



# Is Net Zero Still Cool? Obstacle or opportunity for the Growth Agenda?

2pm 3<sup>rd</sup> November 2020

Cornerstone Barristers  
Planning Week 2020

# Speakers



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# Planning Week 2020



## Tuesday 3rd - 10am - **Case Law Update - Part 1**

Speakers: Ryan Kohli, Emma Dring, John Fitzsimons; Introduction: Josef Cannon – available online soon!

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Speakers: Michael Bedford QC, Estelle Dehon

## Wednesday 4th - 2pm - **Panel discussion on regeneration.**

Guest speaker: Jeremy Potter, Spatial Planning Manager, Chelmsford City Council.

Panellists: James Findlay QC and Clare Parry. Moderator: Josef Cannon

## Thursday 5th - 10am - **Case Law Update - Part 2.**

Speakers: Robin Green, Emmaline Lambert, Ben Du Feu

## Friday 6th - 10am - **Plan-making in a changing climate.**

Speakers: Wayne Beglan, Rob Williams

## Friday 6th - 2pm - **Remote events: where are we now?**

Speakers: Dr Ashley Bowes, Ruchi Parekh

# Overview



- Briefly, what is Net Zero?



- Net Zero as a potential break on development or obstacle to overcome?
- Net Zero development opportunities



# Net Zero – What Does it Mean?



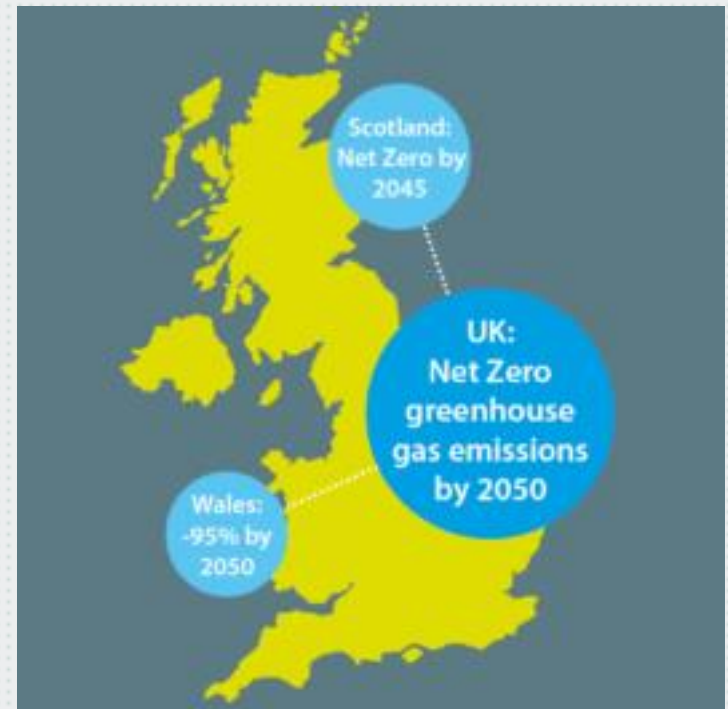
- S.1 Climate Change Act 2008 BUT as amended by the CCA 2008 (2050 Target Amendment) Order 2019 (SI 2019/1056) w.e.f. 27 June 2019.
- *“Net Zero means any emissions would be balanced by schemes to offset an equivalent amount...such as planting trees or using technology like carbon capture and storage”*

(BEIS, 27 June 2019)

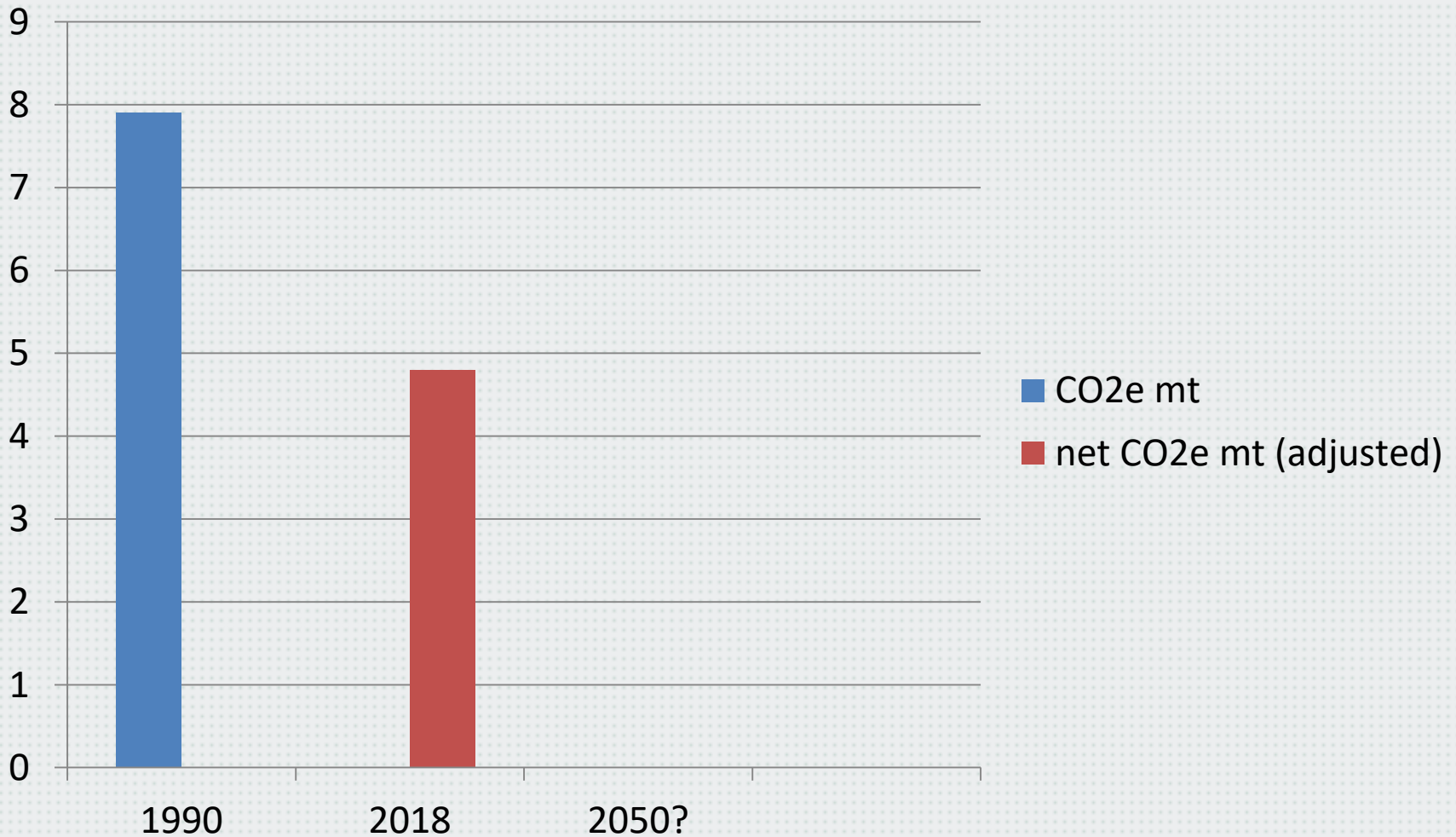
# The figures...



- 1990 baseline: 794 million tonnes of CO<sub>2</sub>e
- 2018 (most recent): 476 million tonnes  
(i.e. down by 40%)
- 2050: need to lose the other 60%



# So, how are we doing?





# But net zero is not absolute zero...



- $0 \text{ mt emissions} + 0 \text{ mt offsetting} = \text{Net } 0$
- $5 \text{ mt emissions} + (-5 \text{ mt offsetting}) = \text{Net } 0$
- $10 \text{ mt emissions} + (-10 \text{ mt offsetting}) = \text{Net } 0$

# So Net Zero can mean different things to different audiences



# The cynic's view





## Net Zero – Potential Problems for Promoters?

# Do the NPSs for NSIPs need to be reviewed to reflect Net Zero?



- Only the Geological Disposal Infrastructure NPS (October 2019) refers to the Net Zero target (and only in a footnote!)
- All other NPSs pre-date Net Zero
- Most notable for the energy NPSs (July 2011) and the national networks NPS (January 2015)
- The CA decision in Plan B Earth (27 February 2020) might suggest that is a problem
- But not according to the most recent ClientEarth case (22 May 2020), although that is subject to appeal.

# Do the NPSs need review?



Good Law Project

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## Prevent more fossil fuel developments

As we teeter on the brink of climate catastrophe it is long past time to review our energy policy.

The UK's National Policy Statements for energy developments were set out in 2011. They do not recognise, or grapple with overriding national and international climate-change commitments and targets, such as the Paris Agreement, recent IPCC reports or parliament's net zero push.

The outdated National Policy Statements mean approval to frack, or permission for new open-cast coal mines, can be forced through.

If we are to prevent more fossil-fuel projects being rubber-stamped, the government's energy policy must be brought into line with our national and international climate commitments. We have launched a [crowd-funded case](#), alongside environmentalists Dale Vince and George Monbiot, calling on the government to review the out-of-date policy that supports development of new fossil fuel projects.

Become a member and help support our work





# There *might* be a review coming



- The Good Law Project & Vince v SSBEIS JR is due to be heard (as a rolled up hearing) on 10 November 2020.
- The SoS has nudged towards a review of the Energy NPSs:
  - *“the Secretary of State has disclosed that he has **provisionally agreed to announce** a review of the Energy National Policy Statements in the Energy White Paper, and that they will not be suspended for the duration of the review”*  
(West Burton C Power Station DCO decision: 21/10/20)
- At present the Energy WP remains unpublished...

# What about non-energy NPSs?



- The CA decision in Plan B Earth (27 February 2020) might suggest that a NPS which does not take account of Net Zero is deficient (i.e. the Airports NPS).
- That CA decision has been challenged in the Supreme Court by Heathrow but not by the Govt.
- The case was heard on 7-8 October 2020.
- It was described by Lord Reed as ‘complex’ and judgment may not be until the New Year.



# What about decision making?



- For NSIPs the PA 2008 applies
- According to the most recent ClientEarth case (22 May 2020), concerning the Drax decision, as decided by Holgate J, any need to review a NPS is irrelevant at the decision making stage because of the statutory duty of review in the PA 2008.
- That decision is now subject to appeal.
- NB the position may well be different under TCPA cases.

# Lessons from recent transport decisions



- A30 Chiverton/Carland Cross (6/2/20)
- A585 Windy Harbour/Skippool (9/4/20)
- Lake Lothing Third Crossing (30/4/20)
- West Midlands RFI (4/5/20)
- A63 Castle Street, Hull (28/5/20)
- Manston Airport (9/7/20)
- A19 Downhill Lane Junction (16/7/20)
- Great Yarmouth Third River Crossing (24/9/20)
- Northampton Gateway RFI (9/10/20)



# Lessons from recent energy decisions



- Drax Power Station (4/10/19): legal challenge dismissed by High Court but appeal heard by CA on 7-8/10/20
- North Shropshire Electricity Reinforcement (20/3/20)
- Riverside Energy Park (9/4/20): legal challenge by Mayor withdrawn shortly before case due to be heard in Oct 2020
- Cleve Hill Solar Park (28/5/20)
- Norfolk Vanguard Offshore Windfarm (1/7/20): legal challenge made but not yet heard
- Immingham Open Cycle Gas Plant (7/8/20)
- West Burton C Gas Power Station (21/10/20)



# TCPA decision



- Highthorn Northumberland mineral extraction (8/9/20)



# Conclusion



- Address emissions in the application
- **But** (for the time being) Net Zero is not a hurdle at the individual project level but positive contributions may be a scheme benefit





## **Coda: Climate Change Impact in the UK**

# Skipsea: Fastest collapsing cliffs in northern Europe



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## The houses slipping into the sea: Doze will lose their properties on the fastest northwest Europe - where 10 yards of l in less than a year

- A report found 24 homes are at risk along the 80km Holderness Coast
- Members of East Riding of Yorkshire Council are set to meet in Beverle
- Report predicts that the erosion, which is likely to increase further, wil
- Jimmy Mac, 28, who lives in Skipsea, said the 'erosion's doing to this co

By [JAMES WOOD FOR MAILONLINE](#)

**PUBLISHED:** 09:48, 22 January 2020 | **UPDATED:** 18:38, 22 January 2020



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A village could lose 24 homes due to the 'devastating' effect of erosion on north west Europe - where 10 yards of land has plunged into the sea in les

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## Fastest collapsing cliffs in northern Europe leaves Yorkshire coastal homes on brink of falling into sea

Residents in Skipsea regularly wake up to find chunks of garden have dropped away as land recedes

**Colin Drury** Yorkshire | @colin\_drury | Thursday 30 January 2020 11:36



Homes on Skipsea's collapsing coastline (PA)

# Fairbourne: Sea level rise claims a village



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## LOST TO THE SEA Welsh village 'already being abandoned' as rising sea levels could see it vanish in 25 years

850 people could be forced to leave their homes

Molly Rose Pike  
27 May 2019, 0:44 | Updated: 27 May 2019, 12:31

**WATCH THE VIDEO**



Twitter Facebook 17 Comments

THIS Welsh town is being "abandoned" as rising sea levels could see it vanish in just 25 years.

Fairbourne is tipped to become the first in the UK to be relocated due to the threat of climate change, known as "decommissioning".

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## The village that's being surrendered to the sea

Rising sea levels could turn the families of Fairbourne into Britain's first climate change refugees – though not everyone is willing to leave, reports **Colin Drury**



Tuesday 28 June 2019 10:04

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NEWS

## How It Feels When Climate Change Pulls Your House Into The Sea

Happisburgh in Norfolk is the picture-perfect c

Confused.com

### Living on the edge.

A house by the coast may sound like a dream, but the prospect of your home falling into the sea is a nightmare. And for some, it may soon be a reality. Coastal erosion threatens households, industries, and infrastructure in many places around the UK.

Environment Minister Thérèse Coffey stated: "One in six people in England are already living in properties at risk of flooding". A combination of coastal erosion, rising sea levels and climate change all contribute to this nationwide issue.

Our map shows how some of the most at-risk places are set to be impacted by this creeping threat

You can also take a look at data for the [30 most at risk locations](#) to see if your home is in trouble. Find out how your home's location could affect your [house insurance](#).

**MOST AFFECTED REGION**

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**DANGER BELOW**





# Net Zero – Business Opportunities

# Net Zero & Development



# Net Zero Development



## Green Finance Institute launches the Zero Carbon Heating Taskforce

Green Finance Institute | 16th September 2020



### Major UK housebuilder commits to net zero emissions by 2040

Barratt Developments has also set a target to ensure its new house types will be net zero carbon by 2030

## Featured Passivhaus Projects



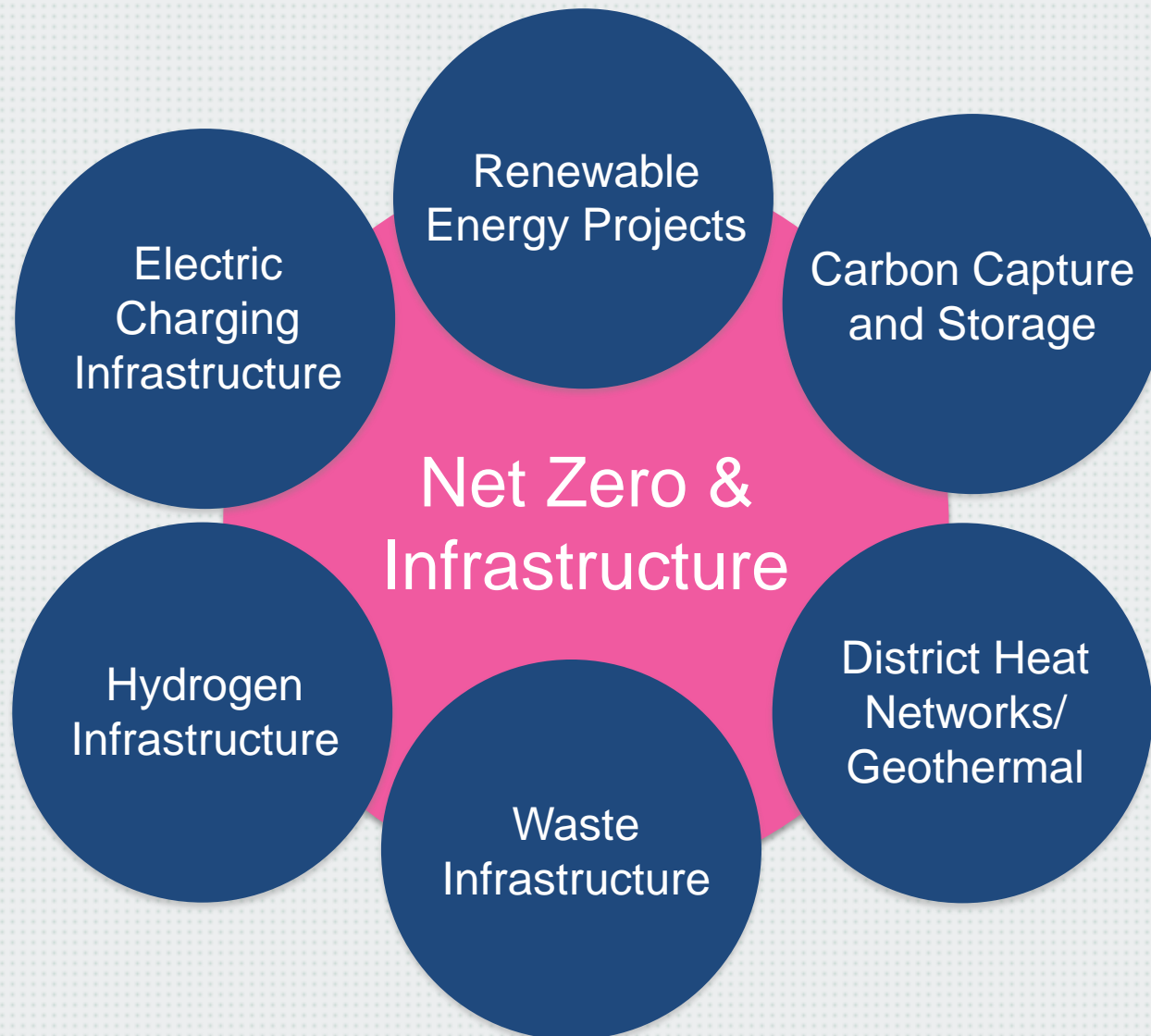
### Goldsmith Street

UK's largest residential certified Passivhaus development

The award winning and Stirling Prize nominated Goldsmith Street development for Norwich City Council, just shy of 100 Passivhaus homes that are 100% social housing, achieved Passivhaus certification in early 2019. Consisting of 93 Passivhaus homes spread across 7 blocks aligned in 4 simple rows the development on completion took the title as the UK's largest residential Passivhaus development.

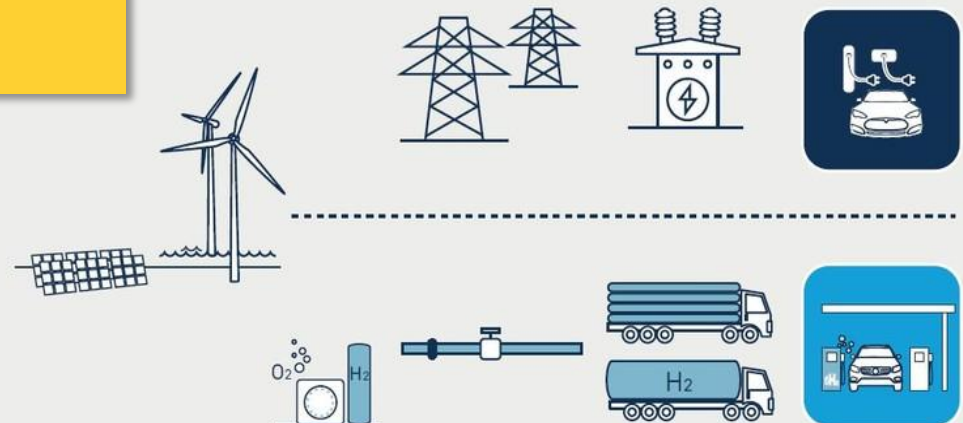
Mid Terrace, -, New build  
Project owner : Norwich City Council

# Net Zero & Infrastructure Projects





# Hydrogen Infrastructure (Plus Waste)



# Carbon Capture and Storage



 The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

## **SCOPING OPINION:**

### Proposed Teesside Cluster Carbon Capture & Usage Project

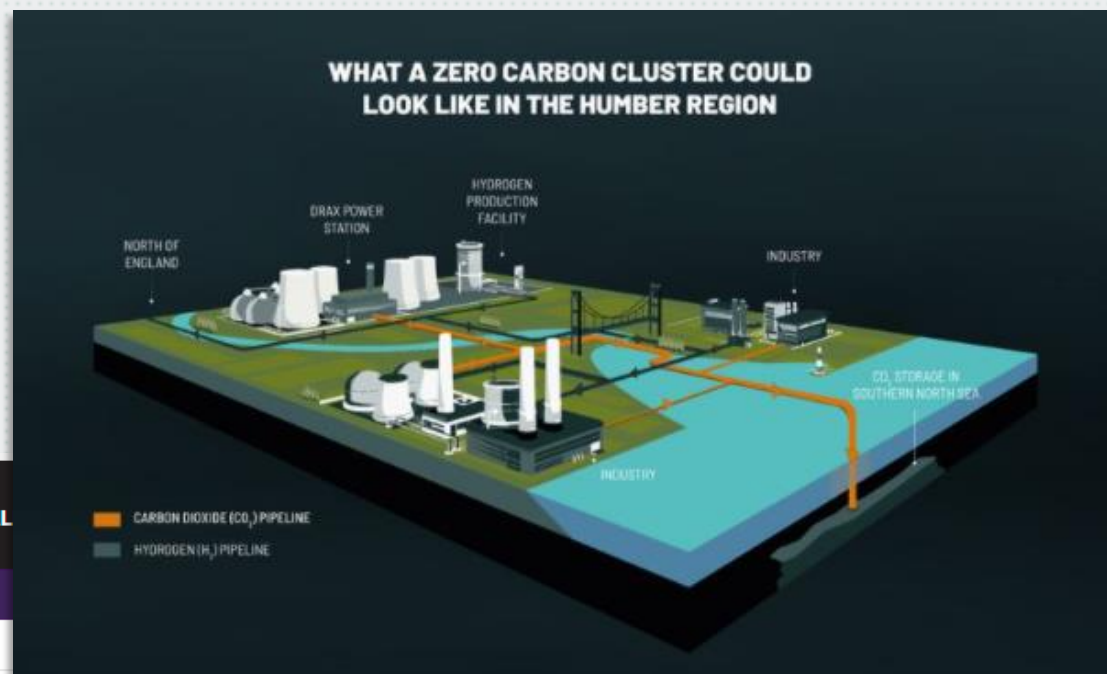
Case Reference: EN010103

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Adopted by the Planning Inspectorate (on behalf of the Secretary of  
State pursuant to Regulation 10 of The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017)

April 2019

# Carbon Capture and Storage



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## £800m carbon capture pot brings Humber's biggest Budget wish closer to home

Humber plan flagged up as one of four by Chancellor Rishi Sunak - with Merseyside, Teesside and Scotland also mentioned



# Beyond Net Zero?



## THIS MEANS WE TAKE TWICE AS MUCH CARBON OUT OF THE AIR AS WE EMIT

Our carbon, is our problem. So we are going to fix it ourselves with our own 2,000+ acre forest.

For more information on the plan we built with Professor Mike Berners Lee download our Make Earth Great Again sustainability report.

[Download now](#)

CLIMATE POLICY  
2020, VOL. 20, NO. 10, 1290–1304  
<https://doi.org/10.1080/14693062.2020.1728209>

### RESEARCH ARTICLE

## A factor of two: how the mitigation plans of ‘climate progressive’ nations fall far short of Paris-compliant pathways

Kevin Anderson <sup>a,b,c</sup>, John F. Broderick <sup>a</sup> and Isak Stoddard <sup>b,c</sup>

<sup>a</sup>Tyndall Centre for Climate Change Research, School of Engineering, University of Manchester, Manchester, UK; <sup>b</sup>Centre for Environment and Development Studies (CEMUS), Uppsala University, Swedish University of Agricultural Sciences, Uppsala, Sweden; <sup>c</sup>Natural Resources and Sustainable Development, Department of Earth Sciences, Uppsala University, Uppsala, Sweden

### ABSTRACT

The Paris Agreement establishes an international covenant to reduce emissions in line with holding the increase in temperature to ‘well below 2°C ... and to pursue ... 1.5°C’. Global modelling studies have repeatedly concluded that such commitments can be delivered through technocratic adjustments to contemporary society, principally price mechanisms driving technical change. However, as emissions have continued to rise, so these models have come to increasingly rely on the extensive deployment of highly speculative negative emissions technologies (NETs). Moreover, in determining the mitigation challenges for industrialized nations, scant regard is paid to the language and spirit of equity enshrined in the Paris Agreement. If, instead, the mitigation agenda of ‘developed country Parties’ is determined without reliance on planetary scale NETs and with genuine regard for equity and ‘common but differentiated responsibilities and respective capabilities’, the necessary rates of mitigation increase markedly. This is evident even when considering the UK and Sweden, two nations at the forefront of developing ‘progressive’ climate change legislation and with clear emissions pathways and/or quantitative carbon budgets. In both cases, the carbon budgets underpinning mitigation policy are halved, the immediate mitigation rate is increased to over 10% per annum, and the time to deliver a fully decarbonized energy system is brought forward to 2035–40. Such a challenging mitigation agenda implies profound changes to many facets of industrialized economies. This conclusion is not drawn from political ideology, but rather is a direct consequence of the international community’s obligations under the Paris Agreement and the small and rapidly dwindling global carbon budget.

### ARTICLE HISTORY

Received 19 July 2019  
Accepted 5 February 2020

### KEYWORDS

Carbon budgets; Developed country mitigation; Paris Agreement; CBDR&C; Negative Emissions Technologies (NETs); Energy sector emissions

# MAKE EARTH GREAT AGAIN



SUSTAINABILITY REPORT #1

## BREWDOG'S PUNKED-UP-PLAN



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# SEE YOU AGAIN FOR OUR OTHER EXCITING PLANNING WEEK 2020 SESSIONS!



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