

Parish Councils Airport Association

Statement of Case

22 February 2021

Introduction

1. This is the statement of case of the Parish Councils Airport Association in the appeal by Bristol Airport Limited (reference number 20/P/2896/APPCON) against the decision by North Somerset Council of 19 March 2020 to refuse a planning application for a major expansion of Bristol Airport (reference number 18/P/5118/OUT).
2. In this statement of case, “Appeal” and Planning Application” mean respectively the appeal and planning application referred to in Paragraph 1; “ATM” means air transport movement; “BAL” means Bristol Airport Limited; “CCC” means the Climate Change Committee; “CORSIA” means carbon offsetting and reduction scheme for international aviation; “CPO” means the compulsory purchase order under section 59 of the Airports Act 1986 made by BAL on 15 September 2020; “EIA Addendum” means the economic impact assessment addendum to the ES Addendum; “ES Addendum” means BAL’s addendum of 30 November 2020 to the environmental statement in support of the Planning Application; “GVA” means gross value added; “mppa” means million passengers per annum; “IEMA” means Institute of Environmental Management and Assessment; “NPPF” means the National Planning Policy Framework of February 2019; “NSC” means North Somerset Council; “Paragraph” means a paragraph of this statement of case; “PCAA” means the Parish Councils Airport Association; “Policy” means a planning policy of NSC; “Proposed Development” means the expansion of Bristol Airport proposed in the Application and supporting documentation; SAC means –Special Area of Conservation “TAG A4.2” means the Department for Transport’s TAG Unit A4.2 Distributional Impact Appraisal of May 2020”; “TAG A5.2” means the Department for Transport’s TAG Unit A5.2 Aviation Appraisal of May 2018.
3. This statement of case is supplemental to, and should be read in conjunction with, the PCAA’s objection of 1 February 2019 to the Planning Application and the PCAA’s response of 5 January 2021 to the ES Addendum.
4. The PCAA opposes the Appeal for the procedural and legal reasons set out in Paragraph 5 and for the following reasons:
 - i. Need
 - ii. effects of traffic and transport
 - iii. Expansion of the Silver zone carpark
 - iv. Noise
 - v. Human health
 - vi. Climate change
 - vii. Residential and local amenity.

Procedural defects and issues

5. The PCAA has identified the following matters that need to be addressed:

- a) The EIA Addendum, and the EIA as a whole, fails to comply with TAG A5.2. This policy provides a comprehensive framework for the impact appraisal of airport planning proposals, amounts to a material consideration in the Appeal and cannot be ignored at the appellant's convenience. The socio-economic costs and benefits, noise impacts and carbon emissions associated with the Planning Application must be analysed and monetised in full compliance with the criteria laid down in TAG A5.2 and its supporting policies. Without this there is no clear understanding of the negative costing of the airport. The full reasoning as to why this is needed is set out in the PCAA's 5 January 2021 response to the ES addendum. PINS need to request further environmental information under section 25 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 to provide this information prior to the submission of proofs of evidence to enable the inspector to make an informed decision. Without this information in front of the decision maker the Secretary of State will be open to judicial review on this part of the process. As part of CMC, PCAA will be asking the inspector to rule on this.
- b) The approach that has been taken by Natural England and NSC in relation to the North Somerset and Mendip Bats SAC was fundamentally flawed because it does not follow current case law in relation to Appropriate Assessment. Whilst the documentation to support an appropriate assessment was carried as part of the Planning Application, it was never needed because the application was refused. However, the land that is being proposed in relation to the silver zone extension is clearly compensation land not mitigation. Compensation land cannot be taken into account to mitigate any effects on an SAC to avoid the public interest test. Given that all parties agree that there is likely to be a significant effect on the Bat SAC, a full appropriate assessment needs to be carried out. As the decision maker the inspector cannot avoid this requirement. If they decide there will be a significant effect, then there needs to be asked whether the project is in the public interest. This is a higher test than weighing the project's acceptability in the planning balance. If it is decided the project is in the public interest then conditions appropriate to the sequencing and completion of the compensation should be attached to any grant of permission and development only be permitted when it has been shown that the compensation is both in place and effective. Relevant authorities are *Gladman Developments v Secretary of State for Housing Communities and Local Government* [2019] EWHC 2001 Admin, judgments of 15 May 2014, *Briels and Others*, [C-521/12](#), judgments of 21 July 2016, *Orleans and Others*, [C-387/15](#)
- c) Further modelling work needs to be done on traffic numbers as the new Bristol Clean Zone will force cars on to the rural roads rather than through Bristol.
- d) There is no cumulative assessment for climate change effects arising with other airport expansion plans such as Stanstead and Leeds in the EIA and this must be carried out in accordance with the CCC Progress Report on net zero.

Planning Policy

- 6. The PCAA is not bringing evidence on planning policy as there will be a number of parties dealing with this.
- 7. However, to summarise the PCAA's policy case is that:

- a) the Appeal is not in line with the Development Plan as it is in breach of the key development plan Policy CS23 as it has not demonstrated “*the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure*”.
- b) is not supported by national policy as it not sustainable development; and
- c) that the economic benefits of the Appeal do not outweigh the negative effects of the Appeal

Need

8. Bristol Airport’s main case is that there is a need for the airport based on demand and economic benefits that will arise as a result of expansion. The PCAA say that demand is not as high as BAL predict, there are real concerns that aviation industry is going to recover in the short to medium term because of COVID 19 and that the economic benefits are not as great as BAL claim.
9. Bristol is a “leisure” airport. In 2019, approximately 64% of its passengers were international outbound tourists, 11% were international inbound tourists, 10% were domestic tourists, a mere 14% were business passengers. For every pound spent in the UK by foreign visitors flying to Bristol Airport, five pounds are spent by UK tourists flying to foreign holiday resorts.
10. This gives rise to a tourist deficit which in 2019 amounted to £ 1.43 billion. This figure illustrates the extent to which tourist expenditure in the traditional seaside resorts of the South West (including Weston-super-Mare) is being depleted by low-cost holidays in the, mainly Mediterranean, destinations served by Bristol Airport. It is reflected in Weston-super-Mare’s growing dependence on day visitors, who as early as 2007 accounted for 69% of all visitors, a trend expressly acknowledged in Policy CS22. Rather than supporting the UK economy (including the regional economy in the South West), BAL makes a negative contribution to the UK’s balance of trade.
11. BAL’s focus on leisure tourism narrows its airline customer base to low-cost airlines and tour operators. It encourages competition with other regional airports, mainly Cardiff and Exeter, which in aggregate have spare capacity of approximately 6.4 mppa. BAL is vulnerable to downward pressure on landing fees. It has to yield to mainly cost-driven demands for night flights. It also depends to a large extent on non-aviation income streams from shopping mall concessions and on-site car parking, which account for some 60% of its total revenue.
12. The inherent weaknesses of this business model are now magnified by macro-economic forces totally beyond BAL’s control.
13. Even before the outbreak of the Covid 19 pandemic, aviation growth had slowed. Airlines as well as tour operators had come under sustained pressure from falling revenues per seat, rising hedged fuel costs and the

grounding of the Boeing 737 Max fleet. Some, like BMI, Flybe and Thomas Cook, went out of business; even large carriers like Easyjet and Ryanair saw a sharp decline in their profitability.

14. Covid 19 is having a devastating worldwide impact on the aviation sector. IATA estimates that losses to the industry will amount to \$ 118.5 billion for 2020 and another \$ 38.7 billion in 2021. Its outlook is pessimistic: *“While the industry will see improved performance in 2021 compared to 2020, the road to recovery is expected to be long and difficult. Passenger volumes are not expected to return to 2019 levels until 2024 at the earliest, with domestic markets recovering faster than international services”*. (IATA press release no 95 of 24 November 2020).
15. In the UK economy, the effects of Covid 19 are compounded by Brexit. The Office for Budget Responsibility has predicted that there will be 800,000 fewer jobs in the UK economy this year than in 2020. It also expects unemployment to remain above its February 2020 level until at least 2024 (*Office for Budget Responsibility - Economic and fiscal outlook - November 2020*). People who lose their jobs, or fear that they might lose their jobs, will spend substantially less.
16. BAL depends to a large extent on low-cost flights to and from member states of the European Union. They are BAL’s core business. The customer base for these flights will be disproportionately affected by the economic downturn. There will be a permanent decline both in the ability and the willingness of those customers to incur discretionary expenditure on overseas holidays.
17. Airlines, and consequently airport operators, will be exposed to the sequential and cumulative effects of Covid 19 and Brexit on the demand for leisure tourism and business travel. These effects will have to be assessed realistically in any forecast for aviation growth. The EIA Assessment fails to do so. It is based on three growth scenarios, a faster, slower and core case. The latter is a broad average of the other two cases.
18. The core case is based on three assumptions: first, that passenger numbers will recover to 99% of their pre-pandemic level in 2024; second that passenger demand within BAL’s catchment area will increase by 3mppa within nine years; third that the additional 3mppa choose Bristol Airport to make their flights. These assumptions are misplaced. There is nothing in BAL’s business model to justify a recovery at twice the rate assumed by IATA for the sector as a whole. Nor is there any evidence that the wider economy in BAL’s catchment area would support another 3mppa by 2027 (faster growth case) or 2030 (core case).
19. Even if that rate of growth were to be supported by the regional economy in the South West and South Wales, BAL would to a significant extent have to

rely on displacement from other airports. The effect of displacement is acknowledged, in contradictory terms:

- in paragraph 8.3.3 of the ES Addendum , which states: *“In the baseline, because of the 10 mppa capacity constraint, 72% of the growth in passenger demand that would have occurred if 12 mppa was consented at Bristol Airport is estimated to be displaced to airports outside the region (such as Heathrow) or chooses not to fly. 28% is estimated to be displaced to airports in the region.”*; whereas
- page 34 of the EIA Addendum states: *A significant majority of passengers that cannot use Bristol Airport if it were constrained to 10 mppa (around 62%) would travel via another airport.”*

20. Airports competing with BAL, whether within or outside its catchment area, have the capacity to expand by another 2 mppa, irrespective of whether BAL’s passenger limit is raised to 12 mppa or not. In reality, the threat of displacement to competing airports remains unchanged by BAL’s current capacity limit. By contrast, displacement from competing airports will, to a significant extent, determine BAL’s ability to grow by 2 mppa beyond its current capacity limit of 10 mppa.
21. That competition is strong: Airports outside the catchment area (including Heathrow) are easily accessible from the South West and South Wales and offer far greater connectivity than Bristol Airport. Neither Cardiff Airport nor Exeter Airport are subject to passenger limits and could easily accommodate another 6.4mppa. Cardiff Airport also has the potential to be developed into a major aviation hub. If any airports within BAL’s catchment area need “levelling up”, it is Cardiff and Exeter.
22. Clearly, if 100% of the additional demand of 2mppa is displaced from other airports, there is no need for the expansion of Bristol Airport. Even if the scale of displacement is 62%, it does not follow that there is a need for an expansion of 38% equivalent to 760,000 passengers per annum, given available capacity at nearby airports.
23. BAL’s need case is predicated on a capacity baseline of 10 mppa. That baseline is assumed. It is not founded in current economic reality or supported by IATA’s post-Covid 19 recovery forecast. In reality, BAL is extremely unlikely to recover to its pre-pandemic capacity of 8.9 mppa before 2025 and will in all probability be left with a capacity margin of 1.1 mppa, well within its current capacity limit of 10 mppa. That margin would be more than enough to accommodate another 0.76 mppa.
24. The EIA Addendum also has other econometric defects:

- a) On a TAG 4.2 compliant analysis of the GVA and employment impacts, the proposed expansion would result in an estimated GVA growth of a mere £100 million and 162 additional jobs. On the basis of more conservative assumptions on airport job intensity, both these figures would be negative.
- b) BAL assumes that the number of jobs per passenger will remain unchanged, regardless of the proposed expansion. This assumption is incompatible BAL's own drive towards automation of ground level operations and with the long-term evidence that increasing automation reduces job intensity.
- c) The economic impact of BAL's contribution to the UK's tourism deficit, both generally and in relation to the South West, is unquantified. Resulting impacts on jobs and productivity in local and regional non-aviation sectors are ignored.
- d) The socio-economic cost benefit analysis has a number of technical flaws, which lead to non-compliance with TAG A5.2, including omission of costs to airlines and air passenger duty and miscalculation of the costs of carbon emissions.
- e) No attempt has been made to analyse and quantify the long-term impact on business travel nor has home-working and video conferencing been examined.

Conclusion on Need and economics

- 25. BAL overstate the future demand for use of the airport and the economic benefits of the expansion. Given the levels of uncertainty, low weight should be given to demand arguments. The economic benefit is clearly overstated and low weight should be given to BAL's figures. There is clearly not a real need for expansion at this point and the Appeal is premature.

Traffic and transport

- 26. Located on a plateau surrounded on three sides by steep ridges and combs, and without a direct rail or dual carriageway link, Bristol Airport is the least accessible major airport in the UK. It is approached from the north and the south on the A38, a major commuting route to and from Bristol; and from the west and the east, on steep, narrow and winding B roads and country lanes intended and suitable only for access to local hamlets and villages. This road network can hardly cope with existing volumes of airport and commuting traffic. The projected increase in peak daily vehicle movements of 6.3%, together with additional growth of 4 to 5% in background traffic, would lead to a significant increase in congestion and make the minor roads and road junctions even more dangerous.
- 27. There is no realistic prospect that these problems will be resolved. BAL has not prepared a surface access strategy that addresses the need for a strategic access

infrastructure. Nor has it considered any of the mass transit solutions listed in table T1 of Appendix 3 to JLTP4. The reason is the local topography as well as the location of reservoirs to the north and south of the A38 at Barrow Gurney. These factors militate fundamentally against a cost-effective construction of a dual carriageway or rail link from Bristol to the airport.

28. The Aviation Policy Framework of March 2013 provides: *“The provision and funding of surface access infrastructure and services to airports is primarily the responsibility of the airport operator but where there are significant non-airport user benefits from changes and enhancements to the infrastructure and services government would consider making a funding contribution to reflect these.”* BAL is not in a position to fund the necessary surface access infrastructure to the airport. Consequently, the issue of Government funding does not arise. Even if Government funding were to be considered, the project would be subject to a full TAG A5.2 appraisal.
29. With 82.5 % of its passengers travelling to the airport by private car and a mere 17.5 % by public transport, Bristol Airport has the additional problem of the worst modal split of any major airport in the UK. That problem will not be resolved while BAL derives one third of its revenue from on-site car parking.
30. The minor infrastructure improvements identified in the Application would be incompatible with Policy CS23, which mandates that *“Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure”* and Policy CS10, which provides that *“through the development management process, planning applications will need to address how they can deliver a choice of transport modes which could provide a realistic alternative to the car”*.

Conclusion on transport and traffic

31. It is clear that to make the surface access aspect of the Appeal sustainable the modal split of the public transport has to rise significantly. Users of the Bristol Airport have to rely less on travel by car. However this is unlikely to happen because:
 - a) that to be truly sustainable there needs to be specific public transport infrastructure installed. This is unlikely to come through at any time in the short to medium term and is extremely difficult to progress due to cost and topography.
 - b) BAL’s business model is predicated on people driving to the airport to park. It will always want people to drive and so there is no incentive for them to push transport numbers down.
32. BAL will never therefore be sustainable in terms of traffic and transport and significant weight should be given to this matter that weighs against the Appeal.

Expansion of the Silver Zone Carpark

Need for car parking

33. The overwhelming majority of BAL's passengers book low-cost flights and travel to the airport by car. Low-cost passengers demand low-cost car parking. This is why BAL has applied for a substantial expansion of another 2,700 spaces and the lifting of seasonal restrictions at its Silver Zone car park. It is also the main reason why, ten years after obtaining its 2011 planning permission, BAL has still not constructed a second multi-storey car park (MSCP). This is because they do not want to pay for the extra cost of a MSCP and want to expand cheap parking which maximises their profits.
34. For most businesses, customer car parking is ancillary to its main activities. For BAL, it is an integral part of the business, generating around one third of its revenue. This is the other main reason why BAL has a vested interest in maintaining and expanding the existing low-cost car parking arrangements.
35. BAL cite a demand for low cost parking. However, this should not be confused with need. The requirements are that parking needs to be reduced at the airport to follow that more people travel by public transport. In addition, the lowest cost options should not be explored first when there are viable options that BAL can use in the MSCP. BAL state that these are higher cost parking but BAL has complete control over the cost of this parking. There is no reason why BAL can't complete these MSCP, charge a fair price to meet the demand that says is there and increase the public transport modal split so these parking spaces are never needed.
36. An application has been made to NSC for the development of an open-air car park or 3,101 spaces near junction 21 of the M5. That development, known as Heathfield Park, would be a viable, and environmentally sustainable, alternative to BAL's Silver Zone car park.

Green Belt

37. The Silver Zone car park lies in the Green Belt. It is close to a Special Area of Conservation. It includes and is surrounded by highly sensitive natural habitats supporting Greater and Lesser Horseshoe bats. In 2011 and, again, in 2018, NSC planning officers persuaded themselves that BAL's car parking business amounted to "very special circumstances" that outweighed the harm to the Green Belt. BAL rely on that assessment in their Statement of Case. The PCAA takes the view that it would be wholly unreasonable and irrational to permit even greater harm to a Green Belt site in support of a fundamentally flawed business model. It would also be incompatible with Policy CS4 on the maintenance and enhancement of habitats and species and Policy CS6, which provides: *Further amendments to the Green Belt at Bristol Airport will only be considered once long-term development needs have been identified and exceptional circumstances demonstrated*".

Effects on the SAC

38. Without the provision of compensation land that the extension to the silver zone carpark will have an effect on the integrity of the North Somerset and Mendip Bats

SAC. There is no guarantee that the compensation land will be effective or will work.

Conclusion on extension to the Sliver Zone extension

39. The extension to the silver zone car park is unneeded development that creates a raft of negative effects.

Noise

40. BAL's case on noise is that the proposed PD will have no significant negative noise effects. PCAA dispute the methodology that BAL have used to arrive at these conclusions and say that there are significant negative noise effects.
41. BAL have three permanent noise monitoring stations. However, no correlation or validation of the extensive analytical noise modelling is offered and no peer review has been completed, both significant omissions for what is a key aspect of operating an airport.
42. Future noise predictions make the unproven assumption that future fleet changes will lead to a reduction in noise due to technology advancement. This is not based on any fact, knowledge or assurance, and there is additional uncertainty because many airlines have delayed or cancelled future orders for new, potentially less noisy, aircraft because of the pandemic. This assumption is the only part of the analytical work that can lead to a reduction in the noise arising from the increase in flights (in any scenario), yet it is based on unspecified improvements to aircraft noise emissions. A conservative approach of no improvement / reduction in aircraft noise should be used in this work to mitigate against the future not delivering on the assumptions currently made. It should be noted that the analysis of ground noise from aircraft "*conservatively assumes that the modernised aircraft are no quieter than existing aircraft*" (section 6.7.17 of the ES Addendum). This approach has not been used for airborne noise, which is a glaring inconsistency.
43. The quota count system has been adopted as a means to directly incentivise a quieter, modern aircraft fleet at night. However, this approach incentivises the operation of noisier aircraft departure flights after of 23:00 to 06:00, when the majority of local residents will be present in their dwellings and still be asleep, especially at weekends. Additionally, an increase of 3 flights each night is a 20% increase, something that has not been made clear. The quota count system that applies between 23:00 to 6:00 does not offer local residents protection for the full 8 hour night period, as defined by the World Health Organisation while the official daytime measure of aircraft noise in the UK is defined as 16 hours between 0700 and 2300.
44. Table 6.6 of the ES Addendum on noise impact ratings is presented without reference, yet it is used exclusively to justify how a change in noise will be subjectively perceived. However, in doing this, only the change in noise is considered, and not the level of noise that is then achieved. Equally by only considering the change, this also tacitly assumes that what is currently endured is

acceptable. Finally this table is also not in line with the IEMA guidelines for environmental noise impact assessment, where the maximum level of noise, the number of events and character of the noise source are all important.

Conclusion on Noise

45. It is the PCAA's case that noise effects of the Appeal have been under played and that they are more significant then they make out.

Human Health

46. Section 9.1 of the ES Addendum confirms the conclusions in section 16.14 of the original Environmental Statement:

“Significant beneficial effects to population health are likely in relation to investment and employment due to the Proposed Development. ... A change in significant adverse effects to population health is considered unlikely ... at the population level the Proposed Development is unlikely to result in a discernible change to health outcomes.”

47. These conclusions are absurd. They conflate the socio-economic benefits of airport employment with the adverse health impact of the airport's operation on local communities. There can be no reasonable doubt that the people living in the communities surrounding the airport, including the small minority employed by BAL, are adversely affected by aviation noise and emissions. The adverse health impact of the proposed expansion is expressly acknowledged in section 2 of NSC's reasons for refusal.
48. Moreover, it is highly unlikely that the substantial increase in noise and emissions resulting from the proposed 20% expansion would be mitigated by the introduction of larger, quieter and more fuel- efficient aircraft. The fleet mix of its airline customers is totally beyond BAL's control. It is driven by economic and operational factors determined by the airlines. Any attempt to determine or even to influence the fleet mix by a planning condition is unrealistic. The frequency of noise events experienced by local residents will also increase. As noted by the Independent Commission on Civil Aviation Noise, both loudness and frequency are significant factors for annoyance for aviation noise.
49. There is a body of scientific evidence that aircraft noise and emissions have a harmful effect on the health of people exposed to them:
 - Emissions of nitrogen dioxide and fine particulate matter (PM 2.5 and PM 10) are closely associated with an increased risk of respiratory disease, strokes, heart attacks and cancer [<https://www.bmj.com/content/367/bmj.l6258>].
 - Recent research also confirms a link between PM2.5 and Parkinson's disease and diabetes [<https://www.bmj.com/content/367/bmj.l6258>include link].

- The noise exposure of people living close to airports may lead to cardiovascular damage [Schmidt F et al]. Night-time noise exposure may cause cardiovascular death [Schmidt F et al].
 - Night-time aircraft noise impairs the endothelial function and increases the blood pressure of patients at high risk of coronary artery disease [Schmidt F et al].
 - Aircraft noise has adverse impacts on the education of school children [Stansfeld SA, Berglund B, et al,].
50. Night flights are a blight on overflowed communities. BAL now proposes to make it worse by lifting seasonal restrictions, a request driven by the operational requirements of its low-cost airline customers. Under the proposal, night flights would increase to at least 28 per night. By comparison, Heathrow Airport permits an average of 16 night flights and none between the hours of 23:30 and 04:30.
51. The proposal is clearly incompatible with the Department for Transport's Aviation Policy Framework of March 2013 which provides in section 3.3 that "*the [aviation] industry must continue to reduce and mitigate noise as airport capacity grows*". Nor is it compatible with Policy CS26, which requires large-scale developments "*to contribute to improving the health and well-being of the local population*" and the requirement in paragraph 180(a) of the NPPF that planning decisions should "*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life*".

Conclusion on effects on Human Health

52. The Appeal will clearly have a negative effect on human health which is down played by BAL's ES and addendum.

Climate Change

53. The UK's response to climate change is governed by the Climate Change Act 2008 (CCA), its Nationally Determined Contribution under the Paris Agreement, and a range of supporting policies. Following advice from the Climate Change Committee, the Government legislated in June 2019 to amend the CCA target to net zero greenhouse gas emissions by 2050. The UK's net zero target was adopted after publication of the Aviation Policy Framework of March 2013, the Airports National Policy Statement 2018, and the Aviation Strategy 2050 Green Paper (December 2018), so their respective climate provisions relate to the earlier target of an 80% reduction in emissions below 1990 levels, and the CCC's recommended 'planning assumption' to keep UK aviation emissions at 2005 levels by 2050 (equivalent to 37.5MtCO₂). The Government is expected to update and strengthen its aviation and climate policy advice in 2021 through inclusion in its Transport Decarbonisation Plan and the launch of an aviation net zero

consultation. Responding to the latest CCC Progress Report the Government has said *“this consultation represents the growth in government ambition since the green paper, including the 2050 net zero target and further CCC advice on international aviation and shipping, and will propose how the Government plan for aviation to play its part in delivering our net zero ambitions.”*

54. CCC has issued its advice to Government on the implications of the net zero target for the aviation sector in a letter from Lord Deben to the Secretary of State for Transport in September 2019 and in the Sixth Carbon Budget published by the CCC on 9 December 2020. These recommendations cover: formal inclusion of international aviation emissions in carbon budgets; a new ‘planning assumption’ that the target for the aviation sector should be net zero emissions by 2050¹⁰; the need to limit increases in passenger demand to no more than 25% over 2018 levels (approximately 365mppa); and no net increase in airport capacity recognising that there is “at least” 370mppa capacity in the UK system to meet the limited growth in demand that the CCC deems to be consistent with meeting net zero by 2050. These last two recommendations are in addition to new – more ambitious – assumptions about the emissions reductions that can be achieved through new technology and sustainable aviation fuels.
55. While Government’s aviation net zero policy is being formulated, weight should be attached to the CCC’s recommendations. In relation to the DCO application to reopen Manston Airport as an air freight hub, the Examining Authority noted in its 2020 recommendations that while section 30 CCA Climate Change Act currently omits emissions from international aviation and shipping from carbon budgets, the CCC’s advice should be treated as emerging policy and given due weight. The Examining Authority concluded, therefore, that the modest increase in emissions from the development would still have a material impact on “the ability of Government to meet its carbon reduction targets, including carbon budgets”.
56. Forecasts by the Department of Transport (2017) anticipated that UK airports, catering only for natural growth within existing planning permissions, will emit 37MtCO₂ by 2050, leaving little or no headroom for further expansion even under the previous CCC aviation planning assumption of keeping aviation emissions at or below 37.5MtCO₂ by 2050. The increase in cumulative emissions from submitted planning applications at airports throughout the UK, including Stansted, Leeds and Southampton, as well as Bristol, will exceed this level by a considerable margin. The likely intention is to secure planning permissions before airport expansion becomes subject to the balanced net zero pathway for aviation set out in the Sixth Carbon Budget. If successful, these planning applications, including BAL’s appeal, would enable the applicants to avoid and pre-empt the proposed policy measures. The outcome would be a pre-determination analogous to that described in paragraph 49 of the NPPF.

57. In these circumstances, the Planning Inspectorate has a choice. It could take the view that the element of pre-determination is a ground for dismissing Appeal. Alternatively, it could take the emerging policies, including the balanced net zero pathway set out in the CCC's Sixth Carbon Budget, into account in assessing this appeal.
58. If the Planning Inspectorate adopts the second alternative, we take the view that the proposed expansion of Bristol Airport would be incompatible with the policies recommended on pages 33 to 37 of the Sixth Carbon Budget as well as Policy CS1, which provides that *"development should demonstrate a commitment to reducing carbon emissions"* and Policy CS3.7, which identifies *tackling climate change as a key priority for the planning system*. In particular, there is no evidence that BAL would be able to meet the criteria of the CCC's key policy that *"going forwards, there should be no net expansion of UK airport capacity unless the sector is assessed as being on track to sufficiently outperform a net emissions trajectory that is compatible with achieving Net Zero alongside the rest of the economy, and is able to accommodate the additional demand and still stay on track"*.
59. The climate change section of the ES Addendum is also deficient in detail:
- BAL has not published its carbon and climate change action plan.
 - BAL relies on offsetting rather than reducing emissions to become carbon neutral by 2050. CCC has advised against the use of international offsets for meeting UK 2050 climate obligations.
 - CORSIA, which will not become mandatory for all states before 2027, may offset, but will not reduce emissions. The scheme is also expected to finish in 2035, and recent changes to the baseline to reflect the Covid-19 pandemic mean it 'is unlikely that any offsetting obligation will apply to airlines until traffic exceeds 2019 levels (unlikely before 2024 at the earliest). CCC has recommended that the CORSIA credits should not be used when accounting for UK aviation emissions under the CCA.
 - The effects of non-CO2 emissions such as NOx at high-altitudes, and the formation of contrails, are ignored despite the CCC's advice in the Sixth Carbon Budget report that the Government should set both CO2 and non-CO2 targets. The latest scientific evidence highlights that CO2 from aircraft represents only one third of aviation's total impact on climate change to date.
 - The introduction of more fuel-efficient aircraft is long term (with an average life cycle of 22 years in commercial passenger service) and totally beyond BAL's direct control.

- BAL's dependence on low-cost airlines makes it particularly vulnerable to passenger-related demand management such as carbon pricing, frequent flyer levies and changes to fuel duty, VAT and air passenger duty.

Conclusion on Climate Change

60. The increase in CO2 emissions, and other non-CO2 impacts, associated with the application will have a material impact on the Government's ability to meet its greenhouse gas reduction targets. The application is in direct contravention of the CCC's recommendation that there should be no net increase in airport capacity. As Government aviation and climate policy predates the UK's net zero commitment, and the Government has said the forthcoming aviation consultation will reflect increased ambition, significant weight should be given to the CCC's recommendations for the sector.

Impairment of residential and local amenity

61. The operation of Bristol Airport has given rise to a significant increase in anti-social behaviour. Typical examples are "rat runs" to and from the airport; illicit car parking by air passengers on narrow village streets, in laybys and on Felton Common; speeding on country lanes; derelict properties near the airport; littered and churned up verges and laybys on airport approach roads. BAL has taken no effective measures to curb these behaviours. The policing of the airport, funded by BAL, does not go beyond the immediate environment of the airport perimeter and is, in effect, a private security service.
62. Many people living in villages surrounding the airport cannot open their windows at night or enjoy their outdoor gardens without being exposed to aircraft noise and emissions. The essentially rural setting of the airport has been deprived of its tranquillity. The use of Green Belt land for large-scale car parking and a wholly inappropriate office building has degraded the environment and spoiled rural views. Values of residential properties are depressed. The continuing and growing impact on local communities is apparent from thousands of objections to the proposed expansion.
63. However, BAL are in complete denial about its impact on local communities. In a statement of astonishing arrogance on page 137 of the ES Addendum they say through their consultants: *"The expansion of Bristol Airport would be in the context of a population already accustomed to airport and aviation activity. For the majority of people near to Bristol Airport, the airport is already a prominent feature of the natural, cultural and economic landscape, through views, employment and ease of access to national and international travel."*
64. In reality, there is a major discrepancy between the benefits and the burden of the proposed expansion. The benefits, to a large extent, would accrue abroad. The tourist economies of the destination countries would receive a further stimulus; and, to the extent that BAL is profitable, its Ontario owners would receive higher returns. The burden would fall almost entirely on local communities. And it would hit them hard, through ill-health (especially for the young and the elderly), loss of

amenity and tranquillity, traffic chaos, anti-social behaviour, environmental degradation and declining house prices.

Conclusion on Impairment of residential and local amenity

65. The locality already suffers a large amount of negative effects for the airport with passenger numbers at circa 8 Million per annum. Unfortunately the local residents suffer all the negative effects with very little benefit. An additional 3 million on top of this would great significant adverse effects. The PCAA will demonstrate the current effects through the statements of local residents and parish members.

Compulsory Purchase Order

66. The CPO applies to 22 parcels of land adjacent to or in the vicinity of the A38 to the north of Bristol Airport. The purpose of the CPO is to deliver highway improvement works to allow for the expansion of the airport. It is clear from the accompanying statement of reasons by BAL's solicitors of September 2020 that the CPO was made directly in support of the expansion proposed under the Application. Whilst it is recognised that the CPO is a separate process most of the reasons in support for a compelling need for the CPO will be dealt with as part of the planning Inquiry. The application has been refused. The appeal is pending. The CPO is clearly premature, if the appeal is dismissed, the CPO should not be confirmed be the Sec of State for Transport.

67. There is no compelling need for the CPO because there is no compelling need for expansion of the Bristol Airport.

Overall Conclusion

68. The Appeal should be dismissed for the following reasons:

- The Application is not supported by a 'best practice' impact appraisal in accordance with TAG A5.2.
- There is no economic need for the Proposed Development.
- The improvements to the surface access infrastructure identified in the Application would be wholly inadequate to support the increase in road traffic associated with the Proposed Development.
- The proposed expansion and year-round use of the Silver Zone car park would do further harm to the Green Belt and highly sensitive natural habitats.
- The proposed expansion in passenger numbers would significantly increase the harmful exposure of local communities to night-time noise and aircraft as well as road traffic emissions.
- The Proposed Development is incompatible with current and emerging Government policy on climate change.

- The Proposed Development would further damage the residential amenity of the communities surrounding the airport.

Evidence

69. The PCAA will bring forward the following evidence:
- a) Tim Johnson - AEF – Climate Change and airport growth
 - b) Laurence Vaughn– noise
 - c) Alex Chapman – NEF – Economics
 - d) Hilary Burn – Local resident and Chair of PCAA – Residential amenity, Impact of the Airport on the locality, effects of Silverstone extension
 - e) Parish members - Residential amenity, Impact of the Airport on the locality- (list to be supplied prior to CMC on 8 March 2021)
 - f) Local Residents - Residential amenity, Impact of the Airport on the locality- (list to be supplied prior to CMC on 8 March 2021)
 - g) Cllr Sarah Warren - BANES – Climate Change and effect on BANES
 - h) Cllr Steve Hogg – NSC – impacts on his residents

Documents to be relied on

70. Please see the documents list at Appendix 1

Conditions

71. Please see list of conditions at Appendix 2 – to follow prior to CMC on 8 March 2021.

**APPENDIX 1
DOCUMENTS LIST**

No.	Document Name	Link
Planning Policy		
1	Air Transport White Paper 2003	https://www.gov.uk/government/publications/the-future-of-air-transport
2	Aviation Policy Framework, March 2013	https://www.gov.uk/government/publications/aviation-policy-framework
3	Beyond the horizon, the future of UK aviation: Making best use of existing runways, June 2018	https://www.gov.uk/government/publications/aviation-policy-framework
4	Aviation 2050 - The future of Aviation	https://www.gov.uk/government/consultations/aviation-2050-the-future-of-uk-aviation
5	National Planning Policy Framework (Revised 2019), February 2019	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf
6	DfT Aviation Forecasts 2017	https://www.gov.uk/government/publications/uk-aviation-forecasts-2017
7	DfT consultation Bristol Airport as fully 'co-ordinated airport'	https://www.gov.uk/government/consultations/bristol-airport-designation-as-a-coordinated-airport?utm_source=5e6a489f-b726-4de4-aab5-5d82e14455f3&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily
8	Department for Transport - TAG UNIT A5.2 - Aviation Appraisal of May 2018	https://www.gov.uk/government/publications/webtag-tag-unit-a5-2-aviation-appraisal-may-2018
9	Department for Transport - TAG UNIT A4.2 – Distributional Impact Appraisal of December 2015	https://www.gov.uk/government/publications/webtag-tag-unit-a4-2-distributional-impact-appraisal-december-2015
10	National Infrastructure Strategy 'Fairer, Faster Greener' November 2020	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938539/NIS_Report_Web_Accessible.pdf
North Somerset Council Documents		
11	North Somerset Local Plan (adopted 2017)	https://www.n-somerset.gov.uk/sites/default/files/2020-07/core%20strategy.pdf
12	North Somerset Council Climate Emergency 2019	https://www.n-somerset.gov.uk/council-democracy/priorities-strategies/climate-emergency/what-climate-emergency
13	North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document adopted 2018	https://www.n-somerset.gov.uk/sites/default/files/2020-03/North%20Somerset%20and%20Mendip%20Bats%20SAC%20guidance%20supplementary%20planning%20document.pdf

‘West of England ‘Documents		
14	Joint Transport local Plan’s Strategic Environmental Assessment JLTP’s Strategic Environmental Assessment also took into account the Paris Agreement:	https://westofengland-ca.moderngov.co.uk/documents/g443/Printed%20minutes%2020th-Mar-2020%2010.30%20Joint%20meeting%20-%20West%20of%20England%20Combined%20Authority%20Committee%20a.pdf?T=1
15	West of England Combined Authorities Joint Local Transport Plan 4 2036	https://travelwest.info/app/uploads/2020/05/JLTP4-Adopted-Joint-Local-Transport-Plan-4.pdf
Bristol Airport Limited Documents		
16	Bristol Airport Master Plan 2006 – 2030 copy	Paper Copy
17	Bristol Airport planning application 2009/P/1020OT2	https://planning.n-somerset.gov.uk/online-applications/
18	Bristol Airport conditions to application 2009/P/1020/OT2	https://planning.n-somerset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZXJLLPJV108
19	‘Your airport: Your views’ , A world of opportunities, November 2017 Preparing a new master plan: Public Consultation	https://www.bristolairport.co.uk/about-us/who-we-are/our-future/master-plan
20	Your Airport: Your Views ‘ Towards 2050, May 2018	https://www.bristolairport.co.uk/about-us/who-we-are/our-future/master-plan
21	Bristol Airport: Environmental Scoping Opinion to determine the scope of an Environmental Impact Assessment for a future application for the proposed expansion of the airport to accommodate 12 million passengers per annum application 18/P/3502/EA2	https://planning.n-somerset.gov.uk/online-applications/
22	Bristol Airport application 18/P/3206/AIN: Administration Block	https://planning.n-somerset.gov.uk/online-applications/simpleSearchResults.do?action=firstPage
23	Bristol Airport Application 18/P/4007/FUL and 18/P/4017/EA1 Cogloop Land	https://planning.n-somerset.gov.uk/online-applications/
24	Bristol Airport Application 16/P/1455/F change the phasing of the construction of the two MSCPs	https://planning.n-somerset.gov.uk/online-applications/
25	16/P/0454/ PAI and application 18/P/5140/AIN added an additional 400 spaces on the south side.	https://planning.n-somerset.gov.uk/online-applications/
26	Bristol Airport planning application 19/P/5118/OUT	https://planning.n-somerset.gov.uk/online-applications/
27	Bristol Airport Submission of addendum to Environmental Statement and associated documents application 20/P/2896/APPCON OUT	https://planning.n-somerset.gov.uk/online-applications/
28	Bristol Airport planning application 20/P/2711/AIN Public Transport Interchange	https://planning.n-somerset.gov.uk/online-applications/

29	Bristol Airport Noise Action Plan 2019 – 2024	https://www.bristolairport.co.uk/about-us/environment/aircraft-noise
30	Bristol Airport Carbon Road map	https://www.bristolairport.co.uk/about-us/environment/carbon-roadmap
31	Bristol Airport Operations Monitoring Report 2019	https://www.bristolairport.co.uk/about-us/environment/environmental-management
32	Bristol Airport Operations Monitoring Report 2018	Paper copy
33	Bristol Airport Operations Monitoring Report 2017	https://www.google.com/search?q=bristol+airport+operations+monitoring+report+2015&og=bristol+airport+operations+monitoring+report+2015&aqs=chrome..69i57.18926j1j7&sourceid=chrome&ie=UTF-8
34	Bristol Airport Operations Monitoring Report 2016	https://www.google.com/search?q=bristol+airport+operations+monitoring+report+2015&og=bristol+airport+operations+monitoring+report+2015&aqs=chrome..69i57.18926j1j7&sourceid=chrome&ie=UTF-8
35	Bristol Airport Operations monitoring Report 2015	https://www.google.com/search?q=bristol+airport+operations+monitoring+report+2015&og=bristol+airport+operations+monitoring+report+2015&aqs=chrome..69i57.18926j1j7&sourceid=chrome&ie=UTF-8
36	Email from Bristol Airport Consultative Committee date 12/02/2021 on DfT meeting with UKACC - point on planning.	Paper Copy
	Independent Commission on Civil Aviation Noise	iccan.gov.uk/wp-content/uploads/2020_07_16_ICCAN_review_of_aviation_noise_metrics_and_measurement.pdf
Climate related papers		
37	Climate Change Act, 2008	https://www.legislation.gov.uk/ukpga/2008/27/contents
38	Committee on Climate Change, 2009	https://www.theccc.org.uk/2009/07/16/cccs-first-annual-report-published-16-july-2009/
39	Climate Change Act 2008 (2050 Target Amendment) Order 2019	https://www.legislation.gov.uk/ukdsi/2019/9780111187654
40	CCC advice on aviation Letter on warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels, February 2019	https://www.theccc.org.uk/publication/the-future-of-uk-aviation-letter-from-lord-deben-to-chris-grayling/
41	Net Zero - The UK's contribution to stopping global warming, Committee on Climate Change, May 2019	https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/
42	Net Zero - The UK's contribution to stopping global warming - Technical Report, Committee on Climate Change, 2019	https://www.theccc.org.uk/publication/net-zero-technical-report/
43	Letter to Department for Transport: International aviation and shipping and net	https://www.theccc.org.uk/publication/letter-international-aviation-and-shipping/

	zero, Committee on Climate Change, September 2019	
44	Decarbonising Transport March 2020	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932122/decarbonising-transport-setting-the-challenge.pdf
45	Reducing UK emissions: 2020 Progress Report to Parliament, Committee on Climate Change, June 2020	https://www.theccc.org.uk/publication/reducing-uk-emissions-2020-progress-report-to-parliament/
46	CCC advice on aviation Letter on warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels, February 2019	https://www.theccc.org.uk/publication/the-future-of-uk-aviation-letter-from-lord-deben-to-chris-grayling/
47	UKs Nationally Determined Contributions	https://www.gov.uk/government/publications/the-uks-nationally-determined-contribution-communication-to-the-unfccc
48	Ten Point Plan	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf
49	Heathrow Ruling	https://www.supremecourt.uk/cases/uksc-2020-0042.html
50	Sixth Carbon Budget	https://www.theccc.org.uk/publication/sixth-carbon-budget/
51	Treasury: Net Zero Review	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945827/Net_Zero_Review_interim_report.pdf
Other documents used in original submission to Planning Application 18/P/5118/OUT		
52	CAA 2017 BAL data	https://www.caa.co.uk/Data-and-analysis/UK-aviationmarket/Airports/Datasets/UK-Airport-data/Airport-data-2017
53	CAA Passenger survey reports	https://www.caa.co.uk/Data-andanalysis/UK-aviation-market/Consumer-research/Departing-passengersurvey/Survey-reports/
54	ONS Travel Trends datasets 2017 and 2019	https://www.ons.gov.uk/releases/traveltrends2017 and https://www.ons.gov.uk/peoplepopulationandcommunity/leisureandtourism/articles/traveltrends/2019/relateddata
55	Green Book Review	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/937700/Green_Book_Review_final_report_241120v2.pdf
56	Green Book	https://www.gov.uk/government/publications/valuation-of-energy-use-and-greenhouse-gas-emissions-for-appraisal

57	World Health Organisation Guidelines for Community Noise	https://apps.who.int/iris/handle/10665/66217
58	Revised WHO Environmental Noise Guidelines 2018	https://www.euro.who.int/_data/assets/pdf_file/0008/383921/noise-guidelines-eng.pdf
PCAA submissions on NSC websites planning reference 18/P/5118/OUT and 20/P/2896/APPCON		
59	PCAA response final plus addendum 5 February 2019. Application 18/P/5118/OUT	https://planning.n-somerset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PJML85LPMKI00
60	PCAA Addendums to application 18/P/5118/OUT	https://planning.n-somerset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PJML85LPMKI00
61	New Economic Foundation 'Expansion of Bristol Airport' commissioned by CPRE, July 2019	https://planning.n-somerset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PJML85LPMKI00
62	PCAA response to Addendum to Environmental Statement and associated documents application 20/P/2896/APPCON January 2021	https://planning.n-somerset.gov.uk/online-applications/simpleSearchResults.do?action=firstPage
63	New Economic Foundation response 'Findings of independent analysis commissioned by the Parish Councils' Airport Association' January 2021	https://planning.n-somerset.gov.uk/online-applications/simpleSearchResults.do?action=firstPage
64	Parish witness statement from with the PCAA	Submitted direct to the Inspectorate for 22 February 2021
	Case Law	
65	Gladman Developments v Secretary of State for Housing Communities and Local Government [2019] EWHC 2001 Admin, judgments of 15 May 2014,	
	<i>Briels and Others</i> , C-521/12	
	<i>Orleans and Others</i> , C-387/15	

APPENDIX 2
PROPOSED CONDITIONS AND S106 OBLIGATION COMMENTS

to follow prior to CMC on 8 March 2021