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Opposition Day Debate: Transport

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- Janet Daby (column 416)
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Urgent Question on Heathrow – Key excerpts

2nd March

Andy McDonald: I welcome the Minister to her place. Last week, the Court of Appeal ruled that the Government's Heathrow expansion plan was unlawful as it failed to consider their Paris climate agreement commitments. I would like to thank those who fought the case, not the least of whom was the London Mayor, Sadiq Khan. That we must rely on environmental campaigners and the courts to protect us from illegal and environmentally destructive policies is clear evidence of the Government's lack of real concern about the climate crisis.

The Court's ruling was the right one. At the time of the Airports National Policy Statement, Labour warned that the plans would cause the UK to miss its climate targets. We said that the Government were failing to take account of their commitments and that this would result in legal challenges—we were dismissed, but we were right. Why did the then Transport Secretary fail to consider the Paris climate agreement in his plans for airport expansion? What legal advice did he receive? Was the advice flawed or simply ignored? The Government said that they will not appeal the decision but will focus on "overall airport expansion". What does that mean?

If the Government accept the ruling, they should rule out airport expansion. It would be unacceptable to amend the national policy statement to include a reference to climate commitments while simultaneously paving the way for policies that will cause them to be missed. The Government should not hide behind the courts or industry; they must say what their policy now is. It is their NPS, not Heathrow airport's. Will the Government indemnify Heathrow Airport Limited and its backers for their wasted investment if runway three does not go ahead? What are the implications for the Government's planned almost £30 billion road building programme, which also fails to consider the UK's climate commitments? Those plans will significantly worsen emissions, at a time when there is a legal requirement for them to fall. What legal advice has the Minister had as to whether those astronomically expensive and environmentally destructive plans are not similarly unlawful?

It is already clear that the Government's transport policy of road building, cutting aviation tax and airport expansions, will put the UK even further off track to meet its climate targets. This is morally indefensible, and last week's ruling means it is likely to be legally indefensible too. Will the Minister take this as a wake-up call, by ruling out climate-busting airport expansion; introducing a frequent flyer levy; and investing in public transport, electric vehicles and active travel? The future of the planet is at stake.

On whether the Supreme Court judgement can stop a third runway

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Paragraph 285 of the judgment rightly stated:

"We have not decided...that there will be no third runway at Heathrow."

As a Member whose constituency is dependent on jobs from Heathrow, I voted, on balance, to support expansion at Heathrow. Paragraph 285 goes on to state that

"the consequence of a decision is that the Government will now have the opportunity to reconsider the ANPS in accordance with the clear statutory requirements that Parliament has imposed."

It seems to me that that should be the responsibility of Government. Therefore, aside from the appeal being progressed by the scheme's promoters, what precisely is the reason that the Government are choosing not to do so?

Kelly Tolhurst: The hon. Lady is quite right that the court's judgment was not to determine whether a third runway should take place, so she is right on that point. The court's judgment was based on the consideration of climate change in the Paris agreement. As she knows, and as I have already outlined at the Dispatch Box, the judgment ran to more than 100 pages. It is a complex judgment, which we are looking at and considering, and we will come forward with our next steps as soon as possible.

Responding to protests about environmental effects of airport expansion

Munira Wilson (Twickenham) (LD): As a result of the judgment by the Court of Appeal, we now know that a third runway at Heathrow flies in the face of the Government's climate change commitments. We know that a third runway at Heathrow and the associated emissions and noise will have a significant detrimental impact on the health and wellbeing of my long-suffering constituents in Twickenham, and many well beyond. We know from a New Economics Foundation report last week that expansion at Heathrow will actually take money and jobs out of the regions, which flies in the face of the Government's levelling-up agenda. Is it not now high time that the Government revisited their national policy statement and ruled out not only a third runway at Heathrow once and for all but all other runways at other airports in the UK, given the impact on climate change?

Kelly Tolhurst: I am sorry that the hon. Lady is against our desire and ambition to make sure that prosperity and connectivity reach all parts of the UK, particularly given the importance of the south-east to the economy and being able to introduce the investments that we need in the north. As she outlined, we—this Government—are committed, under this Prime Minister, to make sure that we adhere to our environmental obligations. We have been clear that any expansion of Heathrow airport would need to meet the strict criteria around noise, climate change and pollution.

Urging the government to take a stand on the issue

Andy Slaughter (Hammersmith) (Lab): This is embarrassing. The Government have to come off the fence on this issue. We know which side the Prime Minister would like to fall on; perhaps the Minister should follow his example. She just said that the ANPS is of no legal effect until the Government conduct their review. She must at least give us a timetable for that review, and tell us when we will get the decision so that we can put Heathrow out of its misery.

Kelly Tolhurst: As I have said, the judgment is over 100 pages long and is extremely complex. It is right that the Government take time to consider that and come back to the House with the next steps. I hope that the hon. Gentleman would not want a Government to make a quick decision on such an important topic.

Heathrow expansion inadvertently causing regional disparity

Ruth Cadbury (Brentford and Isleworth) (Lab): Last week, the New Economics Foundation released its report, "Baggage claim", in which it found, using DFT aviation forecasts, that if runway 3 at Heathrow goes ahead, there will be 17 million fewer passengers departing from non-London airports and 27,000 jobs locating to London as a result of that expansion? Does the Minister agree that not expanding Heathrow is an opportunity to rebalance the north-south divide and to continue economic and transport support for non-London regions?

Kelly Tolhurst: The hon. Lady will know that we are committed to delivering economic development and levelling up the whole of the UK. That is why we are already investing in our rail and our roads, particularly in the north, which is why the Secretary of State is unable to be here today to answer this urgent question. We are committed to airport expansion, as we believe that it is a core part of our plan. I will make sure that we are hopefully able to continue to deliver on that.

Unlikelihood of zero-carbon aviation travel

Caroline Lucas (Brighton, Pavilion) (Green): However much Government Members might wish it were otherwise, there is no quick technological fix that will solve this problem. The Committee on Climate Change is really clear that zero-carbon aviation is “highly unlikely” to be feasible by 2050, which means that demand management and, indeed, demand reduction will be essential. Can the Minister set out what steps the Government will take to reduce aviation emissions by reducing the demand for flying—for example, by introducing a frequent flyer levy, which is a fair way of distributing the ability to fly?

Kelly Tolhurst: The hon. Lady will probably not be a stranger to the fact that this Government are investing in roads and rail, to increase connectivity. This Government have now pledged their commitment to HS2, which is why the Secretary of State is in the north. We have, of course, been carefully considering the advice of the Committee on Climate Change, but transport and the use of airlines by our consumers—our constituents—who want to travel around the country and globally is something that I am not prepared to put a curb on today.

Air quality and noise around Heathrow Airport

Janet Daby (Lewisham East) (Lab): The Minister mentioned air quality and noise, which is a serious issue and health concern for residents in my constituency who happen to live under the flightpath of both London City airport and Heathrow. When will the Government introduce regulations to prohibit soundwaves from exceeding acceptable World Health Organisation limits?

Kelly Tolhurst: As the hon. Lady will have heard me say, we are committed to publishing a Bill on modernising our airspace, which we hope will tackle some of residents’ concerns about noise.

<https://hansard.parliament.uk/commons/2020-02-27/debates/20022734000017/AviationHeathrowExpansion>

Written Parliamentary Answers

13th February

Sarah Olney (Richmond Park): To ask the Secretary of State for Transport, what steps have been taken in relation to Heathrow's planned alternation policy since the 2019 consultation. (12388)

Paul Maynard: Following a vote in Parliament, the Airports National Policy Statement was designated as government policy in June 2018. It sets out a number of requirements that an applicant for development consent must meet -these include an expectation of a ban of six and a half hours on scheduled night flights and predictable respite from aircraft noise.

Expansion is a private sector project. It is for an applicant to submit an application for development consent. Heathrow Airport Limited consulted on its proposed application between 18 June -13 September 2019, and it has also said that it will consult again in April of this year.

Prime Minister's Questions

Adam Afriyie (Windsor) (Con) - May I commend the Prime Minister for his belief in Britain and the massive boost to infrastructure investment around the country? However, the cost of landing fees at Heathrow airport is £25 per passenger, and those fees will rise with a third runway, leading to Heathrow becoming the least competitive airport on the entire planet. Given the delays and the escalating costs, does the Prime Minister agree that it may well be time to review progress and perhaps to deploy the bulldozers elsewhere in the country?

The Prime Minister - The House of Commons voted effectively to give outline planning consent to the third runway. It was supported by people across the Chamber—not by me, as it happens. I wait to see the outcome of the various legal processes that are currently under way to see whether the promoters of the third runway can satisfy their legal obligations under air quality and, indeed, noise pollution.

<https://hansard.parliament.uk/commons/2020-02-12/debates/A4C63228-5E27-41B0-9299-E7FIED892919/Engagements>

14th February

Heathrow: Air Pollution

Fleur Anderson (Putney): To ask the Secretary of State for Environment, Food and Rural Affairs, what steps she is taking to ensure that (a) Putney Heath and (b) other wildlife sites are protected from air traffic pollution if a third runway is built at Heathrow Airport. (14822)

Grant Shapps: Following designation of the Airports National Policy Statement, it is now down to an applicant for development consent to undertake an Environmental Impact Assessment that identifies any likely significant effects of the proposed project

on the environment. This will include a detailed assessment of the air quality impacts of its scheme, including during construction, and put forward an appropriate package of mitigations that address air quality impacts and demonstrate compliance.

In order to grant development consent, the Secretary of State would need to be satisfied that, with mitigation, the scheme would be compliant with legal obligations.

Heathrow: Surface Access

Fleur Anderson (Putney): To ask the Secretary of State for Transport, what discussions his Department has had with Heathrow Airport Ltd on surface access to the airport from Putney in the event that a third runway proceeds to development. (14831)

Grant Shapps: As part of the surface access requirements in the draft Airports National Policy Statement, Government has specified that any applicant for development consent should set out the mitigation measures that it considers are required to minimise and mitigate the effect of expansion on existing surface access arrangements.

The Department is engaging with a range of stakeholders, including Heathrow Airport Ltd, about surface access to the airport. Following the publication in November 2019 of the potential strategic objectives for a new Southern Access to Heathrow scheme, the Department has been discussing with Heathrow how such a scheme could be taken forward and its future role.

Subject to the scheme development, this has the potential to provide improved rail links from Putney and South West London to Heathrow Airport.

27th February

Airports: Carbon Emissions

Preet Kaur Gill: [18648] To ask the Secretary of State for Transport, what steps he is taking to encourage airports to become carbon neutral.

Kelly Tolhurst: The Government's climate change targets include airport emissions, and so airports will need to reach net zero by 2050.

Airport emissions are largely generated by surface access and power and heat generation, both of which will be addressed through measures targeted at those sectors. For example, this includes an investment of nearly £1.5 billion to support the transition to ultra-low emission vehicles, with grants available for plug-in vehicles and schemes to support chargepoint infrastructure. We are also consulting on bringing forward our ambition to end the sale of new petrol and diesel cars and vans forward to 2035 or earlier, as per the advice of the Committee on Climate Change.

Airports are not legally responsible for emissions from aircraft operations.

On emissions from aircraft operations, we are planning to consult shortly to update the Government's position on aviation and climate change. It is critical that we consider how the aviation sector can play its part in delivering our net zero ambitions.

Heathrow Airport: Construction

Sarah Olney: [18810] To ask the Secretary of State for Transport, what assessment his Department has undertaken to ensure that the expansion of Heathrow by over 700 aircraft each day is compatible with the Government's policy on achieving net zero carbon emissions by 2050.

Kelly Tolhurst: The Government is committed to setting a clear ambition for the aviation sector and is carefully considering the advice of the Committee on Climate Change.

We are planning to consult shortly on an update to the Government's position on aviation and climate change. It is critical that we consider how the sector can play its part in delivering our net zero ambitions, while continuing to thrive.

The Airports National Policy Statement guarantees that a new Northwest runway at Heathrow will only be built if an applicant for development consent can demonstrate that any increase in carbon emissions from the scheme will not materially impact the government's ability to meet its carbon reduction targets.

2nd March

Sarah Olney (Richmond Park): To ask the Secretary of State for Transport, what plans he has to undertake a review of the Airports National Policy Statement under section 6 of the Planning Act 2008. (20542)

Kelly Tolhurst: On 27 February 2020 the Court of Appeal ruled that, when designating the Airports National Policy Statement, the previous government did not take account of the Paris Agreement, non-CO₂ emissions and emissions post-2050. As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the Government carries out a review under the Planning Act 2008. The Government has taken the decision not to appeal the Court of Appeal's judgment. The Court's judgment is complex and requires careful consideration. The Government will set out its next steps in due course.

45 N Sarah Olney (Richmond Park): To ask the Secretary of State for Transport, what parties have written to his Department requesting a review of the airports national policy statement. (20543)

Kelly Tolhurst: The Department has received requests from six parties to review the Airports National Policy Statement. The requests have come from Plan B Earth,

Heathrow Hub Limited, the Mayor of London, a joint request from five London Boroughs (the London Boroughs of Hillingdon, Richmond, Wandsworth, Hammersmith and Fulham and the Royal Borough of Windsor and Maidenhead) with Greenpeace and two individuals.

Aviation: Noise

Ms Harriet Harman: [21123]To ask the Secretary of State for Transport, what recent assessment he has made of the the level of aircraft noise sleep disturbance impact in Camberwell and Peckham constituency; and what progress he has made on limiting or reducing the number of people significantly affected by aircraft noise at night.

Kelly Tolhurst: The Government has not made any assessment of the level of aircraft noise sleep disturbance impact in Camberwell and Peckham constituency. The Government limits night flights at Heathrow, Gatwick and Stansted and will be consulting later this year on the regime to apply at these airports from 2022.

The current Air Traffic Management and Unmanned Aircraft Bill will also grant the Secretary of State new powers to ensure that airports modernise their airspace, delivering quicker, quieter and cleaner journeys. Modernising flight paths and the infrastructure of the sky will help reduce CO2 emissions from aviation, minimise noise for those near flight-paths and improve punctuality for passengers.

Heathrow Airport: Construction

Ruth Cadbury: [18749]To ask the Secretary of State for Transport, what assessment his Department has made of the potential effect of a (a) one year, (b) two year and (c) three year delay to construction of a third runway at Heathrow Airport on (i) noise, (ii) air pollution and (iii) congestion on local transport networks.

Kelly Tolhurst: Our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global Britain.

The Court of Appeal ruled on 27 February that when designating the Airports National Policy Statement, which was backed by Parliament, the previous Government did not take account of the Paris Agreement, non-CO2 emissions and emissions post 2050. We have always been clear that Heathrow expansion is a private sector project which must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable, and delivered in the best interest of consumers. The Government has taken the decision not to appeal this judgment. The promoters of the scheme will be able to seek permission from the Supreme Court to appeal if they wish.

As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the government carries out a review under the Planning Act 2008. The Court's judgment is complex and requires careful consideration. We will set out our next steps in due course.

Ruth Cadbury: [18750] To ask the Secretary of State for Transport, what assessment he has made of the potential effect of a phased construction of a third runway at Heathrow Airport on new connections to regional airports.

Kelly Tolhurst: Our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global Britain.

The Court of Appeal ruled on 27 February that when designating the Airports National Policy Statement, which was backed by Parliament, the previous Government did not take account of the Paris Agreement, non-CO2 emissions and emissions post 2050. We have always been clear that Heathrow expansion is a private sector project which must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable, and delivered in the best interest of consumers. The Government has taken the decision not to appeal this judgment. The promoters of the scheme will be able to seek permission from the Supreme Court to appeal if they wish.

As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the government carries out a review under the Planning Act 2008. The Court's judgment is complex and requires careful consideration. We will set out our next steps in due course.

3rd March

Heathrow Airport: Construction

Ruth Cadbury: [18752] To ask the Secretary of State for Transport, what recent assessment he has made of the effect of Heathrow expansion on local road networks.

Kelly Tolhurst: Our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global Britain.

The Court of Appeal ruled on 27 February that when designating the Airports National Policy Statement, which was backed by Parliament, the previous Government did not take account of the Paris Agreement, non-CO2 emissions and emissions post 2050. We have always been clear that Heathrow expansion is a private sector project which must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable, and delivered in the best interest of consumers.

The Government has taken the decision not to appeal this judgment. The promoters of the scheme will be able to seek permission from the Supreme Court to appeal if they wish.

As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the government carries out a review under the Planning Act 2008. The Court's judgment is complex and requires careful consideration. We will set out our next steps in due course.

Ruth Cadbury: [18753] To ask the Secretary of State for Transport, if he will publish analysis undertaken by his Department on the effect on the M25 of the expansion of Heathrow being constructed over that motorway.

Kelly Tolhurst: Our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global Britain.

The Court of Appeal ruled on 27 February that when designating the Airports National Policy Statement, which was backed by Parliament, the previous Government did not take account of the Paris Agreement, non-CO2 emissions and emissions post 2050. We have always been clear that Heathrow expansion is a private sector project which must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable, and delivered in the best interest of consumers. The Government has taken the decision not to appeal this judgment. The promoters of the scheme will be able to seek permission from the Supreme Court to appeal if they wish.

As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the government carries out a review under the Planning Act 2008. The Court's judgment is complex and requires careful consideration. We will set out our next steps in due course.

Sarah Olney: [20541] To ask the Secretary of State for Transport, whether he has made an updated assessment of the economic effect of Heathrow expansion as a result of new proposals to phase the delivery of additional capacity.

Kelly Tolhurst: [Holding answer 2 March 2020]: The Court of Appeal ruled on 27 February that when designating the Airports National Policy Statement, which was backed by Parliament, the previous Government did not take account of the Paris Agreement, non-CO2 emissions and emissions post 2050. We have always been clear that Heathrow expansion is a private sector project which must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable, and delivered in the best interest of consumers. The Government has taken the decision not to appeal this judgment. The promoters of the scheme will be able to seek permission from the Supreme Court to appeal if they wish.

As part of its judgment, the Court has declared that the Airports National Policy Statement is of no legal effect unless and until the government carries out a review under the Planning Act 2008. The Court's judgment is complex and requires careful consideration. We will set out our next steps in due course.

5th March

Prime Ministers Questions

Caroline Lucas (Brighton, Pavilion) (Green)

Q2. Last week's historic judgment against Heathrow expansion found that the Prime Minister's Government broke the law by ignoring the Paris climate agreement and by breaching their own sustainable development duty to future generations when they drafted the airports national policy statement. Will the Prime Minister tell the House today precisely how many of the Government's other national policy statements have been assessed against the Paris climate agreement, and will he commit, right now, to reviewing and, if necessary, revising all those that have not? [901077]

The Prime Minister - I thank the hon. Lady for her question. She can take it that we will ensure that we abide by the judgment and take account of the Paris convention on climate change, but I do not believe for one second that that will be an impediment to our delivery of an infrastructure revolution across this country.

<https://hansard.parliament.uk/commons/2020-03-04/debates/034D0B7F-9941-489F-ADDD-69F0E6FC7CA9/Engagements>

Written Answers

Aviation: Noise

Caroline Lucas: [20435] To ask the Secretary of State for Transport, what steps the Government is taking to protect (a) Areas of Outstanding Natural Beauty (b) other designated areas from increases in noise pollution as a result of aviation expansion; and if he will make a statement.

Kelly Tolhurst: The airspace issues surrounding National Parks and Areas of Outstanding Natural Beauty (AONB) were considered in the department's airspace and noise project. The outcome of this work was reflected in the Air Navigation Guidance 2017, which the department issued to the Civil Aviation Authority (CAA) in October 2017.

The guidance requires the CAA to have regard to the statutory purposes of National Parks and AONB when considering proposals for airspace changes. When airspace changes are being considered, it is important that local circumstances, including community views on specific areas that should be avoided, are taken into

account where possible. However, given the finite amount of airspace available, it will not always be possible to avoid overflying National Parks or AONB.

Caroline Lucas: [20436] To ask the Secretary of State for Transport, if he will make it his policy to adopt the World Health Organisation noise threshold levels (a) for monitoring and reporting on noise pollution from aviation and (b) as a statutory requirement to be met by all airport operators; and if he will make a statement.

Kelly Tolhurst: Following the 2018 publication of the World Health Organisation's (WHO) Environmental Noise Guidelines for the European Region, the Government convened the Defra-led Interdepartmental Group on Costs and Benefits Noise Subject Group. This group is reviewing the evidence underpinning the WHO's guidelines, together with more recent evidence and it will consider whether there are any necessary updates to relevant government guidance.

Heathrow Airport: Construction

Mr Gregory Campbell: [22367] To ask the Secretary of State for Transport, if he will make an assessment of the effect of the judgment in relation to R (Friends of the Earth) v Secretary of State for Transport and others on the sustainability of the Heathrow Logistics Hubs initiative.

Kelly Tolhurst: Last week the Court of Appeal ruled that the designation of the Airports National Policy Statement did not take account of the Paris Agreement, non-CO2 emissions or emissions post 2050, and therefore has no legal effect unless and until the Government carries out a review under the Planning Act 2008.

The Government has taken the decision not to appeal the Court's judgment. We take seriously our commitments on the environment and reducing carbon emissions.

This is a complex and important judgment which the Government will need time to consider carefully.

The Government will not comment on an ongoing legal case.

In the Lords

10th February

Airports: Air Pollution Asked by Baroness Jones of Moulsecoomb: To ask Her Majesty's Government what steps they are taking to reduce air pollution at, and near to, airports.

Baroness Vere of Norbiton: The management of air pollution at, and near to, airports and any restrictions to ensure compliance with limits are the responsibility of airports and the relevant local authorities.

In the Aviation Strategy, the Government is considering a broad range of national aviation related air quality initiatives including potential requirements and guidance for airports to produce air quality plans.

11th February

Airports: Air Pollution Asked by Baroness Jones of Moulsecoomb

To ask Her Majesty's Government what data they collect about air pollution at, and near to, airports. [HL798]

Baroness Vere of Norbiton: The Government has a national air quality monitoring network. In addition to this, local authorities undertake their own monitoring and have an obligation to review and assess local air quality and to take action where they have identified an air quality problem.

Different airports have different obligations for monitoring and reporting air quality, with some reporting requirements necessary by law through planning obligations. Results of this monitoring are shared with stakeholders and are available online.

In the Aviation Strategy, the Government is considering a broad range of national aviation related air quality initiatives including proposals to improve the monitoring of air pollution around airports.

27th February

Aviation: Exhaust Emissions Asked by Viscount Thurso

To ask Her Majesty's Government what assessment they have made of greenhouse gas emissions from (1) aircraft taking off and landing within the UK, and (2) aircraft taking off in the UK bound for overseas destinations. [HL1623]

Baroness Vere of Norbiton: The Government recognises that the fight against climate change is one of the most pressing issues of our time, and it is right that we continue to focus on highlighting emissions and plan for their ongoing reduction.

The Government reports on emissions produced by domestic flights operating between UK airports. In accordance with international guidelines set by UNFCCC, the Government also reports on emissions from international flights operating at UK airports.

The Department for Business, Energy and Industrial Strategy (BEIS) report on all of these Greenhouse Gas emissions statistics annually. The statistics for 2018 were published just last week, and are readily available online at [gov.uk](https://www.gov.uk).