

The position on international aviation and climate change has changed significantly in light of the CCC's Net Zero Pathway Report. The "headroom" previously given to international aviation in 2050 was 37.5 MtCO<sub>2</sub>e. This is no longer a robust assumption. The Net Zero Pathway Report allows for 23 MtCO<sub>2</sub>e/year by 2050 for all aviation emissions (domestic; international and military). This is yet another reason why the proposal will make it very difficult for the UK to meet its net zero obligations.

The Position Statement from September 2020 dismisses the carbon impact from international aviation on the basis that will be "dealt with via CORSIA". This is wrong. The CCC's advice has consistently been, and remains, that credits within CORSIA should not be used to meet the UK carbon budgets. CORSIA has not yet started to operate. It is due to begin in 2021 and only to be mandatory from 2027, but to stop in 2035. The CCC sets out why **CORSIA is not currently compatible with the UK's net zero commitment** and the extensive changes that would have to be made to the scheme for it to be considered compatible (Net Zero Pathway Advice Report pg 425; see also the previous Net Zero Report,

May 2019, pgs 47 and 116, which stated CORSIA is not compatible with achieving net zero). This is the most up to date expert information on CORSIA. It would not be rational for the Council to ignore it or to rely on CORSIA in the face of the CCC's Report).

#### 4. Noise Impact

See GALBA's objection made on 20 July 2020 (as amended on 29 July 2020), which sets out why the proposal's noise impact does not comply with policy SP12 or national policy. See also GALBA's objection on 23 December 2020, responding to the Noise narrative and the information referred to above concerning the NOTAM.

#### 5. Surface Access and Local Highways Impact

GALBA supports the objections made by the North West Leeds Transport Forum. Surface access is a key concern of Policy SP12 and the proposal does not comply with that policy because of the surface access and highways impacts.

#### 6. Public health impact

GALBA's objection of 20 July 2020 highlights that LBA accepts that the proposed development will have negative public health impacts and wrongly seeks to avoid those impacts by focusing on the positive health impacts related to "job creation and local investment over a wide area."<sup>1</sup> In effect, LBA's position is that health and wellbeing effects are beneficial because the positive impacts of economic benefits outweigh the admitted negative health impacts. In light of the NEF Report and the NEF Response, setting out how the economic benefits have been overestimated and economic disbenefits ignored, the health benefits of the proposed development will necessarily diminish.

The Council's own Director of Public Health considers that noise from the development will have an adverse impact on health, both in terms of daytime wellbeing and night-time sleep (not a view changed by LBA's response) and that the mitigation scheme may increase inequalities. Further, the Director of Public Health highlights that "health effects of climate change locally and globally cannot be ignored. The development represents a significant increase in CO2 production, with no guarantee of improved aircraft design, particularly in light of the current Covid 19 crisis and likely recession." (para 5.12 of July 2020 consultation response). That view was also not withdrawn in light of LBA's response, although the clarity on mitigation and cumulative emissions was welcomed.

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<sup>1</sup> 'Planning Report' paragraph 8.108.

In light of all these matters, public health should weigh against the grant of planning permission, not in favour.

#### 7. Overall impacts on the local community – human rights obligations

GALBA's 20 July 2020 objection set out the human rights obligations on the Council and why those obligations mean that the Council should refuse permission. All those points still stand. Plus, on the issues that we raised about inequality and Article 14, it is notable that the CCC's work backs up our objection. The CCC recognises the social justice issue and also quoted the figures that we used in our objection: just 15% of the UK population take 70% of all flights; highly correlated with income, and 52% of people do not fly.<sup>2</sup> These figures include domestic flights.

#### 8. Overestimation of economic benefit

GALBA's 20 July 2020 objection set out why LBA had overestimated the economic benefits of the proposal because it ignored the impact of COVID-19. The Council asked LBA for further information under regulation 25 of the EIA Regulations and LBA produced a Further Information Report (July 2020). GALBA submitted a consultation response on 22 September 2020. To do this, we obtained the assistance of the New Economics Foundation (NEF), which has a long track record in transport infrastructure appraisal.<sup>3</sup> The NEF Report and the NEF Response to Volterra show:

- a) LBA's claims on job creation, which underpin much of the other economic benefits claimed, are an overestimation. **LBA has over-claimed the new job creation of the scheme by around 33%.** This is without taking into account the impact of COVID-19, and so in truth the over-estimate is higher.
- b) LBA has also presented a picture of economic benefit from the scheme by ignoring the two largest negative economic impacts of the scheme. First, **LBA has ignored the negative impact of outbound tourism, which will cost the Leeds City Region between £1.5 and £3.1bn over the 2024-2050 assessment period.** Note that Volterra agreed with NEF that outbound tourism cost should have been calculated. In response to Volterra's analysis, NEF conducted a more detailed calculation of outbound tourism costs, derived exclusively from official datasets, with a variety of sensitivity analyses.

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<sup>2</sup> See the CCC's Report "Local Authorities and the Sixth Carbon Budget" pg 87 <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>, citing <https://fullfact.org/economy/do-15-people-take-70-flights>.

<sup>3</sup> NEF's recent projects include acting as independent reviewer of the climate change aspects of the proposal to expand Southampton Airport (for Eastleigh Borough Council), reviewing the business case for the proposed extension to the M4 motorway (for the Future Generations Commissioner for Wales), reviewing the application to expand Bristol Airport (for CPRE), and reviewing the regional impacts of expanding Heathrow Airport (for the No Third Runway Coalition).

- c) **Second, LBA has ignored the carbon impact will cost between £432 million and £1.2bn over the 2024-2050 assessment period, and direct financial subsidies under the carbon trading system will cost between £162 million and £488 million over that period.** LBA's failure to monetise the carbon emissions produced by the proposed expansion is contrary to standard practice for transport infrastructure proposals such as this (for example, applied by the Department for Transport on the proposed Heathrow Expansion).

There are also serious methodological flaws in LBA's approach which have led to an overestimation of benefits. GALBA summarised these in our consultation response dated 22 September 2020, based on the NEF Report. The NEF Response to Volterra shows that these serious methodological flaws have not been addressed by LBA.

As a result, the Council should base its decision on the information provided by NEF, which adopts a methodology drawn from Department for Transport Guidance; which draws on official datasets and which is sensitivity tested. When this information is used, the net GDP/GVA impact of the scheme is likely strongly negative, and would be described as 'poor' when applying the Department for Transport's Value for Money Principles.<sup>4</sup> NEF's Central Estimate of the net scheme impact is -£277m at the Leeds City Region level,<sup>5</sup> updated from -£239m in their original report<sup>6</sup> following peer review by Volterra.<sup>7</sup> The UK level impact is estimated at -£1.1bn, and the social welfare impact at -£883m.<sup>8</sup> The latter figure remains strongly negative even if the very significant social costs of carbon emissions are excluded. NEF highlights that these are likely under-estimates. If the carbon impact from arrivals and/or the reduced business productivity of air travel following the Coronavirus pandemic is factored into the analysis there is an even greater negative impact.

Accordingly, there are very serious negative likely impacts which will be caused by the proposed development. These negative impacts are not balanced by positive benefits.

Finally, GALBA reiterates what it said in the 20 July 2020 objection: permitting the application just locks more investment in fossil-fuel heavy infrastructure, contrary to the advice from the World Bank, the IMF and the Bank of England (see refs in 20 July 2020 objection).

## 9. The fallback position

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<sup>4</sup> DfT (2015) Value for Money Framework. Department for Transport

<sup>5</sup> NEF (2020) Response to Volterra review: Supplementary analysis on the economic case for expansion of Leeds Bradford Airport: Part Two. New Economics Foundation

<sup>6</sup> NEF (2020) Supplementary analysis of the economic case for expansion of Leeds Bradford Airport. New Economics Foundation

<sup>7</sup> Volterra (2020) Leeds Bradford Airport: Economic Peer Review. Volterra Partners, November 2020

<sup>8</sup> NEF (2020) Supplementary analysis of the economic case for expansion of Leeds Bradford Airport. New Economics Foundation

See GALBA's 20 July 2020 objection, which sets out why the consented extension is not a fallback position because LBA's own documents state that the consented extension is operationally compromised, environmentally inefficient and not sustainable. The Council would fall into legal error if it treated the consented extension as a material fallback position.

#### 10. Lack of compliance with the Development Plan

In light of all the above, and for the same reasons as set out in GALBA's objection on 20 July 2020, the proposed development does not comply with policy SP12 and so does not comply with the Development Plan. It is important to reiterate that the Development Plan does not support development of the airport at all costs. Development of the airport is not seen as so crucial that it must be supported even if there are adverse environmental effects or adverse impacts on transport and surface access.

Given that the proposed development does not comply with the development plan, planning permission should be refused unless material considerations indicate otherwise. They do not. The proposal does not gain support from the NPPF and the alleged economic benefits are not sufficient to outweigh the serious adverse impacts set out above.

#### 11. Overall Planning Balance

We set out in detail in the 20 July 2020 objection why, in planning terms, GHG impact is very important and why the development does not comply with the NPPF. These reasons all still stand, and are further supported by the matters set out above.

The Chief Planning Officer's Position Statement in September 2020 referred a number of times to the Making Best Use policy paper from June 2018 (see paras 8.32ff & para 10.16). This policy paper is not national policy (unlike the NPPF). It predates the Net Zero obligation and is based on the DfT's forecasts for growth prior to Covid-19.

The Making Best Use policy paper<sup>9</sup> says the following about applications to increase passenger movements to allow airports to make best use of existing runways (paragraph 1.26): "As part of any planning application airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy. **This policy statement does not prejudice the decision of those authorities who will be required to give proper consideration to such applications.** It instead leaves it up to local, rather than

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<sup>9</sup> <https://www.gov.uk/government/publications/aviation-strategy-making-best-use-of-existing-runways>

national government, to consider each case on its merits.” Para 1.29 says that the government: “recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. So the Making Best Use policy paper does not actually support LBA’s planning application. It is neutral and leaves it completely up to the Council to determine the application, taking into account local impacts and alleged benefits.

It is even clearer now, in light of the CCC’s Sixth Carbon Budget documents and the Net Zero Pathway Report that LBA is completely wrong to assert in its “Planning Report” that “doing nothing” will “not respond to the environmental agenda set by Leeds climate emergency” (paragraph 2.2). The opposite is true. Net zero will only be achieved if there is no net airport expansion. Refusing planning permission will prevent an additional 461,668 tonnes CO<sub>2</sub>e from being emitted between now and 2030, which is a crucial period according to the CCC. It will prevent even more additional emissions between now and 2050. In climate terms, refusing planning permission is the best approach.

Given the existential threat of climate change; the Net Zero Obligation and the urgency with which action must be taken, the GHG impacts of the proposed development must weigh very heavily against it.

Further material considerations against the proposed development are the adverse impacts from noise; the adverse transport and surface access impacts and the adverse public health impacts. The positive human rights obligations on the Council, the requirement to apply the precautionary principle and the requirements to prevent discrimination are further material considerations against the proposed development.

The key consideration that LBA relies on as a material consideration in favour of granting planning permission is the alleged economic benefit that the proposals will generate. There is now expert information from NEF, based on sound methodology and fully sensitivity tested, which sets out in detail why the economic benefits have been seriously over-estimated and the economic costs seriously underestimated.

LBA’s flawed methodology, not made good by Volterra, means that it would be irrational for the Council to accept LBA’s evidence on economic benefits or base its decision on these benefits. In the planning balance, only limited weight can be attributed to any economic benefits that will be generated by the scheme. Weight must also be attributed to the negative economic impacts of the scheme.

Accordingly, material considerations are not such that planning permission should be granted, despite lack of compliance with the development plan. GALBA therefore invites the Council to refuse planning permission.

Yours sincerely

Chris Foren (Chair) and Ian Coatman (Secretary)  
On behalf of GALBA