

Date: 29 July 2021
My ref: SMB/Is043021
Your ref: CO/2356/2021
Contact: Sue Buck
Direct dial: [REDACTED]
Email: [REDACTED] &
[REDACTED]



Legal Services

North Somerset Council
Town Hall
Weston-super-Mare
BS23 1UJ

Administrative Court Office – Planning Court
Room C315
The Royal Courts of Justice
Strand
London
WC2A 2LL

Via email only:

generaloffice@administrativecourtoffice.justice.gov.uk

Dear Sir/Madam,

Re: Uttlesford District Council versus Secretary of State for Housing Communities & Local Government CO/2356/2021

Further to the above matter, please find enclosed an Acknowledgment of Service on behalf of North Somerset Council. The Council supports the claim. I enclose brief legal submissions and a witness statement from Mr Richard Kent, setting out the extent to which the Council wishes to participate in the claim. As explained in those documents, the Council will confine its submissions to Ground 1 and will remain neutral on Ground 2.

I can confirm that a copy of the enclosures will be sent to the parties within 7 days.

Yours faithfully,

[REDACTED]
PP [REDACTED] /SMB
Mrs S Buck
Solicitor

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Statutory Review Acknowledgment of Service

In the High Court of Justice Planning Court in the Administrative Court	
Claim No.	C0/2356/2021
Claimant(s) <i>(including ref.)</i>	UTTLESFORD DISTRICT COUNCIL
Defendant(s)	SECRETARY OF STATE FOR HOUSING, COMMUNIT

Name and address of person to be served

name
North Somerset Council
address
Town Hall Walliscote Road Weston-super-Mare BS23 1UE

SECTION A

Tick the appropriate box

- 1. I intend to contest all of the claim } complete sections B, C, D, E and F
- 2. I intend to contest part of the claim }
- 3. I do not intend to contest the claim complete section E and F

SECTION B

Insert the name and address of any person you consider should be added as a defendant.

name	
address	
Telephone no.	Fax no.
E-mail address	

name	
address	
Telephone no.	Fax no.
E-mail address	

SECTION C

Summary of grounds for contesting the claim. If you are contesting only part of the claim, set out which part before you give your grounds for contesting it.

Please see attached Legal Submission and Witness Statement

SECTION D

Give details of any directions you will be asking the court to make, or tick the box to indicate that a separate application notice is attached.

If you are seeking a direction that this matter be heard at an Administrative Court venue other than that at which the claim was issued, you should complete, lodge and serve on all other parties form N464 with this acknowledgement of service.

SECTION E

Do you deny that the claim is an Aarhus Convention claim? Yes No

If Yes, please set out your grounds for denial in the box below.

SECTION F

**delete as appropriate*

~~*(I believe)~~(The defendant believes) that the facts stated in this form are true.

*I am duly authorised by the defendant to sign this statement.

(if signing on behalf of firm or company, court or tribunal)

Position or office held

Solicitor on behalf of North Somerset Council

(To be signed by you or by your solicitor or litigation friend)

Signed

/SMB

Date

29 July 2021

Give an address to which notices about this case can be sent to you

name

North Somerset Council

address

FAO Mrs S Buck Town Hall
Walliscote Road
Weston-super-Mare
BS23 1UE

Telephone no.

Fax no.

none

E-mail address

If you have instructed counsel, please give their name address and contact details below.

name

Mr Reuben Taylor/ QC/Mr Matthew Henderson

address

Landmark Chambers
180 Fleet Street
London EC4A 2HG

Telephone no.

Fax no.

E-mail address

Completed forms, together with a copy should be lodged with the Planning Court in the Administrative Court Office (court addresses below) in which this claim was issued **within 21 days** of the service of the claim upon you, and further copies should be served on the Claimant(s) and any other Defendant(s) within 7 days of lodgement with the Court.

Administrative Court addresses

- Administrative Court in **London**

Administrative Court Office, Room C315, Royal Courts of Justice, Strand, London, WC2A 2LL.

- Administrative Court in **Birmingham**

Administrative Court Office, Birmingham Civil Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS.

- Administrative Court in **Wales**

Administrative Court Office, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.

- Administrative Court in **Leeds**

Administrative Court Office, Leeds Combined Court Centre, 1 Oxford Row, Leeds, LS1 3BG.

- Administrative Court in **Manchester**

Administrative Court Office, Manchester Civil Justice Centre, 1 Bridge Street West, Manchester, M3 3FX.

B E T W E E N:

UTTLESFORD DISTRICT COUNCIL

Claimant

-and-

SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL
GOVERNMENT

Defendant

LEGAL SUBMISSIONS ON BEHALF OF NORTH
SOMERSET COUNCIL

I. INTRODUCTION¹

1. North Somerset Council ("**the Council**") supports the claim and makes the following brief submissions to set out the extent to which it intends to participate in the claim. The Council's submissions will address Ground 1 only and will focus on the manner in which the Inspectors approached national aviation policy in the context of more recent legislative and policy developments concerning climate change (see, in particular, the submission by the Claimant ("**UDC**") in its Statement of Facts and Grounds ("**SFGs**") at [111] - [113]). The Council is neutral in respect of Ground 2.
2. The accompanying witness statement of Mr Richard Kent, the Council's Head of Planning, explains the background to the Council's decision to participate in this claim when it was served with the claim form and accompanying papers by UDC.

II. FACTUAL BACKGROUND

3. The SFGs set out factual background to the appeal at length. The Council does not rehearse those matters but notes the following events in chronological order:

¹ References: in the form [CD/tab] are to tabs in the bundle of Claim Documents provided by the Claimant; and in the form "DL paragraph" are to paragraphs in the decision letter under challenge.

- 26 November 2008** Climate Change Act 2008 ("**CCA 2008**") comes into force. Pursuant to s. 1(1) CCA 2008, it was the duty of the Secretary of State 'to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline' (as defined in s. 1(2)).
- 22 March 2013** Aviation Policy Framework ("**APF**") published.
- 5 June 2018** Airports National Policy Statement ("**ANPS**") and '*Beyond the horizon: The future of UK aviation*' ("**MBU**") published.
- 27 June 2019** The Climate Change Act 2008 (2050 Target Amendment) Order 2019 ("**the 2019 Order**") amends s. 1(1) CCA 2008 so that the duty on the Secretary of State is 'to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline' ("**the Net Zero target**").
- 29 January 2020** UDC refuse to grant planning permission for '*Airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,00 movements would be cargo Air Transport Movements (CATM)) and a throughput of 43 million terminal passengers, in a 12-month calendar period at Stanstead Airport*' ("**the Proposed Development**").
- 24 July 2020** Stansted Airport Limited ("**STAL**") appeals UDC's refusal of planning permission.
- 9 December 2020** The Committee on Climate Change ("**CCC**") publishes the Sixth Carbon Budget ("**6CB**") Report.
- 20 April 2021** Government announces that it accepts the CCC's recommendation in the 6CB Report.

21 April 2021	The Carbon Budget Order 2021 (“ the 2021 Order ”) is laid before Parliament.
7 May 2021	UDC, STAL and Stop Stanstead Expansion (“ SSE ”) make written submissions to the Inspectors on the 6CB and the 2021 Order.
21 June 2021	The decision letter under challenge (“ the DL ”) is issued.
23 June 2021	2021 Order was made, coming into force on the next day (24 June 2021). In the 2021 Order, the carbon budget for the 2033-2037 budgetary period (i.e. the 6CB period) is set at 965,000,000 tonnes of carbon dioxide equivalent (“ the 6CB target ”).

III. LEGAL FRAMEWORK

(a) The Climate Change Act 2008

4. Part 1 CCA 2008 concerns the carbon target and budgeting. The carbon target for 2050 is set out in s. 1 which provides:

‘(1) *It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.*

(2) *“The 1990 baseline” means the aggregate amount of –*

(a) *net UK emissions of carbon dioxide for that year, and*

(b) *net UK emissions of each of the other targeted greenhouse gases for the year that is the base year for that gas.’*

5. Pursuant to s. 2, the Secretary of State may *inter alia* amend the percentage specified in s. 1(1) by order. So far as material, s. 2 provides:

‘(1) *The Secretary of State may by order –*

(a) *amend the percentage specified in section 1(1) [...]*

(2) *The power in subsection (1)(a) may only be exercised –*

(a) *if it appears to the Secretary of State that there have been significant developments in –*

- (i) *scientific knowledge about climate change, or*
 - (ii) *European or international law or policy,*
- that make it appropriate to do so [...]*

- (3) *The developments in scientific knowledge referred to in subsection (2) are –*
 - (a) *in relation to the first exercise of the power in subsection (1)(a), developments since the passing of this Act [...]*

6. Pursuant to s. 4, it is the duty of the Secretary of State to set the carbon budget. So far as material, s. 4 provides:

- '(1) It is the duty of the Secretary of State –*
 - (a) *to set for each succeeding period of five years beginning with the period 2008–2012 (“budgetary periods”) an amount for the net UK carbon account (the “carbon budget”), and*
 - (b) *to ensure that the net UK carbon account for a budgetary period does not exceed the carbon budget [...]*

7. Further provision in respect of carbon budgets is made by s. 8 which materially provides:

- '(1) The Secretary of State must set the carbon budget for a budgetary period by order.*
- (2) *The carbon budget for a period must be set with a view to meeting –*
 - (a) *the target in section 1 (the target for 2050), and*
 - (b) *the requirements of section 5 (requirements as to level of carbon budgets),*

and complying with the European and international obligations of the United Kingdom [...]

8. In addition, pursuant to s. 13 the Secretary of State is under a duty to prepare proposals and policies for meeting carbon budgets. So far as material, s. 13 provides:

- '(1) The Secretary of State must prepare such proposals and policies as the Secretary of State considers will enable the carbon budgets that have been set under this Act to be met.*

- (2) *The proposals and policies must be prepared with a view to meeting –*
 - (a) *the target in section 1 (the target for 2050), and*
 - (b) *any target set under section 5(1)(c) (power to set targets for later years).*
- (3) *The proposals and policies, taken as a whole, must be such as to contribute to sustainable development [...]*

9. The background to, and operation of, the CCA 2008 has been summarised by the courts on a number of occasions. The Council relies on the in particular on *R. (Friends of the Earth Ltd) v Secretary of State for Transport* [2020] UKSC 52, [2021] P.T.S.R 190 per Lord Hodge and Lord Sales at [39] - [46], drawing upon the account given by the Divisional Court in *R. (Spurrier) v Secretary of State for Transport* [2019] EWHC 1070 (Admin), [2020] PTSR 240 at [558] - [570]. See also *R. (Transport Action Network Limited) v Secretary of State for Transport* [2021] EWHC 2095 (Admin) per Holgate J at [38] - [49].

(a) Principles which apply to a claim pursuant to s. 288 TCPA 1990

10. The principles which apply to the determination of a claim pursuant to s. 288 TCPA 1990 were summarised in *St Modwen Developments Ltd v Secretary of State for Housing, Communities and Local Government* [2017] EWCA Civ 1643, [2018] PTSR 746 per Lindblom LJ at [6]. The Council highlights the third principle in particular:

*'(3) The weight to be attached to any material consideration and all matters of planning judgment are within the exclusive jurisdiction of the decision-maker. They are not for the court. A local planning authority determining an application for planning permission is free, "provided that it does not lapse into Wednesbury irrationality" to give material considerations "whatever weight [it] thinks fit or no weight at all" (see the speech of Lord Hoffmann in *Tesco Stores Limited v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H). And, essentially for that reason, an application under section 288 of the 1990 Act does not afford an opportunity for a review of the planning merits of an inspector's decision (see the judgment of Sullivan J., as he then was, in *Newsmith v Secretary of State for Environment, Transport and the Regions* [2001] EWHC Admin 74, at paragraph 6).'*

11. The Supreme Court has given recent guidance on the approach to challenges based on alleged failure to take into account a material consideration: see *R. (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council* [2020] UKSC 3, [2020] P.T.S.R 221 per Lord Carnwath at [29] - [31] and *R. (Friends of the Earth Ltd) v Secretary of*

State for Transport [2020] UKSC 52, [2021] P.T.S.R 190 *per* Lord Hodge and Lord Sales at [116] - [121]. The Council highlights the following matters from this guidance:

- (a) There are three categories of considerations: first, those clearly (whether expressly or impliedly) identified by the statute as considerations to which regard must be had; secondly, those clearly identified by the statute as considerations to which regard must not be had; and thirdly, those considerations to which the decision-maker may have regard if in his judgment and discretion he things it right to do so. See *Friends of the Earth* at [116].
- (b) In this third category, it is possible to subdivide considerations into two types of case: first a decision-maker may not advert at all to a particular consideration, but in such a case the decision is not affected by unlawfulness unless the consideration is obviously material according to the *Wednesbury* irrationality test; and secondly, a decision-maker may in fact turn their mind to a particular consideration but decide to give the consideration no weight and again the question is whether the decision-maker acted rationally in so doing. See *Friends of the Earth* at [120] and *Samuel Smith* at [30] and [32].
- (c) There is no obligation on a decision maker to work through every consideration which might conceivable be regarded as potentially relevant to the decision they have to take and positively decide to discount it in the exercise of their discretion: see *Friends of the Earth* at [120].

IV. SUBMISSIONS ON GROUND 1

12. The Council makes the following submissions in support of Ground 1:

- (a) the Inspectors failed to take into account the absence of any assessment demonstrating that the development (such as the Proposed Development) contemplated by national aviation policy, in particular MBU, could come forward on a basis which would ensure that either the 6CB target or the Net Zero Target will be attained; and
- (b) in the absence of any adopted sectoral target for aviation within the 6CB target, the Inspectors could not determine whether the grant of planning permission for the Proposed Development would be consistent with the duty in s. 13 CCA 2008. The Inspectors failed to have regard to this material consideration when

determining whether granting planning permission might make the attainment of carbon reduction targets materially more difficult.

(a) Failure to take into account the absence of any assessment demonstrating that development contemplated by national aviation policy could come forward consistently with the 6CB target and the Net Zero target.

13. National aviation policy, as considered by the Inspectors (i.e. APF, the ANPS and MBU) was all formulated before the adoption of the 6CB target and before the introduction of the Net Zero target. As a necessary consequence of this, the policy in those documents was formulated in - and designed for - a world where decision makers did not need to grapple with the 6CB target or the Net Zero target. This is apparent on the face of these documents: see the APF at [2.29] - [2.32] and MBU at [1.11] - [1.21]. The Council highlights the following parts of MBU in particular.
14. After setting out at [1.9] that *'for the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes'*, MBU material states at [1.1] - [1.13]:

1.11 There are, however, some important environmental elements which should be considered at a national level. The government recognises that airports making the best use of their existing runways could lead to increased air traffic which could increase carbon emissions.

1.12 We shall be using the Aviation Strategy to progress our wider policy towards tackling aviation carbon. However, to ensure that our policy is compatible with the UK's climate change commitments we have used the DfT aviation model to look at the impact of allowing all airports to make best use of their existing runway capacity. We have tested this scenario against our published no expansion scenario and the Heathrow Airport North West Runway scheme (LHR NWR) option, under the central demand case.

1.13 The forecasts are performed using the DfT UK aviation model which has been extensively quality assured and peer reviewed and is considered fit for purpose and robust for producing forecasts of this nature. Tables 1-3 show the expected figures in passenger numbers, air traffic movements, and carbon at a national level for 2016, 2030, 2040, and 2050.

15. Table 3 which accompanies these paragraphs shows that of the four assessed scenarios, only the baseline scenario (i.e. without either development to make best use of runway

capacity and without the Heathrow Airport North West Runway scheme) complied with the planning assumption of 37.5Mt CO₂.

16. At [1.14] MBU states:

'As explained in Chapter 6 of the Aviation Strategy Next Steps document, we have made significant steps in developing international measures for addressing aviation carbon dioxide (CO₂) emissions, including reaching agreement at the International Civil Aviation Organisation (ICAO) in October 2016 on a global offsetting scheme for international aviation, known as the Carbon Offsetting and Reduction Scheme for International Aviation, or CORSIA. However, there remains uncertainty over future climate change policy and international arrangements to reduce CO₂ and other greenhouse gases. The Airports Commission devised two scenarios which continue to be appropriate to reflect this uncertainty: carbon traded and carbon capped. In this assessment the DfT has followed the same approach.'

17. MBU then considers the carbon traded scenario at [1.15] and the carbon capped scenario at [1.16] - [1.21]. Notably, at [1.21] in respect of the carbon capped scenario, MBU concludes that *'it is likely that'* the measures discussed in the previous paragraphs (more efficient ground movement policy and renewable fuels policy) *'would be available to meet the planning assumption under this policy'*. This is also reflected in table 4, titled *'Policies to meet CCC cap (37.5MtCO₂) levels in 2050'*.

18. Taking all these matters in the round, it is clear beyond argument that the effects of MBU as national policy were only assessed against the planning assumption of 37.5MtCO₂. That planning assumption was a figure identified to meet the 80% reduction target by 2050 (i.e. s. 1 CCA 2008 prior to amendment). There was no assessment of the effects of MBU against the 6CB target or the Net Zero target which prevailed at the time of the DL (and there would have been no reason for such an assessment, as the 6CB target and the Net Zero target had not been set when MBU was promulgated, and the sectoral carbon targets are still to be set today).

19. The Inspectors erred in law when applying MBU by failing to take into account the absence of any assessment which established that the expansion of capacity envisaged by MBU was consistent with the attainment of the 6CB target and the Net Zero target. The absence of such an assessment was a matter which was so obviously material that it was irrational for the Inspectors not to take it into account for the following reasons:

(a) The adoption of the 6CB target and the Net Zero target was, on any view, a significant development. This is apparent from the CCA 2008 itself. First,

pursuant to s. 2(a), the Secretary of State was only empowered to amend s. 1 to adopt the Net Zero target because he was satisfied that there were '*significant developments*' since the passing of the CCA 2008 in respect of scientific knowledge about climate change, or European or international law or policy. Secondly, pursuant to s. 8(2)(a) CCA 2008 the Secretary of State was required to set the carbon budget in order to meet the Net Zero target. Reflecting the significant change in the adoption of the Net Zero target, the 6CB was itself a significant change, given the incorporation of international aviation within the budget (rather than dealing with it by way of the planning assumption).

- (b) In promulgating the policy in MBU, it was essential that the Secretary of State tested the enhanced use of existing runways against the prevailing climate change targets. The detailed assessment work undertaken in this regard is apparent on the face of MBU: see MBU at [1.12] – [1.13] (and the footnotes thereto) and table 1 – 3. Indeed, one of the principal purposes of MBU was to demonstrate that enhanced use of existing runways was compatible with the prevailing climate change targets, such as to limit consideration of this matter by local planning authorities.
- (c) In these circumstances, the adoption of the 6CB target and the Net Zero target represented a fundamental shift in the legislative and policy basis on which MBU was formulated and a fundamental shift in the basis of the detailed assessment work which was undertaken to support MBU. Accordingly, the absence of any updated assessment which established that the expansion of capacity envisaged by MBU was consistent with the attainment of the 6CB target and the Net Zero target was critical for considering the weight to be afforded to MBU. In the event that there was such an assessment, MBU could be given weight as being consistent with the 6CB target and the Net Zero target. However, if there was no such assessment, the weight to be afforded to MBU could be reduced. It follows that the absence of such an assessment was obviously material.

- 20. The error in the Inspectors' approach is particularly apparent at DL 21 - DL 24. At DL 21 the Inspectors state that '*MBU sets out a range of scenarios for ensuring the existing planning assumption can be met*'. At DL 24, the Inspectors recognise the adoption of the Net Zero target in the first sentence and the 6CB target. However, the Inspectors then

state: *'Notwithstanding these changes, MBU has remained Government policy. There are any number of mechanisms that the Government might use to ensure that these new obligations are achieved which may or may not involve the planning system and may potentially extend to altering Government policy on aviation matters'*. The statement that *'MBU has remained Government policy'* betrays the Inspectors' failing: the fact that MBU remained Government policy despite the changes to the legislative and policy framework necessitated consideration of whether there was an assessment demonstrating that the development envisaged by MBU was consistent with the Net Zero target and the 6CB target. There was no such assessment and that was obviously material.

21. This error by the Inspectors was material and it cannot be said that relief should be refused applying *Simplex* because it is impossible for the court to know what weight the Inspectors would have attributed to MBU if they had considered the absence of any updated assessment which established that the expansion of capacity envisaged by MBU was consistent with the attainment of the 6CB target and the Net Zero target. Weight is a matter for the decision maker – see the third principle in *St Modwen*, above – and there is no basis for the court to step into the decision maker's shoes in this case.

(b) The Inspectors could not determine whether the grant of planning permission for the Proposed Development would be consistent with the duty in s. 13 CCA 2008.

22. Pursuant to s. 13 CCA 2008, the Secretary of State *'must prepare such proposals and policies as the Secretary of State considers will enable the carbon budgets that have been set under this Act to be met'* and the proposals and policies must be prepared with a view to meeting the Net Zero target.
23. As the Inspectors recognised in the final sentence of DL 19, the Secretary of State had not adopted any sectoral target for aviation within the 6CB target.
24. In these circumstances, the Inspectors were simply unable to determine whether the grant of planning permission for the Proposed Development would be consistent with the duty in s. 13 CCA 2008. The Inspectors failed to have regard to this material consideration when determining whether granting planning permission might make the attainment of carbon reduction targets materially more difficult, rather the Inspectors gloss over this matter at DL 20 having identified the difficulty in the previous paragraph and the Inspectors do not deal with this matter later in the DL.

V. CONCLUSION

25. For these reasons, the Council supports this claim and submits that the DL should be quashed.

**REUBEN TAYLOR QC
MATTHEW HENDERSON**

**Landmark Chambers,
180 Fleet Street,
London EC4A 2HG.**

29 July 2021

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
PLANNING COURT

Claim No. CO/02356/2021

B E T W E E N:

UTTLESFORD DISTRICT COUNCIL

Claimant

-and-

SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Defendant

WITNESS STATEMENT OF RICHARD KENT

I, Richard Kent, of North Somerset Council ("**the Council**"), Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ will say as follows:

1. I am the Head of Planning in the Place Directorate. I make this witness statement to explain the background to the Council's decision to participate in this claim when it was served with the claim form and accompanying papers by the Claimant.
2. The facts and matters to which I refer in this present statement are within my own knowledge, except where otherwise stated. Where facts and matters are not within my own knowledge, they are true to the best of my knowledge and belief and I have indicated the source.

(1) Application for planning permission to expand Bristol Airport

3. The Council is the local planning authority for the area in which Bristol Airport ("**BA**") is situated.
4. On 10 December 2018, Bristol Airport Limited ("**BAL**"), the operator of BA, applied to the Council for planning permission for the following development ("**the Proposed Development**") at BA:

'Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.'

5. By a decision notice dated 19 March 2020, the Council refused BAL's application for planning permission for the Proposed Development ("**the Decision**"). I exhibit the decision notice as **Exhibit RK1**. The Council specified five reasons for refusal. The third reason for refusal provides:

'The scale of greenhouse gas emissions generated by the proposed increase in passenger numbers would not reduce carbon emissions and would not contribute to the transition to a low carbon future and would exacerbate climate change contrary to the National Planning Policy Framework, policy CS1 of the North Somerset Core Strategy 2017 and the duty in the Climate Change Act 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.'

(2) Bristol Airport Limited's appeal and Statement of Case

6. In September 2020, BAL appealed the Decision to the Defendant pursuant to s. 78 of the Town and Country Planning Act 1990 ("**TCPA 1990**"). In its Statement of Case, BAL referred to '*Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways*' ("**MBU**") on numerous occasions in support of its position. In particular at [1.3], [2.7], [4.1], [4.4] – [4.5], [9.25], [13.2] and [13.3]. I exhibit BAL's Statement of Case as **Exhibit RK2**.

(3) The Council's Statement of Case

7. In February 2021 Council provided its Statement of Case in the appeal. I exhibit the Council's Statement of Case as **Exhibit RK3**. The Council addressed climate change, including MBU at [85] – [112].

(4) The inquiry

8. BAL's appeal is being heard by the inquiry procedure. The inquiry opened on 20 July 2020 and is due to last for 9 weeks (and will be followed by a one-week inquiry into BAL's related compulsory purchase order). Both BAL and the Council addressed MBU in its opening statements. BAL's Opening Statement materially addresses MBU at [5] – [6], [46], [48], [51] – [52] and [326(d)]. I exhibit BAL's Opening Statement as **Exhibit RK4**. I highlight [51] – [52] in particular:

'51. BAL acknowledges that many people, including the witnesses of NSC and the Rule 6 parties, simply do not accept the thrust of Government policy as set out in the APF and MBU. Some seek to challenge Government policy by arguing that it is inconsistent with achieving the net zero target, or the recently published Sixth Carbon Budget. There are two points to note in this regard. First, as a matter of principle, the adoption of the Sixth Carbon Budget does not impact the status of MBU as Government policy. Unless and until Government decide to revoke or otherwise amend MBU, it remains extant policy to be applied in the determination of this appeal. The obligation to meet the five yearly carbon budgets falls on the Secretary of State. It is for the Secretary of State and Government to determine how best that obligation is met. Secondly, it is important to stress that it is not for this Inquiry to debate the merits of Government policy. The APF and MBU are matters of high level Government policy, the merits of which are not for debate at local planning inquiries; that is clear from the well-known judgement of Lord Diplock in Bushell. Government's clear policy to 'make best use' of existing runways is simply not 'up for grabs' and nor is an attack on the merits of Government policy by the backdoor of challenging 'soundness' or 'weight'. The role of the Inspectors in the context of this section 78 appeal is to take proper account of extant Government policy.

52. The Government's position on MBU, and the 'in principle' support for regional airports making best use of their existing runway capacity is clear. Both the MBU and the APF should be given full and significant weight in this appeal.'

9. The Council's Opening Statement materially addresses MBU at [23] – [26], [56] – [64]. I exhibit the Council's Opening Statement as **Exhibit RK5**. I highlight the following parts of [56] – [64] in particular:

56. *The Council will contend that both APF and MBU are out of date in so far as their policy approach is justified by reference to an appraisal of the implications of growth against a now out of date set of emissions reduction targets.*

57. *The APF was published in March 2013 and as such it was formulated in the context of a statutory duty in the CCA 2008 to cut emissions to 80% of 1990 levels by 2050. Further, APF adopted a policy approach (within the context of an 80% cut in emissions) where international aviation was not to be included in the attainment of national targets. An 80% target of course would allow for off-setting from other sectors which achieve a greater than 80% reduction in carbon emissions.*

58. *This position has been overtaken, is no longer tenable and APF must be considered to be out of date. Today, the Government has committed to including international aviation with carbon reduction targets, to the CCC recommendation for the 6CB of a cut in carbon emissions to 78% of 1990 levels by 2035 and to achieve net zero by 2050. The approach set out in APF is entirely at odds with those objectives and its support for growth can only be seen to be support for growth on a basis which was not established to be consistent with the recently adopted targets.*

59. *Further, the policy approach in MBU was founded on it being established that the small increase in capacity that it contemplated could come forward on a basis which would ensure that the then existing climate change targets could still be met. Of course, those climate targets were not those which apply today: there was no commitment to net zero and the policy was promulgated several years before the publication of the 6CB by the CCC and its acceptance by the Government.*

60. *MBU does not contain any assessment which demonstrates that the increase in capacity that it contemplates can come forward on a basis which will ensure that either the 6CB target or net zero in 2050 will be attained. [...]*

62. *Whilst the Council recognises that the APF and MBU are the most recent policy statements made by Government, that fact alone does not mean that the justification for the policy approach contained within those statements remains up-to-date; rather the Council will contend that in so far as support for additional airport expansion is provided in those documents, that support is founded upon an appraisal of compliance with carbon reduction targets which is wholly out of date.*

63. *Neither the APF nor MBU tested the ability for the UK to meet its current climate change obligations (6CB and net zero 2050 including international aviation emissions). As such, to the extent that either of these policy documents can be construed as giving any in principle support for airport expansion, that support must be out of date since it was not provided on the basis of any*

assessment which establishes that airport expansion can be achieved on a basis which is consistent with the current climate change obligations.

64. As a result, the Council will argue that to the extent that the APF and MBU support additional airport expansion, those expressions of support are to be given little weight, since it has not been established that such growth is deliverable on a basis which is consistent with existing carbon emissions reductions targets.'

(5) The Council's concerns

10. So far as the Council is aware, the appeal by BAL is the only appeal (other than the appeal by Stansted Airport Limited with which this claim is concerned) that has considered MBU.
11. It is apparent from the documents that I have referred to above that the interpretation of MBU and the weight to be afforded to MBU will be central to the determination of the appeal by BAL. It is also apparent that BAL and the Council are not agreed as to either the interpretation of MBU or the weight to be afforded to it, and that BAL will seek to rely on the decision letter under challenge in this claim in support of its position. Indeed, BAL's Opening Statement refers to the Stansted decision letter in support of its position over 10 times. Given this, the importance of the Stansted decision letter to the dispute between the parties in the appeal is clear beyond doubt.
12. Further, having considered the claim form and supporting documents, it is clear to the Council that there is very substantial overlap between the matters in dispute in the appeal and the matters in dispute in the claim. In particular, the issues raised in Ground 1 of the claim overlap with the issues raised by the Council in the appeal and which are disputed by BAL.
13. In light of these matters, including the potential for this claim to bear on some of the issues in dispute in the appeal, the Council has decided to participate in this claim and has prepared an Acknowledgement of Service accordingly. The Council has set out the extent to which it wishes to participate in this claim in its legal submissions accompanying its acknowledgement of service.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Name: Richard Kent BA(Hons) MTP DipM MRTPI
Head of Planning, Place Directorate

A handwritten signature in black ink, appearing to read 'Richard Kent', written in a cursive style.

Signature:

Date: 29 July 2021

NOTICE OF DECISION

Town and Country Planning Act 1990



Mr Alexander Melling
Wood Environment & Infrastructure Solutions UK Ltd
Redcliff Quay
120 Redcliff Street
Bristol
BS1 6HU

Application Number: 18/P/5118/OUT

Category: Outline application

Application No: 18/P/5118/OUT
Applicant: Bristol Airport Limited
Site: Bristol Airport, North Side Road, Felton, Wrington
Description: Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** consent for the above development for the following reasons:

- 1 The airport has planning permission to expand to a throughput of 10 million passengers per annum (mppa) which allows for further expansion in passenger growth of approximately 1 mppa above the current passenger level. The further expansion beyond 10mppa now proposed would generate additional noise, traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding

Bristol Airport and which would have an adverse impact on an inadequate surface access infrastructure. The claimed economic benefits arising from the proposal would not outweigh the environmental harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017.

- 2 The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the proposed development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017
- 3 The scale of greenhouse gas emissions generated by the proposed increase in passenger numbers would not reduce carbon emissions and would not contribute to the transition to a low carbon future and would exacerbate climate change contrary to the National Planning Policy Framework, policy CS1 of the North Somerset Core Strategy 2017. and the duty in the Climate Change Act 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.
- 4 The proposed extension to the Silver Zone car park and the year round use of the seasonal car park constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm including the encroachment of development on the countryside and loss of openness contrary to the National Planning Policy Framework and policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 2016.
- 5 The proposed public transport provision is inadequate and will not sufficiently reduce the reliance on the car to access the airport resulting in an unsustainable development contrary to the National Planning Policy Framework and policies CS1 and CS10 of the North Somerset Core Strategy 2017.

Advice Notes:

- 1 Positive and proactive statement: The council worked with the applicant in a positive and proactive manner and implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by providing pre-application and post-application advice and publishing statutory consultee and neighbour comments on the council's website. The council also looked for solutions to enable the grant of planning permission and invited amendments and/or additional information be submitted to overcome concerns. However, notwithstanding these efforts the application does not comply with the relevant planning policies and clear reasons have been given to help the applicant understand why planning permission has not been granted

Continued...

- 2 Refused plans/documents: The plans/documents that were formally considered as part of this application are as follows:

Drawings:

- o 17090-00-100-400 Location (Red Line) Plan
- o 17090-00-100-401 Composite Site Plan
- o 17090-00-100-402 Site Reference Plan
- o 17090-00-100-403 Existing Site Plan
- o 17090-00-100-404 Existing Site Plan - North
- o 17090-00-100-405 Existing Site Plan - Central
- o 17090-00-100-406 Existing Site Plan - South
- o 17090-00-100-407 Proposed Site Plan
- o 17090-00-100-408 Proposed Site Plan - North
- o 17090-00-100-409 Proposed Site Plan - Central
- o 17090-00-100-410 Proposed Site Plan - South
- o 17090-00-100-411_01 Permitted Development Rights Reference Site Plan
- o 17090-00-200-400_00 Ground Floor Plan - Existing
- o 17090-00-200-401_0 Ground Floor Plan - Proposed
- o 17090-10-200-400_00 First Floor Plan - Existing
- o 17090-10-200-401_00 First Floor Plan - Proposed
- o 17090--10-200-400_00 Basement Floor Plan - Existing
- o 17090--10-200-401_00 Basement Floor Plan - Proposed
- o 17090-20-200-400_00 Mezzanine Floor Plan - Existing
- o 17090-20-200-401_00 Mezzanine Floor Plan - Proposed
- o 17090-ZZ-125-400_00 Roof Plan - Existing
- o 17090-ZZ-125-401_00 Roof Plan - Proposed
- o 17090-ZZ-300-400_00 South Terminal Extension & B1, B2 and B3 - Existing Elevations (Sheet 1 of 2)
- o 17090-ZZ-300-401_00 South Terminal Extension & B1, B2 and B3 - Proposed Elevations (Sheet 1 of 2)
- o 17090-ZZ-300-402_00 South Terminal Extension & B1, B2 and B3 - Existing Elevations (Sheet 2 of 2)
- o 17090-ZZ-300-403_00 South Terminal Extension & B1, B2 and B3 - Proposed Elevations (Sheet 2 of 2)
- o 17090-ZZ-300-404_00 West Terminal Extension - Existing Elevations
- o 17090-ZZ-300-405_00 West Terminal Extension - Proposed Elevations
- o 17090-ZZ-300-406_00 Terminal Canopies - Existing Elevations
- o 17090-ZZ-300-407_00 Terminal Canopies - Proposed Elevations
- o 40506-Bri075c Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan
- o C1124-SK-A38-010 11.0 A38 Junction Improvements - Option 10
- o C1124-SK-A38-011 1.0 A38 Junction Improvements - Vehicle Track Analysis 1 of 3
- o C1124-SK-A38-012 1.0 A38 Junction Improvements - Vehicle Track Analysis 2 of 3
- o C1124-SK-A38-013 1.0 A38 Junction Improvements - Vehicle Track Analysis 3 of 3

Documents:

- o Planning Statement (including Bristol Airport Forecast Validation) - December 2018
- o Environmental Statement (including Flood Risk Assessment) - December 2018
- o Design and Access Statement - December 2018
- o Consultation Feedback Report - November 2018

- o Economic Impact Assessment - November 2018
- o Transport Assessment - December 2018
- o Draft Workplace Travel Plan - December 2018
- o Parking Demand Study - December 2018
- o Parking Strategy - December 2018
- o Foul and Surface Water Drainage Strategy - December 2018
- o Lighting Impact Assessment - December 2018
- o BREEAM Pre-Assessment - November 2018
- o Response to Request for Further Information Pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - April 2019
- o Response to Request for Further Information Pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - October 2019
- o Response to North Somerset Council Highways and Transport Comments - December 2019

Date: 19 March 2020
Signed: Richard Kent
Head of Development
Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

NOTES RELATING TO A DECISION TO REFUSE PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or by any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If this is a decision to refuse planning permission for a householder application¹ or shopfront proposal and you want to appeal, then you must do so **within 12 weeks** of the date of this notice. If this is a decision to refuse Advertisement Consent then you must submit your appeal **within 8 weeks** of the date of this notice. In all other cases if you want to appeal against your local planning authority's decision then you must do so **within 6 months** of the date of this notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

How to get our advice

It is well worth contacting the officer who dealt with your application to see if an alternative solution can be reached which would avoid the need for an appeal. Should you require our written advice prior to submitting a new application please be aware that there is normally a fee for such requests. Details of how to obtain our advice prior to submitting an application can be found on our website.

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning

¹ Householder developments are defined as those within the curtilage of a house and are not a change of use or the creation of an additional dwelling or flat. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.

Full Statement of Case

Section 78 Town and Country Planning Act 1990 Appeal against the refusal of application 18/P/5118/OUT for the development of Bristol Airport to accommodate 12 million passengers per annum

September 2020



1. Introduction

Overview

- 1.1 This Full Statement of Case (Statement of Case) is submitted by Bristol Airport Limited ('BAL') as the appellant in support of an appeal, made pursuant to Section 78 of the Town and Country Planning Act 1990, against the decision of North Somerset Council ('NSC') on 19 March 2020 to refuse planning application reference 18/P/5118/OUT. The description of the proposed development (hereafter referred to as the 'appeal proposal') is as follows:

"Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works."

- 1.2 The decision of NSC's Planning and Regulatory Committee to refuse the application was contrary to a clear and unequivocal officer recommendation to grant planning permission. All matters raised in NSC's reasons for refusal were previously agreed by officers to have been adequately addressed by BAL and in refusing planning permission, NSC has not provided any proper justification for reaching a different conclusion and departing from the balanced and well-reasoned advice of its own officers. In all the circumstances, NSC's decision was unreasonable.
- 1.3 BAL's case is that the appeal proposal will ensure that Bristol Airport can grow in alignment with regional passenger demand. This will, in-turn, deliver substantial social and economic benefits and enable BAL to make best use of its existing runway which, as officers of NSC accepted, can be achieved whilst ensuring that adverse impacts on the environment and local communities are appropriately addressed. The appeal proposal is, therefore, in accordance with the Development Plan for North Somerset¹, the National Planning Policy Framework² (NPPF) and the Government's policy for aviation (a summary of policies referred to in this Statement of Case is presented in **Appendix A**).
- 1.4 Increasing the capacity of Bristol Airport fully supports the Government's aviation policy objectives to make the UK one of the best-connected countries in the world and for the aviation sector to make a significant contribution to the economic growth of the UK. It will ensure that Bristol Airport continues and enhances its role as the principal international gateway for the South West region. Critically, the appeal proposal will help to support the South West's recovery from the COVID-19 pandemic, 'level up' regional growth and deliver enhanced regional airport capacity to help meet the UK's global ambitions for

¹ The adopted Development Plan comprises of the: North Somerset Core Strategy (adopted 2017); Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).

² Ministry of Housing, Communities & Local Government (2019) *National Planning Policy Framework*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf [Accessed August 2020].

increased international connectivity and trade following the UK's departure from the European Union (EU).

- 1.5 As NSC officers accepted, the factors summarised above strongly outweigh the limited adverse impacts of the appeal proposal and, therefore, planning permission should be granted.

The COVID-19 Pandemic

- 1.6 Due to the COVID-19 pandemic, its impact on the aviation sector and temporarily suppressed passenger demand at Bristol Airport, BAL will update the passenger and traffic forecasts that informed the planning application. BAL will determine whether the revised forecasts results in a change to the assessments submitted as part of the planning application and, where necessary, will provide updates to ensure that the Inspector and all parties to the appeal have the benefit of an up to date assessment of the likely significant effects of the appeal proposal. However, BAL is confident that there remains an acute need for the appeal proposal, and the benefits it brings, despite the short-term impacts of COVID-19 on the aviation sector.

Statement of Common Ground

- 1.7 A draft Statement of Common Ground has been submitted with the appeal, which contains relevant planning policies, draft conditions and heads of terms for a proposed s106 Agreement. BAL will seek to engage with NSC to agree the Statement of Common Ground in accordance with any agreed timescales for the appeal.

Structure of this Statement

- 1.8 This Statement has been prepared in accordance with 'The Procedural Guide: Planning Appeals England' published by The Planning Inspectorate³. It sets out:
- The context for the appeal proposal including a description of the application site and surroundings, relevant planning history and overview of the appeal proposal itself (**Section 2**);
 - A summary of the Environmental Statement (ES) submitted with the planning application and implications of the COVID-19 pandemic for the associated environmental assessments (**Section 3**);
 - The need for the appeal proposal and its benefits (**Section 4**);
 - BAL's case for the appeal in response to the principal matters cited in NSC's reasons for refusal (**Sections 5 to 9**);
 - A summary of other matters that are not raised in NSC's reasons for refusal (**Section 10**);
 - An overview of the draft conditions and Section 106 Agreement (s106) Heads of Terms agreed with NSC officers (**Section 11**);
 - The evidence to be presented by BAL and the witnesses BAL intends to call (**Section 12**);
 - The overall planning balance and compliance of the appeal proposal with the Development Plan when read as a whole (**Section 13**).

³ The Planning Inspectorate (2020) *Procedural Guide: Planning Appeals England July 2020*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/897145/Procedural_Guide_Planning_appeals_version_10.pdf [Accessed September 2020].

2. Context, Appeal Proposal and Decision

Application Site and Surroundings

- 2.1 Bristol Airport is located approximately 11km south-west of Bristol city centre, within the local authority administrative area of NSC. The A370 Bristol to Weston-super-Mare road is 4km to the north and the M5 motorway 11km to the west of the site. The A38 carriageway is directly adjacent to the airport, on its eastern extent.
- 2.2 Two roundabout junctions provide access to the airport site from the A38. The northern roundabout provides access to the main terminal building, passenger pick up and drop off areas, hotel and operational facilities, and both short and long-stay parking areas. This is also the main access for public transport services to Bristol Airport. The southern roundabout, meanwhile, provides access to (inter alia) the airport administration building, Silver Zone long-stay car parking, staff car parking and transport hub, aircraft maintenance areas, fire station, Bristol and Wessex Aeroplane Club, Bristol Flying Centre and the Western Power Distribution Helicopter Unit. In addition to its existing site, BAL owns some 16 hectares (ha) of land immediately to the south of the airport. This land is currently used for agriculture, dominated by improved grassland used for grazing and a small area of woodland.
- 2.3 The Development Plan defines an inset that excludes land on the northern side of the airfield from the Green Belt; land to the south of the existing terminal building, including (inter alia) the runway and the existing Silver Zone long stay car parking area, as well as the A38, is within the Green Belt.
- 2.4 The area surrounding the airport is predominately open, undulating countryside with extensive woodland areas to the west and open farmland and settlements to the north, east and south. Relative to many other UK airports, there are few residential dwellings or settlements in the immediate vicinity of the airport. Immediately to the north of the airport are a number of properties on the A38 and Downside Road with those along the southern side falling within the parish of Wrington and those along the north being within the parish of Backwell. To the north-west is the village of Felton whilst to the south is the small settlement of Redhill, beyond which is Wrington.

Planning History

- 2.5 A summary of the planning history for the Bristol Airport site that is particularly relevant to the appeal proposal is presented in **Table 2.1**.

Table 2.1 Relevant Planning History Summary

Planning Reference	Description	Date Approved
09/P/1020/OT2	Major development of Bristol Airport to accommodate 10mppa.	16/02/2011
16/P/1455/F	Development of a five-storey multi-storey car park (MSCP) providing a total of 1,878 spaces. The development represented a change to the phasing of car parking under permission 09/P/1020/OT2, bringing forward the western extent of the consented MSCP (hereafter referred to as MSCP1) as the first phase.	11/11/2016
16/P/1486/F	Development of car parking providing approximately 3,650 long stay car parking spaces for use in peak months May-October and forming an extension to the existing Silver Zone Car Park (hereafter referred to as the Silver Zone Car Park extension (Phase 1)). The development represented a change to the phasing of car parking under permission 09/P/1020/OT2, bringing forward the extension ahead of the MSCP.	11/11/2016
17/P/1273/F	Proposed use of on-board auxiliary power units between 06:00 and 23:00 hours in Aircraft on stands nos. 34 to 37.	29/08/2017
18/P/400/FUL	Application to vary condition no.3 attached to planning permission 16/P/1486/F to allow the year-round use of the Silver Zone Car Park extension (Phase 1) for a temporary period of one year.	25/10/2018

2.6 In 2006, BAL (formerly known as Bristol International Airport) published its first Master Plan setting out how the airport should develop. The Master Plan outlined specific plans to cater for up to 9 mppa by 2015 as well as setting out early ideas for a 12.5 mppa capacity airport by 2030. BAL was subsequently granted outline planning permission by NSC on 16 February 2011 (ref 09/P/1020/OT2) for the major expansion of Bristol Airport to handle 10 mppa. The expansion proposals included: a terminal extension; new walkways, piers and aprons; a new office building; a replacement fuel storage depot; and landscape and nature conservation enhancement measures. Under this consent, annual capacity is limited to 10 mppa by planning condition. BAL continues to implement the existing 10 mppa planning permission through reserved matters applications. There have also been some associated non-material amendments (NMA) to the 10 mppa consent and additional planning permissions have been issued for related development, including the re-phasing of additional car parking as outlined in **Table 2.1**.

Appeal Proposal

2.7 Planning permission will enable Bristol Airport to grow beyond its current 10 mppa capacity to 12 mppa, making best use of its current runway in line with Government policy. To support this increase in capacity, BAL's planning application includes the following:

- extensions to the terminal building on its west and southern sides and canopies over the forecourt of the main terminal building;
- erection of a new east walkway and pier with vertical circulation cores, pre-board zones and a 5m high acoustic timber fence;
- construction of a new service yard directly north of the western walkway;
- car parking including erection of a multi-storey car park (MSCP) providing approximately 2,150 spaces (referred to as 'MSCP3'), year-round use of the existing Silver Zone car park extension (Phase 1) and a further extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2);
- surface access improvements including enhancements to the A38 extending northwards from the main airport access roundabout to circa 130m beyond West Lane (including sections of Downside Road and West Lane) and an improved internal road system with gyratory and internal surface car parking;
- enhancements to airside infrastructure including construction of a new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; and
- operational changes including a cap of 4,000 night flights between the hours of 23:30 and 06:00 over two consecutive seasons (a 12 month period) (merging the current night movement limit of 3,000 in summer and 1,000 in winter) and revisions to the use of aircraft stand numbers 38 and 39.

2.8 A detailed description of the appeal proposal is contained in Section 3.3 of the Planning Statement.

Decision

2.9 The planning application for the appeal proposal was submitted to NSC in December 2018.

2.10 NSC appointed specialist consultants to review all technical aspects of the submission. Their review informed NSC officers' full and careful consideration of the proposals, which resulted in two requests for further information made by NSC under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). BAL provided considered and detailed responses to the requests for further information in April and October respectively. BAL also reached full agreement with officers on acceptable planning conditions and proposed Heads of Terms for a s106 Agreement prior to determination of the application.

2.11 The Officer’s Report thoroughly examined all of the planning issues for the appeal proposal and recommended approval of the planning application. Contrary to their officers’ recommendation, on 10 February 2020 NSC Members resolved that the planning application should be refused and this decision was ratified on 18 March 2020.

2.12 The Decision Notice (see **Appendix B** to this Statement of Case) issued on 19 March 2020 cites five reasons for refusal, as set out below:

1. The airport has planning permission to expand to a throughput of 10 million passengers per annum (mppa) which allows for further expansion in passenger growth of approximately 1 mppa above the current passenger level. The further expansion beyond 10mppa now proposed would generate additional noise, traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding Bristol Airport and which would have an adverse impact on an inadequate surface access infrastructure. The claimed economic benefits arising from the proposal would not outweigh the environmental harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017.

2. The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the proposed development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017.

3. The scale of greenhouse gas emissions generated by the proposed increase in passenger numbers would not reduce carbon emissions and would not contribute to the transition to a low carbon future and would exacerbate climate change contrary to the National Planning Policy Framework, policy CS1 of the North Somerset Core Strategy 2017 and the duty in the Climate Change Act 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.

4. The proposed extension to the Silver Zone car park and the year round use of the seasonal car park constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm including the encroachment of development on the countryside and loss of openness contrary to the National Planning Policy Framework and policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 2016.

5. The proposed public transport provision is inadequate and will not sufficiently reduce the reliance on the car to access the airport resulting in an unsustainable development contrary to the National Planning Policy Framework and policies CS1 and CS10 of the North Somerset Core Strategy 2017.

2.13 **Table 2.2** identifies where in this document BAL’s case in response to the reasons for refusal is set out. Third party comments in respect of these reasons for refusal have also been considered by BAL in preparing this Statement of Case.

Table 2.2 BAL’s Response to the Reasons for Refusal

Reason for Refusal	Section of this Statement of Case
Reason 1	<ul style="list-style-type: none"> • Section 4: Need for the Appeal Proposal and Benefits • Section 5: Surface Access • Section 8: Noise • Section 13: Planning Balance and Conclusion
Reason 2	<ul style="list-style-type: none"> • Section 6: Air Quality • Section 8: Noise

Reason for Refusal	Section of this Statement of Case
Reason 3	<ul style="list-style-type: none">• Section 7: Climate Change
Reason 4	<ul style="list-style-type: none">• Section 4: Need for the Appeal Proposal and Benefits• Section 9: Green Belt• Section 13: Planning Balance and Conclusion
Reason 5	<ul style="list-style-type: none">• Section 5: Surface Access

3. Environmental Statement

- 3.1 The planning application was accompanied by associated plans and a comprehensive suite of supporting documentation including: Planning Statement; Design and Access Statement; Consultation Feedback Report; Transport Assessment (TA); Parking Demand Study; Parking Strategy; Draft Workplace Travel Plan; Economic Impact Assessment; Flood Risk Assessment; BREEAM Pre-Assessment; Foul and Surface Water Drainage Strategy; and Lighting Impact Assessment.
- 3.2 The planning application was also subject to an Environmental Impact Assessment (EIA). The scope of the assessment was agreed with NSC through the formal submission of a Scoping Report in June 2018 and receipt of a Scoping Opinion on 6 August 2018. In accordance with the agreed scope of the EIA, the Environmental Statement (ES) included an assessment of the likely significant effects of the appeal proposal in respect of: traffic and transport; noise and vibration; air quality; landscape and visual; land quality; biodiversity; surface water and flood risk; groundwater; historic environment; socio-economics; human health; carbon and other greenhouse gas emissions; and cumulative effects. **Table 3.1** presents a summary of the conclusions of the ES. As noted in **Section 2**, two requests for further information were subsequently made by NSC under Regulation 25 of the EIA Regulations; however, the additional information provided by BAL in response to these requests did not result in any changes to the findings of the ES in terms of the assessment of likely significant effects. As confirmed in the Officer's Report, the conclusions on likely significant effects were accepted by officers.

Table 3.1 Summary of ES Conclusions

Topic	Phase	Residual Effect (following mitigation)
Traffic and Transport	Construction	No significant effect
	Operation	Moderate/major significant beneficial effect
Noise and Vibration	Construction	No significant effect
	Operation	No significant effect
Air Quality	Construction	No significant effect
	Operation	Localised moderate significant adverse effect
Landscape and Visual	Construction	No significant effect
	Operation	Localised moderate significant adverse effect
Land Quality	Construction	No significant effect
	Operation	No significant effect
Biodiversity	Construction	No significant effect
	Operation	No significant effect
Surface Water and Flood Risk	Construction	No significant effect
	Operation	No significant effect
Groundwater	Construction	No significant effect
	Operation	No significant effect
Historic Environment	Construction	No significant effect
	Operation	No significant effect

Topic	Phase	Residual Effect (following mitigation)
Socio-economics	Construction	No significant effect
	Operation	No significant effect Major significant beneficial effect
Human health	Construction	No significant effect
	Operation	Moderate significant beneficial effect
Carbon and Other Greenhouse Gas Emissions	Construction	No significant effect
	Operation	No significant effect
Cumulative Effects	Construction	No significant effect
	Operation	Localised moderate significant adverse effect in respect of visual and air quality impacts.

- 3.3 For all but two topics (visual and air quality impacts), the ES concluded that there would be no significant adverse effects as a result of the appeal proposal. Adverse visual effects of moderate significance were only identified for a single receptor in the short term whilst mitigation planting develops. In terms of air quality, meanwhile, impacts at seven residential properties were assessed as being of moderate significance but concentrations would remain below national Air Quality Objectives (AQO). Significant cumulative impacts arose on the same basis and were assessed as being no worse than the alone assessment. Significant beneficial effects were identified in respect of socio-economics and human health, related to the economic and travel benefits of increasing the capacity of Bristol Airport to accommodate 12 mppa, and traffic and transport, associated with the proposed improvements to the A38.
- 3.4 The conclusions of the ES were subject to rigorous review by NSC's officers and the Council's advisors and were accepted. On this basis, the Officer's Report stated that *"The expected environmental outcomes from the proposed development including those related to surface access; highway works; parking delivery and enforcement; air and ground noise; air quality; community and employment are also considered to [be] acceptable subject to mitigation proposed through the recommended conditions and S106 agreement"*.

The COVID-19 Pandemic and ES Addendum

- 3.5 The global COVID-19 pandemic has particularly affected the aviation sector and, like other UK airports, passenger throughput at Bristol Airport has fallen. As a result, BAL intends to update the passenger and traffic forecasts that informed the planning application in order to reflect the impacts of the pandemic and address the uncertainties associated with the rate at which demand will return.
- 3.6 BAL also recognises that there is a need to produce an addendum to the ES submitted with the planning application in order to ensure that the relevant assessments contained therein themselves fully reflect the revised forecasts. The forecasts and ES Addendum will be submitted to the Planning Inspectorate in accordance with any agreed timetable for the appeal.
- 3.7 BAL is confident that the impact of COVID-19 will be temporary and that demand will return as travel restrictions are lifted, passenger confidence returns and the UK's economy recovers from the pandemic. In consequence, there remains an acute need for the appeal proposal despite the short-term impacts of COVID-19 on the aviation sector.

4. Need for the Appeal Proposal and Benefits

4.1 There is a compelling need for the appeal proposal:

- there is strong national aviation policy support for the growth of regional airports and making the best use of existing runways;
- it is essential that additional capacity is provided at Bristol Airport in order to accommodate forecast regional passenger demand, despite the impact of the COVID-19 pandemic on the aviation sector;
- additional capacity at Bristol Airport has the potential to clawback passengers from the South West region that current travel to London's airports;
- the expansion of Bristol Airport to 12 mppa will deliver substantial social and economic benefits including 5,150 employment opportunities and £390 million Gross Value Added (GVA) in a sustainable way, minimising environmental effects and delivering benefits for local communities.

4.2 These factors outweigh the limited adverse impacts of the appeal proposal, as was clearly accepted by officers in recommending approval of the planning application. NSC has not provided any proper justification to explain why it was reasonable or rational to depart from the reasoned decision of officers.

Aviation Policy

4.3 BAL's appeal proposal directly responds to the Government's aviation policy by making better use of the existing airport runway, increasing the South West region's connectivity and by delivering significant economic benefits that in-turn will help 'level-up' regional growth.

4.4 The Government's policy objective for aviation, as set out in the Aviation Policy Framework (APF)⁴, is to make the UK one of the best-connected countries in the world and for the aviation sector to make a significant contribution to economic growth of the UK, an objective which is now even more essential following the UK's departure from the EU and the economic down-turn caused by the COVID-19 pandemic. To achieve this objective, the Government's aviation policy is that airports should, subject to environmental issues being addressed, make the best use of their existing capacity and runways.

4.5 The APF recognises that regional airports help to "*accommodate wider forecast growth in demand for aviation in the UK which could help take some pressure off London's main airports*"⁵, that they "*play a very important role in UK connectivity*"⁶ and that "*new or more frequent international connections attract business activity, boosting the economy of the region and providing new opportunities and better access to new markets for existing businesses*"⁷. This objective clearly aligns with the Government's recent levelling-up agenda. The APF also states that the "*Government wants to see the best use of existing airport capacity*"⁸ which was further endorsed by Government in *Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways* (June 2018)⁹.

⁴ HM Government (2013) *Aviation Policy Framework*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf [Accessed August 2020].

⁵ APF, para 1.23.

⁶ APF, para 1.44.

⁷ APF, para 1.20.

⁸ APF, para 1.24.

⁹ HM Government (2018) *Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf [Accessed August 2020].

4.6 Emerging national aviation policy contained in the Green Paper Aviation Strategy 2050: The Future of UK Aviation¹⁰ (Aviation 2050) also supports the growth of regional airports as a catalyst for regional economic development and connectivity and reaffirms the Government's making best use policy. At paragraph 4.4, Aviation 2050 states:

"Airports have a crucial role to play in their regions. They are hubs for growth within and beyond the region in which they are situated. Local airports, such as Newquay, Norwich and Prestwick serve their immediate catchment area, offering domestic and short-haul destinations. Regional airports, such as Bristol, Belfast International, Newcastle and Glasgow, serve larger catchments and offer extensive short-haul network and some key long-haul routes, providing their regions with access to global markets."

4.7 In a number of recent statements to Parliament, the Government has reiterated the importance of airports to the economy, to the connectivity of the UK and regions and to delivering the levelling up agenda. For example, the Secretary of State for Transport's Ministerial Statement dated 27 February 2020 stated that *"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."*

4.8 The Secretary of State's recent decision¹¹ in respect of the reopening and development of Manston Airport has confirmed that substantial weight can be afforded to developments which support and implement these important Government policy objectives for aviation.

Meeting Passenger Demand

4.9 In 2019, Bristol Airport handled 8.96 mppa¹², making it the fourth largest regional airport in the UK. Demand is expected to be strong over the next decade. The Forecasts prepared by BAL and independently verified by Mott MacDonald¹³ indicated that demand would reach the existing 10 mppa passenger cap by 2021, increasing to 12 mppa by 2026.

4.10 The onset of the global COVID-19 pandemic has significantly impacted the aviation sector and passenger throughput at Bristol Airport has temporarily fallen. However, the indications are that demand will return as travel restrictions are lifted, passenger confidence returns and the economy recovers from the pandemic. Global passenger forecasts prepared by the International Air Transport Association (IATA)¹⁴ show that, internationally, traffic will return to pre-pandemic levels by 2024 with recovery in the short haul market likely to be faster and Airports Council International (ACI) has made a similar projection¹⁵. Whilst demand is temporarily suppressed, BAL is therefore confident that traffic at Bristol Airport will still reach 12 mppa albeit over a longer time period than previously projected; in short, the pandemic will not fundamentally change the reasons why people want to fly. The existing passenger cap of 10 mppa was forecast to be reached by 2021 and in this context, the temporary suppression of growth will provide BAL with an enhanced opportunity to ensure that the infrastructure needed to support 12 mppa can be put in place sufficiently in advance to smoothly transition above 10 mppa.

4.11 Expansion will give Bristol Airport the best possible opportunity to contribute to the South West's economic recovery and create jobs in the region, helping to replace those lost during the pandemic. Further, as the UK completes its departure from the EU, the country's aviation industry will play a vital role in enhancing the UK's relationship with the rest of the world. In recent years, the South West has not

¹⁰ HM Government (2018) *Aviation Strategy 2050: The Future of UK Aviation*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf [Accessed August 2020].

¹¹ Dated 9th July 2020 (see paragraph 21 in particular).

¹² Civil Aviation Authority (2020) *Size of Reporting Airports*. Available from https://www.caa.co.uk/uploadedFiles/CAA/Content/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf [Accessed September 2020].

¹³ Mott MacDonald (2018) *Bristol Airport – Forecast Validation*.

¹⁴ IATA (2020) <https://www.iata.org/en/pressroom/2020-09-01-01/> [Accessed August 2020].

¹⁵ ACI (2020) <https://store.aci.aero/wp-content/uploads/2020/08/COVID19-4th-Economic-Impact-Advisory-Bulletin.pdf> [Accessed September 2020].

been at the forefront of national infrastructure plans. Expansion will help to address this inequality and the improved connectivity will help the South West contribute to the UK's global ambitions. In consequence, the need for the appeal proposal remains acute despite the impact of the COVID-19 pandemic on the aviation sector.

- 4.12 Whilst the Department for Transport's (DfT) UK Aviation Forecasts¹⁶ identify airports other than Heathrow in terms of their consented capacity, the DfT also states that *"the forecasts should not be considered a cap on the development of individual airports"*¹⁷. In fact, the DfT forecasts demand in the South West region to increase by some 76% to 2050, with overall market share rising from 4% to 5%. This growth represents an increase in passengers originating in the South West of England from 14.3 mppa in 2016 to 25.1 mppa in 2050. At the same time, the 2018 Civil Aviation Authority (CAA) Passenger Survey¹⁸ indicates that leakage of passengers from the South West region to other UK airports is substantial at over 7 million passengers.
- 4.13 In terms of catering for aviation demand in the South West and South Wales, Bristol Airport provides by far the highest proportion of flights. This is not only because of its current capacity but also because of its catchment area. Bristol Airport's existing role as the international gateway for the South West, the projected increase in passenger demand and the potential to clawback leakage of passengers from London airports (lessening pressure on these airports) all demonstrate a need for the appeal proposal. This is consistent with the forecasts underpinning the Making Best Use policy¹⁹ which showed overall market growth with airports able to make best use of their runways and, importantly the scope for regional airports to claw back local demand from the London airports. Given the total additional demand in the South West, Bristol Airport's catchment and the wider range of services offered by the airport, the appeal proposal will not result in significant displacement of passengers from other airports in the region or South Wales.

Benefits

Economic

- 4.14 The economic benefits delivered as a result of the appeal proposal will boost the South West's economic recovery from the COVID-19 pandemic whilst the connectivity afforded by increasing the capacity of Bristol Airport will support the Government's policy objective to 'level-up' regional growth by improving air connectivity and enabling more passengers to use an airport locally, giving rise to consumer benefits. Notwithstanding BAL's intentions to update its forecasts, the conclusion that the economic benefits of the appeal proposal are substantial is robust.
- 4.15 Bristol Airport is the principal airport and main international gateway for the South West of England and South Wales. In 2018, around 3,960 people worked on-site at the airport, which equates to approximately 3,480 full-time equivalents (FTEs); including indirect and induced jobs, this increases to an estimated 8,200 FTEs across the South West region. In total, it is estimated that Bristol Airport generates £1.7 billion of GVA in the South West economy (as at 2018). Delivering additional capacity at the airport will mean that the significant economic benefits Bristol Airport already provides are maintained and further increased.

¹⁶ DfT (2017) *UK Aviation Forecasts: Moving Britain Ahead*. Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf [Accessed August 2020].

¹⁷ To illustrate this point, the DfT forecasts indicate that the passenger throughput at Bristol Airport will reach 8.7mppa in 2026. In 2019, Bristol Airport's passenger throughput was already greater than that forecast by the DfT at almost 9.0 mppa. There are a number of other airports in the UK that are already close to, or ahead of, the DfT's aviation forecasts for 2030: Gatwick – 2030 DfT 45 mppa, Current 46.6 mppa; Luton – 2030 DfT 18 mppa, Current 18.2 mppa; Birmingham 2030 DfT 15 mppa, Current 12.6 mppa; Manchester 2030 DfT 29 mppa, Current 29.4 mppa; Stansted – 2030 DfT 22 mppa, Current 28.1 mppa.

¹⁸ Civil Aviation Authority (2019) *2018 Passenger Survey Report*. Available from <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Consumer-research/Departing-passenger-survey/2018-Passenger-survey-report/> [Accessed August 2020].

¹⁹ Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways (June 2018), Table 1.

- 4.16 The Economic Impact Assessment submitted with the planning application evidences the substantial economic benefits which will be generated by the appeal proposal. It predicts that growth to 12 mppa would:
- create an additional 800 direct jobs and an additional 5,150 opportunities in the wider economy;
 - deliver benefits associated with enhanced productivity including improved access to international markets and supply chains;
 - generate £390 GVA million, taking the airport's total economic impact to £2.4 billion; and
 - increase the inbound tourism impact in the South West and South Wales from £260m GVA (supporting 4,050 FTEs) to £380m GVA (5,400 FTEs).
- 4.17 As a result, the assessment concluded that the economic benefits of the appeal proposal would be significant. The same conclusion was reached by NSC officers following independent advice from their specialist consultant advisors. In sharp contrast, constraining Bristol Airport's capacity at 10 mppa would see economic activity displaced from the South West, act as a barrier to overseas investment and result in a reduction in regional connectivity which would be contrary to the Government's policy objective to 'level-up' growth.
- 4.18 It is incorrect to assert, as some objectors have done, that inbound tourism benefits should be offset by the loss of expenditure from the economy resulting from outbound tourism. The APF clearly states (at paragraph 1.16) that *"the evidence available to us does not show that a decrease in the number of UK residents flying abroad for their holidays would have an overall benefit for the UK economy."* Quite simply, the inbound benefits should not be offset against outbound tourism because:
- the loss of consumer expenditure in the domestic economy from outbound travellers may occur with or without Bristol Airport;
 - outbound travel provides societal benefits, directly supporting economic activity in the UK economy; and
 - outbound expenditure would not necessarily be retained within the region.

Social

- 4.19 The employment benefits associated with expanding Bristol Airport will deliver increased prosperity and associated health benefits. This is especially important in light of the economic impact of the COVID-19 pandemic.
- 4.20 Bristol Airport is in close proximity to two of the South West's most deprived areas, Weston-super-Mare and South Bristol, which are amongst the 10% most deprived areas in the UK. These areas are significant providers of labour for the airport; as at 2019, Weston-super-Mare was estimated to account for around 13% of current on-site employment and South Bristol around 11%. The appeal proposal will support the regeneration of these deprived communities through BAL's commitment to bring forward a Skills and Employment Plan (secured through the s106 Agreement). As agreed with NSC officers, this Plan will be specifically aimed at delivering employment opportunities for the people of North Somerset (with a focus on Weston-super-Mare) and South Bristol and will be supported by a financial contribution up to a maximum of £300,000.
- 4.21 Without growth beyond 10 mppa, there is a real risk that over time jobs at Bristol Airport will be eroded, partly as a consequence of underlying productivity gains and also as airlines re-locate growth to other, more distant airports.

- 4.22 The appeal proposal will deliver important social benefits in terms of the increase in the destinations and frequency of connections an expanded airport will provide. This, in-turn, will facilitate people's desire to travel which, for many, is an important contributor to their wellbeing and quality of life.

5. Surface Access

- 5.1 The proposed A38 improvements would deliver significant local capacity benefits and enhance safety; the additional traffic generated by the appeal proposal would not prejudice highway safety or result in severe cumulative impacts on traffic congestion. As agreed by NSC officers, appropriate provision has been made to mitigate impacts on the highway network and directly address concerns expressed by local communities. In addition, to achieve a stretching 17.5% public transport mode share target and reduce further the impacts on the highway network associated with an additional 2 mppa, a substantial public transport investment package is proposed. This includes (inter alia):
- more than £600,000 to fund public transport services;
 - up to £500,000 to integrate the airport into the Metrobus network;
 - an enhanced Weston Flyer service;
 - a further £200,000 to support strategic coach services; and
 - new demand-responsive services.
- 5.2 The appeal proposal is therefore in accordance with Policies CS1, CS10 and CS23 of the North Somerset Core Strategy, as well as Policy DM54 of the Sites and Policies Plan Part 1 and the NPPF.

Highway and Traffic Impacts

- 5.3 In response to RfR 1 (insofar as it relates to transport), BAL's case is that the additional traffic generated by the appeal proposal would not prejudice highway safety or result in severe cumulative impacts on traffic congestion. As accepted by NSC officers, the proposed highway improvements to the A38 and Downside Road, alongside other measures to be secured by condition or planning obligation, will fully mitigate any adverse impacts of airport traffic on local communities.
- 5.4 The appeal proposal includes a significant improvement to the A38 between the main airport access road and West Lane to accommodate any additional traffic generated by an extra 2 mppa. The main carriageway over this length will be increased in width and dedicated lanes will be provided for traffic turning into Downside Road and West Lane. Downside Road will also be widened and a new access provided into the Airport Tavern car park to replace the current access from the A38 which does not meet highway standards. Despite measures proposed by BAL to facilitate public transport use (outlined below), there will remain a requirement for these works.
- 5.5 The Transport Assessment (TA) submitted with the planning application, as supplemented by a suite of additional information provided by BAL to NSC in response to a thorough examination of the assessment by the Council's advisors, shows that with the implementation of the proposed highway works, there is sufficient capacity in the highway network to accommodate an additional 2 mppa. Reflecting these findings, the ES (Chapter 6) concludes that there will be no significant effects in relation to severance, pedestrian and cyclist delay, amenity, fear and intimidation, and accidents and road safety as a result of the appeal proposal. Importantly, these conclusions were fully accepted by NSC officers, Highways England and other neighbouring local planning authorities and no justification has been given by NSC to substantiate a different conclusion.
- 5.6 Notwithstanding the conclusions of the TA and ES, to mitigate further the impacts of the appeal proposal, address the residual concerns of officers and other stakeholders, and deliver additional enhancements where possible, the s106 Heads of Terms and planning conditions contain additional highways commitments. These include, for example, a Highways Improvement Fund to address minor highway improvements works as part of the 'monitor and manage' approach.

- 5.7 The TA represents a robust, worst-case assessment of highways impact. The assessment is based on a public transport mode share outcome of 15% for passenger growth beyond the baseline of 2017 and no allowance is made for 'banked trips' by vehicles already on the local road network which would be travelling to other UK airports regardless. Achievement of a stretch public transport mode share target of 17.5% for all passengers plus 30% of employees travelling by modes other than Single Vehicle Occupancy (as agreed with NSC officers in the s106 Heads of Terms), and taking into account 'banked trips', will further reduce potential impacts on the network. Therefore, and notwithstanding anticipated revisions to the forecasts, the conclusions of the TA on highway and traffic impacts are robust and can be fully relied upon.
- 5.8 In short, the highways impact of the appeal proposal will be fully mitigated through the s106 Heads of Terms and conditions agreed with officers and Highways England. BAL has additionally proposed measures to address the impacts associated with vehicles parking offsite on local communities including a financial contribution to local parking enforcement and is already proactively seeking to manage these impacts through its Parking Summit project.

Sustainable Transport

- 5.9 Through the s106 Heads of Terms, BAL has committed to an ambitious and realistic public transport mode share target for passengers alongside an equally ambitious travel target for staff. These targets were agreed with NSC officers and will ensure that the appeal proposal is sustainable, contrary to RfR 5, and in full accordance with the core test of Policies CS1 and CS10 of the North Somerset Core Strategy.
- 5.10 Under the current Airport Surface Access Strategy (ASAS), BAL has invested well over £10 million in public transport services and infrastructure enhancements which has supported an increase in public transport patronage to 13.8% (as at 2019) against a 10 mppa target of 15%. Importantly, the 13.8% public transport mode share achieved in 2019 is based on BAL's independent reporting which only includes arrival and departure journeys on the main bus service (it does not take account of rail journeys into nearby stations followed by a taxi for the final leg of the journey). Based on CAA passenger survey²⁰ data, which is utilised by other UK airports to monitor mode share, the mode share in 2015 was actually 17%. This is comparable to similar regional airports and higher than other airports in the South West region and South Wales, including Cardiff Airport.
- 5.11 BAL proposes a stretching public transport mode share target of 17.5% (based on a continuation of the current method of recording mode share which differs from that used by the CAA). BAL is confident that the stretch public transport mode share target of 17.5%, linked to a significant package of public transport and highway improvement measures representing a further investment in excess of £10 million, will deliver improvements in public transport accessibility and connectivity resulting in a considerable increase to the proportion of public transport trips to the airport. Separately, BAL will bring forward a new, high quality Public Transport Interchange (PTI) facility to further encourage public transport use and improve passenger experience, helping to ensure that the public transport mode share target of 17.5% is achieved.
- 5.12 NSC officers have recommended that future monitoring of mode share should be consistent with the CAA's methodology. BAL accepts this recommendation meaning that the public transport mode share target ultimately presented in the new ASAS, when re-baselined, is anticipated to be higher than 17.5%. This will further demonstrate that BAL's public transport proposals are ambitious and comparable with other UK airports.

²⁰ Civil Aviation Authority (2019) *2015 Passenger Survey Report*. Available from https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Passenger_survey/CAA%20Passenger%20survey%20report%202015.pdf [Accessed August 2020].

6. Air Quality

- 6.1 Emissions from aircraft at Bristol Airport are highly localised and barely encroach the boundary of the airport. The ES concludes that the air quality impacts as a result of the appeal proposal would be modest and that all concentrations of pollutants will remain comfortably within the AQO limits. This conclusion was accepted by officers. Further, substantial mitigation measures will be implemented to mitigate the air quality impacts associated with an additional 2 mppa in the form of commitments to prepare a Construction Environment Management Plan (CEMP), Ultra Low Emissions Strategy and Air Quality Action Plan, undertake additional monitoring and deliver an ambitious, stretch public transport mode share target of 17.5%.
- 6.2 RfR 2 (insofar as it relates to air quality) is contrary to the conclusions of the ES and Officer's Report and NSC has not provided any detailed reasons to justify why it considers that the increase in emissions associated with aircraft movements warrants refusal of the planning application.
- 6.3 The air quality assessment (contained in Chapter 8 of the ES) used dispersion modelling to predict the concentration of air pollutants (nitrogen dioxide (NO₂), oxides of nitrogen (NO_x) and particulate matter (PM₁₀ and PM_{2.5})) at receptors around Bristol Airport based on an industry standard methodology agreed with NSC officers and supported by Public Health England and a 15% public transport mode share outcome. The assessment confirmed that all concentrations of pollutants would remain comfortably within the AQO limits established in the Air Quality Standards Regulations 2010²¹. Further, the Health Impact Assessment (HIA) submitted alongside the planning application (Chapter 16 of the ES) concluded that air quality impacts would not be significant, although minor adverse impacts are predicted on the general population and on vulnerable groups. These conclusions were accepted by NSC officers and no reasons have been presented by NSC to substantiate a different conclusion.
- 6.4 The air quality assessment indicated that the highest annual mean NO₂ concentrations would be experienced along the A38 between West Lane and the airport roundabout. Whilst the assessment identified that adverse impacts at seven receptors in this location would be at most of moderate significance, NO₂ concentrations would remain within the AQO of 40 µg m⁻³ and at all other receptors, impacts were assessed as negligible. The assessment also found that annual mean concentrations of PM₁₀ and PM_{2.5} would continue to be well within the AQOs of 40 µg m⁻³ and 25 µg m⁻³ respectively. Concentrations of PM_{2.5} would also be below the World Health Organization (WHO) guideline²² level of 10 µg m⁻³ at all relevant locations except at four receptors close to the A38 (which already exceed the WHO guideline level). The number of receptors over 10 µg m⁻³ would decrease from nine in 2017 to four which is consistent with the target in the Government's Clean Air Strategy²³ to halve the number of properties where PM_{2.5} is greater than 10 µg m⁻³ (between 2016 and 2025).
- 6.5 Notwithstanding the anticipated revision of the forecasts, the conclusions on significance as reported in Chapter 8 of the ES are robust. In fact, the measures contained within the draft conditions and s106 Heads of Terms agreed with NSC officers, and particularly the preparation of an Air Quality Action Plan and an Ultra-Low Emission Strategy, combined with associated monitoring and the delivery of a stretch public transport mode share target of 17.5%, will result in a further reduction of air quality impacts.

²¹ *Air Quality Standards Regulations 2010*. Available from <http://www.legislation.gov.uk/uksi/2010/1001/contents/made> [Accessed August 2020].

²² WHO Regional Office for Europe (2005) *Air Quality Guidelines: Global Update*. Available from <https://www.who.int/airpollution/publications/agg2005/en/#:~:text=Guideline%20levels%20for%20each%20pollutant%20%28%2%B5g%2Fm3%20%29%3A%20%20%2050%20%205%20more%20rows%20> [Accessed August 2020].

²³ Defra (2019) *Clean Air Strategy 2019*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf [Accessed August 2020].

7. Climate Change

- 7.1 The statement in RfR 3 that “*the proposed increase in passenger numbers would not reduce carbon emissions*” is not a valid reason for refusal and has no policy basis. BAL's case is that increasing the capacity of Bristol Airport will not materially affect the ability of the Government to meet its ‘net zero’ carbon target for 2050. This target does not require ‘absolute’ emissions to be reduced for any particular airport, as is suggested by RfR 3. Further, aligned with its Carbon Roadmap²⁴ to become a ‘net zero’ airport by 2050, BAL will submit a Carbon and Climate Change Action Plan (CCCAP) that will demonstrate the approaches by which it will minimise greenhouse gas emissions in its efforts to become an exemplar airport for sustainable aviation growth across the industry. This includes a commitment to offset greenhouse gas emissions from all surface access journeys to and from the airport, effective from 2020 onwards. BAL believes it is the first airport in Europe to implement such a scheme. The appeal proposal is therefore in accordance with the NPPF and Policy CS1 of the North Somerset Core Strategy in relation to climate change. NSC has not presented reasons to justify why it disagrees with this conclusion.

Aviation Emissions

- 7.2 The current UK-wide 2050 ‘carbon target’ set by s.1(1) of the Climate Change Act 2008²⁵ (‘CCA 2008’) is to reduce the net UK carbon account by at least 100% compared to 1990; this is sometimes referred to as ‘net zero’. It is important to note that this is a UK-wide ‘net’ target; in other words, the target is not ‘absolute zero’ and allows for offsetting. The previous target of at least 80% reduction was amended to 100% by the Climate Change Act 2008 (2050 Target Amendment) Order 2019²⁶. It is also important to note, however, that the ‘net zero’ target in the CCA 2008 (as amended) does not apply to international aviation. Since the Kyoto Protocol in 2005, the international community has made clear that the climate effects of international aviation are to be dealt with on an international basis through the International Civil Aviation Organisation (‘ICAO’), which manages the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)²⁷.
- 7.3 The CCA 2008 does require, however, that in setting five-yearly ‘carbon budgets’ the Government should ‘take account’ of international aviation. This is done by reference to what is called the ‘planning assumption’ (also known as the ‘aviation target’ or ‘headroom’), which is currently set at 37.5Mt CO₂ in 2050.
- 7.4 The Government’s emerging aviation policy set out in the Green Paper Aviation 2050 states that planning applications should demonstrate “*that their project will not have a material impact on the government’s ability to meet its carbon reduction targets*”. The assessment presented in Chapter 17 of the ES established, based on a methodology agreed with NSC officers, that aviation emissions associated with the addition of 2 mppa would represent only 0.28% of the 37.5 MtCO₂/annum ‘planning assumption’ adopted by Government, which was not considered to materially affect the UK’s carbon budgets. Accordingly, in line with the approach in Aviation 2050, aviation emissions from Bristol Airport would not therefore amount to a significant effect. This is the correct approach to assessing the significance of additional carbon emissions and this was accepted by NSC officers in recommending approval of the planning application.
- 7.5 In addition, the assessment of climate change as reported in the ES contained an over-estimation of the carbon emissions from aviation. Based on the current passenger and traffic forecasts, the scale of emissions would be 0.18% of the 37.5 MtCO₂ headroom recommendation, a reduction of approximately

²⁴ Bristol Airport Limited (2019) *Becoming a Net Zero Airport: Our Roadmap to Reduce Carbon Emissions*. Available from <https://www.bristolairport.co.uk/about-us/news-and-media/news-and-media-centre/2019/7/bristol-airport-carbon-roadmap> [Accessed August 2020].

²⁵ Climate Change Act 2008. Available from https://www.legislation.gov.uk/ukpga/2008/27/pdfs/ukpga_20080027_en.pdf [Accessed August 2020].

²⁶ Climate Change Act 2008 (2050 Target Amendment) Order 2019 SI 2009 No.1056. Available from <https://www.legislation.gov.uk/uksi/2019/1056/contents/made> [Accessed August 2020].

²⁷ See <https://www.icao.int/environmental-protection/CORSIA/Pages/default.aspx> [Accessed August 2020].

one third from that originally reported. Therefore, notwithstanding the need to update the forecasts, conclusions on significance contextualised by reference to materiality are robust.

- 7.6 BAL is committed to minimising greenhouse gas emissions and has already published a Carbon Roadmap to become a net zero airport by 2050. The CCCAP will identify opportunities to achieve emissions reductions from aviation by, for example, accelerating the adoption of newer, more fuel-efficient lower carbon aircraft.
- 7.7 In late 2019, the CCC recommended²⁸ that, as part of what it called its ‘further ambition’ scenario, the ‘planning assumption’ should be reduced to 30MtCO₂/annum and that growth in order to achieve net-zero emissions demand should be limited to, at most, 25% above 2018 by 2050. Whilst that recommendation has not been adopted by Government, even if it were, the increase in aviation emissions associated with the appeal proposal would remain small when measured against this recommendation (0.22% based on current forecasts) and would still not materially affect the Government’s ability to reach its carbon reduction targets. Furthermore, the ‘further ambition’ scenario still assumed a 25% increase in air passenger growth consistent with the achievement of ‘net zero’.

Non-Aviation Emissions

- 7.8 BAL has committed to offset all passenger surface access journeys from 2020, be carbon neutral by 2025 for emissions within BAL’s control and to generate 25% of its energy consumption from onsite renewables over the same period. The CCCAP will provide a detailed action plan for the minimisation of non-aviation emissions whilst the transport measures to be contained in the ASAS to encourage public transport use will reduce surface access emissions specifically.
- 7.9 Notwithstanding the commitments in the forthcoming CCCAP, the ES showed that emissions from surface access emissions (the largest non-aviation source) would be minor and within the scale of total UK road transport emissions (equivalent to 0.04%). As such, it cannot be considered to have a substantial influence on the reductions necessary in the transport sector to meet the UK Carbon Budgets, particularly given that all surface access emissions are being offset from 2020. In addition, an increase in the capacity of Bristol Airport will reduce the displacement of passengers to airports outside of the South West region, principally to the London airports, generating an emissions benefit.
- 7.10 Non-aviation emissions associated with the appeal proposal will not be significant. The appeal proposal is therefore in accordance with Development Plan policy.

²⁸ Committee on Climate Change (2019) *Letter from Lord Deben to Rt Hon Grant Shapps MP dated 24 September 2019: International Aviation and Shipping and Net Zero*. Available from <https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf> [Accessed August 2020].

8. Noise

- 8.1 The ES has established that the air and ground noise impacts arising from the increase in aircraft movements will not be significant and that there will be no serious adverse effects on the health and well-being of residents in local communities. BAL has proposed a substantial package of measures to mitigate aircraft noise including an industry-leading enhanced noise insulation scheme providing nearly £2m in grants to local residents, a reduction in the number of aircraft operating in the shoulder periods, the banning of noisier aircraft at night, a reduction in the daytime 57dB L_{Aeq} summer noise contour limit and changes to the Quota Count (QC) regime to ensure that newer, quieter aircraft are operated at night. Taken together, this package of measures goes beyond many other UK airports. On this basis, the Officer's Report confirmed that *"the combination of the revised operational restrictions, enhanced acoustic mitigation grant scheme and air noise control scheme would provide an acceptable form of mitigation for air noise having regard to current policy."*
- 8.2 No reasons have been presented by NSC to justify why, in RfR2 (insofar as it relates to noise), it has reached a different conclusion to both the ES and the Officer's Report. BAL maintains, therefore, that the appeal proposal is in accordance with Policies CS3, CS23 and CS26 of the North Somerset Core Strategy.

Air Noise

- 8.3 Chapter 7 of the ES assessed noise generated by aircraft flights (air noise) and aircraft activities on the ground (ground noise) based on modelling of the 2017 baseline, at 10 mppa (without the proposed development) and at 12 mppa (with the proposed development)²⁹ in accordance with the Noise Policy Statement for England³⁰ and using established methodologies accepted by NSC officers.
- 8.4 The ES concludes that the air noise impacts of the appeal proposal would not result in significant effects on the health of local communities, a conclusion supported by NSC officers and Public Health England. BAL agreed a range of measures with NSC officers that will effectively mitigate the noise impacts associated with increased aircraft movements. Supported by a revised Noise Control Scheme and building on existing controls³¹, these measures (detailed in the conditions presented in the Officer's Report) include:
- a reduction in the 57 dB $L_{Aeq,16h}$ air noise contour area limit from its current value of 12.4 km² to 11.5 km² that will require a higher proportion of flights to be from quieter aircraft;
 - an enhanced noise insulation scheme including an increase in the value of grants available to residents and the inclusion of properties within the 55 dB $L_{Aeq,8h}$ air noise contour area which exceeds the minimum policy requirement set out in the APF;
 - a reduction in the number of night flights allowed during the 'shoulder periods' (23.00 to 23.30 and 06.00 to 07.00 hours) from 10,500 flights to 9,500 flights; and

²⁹ BAL is aware that the WHO guidance recommends reducing noise levels produced by aircraft during night-time below 45 dB L_{den} and 40 dB L_{night} . However, compliance with these limits is not practically feasible at all UK airports, even without any development. Further, these guidelines have not been adopted as Government policy and Aviation 2050 states that the Government *"wants policy to be underpinned by the most robust evidence on these effects, including the total cost of any action and recent UK specific evidence, which the WHO report did not assess"*. On this basis, the Officer's Report considered that *"the weight to be given to the WHO's 'Environmental Noise Guidelines' is 'low' at this time"*.

³⁰ In accordance with the Noise Policy Statement for England, NOEL (No Observed Adverse Effect Level), LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level), in addition to UAEL (Unacceptable Adverse Effect Level), are used in the noise assessment. Households exposed to levels above 63dB $L_{eq,16hr}$ (day) and 55dB $L_{eq,8hr}$ (night) are within SOAEL; while for LOAEL the thresholds, in line with Government policy, are 51dB $L_{eq,16hr}$ (daytime) and 45dB $L_{eq,8hr}$ (night). The L_{night} index is also used to rate night noise, which equates broadly to the $L_{Aeq,8h}$ index, being an annual metric rather than a summer metric and commonly used to rate health effects from night noise.

³¹ For example, encouraging airlines to adopt continuous descent approach, improve noise and track keeping by having dedicated Noise Preferential Routings for departures, and continuous monitoring at three permanent locations surrounding the airport.

- to mitigate the impacts of night flights specifically, alignment of the current night noise QC scheme³² with that currently in place at the designated airports and the banning of QC 2 or above rated aircraft to incentivise the introduction of quieter aircraft at the airport.
- 8.5 The air noise assessment identified that changes in noise levels as a result of the appeal proposal would be offset by the predicted modernisation of the aircraft fleet. A very small number of dwellings (around 10) would be exposed to the SOAEL of 63 dB LA_{eq,16h} during the day under both the with and without development scenarios which is a reduction on the number of dwellings compared to the 2017 baseline. Further, the change in noise for receptors within the SOAEL would be negligible.
- 8.6 Whilst the appeal proposal will result in an increase of around 100 dwellings exposed to the night noise SOAEL of 55 dB LA_{eq,8h} or more, the change in noise experienced by receptors is predicted to be negligible. In addition, the ES demonstrates that the number of dwellings experiencing individual noise events of significance, at least once per night, would be lower than the 2017 baseline and the same as the 10 mppa 'without development' scenario.
- 8.7 Notwithstanding the revised forecasts, the conclusion of the air noise assessment is robust and can be fully relied upon. The appeal proposal is therefore in accordance with Development Plan policy.

Ground Noise

- 8.8 New structures associated with the appeal proposal (which include a 5m high faceted acoustic barrier along the far eastern apron) would provide enhanced levels of noise screening serving to mitigate, and in some cases reduce, ground noise levels associated with aircraft.
- 8.9 The ground noise assessment presented in Chapter 7 of the ES estimated that a total of 30 dwellings would experience a moderate decrease in ground noise level (defined as being between 3 to 6 dB) whilst four dwellings would experience a high decrease in noise level (6 to 9 dB). Whilst the two dwellings currently exposed to SOAEL would increase to three, these dwellings would experience only a negligible increase in noise levels which was assessed in the ES as being barely perceptible. In practice, these three dwellings are all eligible, and have benefited from, BAL's current sound insulation scheme and will also be eligible for the proposed enhanced sound insulation scheme. Further, the s106 Heads of Terms agreed with NSC officers require BAL to prepare and implement a Ground Noise Management Strategy that will identify measures to further minimise the levels and impacts of ground noise at the airport.
- 8.10 Notwithstanding the updated forecasts, there will be no change to conclusions on significance in Chapter 7 of the ES. The appeal proposal is therefore in accordance with Development Plan policy.

³² The QC scheme assigns each aircraft operation a QC score and allocates a QC budget or quota. Condition 36 of the extant 10mppa consent (which relates to 23:30 to 06:00 Hours), limits the British Summer Time to 1260 QC points with 900 points in the British Winter Time. It allows unlimited unused points to be carried over or borrowed from adjoining seasons, subject to penalties if the borrow or carry over is more than 10%. No change is sought to the number of points allocated for the summer or winter seasons as part of the 12 mppa application. Instead, BAL is seeking to align the QC scheme but with a transitional arrangement to reduce and eventually remove the borrow or carry over of unused quota points between season alongside removal of the noisiest aircraft from the scheme.

9. Green Belt

- 9.1 In response to RfR 4, BAL's case is that the proposed year-round use of the existing Silver Zone Car Park (Phase 1) extension and the further extension to the Silver Zone Car Park (Phase 2) will result in only limited harm to the openness of the Green Belt and that 'very special circumstances' clearly outweigh this harm. These very special circumstances are:
- the need for additional low-cost parking to meet demand associated with an additional 2 mppa and address the impacts of unauthorised car parking in the Green Belt, as part of a holistic approach to sustainable travel;
 - the lack of alternative, available and suitable sites for parking outside the Green Belt, as accepted by NSC officers; and
 - the need for, and benefits of, the growth of Bristol Airport.
- 9.2 Similar very special circumstances were accepted by NSC officers in recommending approval of the planning application and are consistent with previous decisions taken by NSC relating to airport car parking in the Green Belt that have subsequently been upheld in the Courts³³.

Limited Harm to the Openness of the Green Belt

- 9.3 The year-round use of the existing Silver Zone Car Park (Phase 1) extension and the further extension to the Silver Zone Car Park (Phase 2) would not cause substantial harm to the openness of the Green Belt.
- 9.4 The seasonal Silver Zone Car Park (Phase 1) is an existing car parking facility and the principle of car parking in this exact location has already been established and accepted. Whilst it is proposed that the area of parking be used year-round, associated development (lighting and CCTV columns) would be minimal and, consistent with the current operation of the car park, cars will be valet parked to minimise landtake and activity levels. Further, the existing landscape bund to the south of the site has successfully screened close range views of the car park and longer-range views are seen in the context of existing development at the airport. In consequence, this element of the appeal proposal will not materially affect the openness of the Green Belt.
- 9.5 The proposed further extension to the Silver Zone Car Park (Phase 2) is situated adjacent to the existing Silver Zone Car Park and the development would consist of similar elements to those already present in the existing (Phase 1) car parking area. Parking bays will be grassed and the proposed landscape perimeter bund will screen close range views whilst adoption of a lighting strategy will prevent any upward lighting and minimise any light spillage in the same way as has been successfully implemented for Phase 1. In short, the proposed additional car parking will have, at worst, only a very limited and localised impact on the openness of the Green Belt.
- 9.6 The conclusion that the car parking proposals will only cause limited harm to the Green Belt is consistent with the conclusions of the Inspector in his report³⁴ concerning the examination of the Core Strategy, which stated (at paragraph 64) that car parking "*has relatively little effect on the essential openness or visual amenity of the surrounding rural Green Belt*".
- 9.7 It is submitted that the very special circumstances described below outweigh any harm to the openness of the Green Belt.

³³ Parking Operators Against Monopolies Limited versus North Somerset Council: Ref CO/6483/2016.

³⁴ The Planning Inspectorate (2012) *The Planning Inspectorate (2012) Report to North Somerset Council by Brian J Sims: Report on the Examination of the North Somerset Core Strategy Development Plan Document*. Available from <https://www.n-somerset.gov.uk/wp-content/uploads/2016/03/CC03-Core-Strategy-Inspectors-report.pdf> [Accessed August 2020].

Very Special Circumstance 1 - The Need for Additional, Low-Cost Car Parking in the Green Belt

- 9.8 BAL's parking solution forms part of a holistic approach to sustainable travel that seeks to promote public transport, whilst ensuring there is sufficient on-site parking capacity to meet demand and therefore minimise the impacts of unauthorised car parks in the Green Belt.
- 9.9 The Parking Demand Study submitted with the planning application identifies that a total of 3,900 (net) additional car parking spaces will be required at 12 mppa³⁵. In order to achieve a net increase of 3,900 spaces, the construction of all car parking elements of the 12 mppa scheme are required. Whilst BAL has committed to increase public transport mode share from 15% to 17.5%, it maintains that there is a need for 3,900 spaces to meet passenger demand associated with an additional 2mppa, accommodate demand that is currently met by existing unauthorised car parks in the Green Belt and to facilitate BAL's commitment to reduce drop-off/pick-up as a less sustainable alternative. BAL had additionally agreed with NSC officers to a range of measures (detailed in the s106 Heads of Terms) to ensure that parking provision does not undermine public transport use. These measures include a review mechanism under which the construction of MSCP3 is conditional on achieving an interim public transport mode target of 16% and a penalty scheme should BAL not achieve the agreed stretch mode share target of 17.5%, as well as a multi-modal pricing review.
- 9.10 Critically, the extension to the Silver Zone Car Park (Phase 2) and the year-round use of the existing Silver Zone Car Park (Phase 1) will respond directly to the increased need for low-cost parking. This need is a result of a number of factors including:
- a historic preference and underlying demand for low-cost parking;
 - an increasing propensity for leisure passengers to use low-cost parking due to (inter alia) their length of stay and willingness to pay;
 - growth in passengers from catchments that are more distant from the airport and more likely to choose low-cost parking; and
 - growth in based aircraft (based aircraft are parked at the airport overnight) with passengers on the first wave-based aircrafts leaving early in the morning being more likely to drive and park than at other points during the day.
- 9.11 Multi-storey car parking does not meet this need because of the level of charging required to make such investments commercially acceptable and, therefore, low-cost car parking provision to the south of the airport is an essential first step to provide additional parking capacity. This was understood and accepted by NSC officers (and was also accepted by NSC in granting previous permissions³⁶), who therefore agreed a phased approach to the delivery of the proposed car parking, linking investment in public transport with the removal of the seasonal restrictions on the existing Silver Zone Car Park and the development of the extension to the Silver Zone Car Park as an initial phase.
- 9.12 Importantly, the provision of further low-cost car parking on-site as part of the appeal proposal will ensure that the airport is better positioned to offer an attractive, alternative, low-cost product to unauthorised offsite providers. Unauthorised car parking within the Green Belt (and on local streets) is a serious issue which is currently being managed by NSC and other neighbouring authorities, and for which the Council has recently secured funding from the Ministry of Housing, Communities & Local Government to support targeted enforcement action³⁷. Alongside other measures contained in the s106 Heads of Terms (including a contribution to support resources for planning enforcement and a multi-modal pricing review), the additional parking capacity will mitigate the adverse impacts on the Green Belt, environment

³⁵ Whilst the appeal proposal provides a total of circa 4,850 spaces against a requirement for 3,900 spaces, the net increase is 3,900 spaces as extensive surface parking is lost to construct MSCP3 and the nearby gyratory road in the current north side car parks.

³⁶ Planning application references 16/P/1486/F and 16/P/1455/F.

³⁷ See <https://www.gov.uk/government/news/cash-boost-to-crackdown-on-illegal-building-on-nation-s-green-belt> [Accessed August 2020].

and local communities associated with the operation of unauthorised offsite providers. Whilst increased enforcement is expected to reduce unauthorised off-site car parking, sufficient authorised, low-cost car parking must also be provided on-site to balance need and ensure off-site enforcement remains effective and is not undermined.

- 9.13 The alternative of not providing additional, low-cost parking would be increased demand for unauthorised parking in the Green Belt with associated adverse impacts on the Green Belt, local communities and the environment. Further unauthorised car parking will also affect BAL's surface access ambitions in its ASAS, as without the ability to properly manage car parking operations, the unique position of BAL to promote sustainable surface access would be undermined. This view is consistent with an appeal decision³⁸ in relation to off-site car parking within the administrative area of Bristol City Council.
- 9.14 Drop-off/pick-up doubles the number of trips to/from the airport compared to parking onsite, generating more traffic movements and associated emissions. BAL has already increased charging at its drop-off car park in order to reduce demand for this product and has committed through the s106 Heads of Terms to review charges further to ensure options higher up the modal hierarchy are supported. Success in this area will result in a growth in demand for parking spaces onsite; conversely, not providing sufficient parking spaces onsite is likely to result in increased drop-off/pick-up.
- 9.15 Objectors to the planning application have argued that MSCP2, including an associated PTI, should be brought forward ahead of the provision of further car parking in the Green Belt inset and that this should be secured by condition. MSCP2 forms part of the extant 10 mppa consent and BAL has not yet brought forward the car park as there is currently insufficient demand for a further premium multi-storey car park product at the airport. Similar commercial considerations were previously accepted by NSC as being a material consideration of significant weight and representing a 'very special circumstance' to justify bringing forward the existing Silver Zone Car Park (Phase 1) extension ahead of MSCP1 (also originally consented as part of the 10 mppa permission). In that case, the Planning Officer's report stated that it would be "unrealistic... to suppose that any business would front load expensive infrastructure much larger and much sooner than is reasonably needed". This view was upheld in the refusal³⁹ of an application for Judicial Review challenging the Council's grant of consent in which the claimant contested that the decision had inappropriately taken into account BAL's pricing strategy. In refusing permission to proceed, Mr Justice Hickinbottom (as he then was) stated: "In concluding that there were very special circumstances in 2016, the Council was entitled to take into account the different economic trends and requirements then shown." BAL has subsequently completed MSCP1 and in the same way, will bring forward MSCP2 when there is the demand to justify it.
- 9.16 BAL recognises, however, the importance of delivering the PTI component of the MSCP2 facility to encourage sustainable surface access. BAL therefore agreed with NSC officers to a condition to bring forward a PTI and will submit its proposals to NSC for a PTI facility in an alternative location.

Very Special Circumstance 2 - No Further Suitable and Available Sites for Car Parking Outside of the Green Belt

- 9.17 No suitable, alternative sites for car parking outside the Green Belt have been identified. The Parking Strategy assessed car parking options identified in agreement with NSC to accommodate the additional net 3,900 spaces necessary for 12 mppa, following a sequential approach that considered opportunities outside the Green Belt (both on and offsite), as follows:

³⁸ Appeal reference APP/Z0116/C/12/2183376. In relation to off-site car parking within the administrative area of Bristol City Council, the appointed Inspector upheld the Council's enforcement notice stating: "The aim at Bristol Airport is to increase the public transport proportion of passenger journeys to 15%. Part of this strategy is to control parking, with a key factor being the use of on-airport car parks in preference to off-airport car parks, where price can be controlled to influence modal transport choice. The provision of off-site third party car parks where price is not controlled will inevitably impact on the ability of the Airport to influence mode of transport choice, if the price control mechanism can be avoided. Off site operators are likely to be more competitive by having lower prices than at the airport, as is the case in relation to this appeal. This will clearly and directly undermine the aims of the Surface Access Strategy and cause considerable harm in terms of sustainability, conflicting with the general aims of the core strategy and The Framework to achieve sustainable development."

³⁹ Parking Operators Against Monopolies Limited versus North Somerset Council: Ref CO/6483/2016.

- Maximise the amount of car parking on the northern side of the airport, within the Green Belt inset, whilst taking into account other environmental impacts;
- Explore the provision of car parking spaces at locations remote from the airport;
- Maximise the level of car parking within the existing airport site; and
- Explore the provision of car parking spaces in Green Belt locations contiguous to the airport.

- 9.18 In accordance with the hierarchy set out above, the appeal proposal maximises car parking provision within the Green Belt inset through MSCP 3, providing circa 2,150 spaces. The capacity of this facility takes into account existing and consented multi-storey car parking provision at the airport site and a careful analysis of the demand for premium⁴⁰ long stay car parking. However, the proposed car park would not meet the total car parking requirement.
- 9.19 Objectors to the planning application stated that BAL should look to bring forward further car parking to the north of the airport to meet the residual requirement, further intensifying development in the Green Belt inset. However, there is currently insufficient space to the north of the airport site to accommodate additional surface level car parking. This is because BAL has already sought to maximise development in the inset and for safety and security reasons, parking cannot be located 'airside'⁴¹. Additional multi-storey car parking (beyond that already developed, consented and proposed), meanwhile, would not meet the forecast increased demand for low-cost car parking and would result in an overprovision of premium spaces. This was accepted by NSC officers and is consistent with previous decisions where similar commercial considerations have been afforded significant weight (as outlined above). Further multi-storey car parking would also have significant visual impacts on residential receptors along Downside Road, particularly taking into account the topography of this area and the requirement for a gyratory to improve traffic flows within the airport site which significantly limits siting options. On this basis, the Officer's Report concludes that *"BAL has demonstrated that the additional surface car parking (2,700 spaces) and year-round use of the current seasonal car park (3,650 spaces) cannot be delivered in the GBI"*.
- 9.20 Suitable alternative sites to meet the residual requirement for spaces were also not identified at strategic locations remote to Bristol Airport following an assessment of potential sites as part of the Parking Strategy. Objectors to the planning application considered that alternative car parking solutions outwith the Green Belt had not been adequately considered by BAL or NSC. However, an offsite facility would not automatically provide the benefits assumed by objectors as this would be entirely dependent on the location of any such facility, the baseline environmental and transport characteristics and distance from the airport. In any case, having engaged with other local planning authorities, NSC officers were also unable to identify any alternative sites, verifying the findings of the Parking Strategy.
- 9.21 In addition to sites outside the Green Belt, options within the current airport site but also within the Green Belt were considered. Two options were identified; decked car parking southside and year-round use of the existing seasonal Silver Zone Car Park (Phase 1) extension. The option of decked car parking was rejected as its potential landscape impact and harm to the openness of the Green Belt would be greater than additional surface level car parking and would not meet the demand for low-cost parking. The year-round use of the existing seasonal Silver Zone Car Park (Phase 1) extension was included in the application scope as this will cater for the increased year-round demand for low-cost parking associated with an additional 2 mppa, make best use of the existing car park facility and will not have a material impact on the openness of the Green Belt. However, as this car park already caters for peak car parking demand during the summer months, it would not meet the residual requirement for spaces and no other suitable options within the airport site were identified.

⁴⁰ Premier parking is located within walking distance of the terminal building and is aimed at business passengers for short to medium stay lengths.

⁴¹ Airside is areas of the airport, terminal and other buildings where access is restricted to processed passengers and authorised personnel. Landside comprises of those areas of the airport open to the public - in more general terms, the access roads, car parks and terminal building areas open to both passengers and non-passengers.

9.22 As no further suitable and available alternatives sites were identified, an extension to the Silver Zone Car Park (alongside the year-round use of the existing Phase 1 extension) was proposed in order to meet the residual requirement for spaces and the demand for low-cost parking. The Parking Strategy highlights that the Phase 2 site:

- is well-located from an operational perspective, allowing car parking to the south of the airport site to be consolidated in one location;
- benefits from existing services and facilities associated with the Silver Zone Car Park including the Silver Zone Car Park reception building and associated shuttle bus services that transfer passengers to/from the terminal;
- is well-suited to block parking, where public access is not required and car parking spaces can be maximised thereby making the best use of the land without the need for significant additional built development and minimising the need for lighting;
- has good access to the A38 and terminal via the existing southern access road;
- can be readily integrated with wider surface access proposals and improvements associated with development of the airport to 12 mppa; and
- is not within/adjacent to national or local designated sites.

9.23 BAL maintains that this is the most appropriate option for accommodating demand not met by further car parking in the Green Belt inset.

Very Special Circumstance 3 – Need for, and Benefits of, the Growth of Bristol Airport

9.24 The provision of additional, low-cost parking in the Green Belt is integral to the proposals for an expanded Bristol Airport and forms part of a strategy that makes best use of the existing airport site, in accordance with national aviation policy. In this context, BAL considers that the need for, and benefits of, the appeal proposal amount to a very special circumstance that outweighs any harm to the openness of the Green Belt.

9.25 The need for, and benefits of, the appeal proposal are established in **Section 4** and are therefore not restated in detail here. In summary, they include:

- Strong national aviation policy support for the growth of regional airports and making the best use of existing runways: BAL's appeal proposal directly responds to the Government's aviation policy by making better use of the existing airport runway. The appeal proposal will increase the South West region's connectivity and, more widely, will help to meet the UK's global ambition for increased international connectivity and trade post-BREXIT.
- The need to accommodate forecast regional passenger demand: In 2019, Bristol Airport handled nearly 9 million passengers and forecasts prepared at the time of the planning application indicated that the permitted passenger cap of 10 mppa would be reached in 2021 with throughput growing further to 12 mppa by 2026. Despite the temporary impacts of COVID-19 on the aviation sector, BAL still expects that passenger demand will exceed 10 mppa in the short term and that throughput will reach 12 mppa, albeit over a longer time period than previously projected. The appeal proposal caters for this demand, in-turn enhancing the connectivity of the South West region.
- The potential for the appeal proposal to clawback the leakage of passengers from the South West region to London's airports: Meeting regional passenger demand will help to reduce the need for passengers to travel long distances to fly, minimising associated emissions.

- The delivery of substantial social and economic benefits: The Economic Impact Assessment concludes that the appeal proposal would deliver around 6,000 employment opportunities and £390 million GVA alongside substantial benefits for the tourism sector. This in-turn will boost the South West region's economic recovery from the COVID-19 pandemic and help level-up regional growth. The economic benefits delivered as a result of the appeal will also support regeneration, including in two of the South West's most deprived areas – Weston-super-Mare and South Bristol.
- 9.26 The limited on-site car parking in the Green Belt is an important part of a comprehensive package of development proposals that are intended to deliver the benefits outlined above.
- 9.27 Paragraph 80 of the NPPF establishes that "*Significant weight should be placed on the need to support economic growth and local business needs*". An additional 2mppa will generate demand for further low-cost car parking and the Parking Strategy confirms that an extension to the Silver Zone car park extension (alongside the year-round use of the existing Phase 1 extension) is the most appropriate option for accommodating this demand, a view also held by NSC officers. Consistent with the NPPF, the need to meet this demand as part of the wider growth of Bristol Airport should be afforded significant weight.

10. Other Impacts

- 10.1 This section summarises the other matters considered in the ES and by NSC in determining the planning application. These matters are not identified as reasons for refusal in the Decision Notice and NSC officers were satisfied that the impacts are acceptable and, where relevant, appropriately mitigated.
- 10.2 As set out in **Section 2**, third party comments in respect of the reasons for refusal have been considered by BAL in preparing this Statement of Case. A number of comments pertaining to other matters were also submitted to NSC and these were fully and properly considered by officers. The other matters raised by third parties are summarised and comprehensively dealt with in the Officer's Report which affords them limited weight. In determining the reasons for refusal, Members of NSC did not consider that these matters properly amounted to reasons to refuse the planning application and did not specify them as such when issuing the Decision Notice. BAL reserves the right to provide further evidence should any matters beyond the reasons for refusal be raised by third parties during the appeal.

Road Traffic and Construction Noise

- 10.3 Chapter 7 of the ES identifies that there would be no change in the number of receptors affected by road traffic noise. Further, the receptors exposed to road traffic levels at the SOAEL and LOAEL are highly likely to be the same as those eligible for air noise mitigation. On this basis, officers had no objection in terms of traffic noise.
- 10.4 Regarding construction noise, the ES concludes, taking into account the measures to be contained in a CEMP, that there will be a negligible adverse effect which is not significant. This conclusion was accepted by officers.

Vibration

- 10.5 Chapter 7 of the ES also assessed the effects of vibration from the appeal proposal and concluded that there would be no significant effects arising from construction or air traffic. This conclusion was accepted by NSC officers.

Landscape and Visual

- 10.6 Chapter 9 of the ES considers the effects of the appeal proposal on landscape and visual amenity based on the findings of a Landscape and Visual Impact Assessment (LVIA) undertaken in accordance with a methodology agreed with NSC.
- 10.7 In terms of landscape, the LVIA concluded there will be no significant effects as a result of the appeal. NSC officers agreed that taking into account the mitigation proposed by BAL, there is likely to be a low impact on the landscape character. Negative visual effects of moderate significance were only identified for a single receptor and for a short-term period whilst mitigation planting developed.

Land Quality

- 10.8 Chapter 10 of the ES contains the assessment of the appeal proposal in respect of land quality. It concludes that the risk of contamination affecting sensitive receptors is low and significant effects on land quality are not predicted. Neither Public Health England nor the Officer's Report reached a different conclusion.
- 10.9 The appeal proposal will result in the loss of best and most versatile (BMV) agricultural land in order to accommodate the proposed extension to the Silver Zone Car Park (Phase 2). The Officer's Report recognises that sound planning reasons have been demonstrated for allowing additional parking within and contiguous with the airport. It highlights that the loss of BMV represents only 0.01% of all BMV

agricultural land in North Somerset and states that the loss of this quantum of BMV land is “*not so substantial as to warrant refusal of the application*”.

Ecology

- 10.10 Chapter 11 of the ES presents the assessment of the appeal proposal in respect of biodiversity. It concludes that the construction and operation of the development will result in only negligible and not significant adverse effects on all receptor groups scoped into the assessment.
- 10.11 In accordance with the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (SPD), suitable mitigation has been identified to ensure that there would be no adverse effects on the integrity of the SAC. This mitigation includes habitat creation at the airport site as well as offsite replacement habitat for lesser and greater horseshoe bats that will provide other ecological benefits (e.g. for dormouse, other bat species, birds, amphibians, reptiles, woodland flora, and invertebrates). On this basis, NSC’s Habitats Regulations Assessment (HRA) concludes that, with the proposed mitigation, there would be no adverse effects on the integrity of the SAC. This conclusion has also been accepted by Natural England.
- 10.12 Overall, the Officer’s Report concludes that there will be a net biodiversity gain/ecological enhancement.

Water

- 10.13 The surface water and flood risk assessment contained in Chapter 12 of the ES concludes that, with mitigation, the appeal proposal will not increase flood risk to offsite receptors and will protect water quantity and quality. Taking into account the implementation of measures to be contained within the CEMP as well as other embedded mitigation, the ES also concludes that groundwater effects will be minor/negligible and not significant.
- 10.14 The Officer’s Report confirms that there are no objections from NSC’s Flood Management Team, the Environment Agency, North Somerset Levels Internal Drainage Board, Bristol Water and Wessex Water. Similarly, Public Health England did not raise any objection in respect of this matter.

Historic Environment

- 10.15 Chapter 14 of the ES considers the effects of the appeal proposal on the historic environment. The assessment in the ES highlights that, as much of the construction involved in delivery of the appeal proposal will take place within the existing built footprint of the airport, there is limited potential for direct impacts on heritage assets. The assessment highlights that the development of the Silver Zone Car Park (Phase 2) extension does have the potential to affect the setting of Long barrow 350m southwest of Cornerpool Farm Scheduled Monument. To mitigate any adverse effects on this designated monument, a landscaped bund will be created to provide a natural screen for the Scheduled Monument that will minimise effects on the setting of this feature.
- 10.16 On this basis, the Officer’s Report concludes that the appeal proposal would have no harm on any heritage assets. This is the same conclusion reached by Historic England when consulted on the application.

Human Health

- 10.17 The human health effects of the appeal proposal are assessed as part of the HIA contained in Chapter 16 of the ES. The HIA confirms that adverse effects, including in respect of noise and air quality, are predicted to be negligible or minor and not significant. In addition, a beneficial effect is predicted as a result of job creation and local investment during operation that will in-turn deliver long-term health benefits.

- 10.18 With reference to Public Health England's comments on the planning application, including Chapter 16 of the ES, the Officer's Report confirms that the HIA is realistic and that there are no overriding health or well-being impacts that would warrant refusal of the application.

11. Conditions and Obligations

- 11.1 Draft planning conditions were agreed with NSC officers and are presented in the Officer's Report. The agreed conditions covered a wide range of issues including (inter alia): the passenger cap; reserved matters; noise (air noise, night flying and ground noise); climate change; landscaping; biodiversity; drainage and groundwater quality; sustainable design; the airport's operational boundary; and monitoring. BAL does not propose any changes to the conditions at this stage and will seek to engage with NSC to ensure that the conditions continue to meet the tests set out at paragraph 56 of the NPPF and reflect any updates required as a result of the revised forecasts.
- 11.2 S106 Heads of Terms covering surface access, air and ground noise, air quality, environmental amenity and employment and skills were also agreed with NSC officers and are presented in Appendix 3 of the Officer's Report. No changes to the Heads of Terms are proposed at this stage and a draft s106 Agreement is submitted with the appeal which BAL considers provides a comprehensive and appropriate set of obligations, which are compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2008, to mitigate the impacts of the appeal proposal.
- 11.3 BAL will continue to engage with NSC on the form and content of the draft s106 Agreement and will review the obligations contained therein in light of the updated forecasts and assessments to ensure that they remain appropriate.

12. Evidence and Witnesses for the Appellant

Evidence

- 12.1 BAL will refer to the planning application documents and further information submitted to NSC, together with the other documents relevant to the appeal case, that are set out in the **Appendix C**.
- 12.2 As detailed in **Section 3**, BAL will submit an updated passenger and traffic forecast. In light of this revised forecast, it will be necessary to produce an addendum to the ES to ensure that the Inspector and all parties to the appeal have the benefit of an up to date assessment of the likely significant effects of the appeal proposal. It is anticipated that the following chapters of the ES will be the focus of the addendum:
- Chapter 6: Traffic and Transport;
 - Chapter 7: Noise and Vibration;
 - Chapter 8: Air Quality;
 - Chapter 15: Socio-economics;
 - Chapter 17: Carbon and Other Greenhouse Gas Emissions;
 - Chapter 18: Cumulative Effects Assessment.
- 12.3 The following documents will also be updated, where appropriate, in light of the revised forecasts:
- Transport Assessment;
 - Economic Impact Assessment;
 - Further Parking Demand Study.
- 12.4 Submission of the information listed above will be in accordance with any agreed timetable for the appeal.

Witnesses

- 12.5 As presently advised, BAL intends to call witnesses to address:
- Aviation forecasts and strategic case for growth;
 - Planning including Green Belt;
 - Socio-economics;
 - Noise;
 - Air quality;
 - Climate change; and
 - Surface access and parking.
- 12.6 BAL reserves the right to call further witnesses to deal with any other issues which arise or are raised by NSC and third parties.

13. Planning Balance and Conclusion

- 13.1 The appeal proposal is in accordance with the Development Plan, the NPPF and national aviation policy and there are no other relevant material considerations which weigh significantly against the development. In fact, the appeal proposal would give rise to substantial local and regional benefits which are material considerations that weigh significantly in favour of granting consent. This same conclusion was reached by NSC officers in recommending approval of the planning application.
- 13.2 In summary, it is BAL's case that the appeal proposal will:
- ensure that Bristol Airport can grow to meet regional passenger demand;
 - deliver substantial social and economic benefits;
 - support the South West region's economic recovery from the COVID-19 pandemic;
 - enable BAL to make best use of its existing runway, in accordance with national aviation policy;
 - help meet the UK's global ambitions for increased international connectivity and trade post-BREXIT;
 - support Government policy to level-up regional growth; and
 - ensure adverse impacts on the environment and local communities are minimised.
- 13.3 The appeal proposal will support the Government's policy objectives to make the UK one of the best-connected countries in the world, for the aviation sector to make a significant contribution to the economic growth of the UK and for levelling-up regional growth. Increasing the capacity of Bristol Airport to accommodate an additional 2 mppa is also in full accordance with the Government's aviation policy that airports should make the best use of their existing capacity and runways, subject to environmental issues being addressed. BAL has addressed all environmental issues and the appeal proposal makes best use of existing capacity. In consequence, the Government's aviation policy should be afforded substantial weight.
- 13.4 BAL's proposals for a 12 mppa capacity airport provide a sustainable solution to meeting regional passenger demand. The proposals will ensure that Bristol Airport continues and enhances its role as the principal international gateway for the South West region and a significant economic driver, increasing connectivity, creating circa 6,000 direct and indirect employment opportunities, generating nearly £400 million GVA and tackling deprivation in some of the region's most deprived communities. Expansion of the airport will, critically, help to support the region's recovery from the COVID-19 pandemic, 'level up' regional growth and deliver enhanced regional airport capacity to help meet the UK's global ambitions for increased international connectivity and trade following the UK's departure from the EU. BAL strongly considers that these benefits should also be given substantial weight.
- 13.5 The need for, and substantial benefits of, the appeal proposal must be weighed against the adverse impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa.
- 13.6 The environmental impacts of the appeal proposal have been thoroughly assessed in the ES and a significant package of mitigation and enhancement measures was agreed with NSC officers extending to well over £10m and building on the substantial investment made by BAL to-date. This mitigation package includes measures such as a new and enhanced Environmental and Amenity Improvement Fund, providing over £600,000 for community projects in the area to mitigate impacts associated with the airport's operations, onsite and offsite habitat improvement including biodiversity net gain, a circa £2m enhanced noise insulation scheme and a comprehensive package of surface access measures to increase public transport mode share. Taking the mitigation proposed by BAL into account, all environmental issues including the impact of growth on surrounding communities and surface access infrastructure have been

minimised and, therefore, satisfactorily addressed. This conclusion is fully supported by the NSC planning officers and relevant statutory consultees; the Officer’s Report states: *“The expected environmental outcomes from the proposed development including those related to surface access; highway works; parking delivery and enforcement; air and ground noise; air quality; community and employment are also considered to be acceptable subject to mitigation proposed through the recommended conditions and S106 agreement”*.

Reasons for Refusal

13.7 BAL’s case in respect of how the matters raised in NSC’s reasons for refusal have been addressed, alongside the relevant conclusions of the Officer’s Report, are summarised in **Table 13.1**. The conclusions of the Officer’s Report clearly show that officers had accepted BAL’s case on these issues such that they are not valid reasons for refusal. Overall, when read as a whole, the Officer’s Report demonstrates that the appeal proposal is in accordance with the Development Plan and that there are no other material considerations which weigh against granting permission.

Table 13.1 Summary of BAL’s Response to NSC’s Reasons for Refusal and the Officer’s Report Conclusions

Reason for Refusal	BAL’s Case	Officer’s Report Conclusions
Reason 1	<p>The economic benefits of the appeal proposal including increased connectivity, the creation of circa 6,000 direct and indirect employment opportunities and the generation of nearly £400 million GVA should be afforded substantial weight. These benefits outweigh the limited environmental impacts of the appeal proposal which have been satisfactorily addressed.</p> <p>Overall, the appeal proposal is in accordance with Policy CS23 of the North Somerset Core Strategy as well as Policy DM50 of the North Somerset Development Management Policies Sites and Policies Plan Part 1, the NPPF and national aviation policy.</p>	<p><i>“The projected economic benefits arising from the proposed development is a matter of significant weight in favour of the application... The expected environmental outcomes from the proposed development including those related to surface access; highway works; parking delivery and enforcement; air and ground noise; air quality; community and employment are also considered to be acceptable subject to mitigation proposed through the recommended conditions and S106 agreement.”</i></p>
Reason 2	<p>The air and ground noise impacts arising from the increase in aircraft movements associated with the appeal proposal will not be significant and there will be no serious adverse effects on the health and well-being of residents in local communities. BAL has proposed a substantial package of measures to mitigate aircraft noise which goes beyond many other UK airports.</p> <p>Air quality impacts as a result of the appeal proposal would be modest and all concentrations of pollutants will remain comfortably within AQO limits. Measures will be implemented to mitigate the air quality impacts associated with an additional 2 mppa.</p> <p>Overall, the appeal proposal is in accordance with Policies CS3, CS23 and CS26 of the North Somerset Core Strategy, as well as Policy DM50 of the North Somerset Development Management Policies Sites and Policies Plan Part 1, the NPPF and the NPSE.</p>	<p><i>“For air quality, there are no predicted exceedances of the annual mean air quality objectives for PM₁₀ and PM_{2.5}. For nitrogen dioxide (NO₂) all but two receptors locations are expected to incur increased concentrations, but the projected levels remain below the air quality objective. In terms of Local Air Quality Management, all receptors comply with acceptable levels, although some are close to these limits. To ensure this remains the case, ongoing monitoring will be required together with an air quality action plan to improve air quality. This can be secured through a S106 agreement. Subject to this, there is no objection to the proposed development in terms of air quality, which complies with Policy CS3 of the North Somerset Core Strategy, the relevant legislation and other policy including the NPPF and APF.”</i></p> <p><i>“Subject to these conditions and obligations [those agreed between BAL and NSC], there is no objection to the proposed development in terms of noise impacts. This aspect of the proposal therefore complies with EU Regulation 598-2014 and noise policy in the NPPF; ANPS; ‘Making best use of existing runways’; the APF; NSPE and the development plan.”</i></p>

Reason for Refusal	BAL's Case	Officer's Report Conclusions
Reason 3	<p>Increasing the capacity of Bristol Airport will not materially affect the ability of the Government to meet its carbon budget for 2050, which represents a 'net zero' UK.</p> <p>Aligned with its Carbon Roadmap to become a 'net zero' airport by 2050, BAL has sought to minimise greenhouse gas emissions and be an exemplar airport for sustainable aviation growth across the industry. This includes a commitment to offset greenhouse gas emissions from all surface access journeys to and from the airport, effective from 2020 onwards, and to prepare a CCCAP.</p> <p>Overall, the appeal proposal is in accordance with Policy CS1 of the North Somerset Core Strategy as well as Policy CS2 and the NPPF.</p>	<p><i>"The applicant uses up-to-date best practice to quantify the added carbon emissions arising from the proposed development and different sources and then assess their impact against UK carbon budgets. Officers are satisfied that the level of additional carbon emissions resulting from the proposed development is not significant against these budgets and are unlikely therefore to compromise the UK's ability to meet its climate change obligations ... Overall, on the basis of current policy, it is concluded that the impact of the proposal on climate change is not unacceptable and the proposal meets the requirements of policies CS1 and CS2 of the North Somerset Core Strategy and paragraphs 8, 148 and 150 of the NPPF."</i></p>
Reason 4	<p>The year-round use of the existing Silver Zone Car Park (Phase 1) extension and the further extension to the Silver Zone Car Park (Phase 2) would only cause very limited harm to the openness of the Green Belt. The following very special circumstances outweigh this limited harm to the Green Belt:</p> <ul style="list-style-type: none"> • the need for additional low-cost parking to meet demand associated with an additional 2 mppa and address the impacts of unauthorised car parking in the Green Belt, as part of a holistic approach to sustainable travel; • the lack of alternative, available and suitable sites for parking outside the Green Belt, as accepted by NSC officers; and • the need for, and benefits of, the growth of Bristol Airport. <p>The appeal proposal is therefore in accordance with Policy DM12 of the North Somerset Development Management Policies Sites and Policies Plan Part 1 and the NPPF</p>	<p><i>"The applicant has demonstrated that additional car parking is an essential part of the proposed development once public transport use has been maximised. Furthermore, the sequential search has demonstrated that there are no other reasonably available and suitable sites that could accommodate the additional car parking demand outside the Green Belt, save for the limited amount of additional car parking to be provided in the part of the airport outside the Green Belt (the Green Belt Inset – GBI). From the information submitted, it is concluded that 'very special circumstances' do exist for these car parks being in the Green Belt and these clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal."</i></p>
Reason 5	<p>The additional traffic generated by the appeal proposal would not prejudice highway safety or result in severe cumulative impacts on traffic congestion; on the contrary, the proposed A38 improvements would deliver significant local capacity benefits and enhance safety.</p> <p>Appropriate provision has been made to mitigate impacts on the highway network and directly address concerns expressed by local communities. In addition, to achieve a stretching 17.5% public transport mode share target and reduce further the impacts on the highway network associated with an additional 2 mppa, a substantial public transport investment package is proposed.</p> <p>The appeal proposal is therefore in accordance with Policies CS1, CS10 and CS23 of the North Somerset Core Strategy, as well as Policy DM54 of the Sites and Policies Plan Part 1 and the NPPF.</p>	<p><i>"Overall, the projected impacts of the proposed development in terms of optimising use of public transport; impacts on roads and junctions; the extent of road works and parking measures are considered acceptable subject to planning obligations and planning conditions as set out in this report. Subject to this, the proposed development is acceptable having regard to policy CS10, DM24 and paragraphs 103, 108, 109, 110 and 111 of the NPPF."</i></p>

Conclusion

- 13.8 The decision of NSC's Planning and Regulatory Committee to refuse BAL's application to increase the capacity of Bristol Airport was contrary to a clear and unequivocal officer recommendation to grant planning permission. All matters raised in NSC's reasons for refusal were previously agreed by officers to have been satisfactorily addressed by BAL and in refusing planning permission, NSC has not provided any proper justification for reaching a different conclusion and departing from the balanced and well-reasoned advice of its own officers. In all the circumstances, NSC's decision was unreasonable. The appeal proposal is in accordance with the Development Plan and, indeed, national planning policy, and there are no other material considerations that indicate that planning permission should be refused.
- 13.9 Overall, the need for, and significant economic benefits of, the appeal proposal outweigh the limited adverse impacts associated with increasing the capacity of Bristol Airport to serve 12 mppa. It is respectfully submitted, therefore, that the appeal should be allowed.

Appendix A

Schedule of Relevant Policies

Development Plan

The adopted Development Plan for the appeal proposal comprises of the: North Somerset Core Strategy (adopted 2017)⁴²; Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).

The key Development Plan policies relevant to the appeal proposal are summarised in Tables A.1 and A2 below. It should be noted that the Sites and Policies Plan Part 2 does not include a specific allocation in respect of Bristol Airport and is therefore not referred to further here.

Table A.1: North Somerset Core Strategy Policies Relevant to the Appeal Proposal

North Somerset Core Strategy (2017)
CS1: Addressing climate change and carbon reduction
CS2: Delivering sustainable design and construction
CS3: Environmental impacts and flood risk assessment
CS4: Nature conservation
CS5: Landscape and the historic environment
CS6: North Somerset's Green Belt
CS10: Transport and movement
CS11: Parking
CS12: Achieving high quality design and place making
CS20: Supporting a successful economy
CS23: Bristol Airport
CS34: Infrastructure delivery and Development Contributions

Table A.2: Sites and Policies Plan Part 1 Policies Relevant to the Appeal Proposal

Sites and Policies Plan Part 1: Development Management Policies (2016)
DM1: Flooding and drainage
DM2: Renewable and low carbon energy
DM4: Listed buildings
DM5: Historic parks and gardens
DM6: Archaeology

⁴² The Core Strategy was adopted on 10 April 2012. Following a high court challenge nine policies were remitted for re-examination. In September 2015 one policy (Policy CS13: scale of new housing) was re-adopted. The remaining remitted policies were then re-examined. On 10 January 2017, the NSC adopted the remaining remitted policies (CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33).

Sites and Policies Plan Part 1: Development Management Policies (2016)
DM7: Non-designated heritage assets
DM8: Nature conservation
DM9: Trees
DM10: Landscape
DM11: Mendip Hills Area of Outstanding Natural Beauty
DM12: Development within the Green Belt
DM20: Major Transport Schemes
DM24: Safety, traffic and infrastructure associated with development
DM26: Travel plans
DM27: Bus accessibility criteria
DM28: Parking standards
DM29: Car parks
DM30: Off-airport car parking
DM31: Air safety
DM32: High quality design and place making
DM33: Inclusive access into non-residential buildings and spaces
DM50: Bristol Airport
DM70: Development Infrastructure
DM71: Development contributions / Community Infrastructure Levy

National Planning Policy Framework

The sections of the National Planning Policy Framework (February 2019) (NPPF) relevant to the appeal proposal are listed in Table A.3 below.

Table A.3: NPPF Section/Paragraphs Relevant to the Appeal Proposal

Topic	Paragraph(s) No(s).
Sustainable development objectives	8
Presumption in favour of sustainable development	10-11
Socio-economics	80
Human health	91, 180
Transport	102-103, 108-111
Land use and quality	117-118, 170, 178-179, 183
Design	127
Green Belt	133-134, 143-146
Climate change (including greenhouse gas emissions)	148, 153
Water and flood risk	155, 163, 165, 170
Landscape	170, 180
Biodiversity	170, 175-177
Noise	170, 180
Air quality	170, 180-181
Cultural heritage	184, 189-197, 199-200
Planning conditions and obligations	54-56

National Aviation Policy

The Government's aviation policy is set out in the following documents:

- The Aviation Policy Framework (March 2013);
- Beyond the Horizon – the future of UK aviation: making best use of existing runways (June 2018).

In February 2020, the Court of Appeal gave judgement in the challenges by Friends of the Earth and Plan B Earth to the designation of the Airports National Policy Statement (ANPS). The Order of the Court was that the ANPS is of no legal effect unless and until the Secretary of State has undertaken a review of it in accordance with the relevant provisions of the Planning Act 2008. That decision is under appeal to the Supreme Court with a hearing expected to be heard later this year. The ANPS is currently, therefore, of no legal effect pending review by the Secretary of State and / or a reversal of the Court of Appeal's decision by the Supreme Court and, as such, is currently not relevant policy in the determination of this appeal.

The Government's emerging aviation policy is currently contained in Aviation Strategy 2050: The Future of UK Aviation (December 2018).

Other Relevant Policy Documents

Other policy documents relevant to the appeal proposal are:

- Noise Policy Statement for England (March 2010);
- Decarbonising Transport – Setting the Challenge (March 2020);
- The West of England Joint Local Transport Plan 4 2020-2036 (March 2020);
- West of England Strategic Economic Plan 2015 – 2030 (March 2014);
- West of England Local Industrial Strategy (July 2019);
- North Somerset’s Economic Plan 2017-2036;
- North Somerset Landscape Character Assessment Supplementary Planning Document (SPD) (September 2018);
- North Somerset and Mendip Bats Special Area of Conservation (SAC) – Guidance on Development SPD (January 2018);
- Creating Sustainable Buildings and Places in North Somerset SPD (March 2015);
- Travel Plans SPD (November 2010);
- Biodiversity and Trees SPD (December 2005); and
- Development Contributions SPD (January 2016).

Appendix B

Decision Notice

NOTICE OF DECISION

Town and Country Planning Act 1990



Mr Alexander Melling
Wood Environment & Infrastructure Solutions UK Ltd
Redcliff Quay
120 Redcliff Street
Bristol
BS1 6HU

Application Number: 18/P/5118/OUT

Category: Outline application

Application No: 18/P/5118/OUT
Applicant: Bristol Airport Limited
Site: Bristol Airport, North Side Road, Felton, Wrington
Description: Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** consent for the above development for the following reasons:

- 1 The airport has planning permission to expand to a throughput of 10 million passengers per annum (mppa) which allows for further expansion in passenger growth of approximately 1 mppa above the current passenger level. The further expansion beyond 10mppa now proposed would generate additional noise, traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding

Bristol Airport and which would have an adverse impact on an inadequate surface access infrastructure. The claimed economic benefits arising from the proposal would not outweigh the environmental harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017.

- 2 The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the proposed development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017
- 3 The scale of greenhouse gas emissions generated by the proposed increase in passenger numbers would not reduce carbon emissions and would not contribute to the transition to a low carbon future and would exacerbate climate change contrary to the National Planning Policy Framework, policy CS1 of the North Somerset Core Strategy 2017. and the duty in the Climate Change Act 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.
- 4 The proposed extension to the Silver Zone car park and the year round use of the seasonal car park constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm including the encroachment of development on the countryside and loss of openness contrary to the National Planning Policy Framework and policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 2016.
- 5 The proposed public transport provision is inadequate and will not sufficiently reduce the reliance on the car to access the airport resulting in an unsustainable development contrary to the National Planning Policy Framework and policies CS1 and CS10 of the North Somerset Core Strategy 2017.

Advice Notes:

- 1 Positive and proactive statement: The council worked with the applicant in a positive and proactive manner and implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by providing pre-application and post-application advice and publishing statutory consultee and neighbour comments on the council's website. The council also looked for solutions to enable the grant of planning permission and invited amendments and/or additional information be submitted to overcome concerns. However, notwithstanding these efforts the application does not comply with the relevant planning policies and clear reasons have been given to help the applicant understand why planning permission has not been granted

Continued...

- 2 Refused plans/documents: The plans/documents that were formally considered as part of this application are as follows:

Drawings:

- o 17090-00-100-400 Location (Red Line) Plan
- o 17090-00-100-401 Composite Site Plan
- o 17090-00-100-402 Site Reference Plan
- o 17090-00-100-403 Existing Site Plan
- o 17090-00-100-404 Existing Site Plan - North
- o 17090-00-100-405 Existing Site Plan - Central
- o 17090-00-100-406 Existing Site Plan - South
- o 17090-00-100-407 Proposed Site Plan
- o 17090-00-100-408 Proposed Site Plan - North
- o 17090-00-100-409 Proposed Site Plan - Central
- o 17090-00-100-410 Proposed Site Plan - South
- o 17090-00-100-411_01 Permitted Development Rights Reference Site Plan
- o 17090-00-200-400_00 Ground Floor Plan - Existing
- o 17090-00-200-401_0 Ground Floor Plan - Proposed
- o 17090-10-200-400_00 First Floor Plan - Existing
- o 17090-10-200-401_00 First Floor Plan - Proposed
- o 17090--10-200-400_00 Basement Floor Plan - Existing
- o 17090--10-200-401_00 Basement Floor Plan - Proposed
- o 17090-20-200-400_00 Mezzanine Floor Plan - Existing
- o 17090-20-200-401_00 Mezzanine Floor Plan - Proposed
- o 17090-ZZ-125-400_00 Roof Plan - Existing
- o 17090-ZZ-125-401_00 Roof Plan - Proposed
- o 17090-ZZ-300-400_00 South Terminal Extension & B1, B2 and B3 - Existing Elevations (Sheet 1 of 2)
- o 17090-ZZ-300-401_00 South Terminal Extension & B1, B2 and B3 - Proposed Elevations (Sheet 1 of 2)
- o 17090-ZZ-300-402_00 South Terminal Extension & B1, B2 and B3 - Existing Elevations (Sheet 2 of 2)
- o 17090-ZZ-300-403_00 South Terminal Extension & B1, B2 and B3 - Proposed Elevations (Sheet 2 of 2)
- o 17090-ZZ-300-404_00 West Terminal Extension - Existing Elevations
- o 17090-ZZ-300-405_00 West Terminal Extension - Proposed Elevations
- o 17090-ZZ-300-406_00 Terminal Canopies - Existing Elevations
- o 17090-ZZ-300-407_00 Terminal Canopies - Proposed Elevations
- o 40506-Bri075c Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan
- o C1124-SK-A38-010 11.0 A38 Junction Improvements - Option 10
- o C1124-SK-A38-011 1.0 A38 Junction Improvements - Vehicle Track Analysis 1 of 3
- o C1124-SK-A38-012 1.0 A38 Junction Improvements - Vehicle Track Analysis 2 of 3
- o C1124-SK-A38-013 1.0 A38 Junction Improvements - Vehicle Track Analysis 3 of 3

Documents:

- o Planning Statement (including Bristol Airport Forecast Validation) - December 2018
- o Environmental Statement (including Flood Risk Assessment) - December 2018
- o Design and Access Statement - December 2018
- o Consultation Feedback Report - November 2018

- o Economic Impact Assessment - November 2018
- o Transport Assessment - December 2018
- o Draft Workplace Travel Plan - December 2018
- o Parking Demand Study - December 2018
- o Parking Strategy - December 2018
- o Foul and Surface Water Drainage Strategy - December 2018
- o Lighting Impact Assessment - December 2018
- o BREEAM Pre-Assessment - November 2018
- o Response to Request for Further Information Pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - April 2019
- o Response to Request for Further Information Pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - October 2019
- o Response to North Somerset Council Highways and Transport Comments - December 2019

Date: 19 March 2020
Signed: Richard Kent
Head of Development
Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

NOTES RELATING TO A DECISION TO REFUSE PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or by any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If this is a decision to refuse planning permission for a householder application¹ or shopfront proposal and you want to appeal, then you must do so **within 12 weeks** of the date of this notice. If this is a decision to refuse Advertisement Consent then you must submit your appeal **within 8 weeks** of the date of this notice. In all other cases if you want to appeal against your local planning authority's decision then you must do so **within 6 months** of the date of this notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

How to get our advice

It is well worth contacting the officer who dealt with your application to see if an alternative solution can be reached which would avoid the need for an appeal. Should you require our written advice prior to submitting a new application please be aware that there is normally a fee for such requests. Details of how to obtain our advice prior to submitting an application can be found on our website.

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning

¹ Householder developments are defined as those within the curtilage of a house and are not a change of use or the creation of an additional dwelling or flat. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.

Appendix C

Schedule of Appeal Documents

Ref	Core Application Document	Date
Application Drawings		
CD 1.1	17090-00-100-400 Location (Red Line) Plan	December 2018
CD 1.2	17090-00-100-401 Composite Site Plan	December 2018
CD 1.3	17090-00-100-402 Site Reference Plan	December 2018
CD 1.4	17090-00-100-403 Existing Site Plan	December 2018
CD 1.5	17090-00-100-404 Existing Site Plan – North	December 2018
CD 1.6	17090-00-100-405 Existing Site Plan – Central	December 2018
CD 1.7	17090-00-100-406 Existing Site Plan – South	December 2018
CD 1.8	17090-00-100-407 Proposed Site Plan	December 2018
CD 1.9	17090-00-100-408 Proposed Site Plan – North	December 2018
CD 1.10	17090-00-100-409 Proposed Site Plan – Central	December 2018
CD 1.11	17090-00-100-410 Proposed Site Plan – South	December 2018
CD 1.12	17090-00-100-411 Permitted Development Rights Reference Site Plan	December 2018
CD 1.13	17090-00-200-400_00 Ground Floor Plan – Existing	December 2018
CD 1.14	17090-00-200-401_0 Ground Floor Plan – Proposed	December 2018
CD 1.15	17090-10-200-400_00 First Floor Plan – Existing	December 2018
CD 1.16	17090-10-200-401_00 First Floor Plan – Proposed	December 2018
CD 1.17	17090--10-200-400_00 Basement Floor Plan – Existing	December 2018
CD 1.18	17090--10-200-401_00 Basement Floor Plan – Proposed	December 2018
CD 1.19	17090-20-200-400_00 Mezzanine Floor Plan – Existing	December 2018
CD 1.20	17090-20-200-401_00 Mezzanine Floor Plan – Proposed	December 2018
CD 1.21	17090-ZZ-125-400_00 Roof Plan – Existing	December 2018
CD 1.22	17090-ZZ-125-401_00 Roof Plan – Proposed	December 2018
CD 1.23	17090-ZZ-300-400_00 South Terminal Extension & B1, B2 and B3 – Existing Elevations (Sheet 1 of 2)	December 2018
CD 1.24	17090-ZZ-300-401_00 South Terminal Extension & B1, B2 and B3 – Proposed Elevations (Sheet 1 of 2)	December 2018
CD 1.25	17090-ZZ-300-402_00 South Terminal Extension & B1, B2 and B3 – Existing Elevations (Sheet 2 of 2)	December 2018

Ref	Core Application Document	Date
CD 1.26	17090-ZZ-300-403_00 South Terminal Extension & B1, B2 and B3 – Proposed Elevations (Sheet 2 of 2)	December 2018
CD 1.27	17090-ZZ-300-404_00 West Terminal Extension – Existing Elevations	December 2018
CD 1.28	17090-ZZ-300-405_00 West Terminal Extension – Proposed Elevations	December 2018
CD 1.29	17090-ZZ-300-406_00 Terminal Canopies – Existing Elevations	December 2018
CD 1.30	17090-ZZ-300-407_00 Terminal Canopies – Proposed Elevations	December 2018
CD 1.31	40506-Bri074b Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan	November 2018
CD 1.32	C1124-SK-A38-010 10.0 A38 Junction Improvements	November 2018
CD 1.33	C1124-SK-A38-011 1.0 A38 Junction Improvements Vehicle Track Analysis – (Sheet 1 of 3)	September 2018
CD 1.34	C1124-SK-A38-012 1.0 A38 Junction Improvements Vehicle Track Analysis – (Sheet 2 of 3)	September 2018
CD 1.35	C1124-SK-A38-013 1.0 A38 Junction Improvements Vehicle Track Analysis – (Sheet 3 of 3)	September 2018
CD 1.36	17090-00-100-411 Permitted Development Rights Reference Site Plan Rev 02	January 2020
CD 1.37	C1124-SK-A38-010 11.0 A38 Junction Improvements	April 2019
CD 1.38	40506-Bri075c Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan	August 2019
Application Documents		
CD 2.1	Planning Application Form including Certificate of Ownership B	5 December 2018
CD 2.2	Planning Application Covering Letter	10 December 2018
CD 2.3	Planning Statement	December 2018
CD 2.4	Bristol Airport Forecast Validation (included within Planning Statement)	December 2018
CD 2.5	Environmental Statement: <ul style="list-style-type: none"> • Non-Technical Summary • Volume 1: Environmental Statement • Volume 2: Appendices • Volume 3: Figures 	December 2018
CD 2.6	Design and Access Statement	December 2018
CD 2.7	Consultation Feedback Report	November 2018
CD 2.8	Economic Impact Assessment	November 2018
CD 2.9	Transport Assessment (also included in Environmental Statement)	December 2018
CD 2.10	Draft Workplace Travel Plan (also included in Environmental Statement)	December 2018
CD 2.11	Parking Demand Study	December 2018
CD 2.12	Parking Strategy	December 2018

Ref	Core Application Document	Date
CD 2.13	Flood Risk Assessment (included within Environmental Statement)	December 2018
CD 2.14	Foul and Surface Water Drainage Strategy	December 2018
CD 2.15	Lighting Impact Assessment	December 2018
CD 2.16	BREEAM Pre-Assessment	November 2018
Further Documents Submitted to North Somerset Council		
CD 3.1	Bristol Airport Transport Assessment Technical Note Issue 1	January 2019
CD 3.2	Certificate of Ownership B	28 March 2019
CD 3.3	Certificate of Ownership B	17 April 2019
CD 3.4	<p>Response to Formal Request for Further Information Under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 comprising:</p> <p><u>Transport</u></p> <ul style="list-style-type: none"> • Post-submission sensitivity tests • Comparison of modal shares between UK regional airports • A response to LINSIG modelling comments • Comments on representations made by South Gloucestershire and Bath and North East Somerset Councils • Public transport capacity assessment • Model validation and calibration • Assignment sensitivity test method statement • Trip generation clarification <p><u>Socio-economics</u></p> <ul style="list-style-type: none"> • Response to comments / further information on economic impacts <p><u>Noise and Vibration</u></p> <ul style="list-style-type: none"> • Appendix 7c-7f (figures) relating to Chapter 7 of the Environmental Statement • Detailed response to comments from North Somerset Council on noise/vibration <p><u>Landscape and Visual</u></p> <ul style="list-style-type: none"> • Response to comments on landscape and supporting drawings (including visualisation) • Further visualisation to show the visual impact of the proposed highway works from the A38 near to the main airport access point <p><u>Climate Change</u></p> <ul style="list-style-type: none"> • Response to comments on climate change <p><u>Air Quality</u></p> <ul style="list-style-type: none"> • Response to comments on air quality • Further response to comments on air quality including information in respect of the effects of the proposed development at junctions considered in the Transport Assessment that are beyond the study area adopted in the air quality assessment contained in the Environmental Statement 	18 April 2019

Ref	Core Application Document	Date
	<p><u>Flood Risk/Drainage</u></p> <ul style="list-style-type: none"> • Response to North Somerset Council Flood Risk Management Team comments <p><u>Historic Environment</u></p> <ul style="list-style-type: none"> • Response to Historic England and North Somerset Council / additional information on the historic environment <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • Outline SAC / SPD Ecological Management Plan • Response to comments from North Somerset Council on biodiversity 	
CD 3.5	Amendment to Description of Development	1 May 2019
CD 3.6	<p>Response to Formal Request for Further Information Under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 comprising:</p> <p><u>Car Parking</u></p> <ul style="list-style-type: none"> • Parking Demand Study Addendum • Plans showing offsite car parking options <p><u>Climate Change</u></p> <ul style="list-style-type: none"> • Final Draft Scope for Carbon and Climate Change Action Plan • Response to further Jacobs' comments • Clarification on greenhouse gas assessment and cumulative effects <p><u>Ecology</u></p> <ul style="list-style-type: none"> • Response to comments from North Somerset Council on biodiversity • Further clarification on biodiversity • Additional information for Natural England • Lighting Impact Assessment • Airfield Botanical Survey Update • Southern Taxiway Links and Stands Ecological Appraisal • Revised Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan <p><u>Socio-economics</u></p> <ul style="list-style-type: none"> • Response to further comments • Further submissions in relation to inbound tourism and foreign direct investment <p><u>Noise and Vibration</u></p> <ul style="list-style-type: none"> • Mott MacDonald Bristol Airport Forecast Validation • Second response to North Somerset Council and Jacobs comments <p><u>Transport</u></p> <ul style="list-style-type: none"> • Response to Bath and North East Somerset Council • Public Transport Capacity Assessment • Response to Jacobs modelling comments • Transport Assessment Supplementary Document • Churchill Crossroads assessment • Revised A38 highway improvements design 	30 October 2019

Ref	Core Application Document	Date
CD 3.7	Carbon Policy Update	October 2019
CD 3.8	Response to Comments from CPRE Avonside	October 2019
CD 3.9	Response to North Somerset Council Highways and Transport Comments	December 2019
CD 3.10	Response to Further Environment Agency Comments	December 2019
CD 3.11	Letter from BAL to NSC Regarding Sustainable Aviation and Net Zero	7 February 2020
CD 3.12	Letter from BAL to NSC Regrading Draft Reasons for Refusal	16 March 2020
Planning History		
CD 4.1	Decision Notice 09/P/1020/OT2: Major development of Bristol Airport to accommodate 10mppa	16 February 2011
CD 4.2	Section 106 Agreement Relating to Bristol Airport	16 February 2011
CD 4.3	Decision Notice for 16/P/1455/F: Development of MSCP1	11 November 2016
CD 4.4	Decision Notice for 16/P/1486/F: Development of Silver Zone Car Park extension (Phase 1)	11 November 2016
CD 4.5	Section 106 Agreement Deed of Variation	11 November 2016
CD 4.6	Decision Notice for 17/P/1273/F: Proposed use of on-board auxiliary power units between 06:00 and 23:00 hours in Aircraft on stands nos. 34 to 37	29 August 2017
CD 4.7	Letter from BAL to NSC to Request a Formal Environmental Impact Assessment Scoping Opinion	14 June 2018
CD 4.8	Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Impact Assessment Scoping Report	June 2018
CD 4.9	Delegated Report: 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	17 August 2018
CD 4.10	Decision Notice for 18/P/4007/FUL: Application to vary condition no.3 attached to planning permission 16/P/1486/F	25 October 2018
CD 4.11	Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT	January 2020
CD 4.12	Planning and Regulatory Committee Update Sheet 10 February 2020 on 18/P/5118/OUT	February 2020
CD 4.13	Report to Planning and Regulatory Committee 18 March 2020 on 18/P/5118/OUT	March 2020
CD 4.14	Planning and Regulatory Committee Update Sheet 18 March 2020 on 18/P/5117/OUT	March 2020
Planning Policy and Legislation		
CD 5.1	Town and Country Planning Act 1990	1990
CD 5.2	Planning and Compulsory Purchase Act 2004	2004
CD 5.3	Community Infrastructure Levy Regulations 2010	2010
CD 5.4	North Somerset Development Management Policies: Sites and Policies Plan Part 1, North Somerset Council	July 2016
CD 5.5	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	2017

Ref	Core Application Document	Date
CD 5.6	North Somerset Core Strategy, North Somerset Council	January 2017
CD 5.7	The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019	2019
CD 5.8	National Planning Policy Framework, Ministry of Housing, Communities & Local Government	February 2019
CD 5.9	Planning Practice Guidance, Ministry of Housing, Communities & Local Government	October 2019 (last update)
Aviation		
CD 6.1	The Aviation Policy Framework, HM Government	March 2013
CD 6.2	UK Aviation Forecasts, Department for Transport	October 2017
CD 6.3	Beyond the Horizon – The Future of UK Aviation: Next Steps Towards an Aviation Strategy, HM Government	April 2018
CD 6.4	Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways, HM Government	June 2018
CD 6.5	Aviation Strategy 2050: The Future of UK Aviation, HM Government	December 2018
CD 6.6	CAP 1711: Airspace Modernisation Strategy, Civil Aviation Authority	December 2018
CD 6.7	2018 Passenger Survey Report, Civil Aviation Authority	2019
CD 6.8	Transport Secretary's Statement on Heathrow Expansion 27 February 2020	February 2020
Surface Access		
CD 7.1	Guideline for the Environmental Assessment of Road Traffic, Institute of Environmental Management and Assessment (IEMA)	1993
CD 7.2	Guidance on Transport Assessment, Department for Transport	2007
CD 7.3	Design Manual for Roads and Bridges, Highways Agency	2008
CD 7.4	Bristol Airport Surface Access Strategy 2012 – 2016	November 2012
CD 7.5	Joint Local Transport Plan 4 2020-2036, Travelwest	March 2020
Air Quality		
CD 8.1	Air Quality Guidelines: Global Update, World Health Organization Regional Office for Europe	February 2006
CD 8.2	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, Defra	July 2007
CD 8.3	The Air Quality Standards Regulations 2010	2010
CD 8.4	Air Emissions Risk assessment for your Environmental Permit, Environment Agency	August 2016 (latest update)
CD 8.5	The Air Quality Standards (Amendment) Regulations 2016	2016
CD 8.6	Guidance on land-use planning and development control: Planning for air quality 2017 v1.2, Institute of Air Quality Management and Environmental Protection UK	January 2017
CD 8.7	Clean Air Strategy 2019, HM Government	January 2019
Climate Change		

Ref	Core Application Document	Date
CD 9.1	The EU Emissions Trading Scheme	2005
CD 9.2	Climate Change Act 2008	2008
CD 9.3	Meeting the UK Aviation Target - Options for Reducing Emissions to 2050, Committee on Climate Change	December 2009
CD 9.4	Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)	2014
CD 9.5	Assessing Greenhouse Gas Emissions and Evaluating their Significance, IEMA	2017
CD 9.6	The Clean Growth Strategy: Leading the Way to a Low Carbon Future, HM Government	October 2017
CD 9.7	Climate Change Act 2008 (2050 Target Amendment) Order 2019	2019
CD 9.8	Final Statement for Second Carbon Budget, Department for Business, Energy & Industrial Strategy	May 2019
CD 9.9	Net Zero - The UK's Contribution to Stopping Global Warming - Technical Report, Committee on Climate Change	May 2019
CD 9.10	Becoming a Net Zero Airport: Our Roadmap to Reduce Carbon Emissions, BAL	July 2019
CD 9.11	Letter to Rt Hon Grant Shapps MP: International Aviation and Shipping and Net Zero, Committee on Climate Change	24 September 2019
CD 9.12	North Somerset Climate Emergency Strategy	2019
CD 9.13	North Somerset Climate Emergency Strategic Action Plan	2019
CD 9.14	Decarbonisation Road-Map: A Path to Net Zero, Sustainable Aviation	2020
CD 9.15	Sustainable Aviation Fuels Road-Map: Fuelling the Future of UK Aviation, Sustainable Aviation	2020
CD 9.16	Decarbonising Transport – Setting the Challenge, Department for Transport	March 2020
CD 9.17	Reducing UK Emissions: 2020 Progress Report to Parliament, Committee on Climate Change	June 2020
CD 9.18	Transport Secretary's Statement on Coronavirus (COVID-19): 12 June 2020	June 2020
Noise		
CD 10.1	Guidelines for Community Noise, World Health Organization	1999
CD 10.2	Exposure-Effect Relations between Aircraft and Road Traffic Noise Exposure at School and Reading Comprehension: The RANCH project, American Journal of Epidemiology	January 2006
CD 10.3	Environmental Noise (England) Regulations 2006 (as amended)	2006
CD 10.4	Noise Policy Statement for England	March 2010
CD 10.5	Guidelines for Environmental Noise Impact Assessment, IEMA	November 2014
CD 10.6	Valuing Impacts On: Sleep Disturbance, Annoyance, Hypertension, Productivity and Quiet, Defra	November 2014
CD 10.7	Health Effects of Noise Exposure in Children, S Stansfield, C Clark.	March 2015

Ref	Core Application Document	Date
CD 10.8	Acoustics of Schools: A Design Guide, The Institute of Acoustics and Association of Noise Consultants	November 2015
CD 10.9	CAP 1506: Survey of Noise Attitudes 2014: Aircraft, Civil Aviation Authority	February 2017
CD 10.10	Environmental Noise Guidelines for the European Region, World Health Organization Regional Office for Europe	2018
CD 10.11	Noise Action Plan 2019-2024, BAL	October 2018
Socio-economics		
CD 11.1	Economic Benefits from Air Transport in the UK, Oxford Economics	November 2014
CD 11.2	West of England Strategic Economic Plan 2015 – 2030	2015
CD 11.3	North Somerset's Economic Plan 2017-2036	Undated
CD 11.4	Industrial Strategy, HM Government	November 2017
CD 11.5	Bristol: Global City, Bristol City Council	2017
CD 11.6	North Somerset Employment Land & Sites Review, Atkins	June 2018
CD 11.7	West of England Local Industrial Strategy, HM Government	July 2019
Bristol Airport Limited		
CD 12.1	Bristol International Airport Master Plan 2006 to 2030, BAL	November 2006
CD 12.2	Your Airport: Your Views - A World of Opportunities: Preparing a New Master Plan - Public Consultation	November 2017
CD 12.3	Your Airport: Your Views Towards 2050 - Master Plan Consultation – Stage II Development Proposals and Options	May 2018
CD 12.4	Bristol Airport Environmental Policy	August 2019



STATEMENT OF CASE OF NORTH SOMERSET COUNCIL

**IN AN APPEAL BY BRISTOL AIRPORT LIMITED PURSUANT TO SECTION 78
OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST THE DECISION
OF NORTH SOMERSET COUNCIL TO REFUSE TO GRANT OUTLINE
PLANNING PERMISSION, WITH SOME RESERVED MATTERS INCLUDED AND
OTHERS RESERVED FOR SUBSEQUENT APPROVAL, FOR THE
DEVELOPMENT OF BRISOL AIRPORT, NORTH SIDE ROAD, FELTON,
WRINGTON, BS48 3DP**

PLANNING INSPECTORATE REFERENCE: APP/D0121/W/20/3259234

NORTH SOMERSET COUNCIL REFERENCE: 18/P/5118/OUT

I. INTRODUCTION

1. Bristol Airport Limited ("**BAL**") appeals pursuant to s. 78 of the Town and Country Planning Act 1990 against the decision of North Somerset Council ("**the Council**") to refuse BAL's application for planning permission ("**the Application**") for the development of Bristol Airport, North Side Road, Felton, Wrington ("**the Appeal Site**") to enable a throughput of 12 million terminal passengers per annum ("**mppa**") and associated development (as more fully described below) ("**the Proposed Development**").
2. The Council's decision to refuse the Application ("**the Decision**") is recorded in a decision notice dated 19 March 2020 ("**the DN**"). The Decision was reached following consideration of the Proposed Development by the Council's Planning and Regulatory Committee ("**the Committee**") at two meetings (on 10 February 2020 and 18 March 2020 respectively) and after a site inspection by the Committee (on 14 June 2019). The Committee were provided with a report on the Application by the Council's officers at the first meeting on 10 February 2020 ("**OR1**") which was supplemented by an update sheet. The Committee were provided with a further report from the Council's officers at the second meeting on 18 March 2020. Officers recommended that, on balance, planning permission should be granted.
3. In the event, the Council refused the Application for five reasons which are recorded in the DN.
4. In essence, the Council considers that the Proposed Development fails to accord with the Development Plan. As such, the Proposed Development can only be permitted if and to the extent that material considerations outweigh the failure to accord with the Development Plan. The Proposed Development gives rise to conflict with some elements of the NPPF which also weigh against the grant of planning permission. The Council considers that on balance the economic and other benefits of the Proposed Development together with other material considerations are not sufficient to outweigh the conflict with the Development Plan and other conflict with the NPPF.

5. Since this appeal was lodged on 10 September 2020, BAL has provided additional information in the form of an addendum to the environmental statement and accompanying reports. Having considered this additional material, the position of the Council remains the same.
6. In essence, BAL has overstated the economic and other benefits of the Proposed Development and understated the environmental and social harm that the Proposed Development would cause. The Council contends that, once the correct balance is struck, it is evident that the Proposed Development does not amount to sustainable development.

II. BACKGROUND TO THE APPLICATION

The Appeal Site and the Proposed Development

7. The background to the Application is set out in OR1. The following parts of OR1 are relied on but not repeated:
 - (a) Bristol Airport (“**BA**”) opened in 1957. Since that date it has expanded in increments. Planning permission (ref no. 1287/91) was granted in 1995 permitting the construction of a replacement passenger terminal and re-routing part of the A38 next to the airport. Both elements opened in 2000. At that time BA handled 2.1 mppa. In 2011, outline planning permission (ref no. 09/P/1020/OT2) was granted to increase the operational capacity of BA from 7.2 to 10 mppa (“**the 10 mppa Consent**”). A more detailed summary of the history of the growth of BA can be found in OR1 at page 2 of 235.
 - (b) BA is in the parish of Wrington, about 4km north-east from the centre of the village. It is 1.6km west of Felton and 3.2km west of Winford. Bristol city centre is about 11km northeast of the airport. The Mendip Hills Area of Outstanding Natural Beauty begins 3km south of BA. BA’s main road access is from the A38. There are two roundabout entrances into BA from the A38: the northern access to the passenger terminal and adjoining car parks and a southern access, which serves the ‘Silver Zone’ car park and private aviation facilities. BA is approximately 196

hectares in area, and it is on an elevated plateau between 165–192 metres AOD. Most of BA is in the Green Belt, save for 44 hectares at its north side. This area, known as the “Green Belt Inset”, includes the passenger terminal, air traffic control tower, hotel, multi-storey car park and surface car parks. The central part of BA comprises the runway, aircraft taxiways and the aircraft-stands. There are 32 aircraft stands at present, but the 10 mppa Consent allows three more to be added. The numbering sequence is not however successive (for example there are no stand numbers 17-20) such that stand numbers continue up to stand 39. The south side of BA includes private aviation buildings, a helicopter unit, fire station, new admin offices for BAL staff and long-stay car parks (the ‘Silver Zone’). BA is open 24 hours a day, 365 days a year.

- (c) The Application seeks outline planning permission, with some details (reserved matters) included to increase the operational capacity of BA from its current cap of 10 mppa up to 12 mppa. It also seeks to remove the existing seasonal cap of night flights to allow an increase in night flights during the summer time. Alterations to the A38 highway at the Downside Road and West Lane junctions as well as carriageway improvements to a section of the existing A38 are also sought. A longer description of the Proposed Development can be found in OR1 at page 3 of 235.

Planning policy

8. The Development Plan for the purposes of s. 70 of the Town and Country Planning Act 1990 (“**TCPA 1990**”) and s. 38(6) of the Planning and Compulsory Purchase Act 2004 (“**PCPA 2004**”) comprises the North Somerset Core Strategy (adopted 10 January 2017) (“**the CS**”), the Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016) (“**the DMP**”) and the Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018) (“**the SAP**”). The Development Plan policies which are considered relevant to this appeal are listed in Appendix 1.

9. The Council will contend that the relevant policies are all considered to be consistent with the NPPF. They are accordingly to be given full weight.
10. An emerging Development Plan is at a very early stage. There is a possibility that a Regulation 18 draft may be published after the close of the Inquiry but prior to the final determination of the appeal.
11. The NPPF is a material consideration. The Council will contend that the NPPF is to be given full weight in the determination of the Appeal.
12. There is a range of additional relevant planning policy documents and guidance which is listed in Appendix 2.

III. THE CASE FOR THE COUNCIL

Introduction

13. The Airports Policy Framework (2013) (“**the APF**”) provides support for better use to be made of existing runway capacity at UK airports. However, it does not change the approach to the assessment of the impacts of increasing runway utilisation as set out in the NPPF.
14. ‘*Beyond the Horizon – the future of UK aviation: making best use of existing runways*’ (2018) also supports airports making more intensive use of their existing infrastructure. In para. 1.5 the Government says it is: “*minded to be supportive of all airports who wish to make best use of their existing runways, subject to environmental issues being addressed.*” It expects (para 1.8) proposals for increased use of runway capacity to address fully environmental issues such as noise, air quality and carbon. ‘*Beyond the Horizon*’ does not change the approach to the assessment of the impacts of increasing runway utilisation as set out in the NPPF.
15. Whilst the importance of regional airports and the benefits of growth are recognised, it is not national policy that regional airports should be permitted to make more intensive use of their existing infrastructure at any cost; rather growth is supported subject to it being demonstrated that the environmental impact of that growth is acceptable.

16. The CS takes as its starting point the “North Somerset Vision”: *“Sustainable, inclusive, safe, healthy, prosperous communities thriving in a quality environment”*.¹ This vision is underpinned by six shared priorities: tackling disadvantage and promoting equality of opportunity; developing strong inclusive communities; ensuring safer communities; improving health and wellbeing; developing a prosperous economy and enterprising community; and living within environmental limits.²
17. The CS (together with the DMP and the SAP) is the spatial, land-use expression of these shared priorities.³ Vision 1 of the CS develops the North Somerset Vision in spatial, land use, terms and notably provides:

“By 2026 North Somerset will be a more prosperous district, with reduced inequalities throughout. Its coastal and rural setting, underpinned by a rich heritage will strongly influence new development. Development will respond to the challenge of climate change, the move to more sustainable energy use and be characterised by high-quality design that contributes to creating successful, thriving places ...

The future planning of Royal Portbury Dock and Bristol Airport will be guided by the need to balance the advantages of economic growth with the need to control the impacts on those who live nearby and on the natural environment.”

18. The spatial policies in the CS provide the framework to deliver the identified visions and priority objectives in the CS, namely: living within environmental limits; delivering a prosperous economy; ensuring safe and healthy communities; and delivering strong and inclusive communities.
19. The CS contains policy specifically related to Bristol Airport. Policy CS23 of the CS provides:

“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.”⁴

¹ See the CS at [2.2].

² See the CS at [2.3].

³ See the CS at [2.4].

⁴ See the CS at [3.293].

20. The supporting text to this policy references the Council's preference for approaching the development of the airport through an area action plan or other Development Plan document which would “*enable community expectations to guide the planning process from an early stage*”. This was not an approach supported by BAL. Indeed, BAL submitted the Application less than two years after the adoption of the CS in the absence of any such plan or document being promulgated.

21. Further, regarding the delivery of policy CS23, the supporting text provides:

“Development of the Airport is led by its owners, whose responsibility it is to ensure that the environmental impacts of growth are addressed to the satisfaction of the council or other relevant decision-maker.”

22. Taking these matters in the round, it is clear that whilst development at Bristol Airport can be acknowledged to deliver some economic benefits, such development can only be permitted to come forward where the environmental impacts of development will be acceptable. This is consistent with the wider ambitions of the CS. Thus the burden falls on BAL, as the owners of the Appeal Site, to demonstrate the acceptability of the environmental impacts of growth.

23. The Council will contend that the Proposed Development fails to deliver the vision and priority objectives of the CS in a number of respects for the reasons set out in the DN. This is reflected in a number of breaches of Policies contained within the CA and the DMP. As a result, the Proposed Development fails to accord with the Development Plan as a whole. Whilst there are other material considerations which weigh in favour of the grant of planning permission, there are also a number which weigh against the grant of planning permission. The Council will argue that on balance material considerations do not outweigh the conflict with the Development Plan.

Main issues

24. The reasons for refusal set out in the DN give rise to four broad area of considerations:

- i) The likely nature of growth at BA with and without planning permission for the Proposed Development;
- ii) The impacts of the Proposed Development in terms of noise, traffic, car parking, public transport provision, air quality, greenhouse gas emissions and upon the Green Belt. This includes other policy conflicts including conflict with certain aspects of the NPPF;
- iii) The likely economic and other benefits of the Proposed Development; and
- iv) Whether material considerations outweigh the conflict with the Development Plan.

Growth at Bristol Airport

- 25. Forecasting the growth in the demand for air travel from a particular airport is inherently uncertain given the broad range of factors that determine the desire to travel – be they economic (e.g. general economic activity, oil prices, the price of a ticket), social (e.g. the destination/routes available) or environmental (e.g. the desire not to fly for personal carbon footprint reasons). That uncertainty is particularly large at present given the seismic impact upon travel of the Covid-19 pandemic and the as yet known consequences for travel demand of the UK leaving the EU.
- 26. The Council is broadly content with the methodology employed by BAL to generate its annual passenger forecasts but has a number of remaining issues in respect of which discussions with BAL continue.
- 27. For example, the Council is keen to understand the basis of BAL's forecasts relating to business passenger growth. The rationale for long term growth of business passenger traffic is unclear and the Council continues to seek clarification from BAL in this regard. Further, it is unclear to the Council which, if any, additional route options is likely to support the growth in business passengers which BAL has assumed. Relevant to this issue is the fact that to date BAL has relied upon discussions with airlines which remain confidential.

The Council is currently seeking more clarity in relation to the evidence supporting the business passenger growth which BAL identifies in its forecasts.

28. The Council is also discussing the following outstanding issues with BAL:
- (a) The evidence to support the assumptions regarding the number and type of aircraft to be based at the airport in the future and the route development plans;
 - (b) The assumptions that have been adopted regarding potential changes in immigration, including in relation to migrant workers;
 - (c) The values have been assumed for each market segment within the LOGIT model;
 - (d) The basis on which the total number of night movements in the summer period for the forecast years has been calculated;
 - (e) The price base of the tables in the Economic Impact Assessment Addendum and in the initial economic impact assessment report dated November 2018;
 - (f) The fare elasticities used;
 - (g) The rationale for the differences in income elasticity by market segment; and
 - (h) The rationale for the domestic business passenger segment being the fastest growth segment.
29. The Council considers that significant uncertainty remains in the assumptions underpinning those forecasts associated with the factors identified above and will explore the implications of that uncertainty for the factors that weigh in favour and against the grant of planning permission for the Proposed Development.
30. Subject to further discussions relating to the issues above, whilst the recovery of passenger travel remains uncertain and could recover at a slower rate than

forecast by BAL, for the purposes of assessment in the present appeal, the Council is prepared to accept the assessment years proposed by BAL, albeit that it will remain necessary to examine the sensitivity of the benefits and impacts of the Proposed Development to change in the underlying forecasts.

31. The Council, however, does not accept that the fleet mix for the busy day timetable produced by BAL is appropriate. This is, in part, due to the announcement relating to the use of the airport by Jet2, an operator whose activities and fleet were not taken into account in the fleet mix presented by BAL in the November 2020 information. The Council considers that there is lack of scenario development/assessment based on different airline growth assumptions. The Council is keen to pursue this matter in discussion with BAL.
32. The Council notes that the bottom-up forecasts have been developed following confidential discussions with airlines. The detail of these discussions, however, underpins assumptions regarding routes and fleet mix. In order for the Council and, indeed, the public to be able to engage with the assumptions that underpin the development of the forecasts it is necessary for the details to be made publicly accessible. Any other approach means that the forecasts cannot be properly interrogated or scrutinised. It is important to ensure proper transparency in the public interest. In that regard it is noted that the Courts have held that that commercially sensitive information which is relied upon in viability assessment should be made publicly available except in exceptional circumstances⁵. The Council will continue to discuss with BAL how information which enables proper scrutiny of its forecasts can be provided but remains of the view that such information has not been made available yet.
33. The Council notes that the passenger allocation model utilises techniques similar to the Department for Transport's equivalent model, considering surface access time, flight time, the availability of the relevant destination, the 'quality' of service as represented by the level of service frequency offered, the availability of indirect options, airline type and fares on offer. However, it

⁵ *R. (Holborn Studios Ltd) v Hackney LBC* [2020] EWHC 1509 (Admin)

remains unclear what assumptions have been implemented to determine airport choice. The Council's evidence will examine the details of the model's assumptions, the rationale underpinning them and the implications for other airports in the region.

34. These outstanding matters are relevant to a number of issues including to:
- (a) The assessment of impact – since a different fleet mix, for example, with a higher proportion of older aircraft, will result in materially different noise and air quality impacts;
 - (b) The nature of the destinations assumed to be served will affect the type of passenger that may fly (e.g. the extent of business passenger use of the airport) and thus the economic impact assessment; and
 - (c) The assumptions of passenger allocation are relevant to the assessment of the extent to which passenger demand may be met elsewhere and thus to the relative economic impact of the Proposed Development.

Noise

35. The first and second reasons for refusal both identify reasons relating to the noise impacts of the Proposed Development:

“1. The airport has planning permission to expand to a throughput of 10 million passengers per annum (mppa) which allows for further expansion in passenger growth of approximately 1 mppa above the current passenger level. The further expansion beyond 10mppa now proposed would generate additional noise, traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding Bristol Airport and which would have an adverse impact on an inadequate surface access infrastructure. The claimed economic benefits arising from the proposal would not outweigh the environmental harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017.

2. The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the

Proposed Development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017.”

36. The APF includes the general principle that the Government’s overall objective on noise “*is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise*” (Executive Summary para. 17; main text para. 3.12).

37. Within the Section on noise and other local environmental impacts, the APF states at para 3.3:

*“We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. **This means that the industry must continue to reduce and mitigate noise as airport capacity grows.** As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.’*

38. The Council will contend that the Government expectation is that growth in airport capacity is not to be delivered via increased aviation noise impacts; rather growth is to be managed so that noise impacts are mitigated and reduced. Growth which is delivered via increased noise impacts is not then growth that accords with the APF.

39. The APF accepts that an approach that relies solely on a single noise metric to assess aviation noise is flawed e.g. at para. 3.19 it states that:

“Average noise exposure contours are a well-established measure of annoyance and are important to show historic trends in total noise around airports. However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative

measures which better reflect how aircraft noise is experienced in different localities,⁹⁶ developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.”

40. Footnote 96 in para. 3.15 states – *“Examples include frequency and pattern of movements and highest noise levels which can be expected.”*
41. The NPPF (paras. 170(e) & 180(a) & (b)) says Proposed Development should not adversely affect health and quality of life by reason of noise amongst other environmental factors.
42. The core vision of the Noise Policy Statement for England (“**NPSE**”) is to: *“promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”*. The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development. The second aim of the NPSE refers to the situation where the impact lies somewhere between the Lowest Observed Adverse Effect Level (“**LOAEL**”) and the Significant Observed Adverse Effect Level (“**SOAEL**”). It requires that all reasonable steps should be taken to mitigate and minimise adverse effects in health and quality of life while together considering the guiding principles of sustainable development. This does not mean that adverse effects cannot occur, but that effort should be focused on minimising such effects. The third aim seeks, where possible, to improve health and quality of life through the proactive management of noise, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society.
43. Policy CS3 of the CS (Environmental impacts and flood risk management) explains that development will only be permitted where its environmental impacts upon amenity or health are mitigated to an acceptable level.
44. Policy CS23 of the CS (Bristol Airport) states 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.”

45. Policy CS26 (Supporting healthy living and the provision of health care facilities) provides that the planning process will support programmes and strategies which increase and improve health services throughout the district, promote healthier lifestyles and aim to reduce health inequalities. This will be achieved through:

“1) Requiring Health Impact Assessments (HIA) on all large scale developments in the district that assess how the development will contribute to improving the health and well being of the local population;”

46. Thus, at a national and a local policy level, development which gives rise to unacceptable noise impacts including those relating to health and quality of life, will be contrary to the Development Plan and contrary to the NPPF.
47. The Council considers that the air traffic forecasts, on which the noise contour results in the ES Addendum are based, are subject to significant uncertainty. The Council believes that the fleet mix assumed in the air traffic forecasts and utilised for the purposes of the noise impact assessment is over-optimistic in terms of the age profile of aircraft assumed and the qualitative nature of the noise assessments presented. The Council considers that the sensitivity testing of the noise impact forecasts is insufficient. The use of a fleet mix that reflects a more realistic age profile means that greater noise levels will be experienced than those set out in the ES Addendum extending further both geographically and for longer into the future than is indicated in the noise contours. This emphasises the need to explore the degree to which the likely impacts of allowing the Proposed Development to come forward are sensitive to changes in the fleet mix in the future, over which there is little if any control.
48. Paragraphs 6.7.16 to 6.7.21 of the ES Addendum discuss sensitivity tests and conclude that noise levels could be 0.5dBA higher and contours 10% larger than reported in the ES Addendum. However, the ES Addendum presents only a qualitative assessment of the sensitivity tests which conclude there will be no significant adverse effects. This is considered inadequate as no quantitative

assessment of the effect to increasing the size of the noise contours is provided i.e. number of noise sensitive receptors and people affected.

49. The Council will also refer to the increasing body of evidence that the public are becoming more sensitive to noise. This is recognised in 'Aviation 2050' (2018) which also recognises (para. 1.26) that there are health costs associated with aircraft noise and emphasises that efforts to reduce and manage noise impacts must continue. The Council will contend that, as a result of recent evidence supporting a changing sensitivity to noise, there is no single authoritative dose response that can be relied on solely to robustly evaluate aviation noise effects and alternative dose responses should be used as sensitivity tests to any "primary" dose response used.
50. This Council will contend that uncertainty is a matter which a decision maker must have regard to and to which weight should be ascribed.
51. Further, the Proposed Development will increase the number of ATMs. BAL contends that because a greater proportion of the aircraft using the airport in future could be of aircraft types which are individually less noisy this will only result in small changes in the overall cumulative LAeq, 16 hr noise level. i.e. change will be less than 3 dBA. The ES Addendum rates the magnitude of these changes as "*Negligible*" and on that basis concludes that the effect of the Proposed Development is "*Not significant*".
52. The Council will contend that this approach is flawed and fails to appreciate the impact upon quality of life that even small changes in LAeq, 16hr can have. This is because such changes represent substantial increases in the number of noisy events occurring; and fails to appreciate that the magnitude of noticeable and valuable change in cumulative LAeq,T noise levels is smaller than the noise level of individual aircraft movements. The Council intends to explore whether the methodology employed underplays the potential impact upon health/quality of life as a result.
53. The Council also intends to explore whether any future change in the fleet mix operating from the airport towards a greater proportion of quieter aircraft will, in fact deliver noticeable benefit to the community in terms of quality of life.

Reference will be made to research which shows that for different individual aircraft noise levels:

- (a) A 2 to 3 dB difference between successive sounds is not particularly noticeable, although over half of the participants thought that it could lead to a more positive view of the airport, compared to providing no difference at all.
 - (b) Differences of 5 to 6 dB between successive sounds may be needed for people to even tell there is a difference.
 - (c) A difference of at least 7 or 8 dB may be needed between the average sound level of two sequences of aircraft sounds to provide a valuable break from aircraft noise.
54. In addition, the Council considers that it is relevant to examine the uncertainties associated with the noise emitted from aircraft operating in the real world as opposed to the noise emitted during the certification process. The Council will present evidence to suggest that aircraft are in fact noisier than the certification process suggests.
55. The ES and Addendum ES both confirm that there will be a substantial increase in properties, and therefore people, exposed to night time noise above SOAEL. Thus, the Proposed Development will give rise to noise impacts which should be avoided and which the NPPG indicates should result in refusal of planning permission. This is a factor which the Council will contend must be given significant weight against the grant of planning permission, particularly because national aviation policy does not support increased use of existing infrastructure where this will lead to significant adverse night noise impacts.
56. The Council will also contend that the omission of an assessment of additional awakenings due to aircraft noise at night within the ES is not in line with good practice and undermines the validity of the conclusions drawn in the ES regarding effects of noise at night on health. The use of “*awakenings*” to describe effects allows sleep disturbance to be considered in terms of

increased risk. For example, the ES does not use the Basner method of predicting awakenings due to aircraft noise to assess sleep disturbance. However, the Basner method was used to inform the assessment of awakenings at night for Phases 1, 2A and 2B of the HS2 project and is proposed as part of the assessment of the sleep effects of noise from the Third Runway at Heathrow.

57. Further, the Council will question the use of a 55 dB LAeq,8 hrs as SOAEL at night. This level is drawn from the WHO Night Noise Guidelines (“NNGs”), which in section 1.3.6 states: “*most levels mentioned in this report do not take background levels into account*”. Further, the WHO Guidelines for Community Noise comments in the executive summary in regard to sleep disturbance that “*Special attention should also be given to: noise sources in an environment with low background sound levels...*” The Council will contend that the WHO NNG levels do not allow for increased sleep disturbance where intermittent noise events occur in rural locations similar to those around Bristol airport with low noise conditions.
58. It is also relevant, when considering night noise and thus sleep disturbance, to have regard to the peak or maximum noise levels experienced from individual aircraft movements. The Council intends to explore the fact that the LAm_{ax} slow index has been used in the night noise impact assessment. That index is considered against sleep disturbance thresholds drawn from the WHO Community Noise Guidelines which utilise the LAm_{ax} fast index. The Council considers that this comparison is inappropriate and underestimate the extent and nature of impacts at night.
59. The Council will contend that the assessment of ground noise in the ES and Addendum ES is not adequate. It will argue that the conclusion that there would be no significant effects associated with ground noise is unreliable for a number of reasons including that:
 - (a) The assessment criteria used do not take account of features of the noise that enhance its impact such as tones and/or substantial low frequency content.

- (b) The use of long term LAeq 16 hr and 8hs for assessment of day and night effect respectively will “*average down*” the intermittent periods of ground noise of shorter duration during these times. Consideration needs to be given to the actual level of noise during each episode of ground noise, the number of such episodes in each 16 hr and 8 hr period, and the peak noise level of each event.
 - (c) No BS4142 based assessment of the noise is provided.
60. Local and national policy requires that new airport development should not be granted unless the decision maker is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of national policy on sustainable development:
- (a) Avoid significant adverse impacts on health and quality of life from noise;
 - (b) Mitigate and minimise adverse impacts on health and quality of life from noise;
 - (c) Where possible, contribute to improvements to health and quality of life;
 - (d) Ensure potential adverse effects are mitigated to an acceptable level;
 - (e) Demonstrate satisfactory resolution of environmental issues, including the impact on surrounding communities; and
 - (f) That the development will contribute to improving the health and well being of the local population.
61. The Council’s position is that the increase in aircraft movements and the lifting of the current seasonal restrictions on night flights arising from the Proposed Development would have a significant adverse impact on the health and well-being of residents in local communities. The Council considers that the increase in aircraft movements and the lifting of the current seasonal restrictions on night flights arising from the Proposed Development would:

- (a) Increase the number of people experiencing significant adverse impacts on health and quality of life from air noise, contrary to Policy CS3 of the CS and paras. 179 & 180 of the NPPF;
 - (b) Not sufficiently mitigate and minimise adverse impacts on health and quality of life contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF;
 - (c) Contribute to a deterioration in health and quality of life contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF;
 - (d) Not ensure that impacts are reduced to an acceptable level since the population adversely impacted by noise increases including those experiencing noise above SOAEL, contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF;
 - (e) Not demonstrate satisfactory resolution of impacts, particularly those on surrounding communities contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF; and
 - (f) Not contribute to improving the health and well being of the local population; rather it contributes to a reduction in health, well-being and quality of life of the local population contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF.
62. Further, the Council does not consider that all reasonably practicable mitigation has been provided to reduce the effects of noise upon health and quality of life of those exposed to aircraft noise above LOAEL but below SOAEL levels. This too is contrary to Policy CS3 of the CS and paras. 170 & 180 of the NPPF.
63. In addition, the Council considers that the information in the Addendum ES does not provide sufficient analysis to confirm that air and ground noise, whether individually or cumulatively, would achieve the aims of national and local policy listed above (para. 59).
64. The Council will contend that the Proposed Development gives rise to air noise related impacts as a result of the increase in aircraft movements and the lifting

of the current seasonal restrictions on night flights which are contrary to Policies CS3, CS23 and CS26 of the CS. It will also contend that it is contrary to national planning policy in that it gives rise to noise impacts which are to be avoided. These are factors which are to be given significant weight against the grant of planning permission.

65. BAL currently, and as part of the Application, proposes to control noise via the use of a noise contour area limit to control daytime noise and a QC limit (alongside additional aircraft movement restrictions) to control night noise. It proposes reporting an assessment of compliance in Bristol Airport's Annual Monitoring Report. As discussed above, in practice the actual fleet mix and the actual rate of introduction of less noisy aircraft will be critical to keeping noise impacts to those described in the Addendum ES, however these factors are subject to real uncertainty. This leads to legitimate concerns that the proposed controls would allow noise impacts to be experienced which are worse than those presented in the Addendum ES.
66. The Council considers that noise contour size restrictions need to be put in place for both day and night, with caps on the numbers of ATMs, based on appropriate values relating to effects assessed in the Addendum ES, with ongoing review and reporting. Without prejudice to its position, the Council will continue to discuss appropriate controls to mitigate the potential impact of noise with BAL.
67. If the Secretary of State is minded to grant permission for the Proposed Development, the Council requests consideration of the following conditions:
 - (a) Setting limits to the maximum area covered by the airport noise day and night contours that are based on the areas assessed in the ES and AES.
 - (b) Requiring the area enclosed by the Leq 16hr (07:00 hours to 23:00 hours) contours and the LAeq,8hr summer night time contour (23:00 hours to 07:00 hours) for the forthcoming year to be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.

- (c) Setting caps to the number of Air Traffic Movements for any 12 month period during the 16 hour day period between 0700 and 2300 and the 8 hour night period between 2300 and 0700 hrs.
- (d) A requirement for monthly reporting of the previous month and rolling 12 month numbers of ATMs for the day and night periods.
- (e) Refining the resolution of the QC night noise system to bands of 1 decibel rather than the current 3 decibels
- (f) Requiring no use of Auxiliary Power Units between 2300 and 0700, other than in emergency circumstances.

Air Quality

68. The DN included a refusal of permission on the basis that:

“The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the Proposed Development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017.”

69. APF states that airports are expected to work with the Government, its agencies and local authorities to improve air quality. Aviation 2050 indicates that airports should provide innovative solutions and incentives against ambitious targets to improve air quality.
70. Paragraph 170 of the NPPF provides that planning decision should contribute to and enhance the natural and local environment by preventing new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. It provides that development should, wherever possible, help to improve local environmental air quality conditions (para. 170(e)). Opportunities to improve air quality or mitigate impacts should be identified (para. 181).

71. Emissions to air from activity associated with BA extend beyond and have impacts well beyond the airport boundary (e.g. fig. 7.2 of the Addendum ES).
72. BAL's case is overly focussed upon issues relating to compliance with limit values and thus fails to address the broader national and local policy agenda of needing to reduce the impact of the airport on air quality going forward.
73. The Council will contend that in relation to air quality the Proposed Development will not contribute to improving the health and well-being of the local population – indeed, it will result in an increase in emissions of air pollutants and consequential increased risk to health, contrary to Policy CS26 of the CS. As such it fails to deliver the innovative solutions and incentives expected by both national aviation policy and the NPPF; further, it does not contribute to the delivery of improvements in air quality against “ambitious targets”.
74. The Council will contend that there is established and growing evidence that reducing ground level concentrations of particulate matter to comply with the air quality objective levels does not eliminate risk of harm to the health and well-being of exposure populations. This is underlined by the measures to reduce exposure to PM_{2.5} and deliver health benefits set out in the national Clean Air Strategy and the Environment Bill (2020). The Council will also refer to evidence of health impacts due to low level exposure to nitrogen dioxide, for example affecting the incidence of childhood asthma. Accordingly, the Council will contend that increases in exposure even below air quality objectives increases the risk of harm to health and well-being.
75. The Council considers that the air traffic forecasts, on which the conclusions in the air quality section of the Addendum ES are based, are subject to significant uncertainty (see above). In particular, the Council considers that the fleet mix assumed in the air traffic forecasts is over-optimistic in terms of the age profile of aircraft assumed. Changes to the fleet mix assumptions to reflect a greater proportion of older aircraft that BAL assume results in higher emissions of air pollutants than those set out in the Addendum ES. The Council will contend that it is important to have regard to the degree of uncertainty in the air quality

forecasts and to understand their sensitivity to changes in assumptions e.g. different aircraft fleet mixes or slower reduction in vehicles emission reductions.

76. Further, as presently proposed, even on the case presented by BAL in the Addendum ES, the Proposed Development will result in an increase in emissions of NO₂ and particulate matter even taking mitigation into account. This will result in increased ground level concentrations compared to the position if planning permission were refused. Tables 8E.1 to 8E.8 of Appendix 8.E to the ES and Tables 7A.1 to 7A.8 of the Addendum ES demonstrate a consistent worsening of air quality impacts for the 12mppa case compared to the 10mppa case. As a result, the Proposed Development does not contribute to improving the health and well-being of the local population as required by the Development Plan; rather it increases the risk of harm to health and well-being of that population. Accordingly, the Proposed Development is not in accordance with Policy CS26 of the CS.
77. The Council will contend that the risk to the health and well-being of the local population needs to be considered in combination with the increased noise impacts to which that same population will be exposed if the Proposed Development is granted planning permission.
78. The Council will contend that to comply with national aviation policy, the NPPF and Policies CS3 (mitigating impacts to an acceptable level), CS23 (Satisfactory resolution of environmental issues) and CS26 (contribute to improving health and well-being) of the CS:
 - (a) BAL must identify and adopt ambitious targets for a reduction in emissions at BA;
 - (b) BAL must produce a detailed scheme of mitigation and assessment thereof in which it demonstrates that all reasonably practicable "*innovative solutions and incentives*" and mitigation will be brought forward with the aim of delivering a situation where, if planning permission is granted for the Proposed Development, emissions are not increased when compared to the position if planning permission for the Proposed Development were refused.

79. In the absence these matters being demonstrated the Proposed Development conflicts with national aviation policy, the NPPF and Policies CS3, CS23 and CS26 of the CS.
80. The Council is also particularly concerned to ensure that the potential impacts of increases in ultrafine particles are considered and given weight in the decision making process, as envisaged in para. 3.127 of Aviation 2050.
81. The National Clean Air Strategy includes a commitment to progressively cut public exposure to particulate matter pollution. This is accompanied by a commitment to tightening the air quality objective for PM_{2.5} towards the WHO annual mean guideline of 10 µg/m³. The assessment of any large-scale and long-term project such as the Proposed Development should take this commitment to a tightening of air quality policy at a national level into account.
82. The Council considers that the information in the ES does not demonstrate that the Proposed Development would avoid significant impacts due to increased emissions of ultrafine particles (UFP). Furthermore, the ES does not demonstrate that the Proposed Development would avoid adverse impacts on health due to increases in levels of PM_{2.5} and nitrogen dioxide, in the context of evidence that health impacts arise at levels below current standards, and the expected tightening of PM_{2.5} standards over the lifetime of this development.
83. As a result, the Council considers that it has not been demonstrated that the Proposed Development contributes to improving health and well-being; as such it conflicts with national aviation policy, the NPPF and the CS as explained above.
84. If the Secretary of State is minded to grant permission for the Proposed Development, the Council has a number of conditions in mind relating to air quality considerations. The Council will continue to discuss these with BAL with a view to reaching agreement on them as far as possible.

Greenhouse Gas Emissions

85. The context in terms of carbon budgets and UK airport proposals has been changing through the period of consideration of the application since its submission in December 2018 (see Appendix 3). Policy continues to change rapidly and is expected to change again before the conclusion of the Public Inquiry.
86. BAL has not presented sufficient evidence to demonstrate that:
- (a) The Proposed Development is consistent with the planning assumption in “*Beyond the Horizon*” (also known as ‘*Making Best use of Existing Runways*’ (“**MBU**”)) of 37.5MtCO₂ (which was adopted in advance of the adoption of the Net Zero 2050 target enshrined in s. 1 of the Climate Change Act 2008 (“**CCA 2008**”));
 - (b) The Proposed Development is consistent with the 23MtCO₂ for aviation (before offsetting to zero) in the recommendations of the Climate Change Committee (“**CCC**”) on the 6th Carbon Budget published on the 9th December 2020 (the first prepared in the light of the Net Zero 2050 target enshrined in s. 1 of the CCA 2008 as amended in 2019);
 - (c) The Proposed Development can be permitted without prejudicing attainment of the Net Zero 2050 target enshrined in s.1 CAA 2008 (as amended) or making attainment of that target materially more difficult.
87. MBU was promulgated prior to the amendment to the CCA 2008 in 2019 by which the UK committed to the achievement of the Net Zero 2050 target. MBU contained a “*planning assumption*” of 37.5MtCO₂ to enable growth at U.K. airports. Under an accommodation reached in 2012, reductions were planned elsewhere in the economy, as if aviation and international shipping were part of the UK carbon budget⁶. See para. 12 which states: “*In setting the levels of existing carbon budgets, which go out to 2027, the Government took account of international aviation and shipping emissions, and the recommendations of*

⁶

see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/65686/7334-int-aviation-shipping-emissions-carb-budg.pdf

the CCC.... In effect, the budgets for other sectors have been constrained so that, to 2027, the UK is on a trajectory that could be consistent with a 2050 target that includes emissions from international aviation and shipping.” Part 2, para 3 stated “we are deferring a firm decision on whether to include international aviation and shipping emissions within the net carbon account at this time.” That deferral remains. It would thus be wrong to assert that aviation related carbon emission are outside UK carbon budgets.

88. Now the UK is aiming at net zero, there is simply no space for the rest of the economy to make cuts to compensate for aviation, and the Paris Agreement⁷ temperature goals imply cuts from any and all sources of emissions.
89. Since MBU, the CCC⁸ has twice proposed reductions in the scale of that planning budget: in 2019 it recommended a budget for aviation of 30MtCO₂ and in the draft 6th Carbon Budget dated December 2020 it recommends a budget of 23MtCO₂ that latter offset to net zero by carbon emission cuts in other sectors.
90. The CCC report ‘Sixth Carbon Budget – The path to Net Zero’ (December 2020) explains⁹ that

“Aviation is one of the sectors in which we expect there to be significant remaining positive emissions by 2050, given the limited set of options for decarbonisation. Remaining residual emissions will need to be offset by greenhouse gas removals (see section 11) for the sector to reach Net Zero.”

91. The CCC also explains that the most likely path to net zero involves demand management within the aviation sector i.e. that it is no longer the case that all demand for aviation can travel can be met into the future. The CCC explains¹⁰:

“Demand management. The Balanced Net Zero Pathway does allow for some limited growth in aviation demand over the period to 2050, but considerably less than a ‘business as usual’ baseline. We allow for a

⁷ <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

⁸ The CCC is that statutory advisor on carbon budgeting and the Council will contend that its views are to be given significant weight.

⁹ Sixth Carbon Budget – The path to Net Zero Page 176

¹⁰ Sixth Carbon Budget – The path to Net Zero page 176

25% in growth by 2050 compared to 2018 levels, whereas the baseline reflects unconstrained growth of around 65% over the same period. We assume that, unlike in the baseline, this occurs without any net increase in UK airport capacity, so that any expansion is balanced by reductions in capacity elsewhere in the UK.”

92. Notwithstanding differences of approach, the CCC and the Sustainable Aviation both end up with gross emissions of 23-25MtCO₂ by 2050 with a falling trajectory offset to net zero. In addition, Government has twice indicated it intends to consult on a ‘net zero aviation strategy’ (first in a DfT Consultation paper¹¹ and second in response to the CCC Progress Report to parliament¹²). This gives a clear direction of travel to Government policy and its likely adoption of CCC recommendations.
93. It is clear that this “demand management” approach will have radical consequences for decision taking in relation to airport expansion schemes. If this approach is adopted by Government the implications for decision making are that:
- (a) The approach adopted by airport operators of delivering capacity to meet demand is no longer applicable;
 - (b) Not all airport expansion to meet demand can be permitted to come forward;
 - (c) There is then a need to choose which airport expansion schemes should come forward and which should not;
 - (d) In order to expand to meet demand an airport will have to demonstrate that it best represents sustainable development and emissions (i.e. consistent with the NPPF para. 7 on sustainable development and para. 148 requiring “radical reductions” in carbon) and should be permitted to expand in preference to other airports;

¹¹ See para 2.56 Decarbonising Transport Setting the Challenge https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932122/decarbonising-transport-setting-the-challenge.pdf

¹² See p105 of [The Government Response to the Committee on Climate Change's 2020 Progress Report to Parliament](http://www.hwa.uk.com/site/wp-content/uploads/2020/10/government-response-to-ccc-progress-report_October-2020.pdf) http://www.hwa.uk.com/site/wp-content/uploads/2020/10/government-response-to-ccc-progress-report_October-2020.pdf

- (e) The CCC approach suggests that where airport expansion is to be permitted at one airport, a reduction in capacity at another airport in the U.K. will have to be achieved. Thus, proposals for airport expansion at one airport will have to demonstrate how a consequential reduction in capacity at another U.K. airport will be secured;
 - (f) Accordingly, any appraisal of the economic impact of allowing one airport to expand will need to include the economic consequences of that reduction in capacity at another U.K. airport; and
 - (g) This approach is likely to mean that airport expansion at one airport will deliver little if any net economic benefit to the U.K.
94. The Government has until June 2021 to set the 6th Carbon Budget and movement is expected in the planning budget for aviation downward before the determination of this Appeal. The Council reserves the right to update its case in respect of the greenhouse gas implications of the Proposed Development in order to reflect any changes in the policy context as and when they arise.
95. Aviation 2050 states that planning applications should demonstrate "*that their project will not have a material impact on the Government's ability to meet its carbon reduction targets*".
96. The approach adopted by BAL of identifying the proportion of the planning budget which the proposed development represents is flawed. First, it fails to address the cumulative impacts. It fails to recognise that the UK can no longer expand its airports to meet growth in demand consistent with its climate change obligations. This is the case even in advance of the demand management approach recommended by the CCC and discussed above. Second, whilst suggesting the *quantum* of emissions is small, it fails to adequately address the *significance* of the emissions, particularly in the light of the NPPF para. 7 on sustainable development and para. 148 requiring "radical reductions" in carbon, and the direction of travel of aviation policy indicated above.
97. The Council will contend that existing proposals for airport expansion at airports around the UK exceed the planning budget of 37.5MtCO₂ which was

formulated before the Net Zero 2050 target was enacted and thus exceed the lower figures contained in the more recent CCC recommendations (30 and 23 MtCO₂).

98. As a result, in the absence of any policy announcement from the Government that the planning budget will be increased to enable all of the airport expansion plans to proceed, not all of those airports with expansion plans will be able to expand as they desire consistently with the UK's climate change commitments. A choice has to be made as to which airport expansion plans should come forward and which should not.
99. As a matter of logic, that choice can only be made at a national level by Government via a comparative exercise which examines all of the competing potential airport expansion proposals against a wide range of considerations relevant to the achievement of sustainable development (i.e. the economic social and environmental objectives of sustainable development). In such an exercise, all of the competing expansion proposals, including the Proposed Development, would need to be considered and compared, with only the highest ranked being selected to come forward and to utilise the carbon budget available and which can be offset.
100. BAL has not demonstrated, and indeed cannot demonstrate, that in such an exercise its expansion would inevitably be selected by Government ahead of other airport schemes. It has not undertaken any comparative exercise of the Proposed Development as against the other competing airport expansion schemes. As such, it has not demonstrated that its Proposed Development best represents sustainable development.
101. Accordingly, it is premature to permit the Proposed Development to come forward since to do so will prejudice the ability of another airport or airports to expand consistent with Net Zero 2050 obligations, in circumstances where it has not been established that the Proposed Development is to be preferred as best representing sustainable development.
102. It is no answer to this difficulty to contend that airport expansion schemes should be permitted since their use can be subsequently regulated by central

Government introducing controls to inhibit the use of any increase in capacity. Such an argument fails to recognise that planning decisions have to be taken on the basis of a balance of the impacts and benefits that will arise if planning permission is granted. If it is the case that once built the use of a scheme would be inhibited in order to meet climate change targets, then the benefits of the scheme that were used to justify the grant of planning permission would not be realised.

103. If in reality a proportion of the benefits of a scheme will not be capable of realisation, or there is a substantial risk that it will not, then that proportion must not be taken into account by a planning decision maker or it should be given limited, if any, weight.
104. It follows that the extent to which Government is likely to allow an airport to use any increase in capacity must be known in order for a decision maker to weigh the degree of benefit that would actually be realised against the adverse impacts that would arise.
105. BAL has chosen to present its case in the present appeal on the basis of an assessment of benefits and impacts that assumes the full growth of 2 mppa. It has not demonstrated that the Government will or can allow this level of growth to occur consistent with the UK's climate change obligations. Further, BAL has not demonstrated that its scheme is justified if only a lower level of growth or indeed no growth is permitted by the Government.
106. The Council contends that in the light of the above it has not been demonstrated that the Proposed Development will not have a material impact on the Government's ability to meet its carbon reduction targets.
107. The Council's position is that the BAL proposal is inconsistent with the attainment of the Net Zero 2050 target and is contrary to the NPPF (in particular paras. 7 and 148), policy CS1 of the CS and the duty in the CCA 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.

108. The Council notes that at the present time any carbon target should not include carbon equivalent warming. The effect of carbon equivalent warming has been known since 1999, but there is uncertainty in the effects. The Council will say that the ES and Addendum ES should have contextualised these impacts, including the level of uncertainty, which has been the subject of continued study over the years since this first report, and in not doing, was deficient. This is because (1) examination of all warming impacts would be necessary to fulfil Paris Agreement temperature goals, and (2) different mitigation measures have differing impacts in terms of carbon equivalent warming, and without accounting for the full warming impact, there is a risk of misallocation of investment in the wrong mitigation measures.
109. The Council notes the measures and aspirations that BAL proposes in order to reduce the airport's impact upon greenhouse gases: the intention to produce a Carbon Roadmap to become a net zero airport by 2050; the commitment to offset all passenger surface access journeys from 2020; to be carbon neutral by 2025 for emissions within BAL's control; and to generate 25% of its energy consumption from onsite renewables over the same period. However, the Council considers that without certainty of deliverability, the proposals to reduce carbon emissions can be afforded little weight in the planning balance.
110. The Council intends to explore the realism of these measures and the extent to which there is uncertainty in terms of the carbon emission reductions that they are likely to deliver.
111. The Council considers that the measures proposed apply to a very limited proportion of total carbon emissions associated with the airport. They will not prevent an overall increase in carbon emissions.
112. Without prejudice to its position that planning permission should be refused, the Council intends to continue discussions with a view to reaching further agreement in relation to measures that will deliver material reduction in carbon emissions with any certainty from activity associated with the airport should expansion be permitted.

Green Belt

113. The fourth reason for refusal concerns the impact of the Proposed Development on the Green Belt:

“The proposed extension to the Silver Zone car park and the year round use of the seasonal car park constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt caused by reason of the inappropriateness and any other harm including the encroachment of the development on the countryside and loss of openness contrary to the National Planning Policy Framework and policy DM 12 of the Development Management Policies Sites and Policies Plan Part 1 2016.”

114. Policy DM12 of the DMP provides that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* Policy DM12 sets out a number of types of development which are not inappropriate.

115. The supporting text to policy DM12 justifies the policy and provides in part:

“The North Somerset Green Belt covers approximately 15,490 hectares of land (about 40% of the total area of the District). It is highly valued by local residents and is an effective planning tool in preventing the urban sprawl of Bristol and shaping the pattern of development in North Somerset. It keeps land permanently open, prevents towns and villages merging together and protects the countryside. Core Strategy remitted policy CS6

116. The introductory text to policy DM12 refers to policy CS6 of the CS which provides:

“Within North Somerset the boundaries of the Bristol – Bath Green Belt will remain unchanged during the plan period.

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.”

117. No exceptional circumstances were identified for the amendment to the Green Belt at the time of adoption of the CS.¹³

118. The supporting text to policy CS6 provides at para. 3.93:

“The protection and maintenance of the Green Belt is very important to the affected communities, and ensures a clear distinction between urban Bristol and rural North Somerset. It makes an important contribution to their local character and distinctiveness, and is highly valued and strongly supported.”

119. Further, the supporting text to policy CS6 considers BA at paras. 3.95 – 3.96:

“There are two existing strategic developments which are constrained by Green Belt within North Somerset:

Bristol Airport

The Replacement Local Plan created an inset in the Green Belt to accommodate the medium term expansion requirements of Bristol Airport. Further Green Belt amendment would be premature in advance of exceptional circumstances being demonstrated through evidence regarding future expansion and its land use implications.”

120. It follows that the local policy context recognises the importance of protecting the Green Belt and the value of the Green Belt in the Council’s area. Further, it is anticipated that the expansion of BA into the Green Belt would be considered through the plan-making process (consistently with the supporting text to policy CS23 regarding wider development at BA).

121. Policy DM12 is consistent with the policy on the protection of the Green Belt in the NPPF (see especially paras. 134, 143 and 144) and should be afforded full weight accordingly.

122. The Council’s position is that the proposed extension to the Silver Zone car park and the year-round use of the seasonal car park constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. This appears to be common ground.¹⁴

¹³ See the Local Plan Inspector’s Report at [31].

¹⁴ See BAL’s Statement of Case at [9.1].

123. In addition, the Council will contend that:
- (a) The Proposed Development would result in further harm to the Green Belt arising from the loss of openness. It is accepted by BAL that there will be harm to the openness of the Green Belt, but the Council considers that this harm is underplayed by BAL. The Council will refer to recent appeal decisions in the Council's area which indicate the harm to the Green Belt arising from car parking related to BA.
 - (b) The Proposed Development would result in BA sprawling further into the Green Belt and would conflict with the purposes of including land in the Green Belt to assist in safeguarding the countryside from encroachment.
124. Under both local and national policy BAL must demonstrate that very special circumstances exist for the Green Belt Development.
125. The Council's position is that the factors relied on by BAL at para. 9.1 of its Statement of Case do not amount to very special circumstances because they do not outweigh the harm to the Green Belt by reason of inappropriateness and the other harm arising from the Proposed Development. In particular:
- (a) BAL have not demonstrated the need for additional low cost parking in the Green Belt. It appears that the level of parking provision would outstrip passenger growth, thus undermining the claimed need.
 - (b) BAL have not demonstrated why, as part of the comprehensive development of BA, car parking should be delivered in the Green Belt in advance of the delivery of car parking in the Green Belt inset. Further, BAL have not demonstrated that car parking within the Green Belt inset has been maximised.
 - (c) BAL have not demonstrated how additional low cost parking in the Green Belt would ameliorate the problem of unauthorised offsite providers.
 - (d) BAL have not demonstrated how the provision of additional low cost parking in the Green Belt is consistent with increasing public transport mode share.

(e) BAL have not demonstrated how the provision of additional low cost parking is integral to the growth of BA or to the delivery of the claimed economic benefits.

126. As very special circumstances have not been demonstrated, it follows that the Proposed Development conflicts with policy DM12 and the NPPF.

127. For the avoidance of doubt, BAL's reliance on previous decisions of the Council concerning car parking does not assist it, as the information now available in respect of the Proposed Development is more comprehensive and allows the relationship between the future growth of BA and the provision of car parking to be fully explored. Moreover, the Proposed Development – of which the car parking forms but one aspect - represents a change in circumstances from those previous decisions and which requires a fresh assessment, having regard to all elements of the Proposed Development together.

Public Transport Provision / Surface Access

128. Public transport provision, as part of surface access to the Proposed Development, engages the first, fourth and fifth reasons for refusal. The first and fourth reasons for refusal are set out above. The fifth reason for refusal provides:

“The proposed public transport provision is inadequate and will not sufficiently reduce the reliance on the car to access the airport resulting in an unsustainable development contrary to the National Planning Policy Framework and policies CS1 and CS10 of the North Somerset Core Strategy 2017.”

129. Part of addressing climate change and carbon reduction in policy CS1 of the CS is the maximisation of opportunities for walking, cycling and use of public transport to provide opportunities that encourage and facilitate modal shift towards more sustainable transport modes.

130. Policy CS10 of the CS seeks an improved and integrated transport network which allows for a wide choice of modes of transport. Further, policy CS10 requires *inter alia*: the enhancement of facilities for pedestrians; the delivery of

better local bus services, innovative and adaptable approaches to public transport in rural areas; the improvement of road and personal safety and environmental conditions; the reduction in adverse environmental impacts of transport and a contribution towards carbon reduction; and the mitigation of increased traffic congestion. The supporting text to policy CS10 identifies the transport aspects of the Sustainable Community Strategy to which policy CS10 is aligned and contributes, including integrated sustainable improvements in transport infrastructure and the promotion of sustainable and accessible transport options.

131. Policy CS23 of the CS specifically highlights the need for the development of BA *“to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on ... surface access infrastructure”*.
132. It is clear from this suite of policies that not only must the Proposed Development adequately mitigate its transport impacts, but it must also provide sustainable transport modes. Moreover, this suite of policies is consistent with Chapter 9 of the NPPF in all respects, in particular: active management of patterns of growth to support transport sustainability objectives by focussing significant development on locations which are or can be made sustainable (para. 103), through limiting the need to travel and offering a genuine choice of transport modes (para. 103), taking the opportunities to maximise sustainable transport solutions (para. 103), the need to promote public transport (para. 102(c)); the need to avoid and mitigate and any adverse effects as well as to deliver net environmental gains (para. 102(d)); the promotion of sustainable transport modes (para. 108(a)); and the prevention of unacceptable impacts on highway safety or severe residual cumulative impacts on the road network (para. 109).
133. This is also consistent with the Government’s expressed position on aviation expansion, for example: the Aviation Policy Framework (March 2013) expects at [5.11] that *“all proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ... increase the use of public transport by passengers to access the airport”*; and Aviation 2050 reiterates this at [3.67] by expecting *“proposals which*

demonstrate how the airport will ... increase the use of public transport and minimise congestion, emissions and other local impacts”.

134. BAL’s assessment of transport impact suffers from a number of deficiencies which either do not allow the effects of the Proposed Development to be fully understood or which result in an inaccurate understanding of the effects of the Proposed Development, in particular:
- (a) Since traffic flow turning movements have not been provided it cannot be determined if the base traffic flows and trip generation has been applied correctly and incorporated into the junction capacity models correctly.
 - (b) The trip generation does not consider the most recent mode share survey data from the CAA. This results in inaccuracy in the understanding of sustainable mode share targets.
 - (c) The findings of the junction capacity analysis and proposed mitigation cannot accurately be determined. In the absence of a full and proper assessment with appropriate mitigation, it is the Council’s position that the cumulative impact would be unacceptable in terms of capacity and congestion and on highway safety.
 - (d) Since parking demand calculations have not been provided it cannot be determined if the parking demand and parking provision has been calculated correctly.
 - (e) The methodology in the update to the Parking Demand Study is not consistent with the Transport Assessment (“**TA**”) which results in increased parking demand relative to the passenger numbers and vehicle trips.
 - (f) BAL has assumed a lower car occupancy forecast and therefore a higher rate of parking per passenger. This is not however borne out in the trip generation in the TA.

- (g) In the Updated Parking Demand Study BAL appears to assume that the demographic for the increase in passenger numbers will be less likely to use public transport due to increased age, wealth and car ownership, therefore increasing the car mode share. This however again is at odds with the assumptions in the Addendum Transport Assessment (“**Addendum TA**”).
- (h) The Parking Demand Study does not consider the latest CAA sustainable transport mode share data, therefore over-forecasting the parking demand and undermining the sustainable mode share targets in the Airport Surface Access Strategy.
- (i) BAL’s future space requirement calculations are based upon the assumption that the existing airport parking occupancy to demand ratio is maintained but no evidence is provided to justify this ratio.

135. In addition, the impacts of the Proposed Development are unacceptable in the following respects:

- (a) There are outstanding technical concerns in respect of the following junctions on the information presently available:
 - (i) A38 / Bristol Airport Northern Roundabout;
 - (ii) A38 / Downside Road;
 - (iii) A38 / West Lane;
 - (iv) A38 / Barrow Lane;
 - (v) A38 / Barrow Street;
 - (vi) A38 / A4174 South Bristol Link Road (SBL); and
 - (vii) A38 / A368.
- (b) Further, on the information presently available, both the A38/Bristol Airport Northern Roundabout and the A38/Barrow Lane junctions have an unacceptable impact on highway safety and the road network. The

same concerns may arise in respect of the junctions listed above when the deficiencies in the transport assessment are made good.

- (c) The Addendum TA refers to the proposed A38 mitigation drawing in Appendix D of the TA, Drawing Number C1124-SK-A38-010 Rev 9.0. This mitigation drawing shows a dedicated left turn slip lane from the Appeal Site which is not assessed within the Addendum TA. Swept path analysis has only been undertaken for the traffic movements into and out of Downside Drive. This swept path analysis demonstrates that a left turning articulated lorry turning from Downside Road would overrun the footway in the vicinity of the pedestrian crossing. Vertical alignment has not been considered in the proposed mitigation. To achieve the carriage widening proposed, additional land take or retaining walls would be required. Retaining walls are likely to restrict access to existing properties. Drawing Number C1124-SK-A38-010 Rev 11.0 (which was provided with the further environmental information but which is not referred to in the Addendum TA) shows some widening of the existing airport exit. No swept path analysis or road safety audit has been provided for this layout.
 - (d) The Council considers that neither drawing is provided in sufficient detail to check dimensions accurately, but it appears that there is inadequate provision for pedestrians and cyclists, splitter islands are not sufficient and highway improvements do not comply with relevant standards and guidance. Further, it has not been demonstrated that vehicle movements to and from the access opposite Downside Drive can be achieved safely.
136. The Council's position is that the level of public transport provision in the Proposed Development is inadequate, does not take the opportunities to maximise sustainable transport solutions, does deliver a genuine choice of transport modes and will not sufficiently reduce the reliance on the car to access the Appeal Site, resulting in an unsustainable development.
- (a) The result of the discrepancies in the assessment methodology set out above is that proposed parking provision increases at a rate higher than

the growth in passenger numbers. This disproportionate growth in parking will undermine the measures proposed to encourage a shift to more sustainable modes of transport.

- (b) Having regard to the latest CAA existing sustainable mode share data for BA, the proposed mode share targets are not appropriate and would not promote adequate improvements to public transport provision.
 - (c) Despite the reliance on buses to provide an additional 2.5% mode share for passengers, BAL provides no analysis or evidence to demonstrate geographically where the unmet demand is. There is also no analysis of existing patronage, available capacity or service shortfalls provided in order to determine where future investment and provision is required.
137. Further, BAL provides no analysis to demonstrate that the measures which it has proposed are sufficient to meet the proposed public transport stretch target; or, conversely, to demonstrate that the proposed public transport stretch target is not unduly conservative having regard to the potential effect of these proposed measures.
138. It follows that the Proposed Development does not accord with policies CS1, CS10 and CS23 of the CS. Further, the Proposed Development conflicts with the policies in Chapter 9 of the NPPF.
139. Finally, the submissions above are without prejudice to the Council's objection to the Bristol Airport Limited (land at A38 and Downside Road) Compulsory Purchase Order 2020. That Order is being promoted by BAL and the Council's objection remains outstanding. Neither BAL's Statement of Case in this appeal nor the further material which it has brought forward in this appeal alter the Council's position in respect of the Order.

Economic and Other Benefits

140. The Council's position is that the economic benefits of the Proposed Development are overstated by BAL. The Proposed Development will not provide "*significant*" economic benefits as claimed by BAL. BAL's position is

overstated in respect of three principal areas: productivity (business passenger) benefits, displacement impacts, and direct employment impacts.

141. The Council's case will question the additional productivity benefits of the Proposed Development in relation to business passenger demand. As explained above in relation to the issues relating to forecasting, at present it is unclear to the Council which, if any, additional route options will enable the realisation of the additional productivity benefits identified by BAL. Relevant to this issue is the fact that to date BAL have relied upon discussions with airlines which are said to be confidential. The Council is currently seeking more clarity in relation to the evidence supporting the route options and how these will impinge upon the realisation of the additional productivity benefits associated with business passengers which BAL has assumed.
142. In relation to displacement impacts, the Council acknowledges that estimates for displacement impacts have been produced in the revised economic impact assessment. The Council will, however, question both the application and quantum of the displacement impacts as proposed by BAL. In particular, the Council does not accept the approach adopted by BAL of not examining displacement at the South West & South Wales level, as other airports exist within this geography that passengers can fly from.
143. In relation to direct employment benefits, the Council questions the benefits of the Proposed Development during both construction and potential operation that have been identified by BAL. The Council will argue that the assessment undertaken by BAL does not take account sufficiently of economies of scale resulting from expansion or technology improvements which will lead to productivity improvements in operations.
144. The temporary economic benefits associated with construction are also considered to be overstated by BAL.
145. The Council recognises that the uncertainties associated with alternative passenger forecast scenarios will need to be explored. Work undertaken to date suggests that the BAL assessment of economic impact is significantly

overstated in terms of the marginal benefit of expansion in total Gross Value Added (“GVA”) and full time equivalent additional jobs.

146. BAL has produced estimates for carbon costs and included these within the revised socioeconomic cost benefit analysis. The inclusion of carbon costs in the AES has resulted in a significant reduction in the benefits identified compared to the position set out in the original ES. However, it remains unclear from the economic impact assessment addendum how these carbon costs have been calculated, and if their inclusion is representative of all costs associated with increased carbon emissions under the expansion. The Council also seeks clarity why the monetisation of other negative externalities (noise, air quality) has not also been included as part of the assessment, since any exclusion of costs associated with these factors will mean that the socioeconomic cost benefit analysis is overstated.
147. The Council will refer to wider issues surrounding the Proposed Development’s economic benefits relating to uncertainty and the robustness of the assessment. These wider issues will include the implications of Brexit, outbound tourism, and the recovery of BAL’s operation during and following the Covid-19 pandemic.
148. The Council also considers that it is important to place the scale of economic benefits in a context which is more readily understood than simply a large sum of money. The Council intends to refer to other economic development to place the economic impact of the Proposed Development into context. In the context of the levelling up agenda, to level up disparities at a regional level, the Council will contend that the Proposed Development will make a limited contribution at this economic scale.
149. The Council is currently seeking clarity regarding the appraisal period which BAL adopted, including the price base of the monetary values presented. No mention is made to this within the addendum economic impacts assessment.
150. The Council recognises that the Proposed Development has the potential to increase the connectivity of the region and that this has the potential to give rise to some economic benefit. However, the extent of that benefit is dependent

to a large extent on the nature of the new destinations that will be served via the proposed expansion in capacity. The Council questions the extent of the benefit of the differences in connectivity that are likely to arise if planning permission is granted compare to the position if permission is refused. The Council is continuing discussion to understand the extent to which route options will increase and/or flight frequency to existing destinations will increase.

151. The Council also recognises that there is the potential for a grant of planning permission to result in a clawback of passengers who would otherwise fly from other airports. The extent to which this delivers a reduction in the need to travel remains unclear to the Council as does any claimed reduction in emissions associated thereto.
152. BAL claims that the grant of planning permission will support the regeneration of deprived areas. The means and/mechanism by which such regeneration is secured as a result of the grant of planning permission for the Proposed Development remains unclear to the Council. Until it is demonstrated that regeneration of deprived areas will result if planning permission is granted this is a factor that can only be given limited weight.

Conclusion

153. For the reasons above, as will be developed in the Council's evidence and submissions, the Council's position is that:
 - (a) the Proposed Development fails to accord with the Development Plan read as a whole;
 - (b) the other material considerations in this case do not indicate that planning permission should be granted other than in accordance with the Development Plan;
 - (c) to the contrary, there are a number of material considerations which do not support the Proposed Development; and
 - (d) therefore this appeal should be dismissed.

IV. OTHER MATTERS

Planning obligation

154. Without prejudice to the outcome of the appeal, the Council is engaging with BAL to provide a bilateral agreement pursuant to s. 106 TCPA 1990. It is expected that this will be completed and signed prior to the commencement of the Inquiry. The Council will also provide a separate Statement of Justification for the planning obligations in accordance with the appeal timetable.

Conditions

155. Without prejudice to the outcome of the appeal, the Council will provide a list of planning conditions that it would want to be imposed if the appeal is allowed. The Council will work with BAL to agree these conditions so far as possible and the Council's position will be set out in the Council's planning proof of evidence.

Procedural matters

156. The Council will rely on expert witnesses on the following topics: planning policy and local context; air travel forecasting; economics; noise and disturbance; transport; climate change; and air quality.

LIST OF APPENDICES

1. Relevant development plan policies
2. Other relevant policy and guidance
3. Timeline of development of policy on carbon emissions

APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

The following CS policies are relevant to the appeal. Those policies with an asterisk* are referred to in the LPA's reasons for refusal.

- CS1: Addressing climate change and carbon reduction*
- CS2: Delivering sustainable design and construction
- CS3: Environmental impacts and flood risk management*
- CS4: Nature conservation
- CS5: Landscape and the historic environment
- CS6: North Somerset's Green Belt
- CS10: Transport and movement*
- CS11: Parking
- CS12: Achieving high quality design and place making
- CS20: Supporting a successful economy
- CS23: Bristol Airport*
- CS26: Supporting healthy living and the provision of health care facilities*
- CS34: Infrastructure delivery and Development Contributions

The following DMP policies are relevant to the appeal. Those policies with an asterisk* are referred to in the LPA's reasons for refusal.

- DM1: Flooding and drainage
- DM2: Renewable and low carbon energy
- DM6: Archaeology
- DM7: Non-designated heritage assets

DM8:	Nature Conservation
DM9:	Trees
DM10:	Landscape
DM11:	Mendip Hills Area of Outstanding Natural Beauty
DM12:	Development within the Green Belt*
DM20:	Major Transport Schemes
DM24:	Safety, traffic and infrastructure associated with development
DM26:	Travel plans
DM27:	Bus accessibility criteria
DM29:	Car parks
DM30:	Off-airport car parking
DM31:	Air safety
DM32:	High quality design and place making
DM33:	Inclusive access into non-residential buildings and spaces
DM50:	Bristol Airport
DM70:	Development Infrastructure
DM71:	Development contributions / Community Infrastructure Levy

APPENDIX 2 – OTHER RELEVANT POLICY AND GUIDANCE

Relevant national planning policies are contained within the National Planning Policy Framework within the following sections:

- 2 Achieving Sustainable Development
- 4 Decision Making
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well designed places
- 13 Protecting Green Belt land
- 14 Meeting the challenge of Climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Guidance in the National Planning Practice Guidance relevant to this appeal can be found within the following sections:

- Air quality (Paragraph: 001 Reference ID: 32-001-20191101 following)
- Climate change (Paragraph: 001 Reference ID: 6-001-20140306 following)
- Consultation and pre-decision matters (Paragraph: 001 Reference ID: 15-001-20190722)
- Design process and tools (Paragraph: 001 Reference ID: 26-001-20191001 following)
- Determining a planning application (Paragraph: 001 Reference ID: 21b-001-20140306 following)

- Environmental Impact Assessment (Paragraph: 001 Reference ID: 4-001-20170728 following)
- Flood risk and coastal change (Paragraph: 001 Reference ID: 7-001-20140306 following)
- Green Belt (Paragraph: 001 Reference ID: 64-001-20190722 following)
- Healthy and safe communities (Paragraph: 001 Reference ID: 53-001-20190722 following)
- Historic environment (Paragraph: 001 Reference ID: 18a-001-20190723 following)
- Light pollution (Paragraph: 001 Reference ID: 31-001-20191101 following)
- Natural environment (Paragraph: 001 Reference ID: 8-001-20190721 following)
- Noise (Paragraph: 001 Reference ID: 30-001-20190722 following)
- Planning obligations (Paragraph: 001 Reference ID: 23b-001-20190315 following)
- Transport evidence bases in plan making and decision taking (Paragraph: 001 Reference ID: 54-001-20141010 following)
- Travel plans, Transport Assessments and Statements (Paragraph: 001 Reference ID: 42-001-20140306 following)
- Use of planning conditions (Paragraph: 001 Reference ID: 21a-001-20140306 following)

The Government's aviation policy is set out in the following documents:

- The Civil Aviation Act (1982, 2006 and 2012)
- The Airports Act 1986

- The Transport Act 2000
- The Environmental Noise (England) Regulations 2006 Consultation Response on UK
- Airspace Policy: A framework for balanced decisions on the design and use of airspace (October 2017), included in the suite of consultation documents were: Draft air navigation guidance: guidance on airspace & noise management and environmental objectives; Survey of Noise Attitudes 2014 (Aircraft); and Upgrading UK Airspace: Strategic Rationale
- Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace (October 2017)
- Air Navigation Guidance 2017 (October 2017)
- The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018
- CAP1731 'Aviation strategy: Noise Forecast and Analyses' (February 2019)
- CAP1616 Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information (January 2020)
- The Aviation Noise (Amendment) (EU Exit) Regulations 2019
- The Aviation Policy Framework (2013)
- Beyond the Horizon – the future of UK aviation: making best use of existing runways (June 2018)
- Airports National Policy Statement (June 2018)
- 'Beyond the Horizon – the future of UK aviation: next steps towards an aviation strategy ('Next Steps')' 2018;
- Aviation 2050: the future of UK aviation (December 2018)

The Government's emerging aviation policy (Green Paper) is currently contained in Aviation Strategy 2050: The Future of UK Aviation (2018).

Other areas of international and national policy, advice and guidance that are relevant to this appeal include:

- Noise Policy Statement for England (March 2010)
- The National Clean Air Strategy (2019)
- The Climate Change Act 2008
- The Committee on Climate Change advice on a framework for reducing global aviation emissions (September 2009)
- The Climate Change Act 2012
- The Committee on Climate Change Aviation Factsheet (2013)
- The Paris Agreement (2015)
- The Carbon Offsetting and Reduction Scheme for International Aviation (October 2016)
- Sustainable Aviation CO₂ Road Map (December 2016)
- UK aviation forecasts (2017)
- Carbon Abatement in UK Aviation (October 2017)
- The Committee on Climate Change advice on aviation (February 2019)
- The Committee on Climate Change Net Zero – The UK's contribution to stopping global warming (May 2019)
- The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (June 2019)
- The Committee on Climate Change Net Zero and the approach to international aviation (September 2019)

- Airports Council International (ACI) Net Zero Commitment by 2050 (October 2019)
- Sustainable Aviation Carbon Roadmap (February 2020)
- Decarbonising Transport: Setting the Challenge – A consultation paper (March 2020)
- The Committee on Climate Change 2020 Progress Report to Parliament: Reducing UK Emissions (June 2020)
- The Government Response to the Committee on Climate Change's 2020 Progress Report to Parliament (October 2020)
- The Ten Point Plan for a Green Industrial Revolution – Building back better, supporting green jobs, and accelerating our path to net zero (November 2020)
- The Committee on Climate Change letter to the Secretary of State advising on the UK's 2030 Nationally determined Contribution (December 2020)
- The National Infrastructure Strategy (November 2020)
- The Committee on Climate Change Sixth Carbon Budget (December 2020)
- UK Emissions Trading Scheme (December 2020)
- ICAO: Resolution A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality
- The Aviation Noise (Amendment) (EU Exit) Regulations 2019 Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach

- Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (Annex 1)
- Design Manual for Roads and Bridges;
- Cycle Infrastructure Design Local Transport Note 1/20 July 2020 Department for Transport
- Manual for Streets, Department for Transport, 2007
- Manual for Streets 2 Wider Application of the Principles, The Chartered Institution of Highways and Transportation, September 2010
- Traffic Signs Manual, Department for Transport
- Civil Aviation Authority 2019 Passenger Survey Report
- Junctions 9.5 User Guide
- LinSig Version 3 User Guide

Other Local and Regional Policy relevant to the appeal:

- The West of England Joint Local Transport Plan 4 2020-2036 (March 2020)
- North Somerset's Economic Plan 2017-2036
- North Somerset Climate Emergency Strategy (February 2019)
- North Somerset Council Highways Development Design Guide (December 2015)

The following Supplementary Planning Documents adopted by the LPA are relevant to the appeal:

- North Somerset Landscape Character Assessment (2018)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) – Guidance on Development (January 2018)

- Development Contributions (January 2016)
- Creating Sustainable Buildings and Places in North Somerset (March 2015)
- Travel Plans (November 2010)
- Biodiversity and Trees (December 2005)

APPENDIX 3 – DEVELOPMENT OF POLICY ON CARBON EMISSIONS

Date	Changes	Planning application timeline
2008	Climate Change Act 2008. Though emissions from international aviation and shipping (IAS) were excluded, the Act placed an obligation on CCC to provide advice and on the secretary of state to include IAS by 2012	
Sept 2009	CCC advice on a framework for reducing global aviation emissions including constraining global emissions to 2005 levels and addressing the need to incorporate the non-CO2 warming effects of aviation.	
16 February 2011		BAL was granted outline planning permission by NSS for the expansion of Bristol Airport to 10mppa.
Dec 2012	Government published 'International aviation and shipping emissions and the UK's carbon budgets and 2050 target'. (This decision allowed aviation to continue to increase by offsetting their emissions elsewhere in the economy).	
March 2013	CCC Aviation factsheet	
Dec 2015	Paris agreement (countries who are signatories should return all emissions to net zero)	
October 2016	CORSIA (Carbon Offsetting and Reduction Scheme for International Aviation) sets a framework for carbon neutral growth (ie no new and additional emissions from growth), from 2020 onwards, until 2035 at the present time	
Dec 2016	Sustainable Aviation CO2 Road-Map provides an update to the Road-Map published by Sustainable Aviation in 2012. This report explored the potential for the UK to accommodate growth in aviation to 2050 without significantly increasing CO2 emissions, through improvements in carbon efficiency.	

Date	Changes	Planning application timeline
October 2017	The DfT published the UK Aviation Forecasts, noting that the forecasts include Stansted at 35mppa in 2050	
June 2018	The DfT published 'Beyond the Horizon: The future of UK aviation, making the best use of existing runways' (MBU).	
June 2018	The DfT published 'Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England'	
Dec 2018	The DfT published 'Aviation 2050 — the future of UK aviation Consultation and supporting documents'	
11 Dec 2018		Outline planning application submitted for development of Bristol Airport for 12 mppa
Feb 2019	Latest revision of NPPF, replacing previous versions from March 2012, and July 2018, though all versions of the NPPF include a statement similar to para 7 (purpose of the planning system is sustainable development, i.e. <i>"meeting the needs of the present without compromising the ability of future generations to meet their own needs"</i>) and to para 148, that <i>"The planning system should support the transition to a low carbon future"</i> and <i>"shape places in ways that contribute to radical reductions in greenhouse gas emissions"</i>	
Feb 2019	CCC published advice on aviation warning that stronger action may be needed beyond constraining aviation emissions to 2005 levels	
Feb 2019	North Somerset District Council declare climate emergency and commit to making North Somerset carbon neutral by 2030	
May 2019	CCC published 'Net Zero – The UK's contribution to stopping global warming' which explores emissions across all sectors of the UK economy including aviation	

Date	Changes	Planning application timeline
June 2019	The Climate Change Act 2008 (2050 Target Amendment) Order 26 June 2019, which changed the UK carbon emissions reduction target from an 80% to a 100% reduction	
July 2019	Bristol Airport published its Carbon Roadmap.	
Sept 2019	CCC letter: Net-zero and the approach to international aviation	
Oct 2019	Airports Council International (ACI) Commit To 'Net Zero' by 2050	
Feb 2020	Sustainable Aviation Group publish the Decarbonisation Road-Map: A Path to Net Zero	
Feb 2020	ANPS declared unlawful in R (Friends Of The Earth) v Secretary Of State For Transport And Others	
10 Feb 2020		Planning and Regulatory Committee initial consideration of the Application and resolution to refuse.
March 2020	DfT published 'Decarbonising Transport: Setting the Challenge A consultation paper'	
19 March 2020		NSDC Planning Committee refuse consent.
June 2020	CCC Reducing UK emissions: 2020 Progress Report to Parliament	
10 September 2020		Notice of appeal made to the Planning Inspectorate.
October 2020	Government response to the CCC Progress Report to Parliament. This report provides an update to the Government's approach to reaching net zero in 2050 and impact of Government policy, focussing on five key areas, including: Building Back Greener, Sector-specific action, climate change adaptation and resilience, action in devolved administrations, and international leadership.	

Date	Changes	Planning application timeline
30 November 2020		Revised ES Addendum submitted to the Planning Inspectorate.
December 2020	A letter from the CCC to the Secretary of State advising on the UK's 2030 Nationally Determined Contribution to the Paris Agreement ¹⁵	
December 2020	CCC The Sixth Carbon Budget: The UK's path to net zero	
December 2020	UK Treasury published: Interim Net Zero Review.	

¹⁵ www.theccc.org.uk/publication/letter-advice-on-the-uks-2030-nationally-determined-contribution-ndc/

TOWN AND COUNTRY PLANNING ACT 1990
BRISTOL AIRPORT
DEVELOPMENT OF BRISTOL AIRPORT
TO ACCOMMODATE 12 MILLION PASSENGERS PER ANNUM

OPENING SUBMISSIONS
ON BEHALF OF
BRISTOL AIRPORT LIMITED

Introduction

1. *“High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness. More than this, it is at the centre of our communities. Infrastructure helps connect people to each other, people to businesses, and businesses to markets, forming a foundation for economic activity and community prosperity.”¹* This statement is one of the foundation stones of the Government’s ‘Build Back Better’ strategy. It is key, also, to the concept of ‘levelling up’ the regions.
2. Infrastructure is also, however, a form of development on which we nearly all rely, and on a daily basis. Just about everyone in this room will have used roads and rail, will have flicked a switch on the wall and expected the lights to come on, will expect a gas boiler to fire up, will have relied on water and waste water facilities. We all use such infrastructure and yet for each of these forms of development there will be local residents who live near the road, close to the rail line, who overlook the power station, wind turbine or overhead line, have land crossed by a high-pressure gas main, or who have a house near a pumping station or sewage treatment works. For each of those forms of development, however, society draws a balance – a balance between the wider public good and the local impact. Indeed, each of us relies on that balance being drawn in favour of infrastructure for so many of the things that we take for granted in our everyday lives.
3. Air travel is no different, it brings social and economic benefits to millions of people every year who choose to fly through airports. Government policy continues to stress that *“everyone*

¹ ‘Build Back Better’ (CD11.10 p.31)

*should continue to have access to affordable flights, allowing them to go on holiday, visit family, and do business”.*² But air travel also brings local impacts. It is the function of the planning system to resolve such balances within the framework of the law and policy; that is why we are all here.

4. The Government, however, has made clear the importance it attaches to airports and their expansion. In February 2020 the Secretary of State for Transport made the following comment in a Statement to Parliament:

*“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.”*³

5. There may be some who do not agree with Government policy on this, or a range of other matters, but that is for Parliament and the merits of Government policy are not a matter of debate at this local planning inquiry. The Government’s strategy for aviation includes its ‘Making Best Use’ (‘MBU’) policy⁴. As Government made clear last week: *“Beyond the horizon The future of UK aviation: Making best use of existing runways (2018) and Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018) are the most up-to-date policy on planning for airport development. They continue to have full effect, for example, as a material consideration in decision-taking on applications for planning permission.”*⁵ (emphasis added). Government could not have been clearer.

6. This policy has been arrived at, and restated, in full knowledge of the UK’s climate change obligations and, in particular, the 2050 ‘net zero’ target as set out in s.1(1) of the Climate Change Act 2008 and, indeed, the successive five-yearly carbon budgets, including the Sixth Carbon Budget. Having had regard to the advice of the Committee on Climate Change (‘the CCC’), the Government has just set out its policy in ‘Decarbonising Transport: A Better Greener Britain’⁶ and in its ‘Jet Zero consultation’ document⁷ and that policy does not include directly limiting aviation growth⁸; in other words, policy has not imposed a cap on airport capacity and it does

² Decarbonising Transport (2021) (CD[]), Foreword by the Secretary of State for Transport, page 8.

³ CD6.80

⁴ CD6.4

⁵ Jet Zero consultation (CD[] fn39 p.51)

⁶ CD[]

⁷ CD[]

⁸ See the Jet Zero consultation para 3.41 and the Jet Zero evidence and analysis (CD[]) scenarios (section 3) that assume 58-60% growth in passenger numbers from 2017-2050.

not constrain MBU. Government does recognise that encouraging the move to ‘net zero’ aviation may require carbon prices to rise and have some indirect effect on demand growth⁹; but that is already foreshadowed in Bristol Airport Limited’s (‘BAL’) forecasting evidence and allowed for it in its Core Case and Slower Growth forecasts.

7. It is clear, however, that Government is absolutely committed to meeting its ‘net zero’ in 2050 target and its Decarbonising Transport Plan¹⁰ sets out the route by which it seeks to achieve ‘net zero’ transport, including for aviation. Central to this issue, however, is the very clear Government policy position that carbon emissions from air traffic are a matter for national policy, whilst decisions on effects which impact local individuals such as noise and air quality should be considered through the appropriate local planning process¹¹. The framework for controlling aircraft emissions at a national level has been set out in our evidence and includes the Sixth Carbon Budget, the UK Emissions Trading Scheme (‘ETS’) and the UN’s Carbon Offsetting and Reduction Scheme for International Aviation (‘CORSIA’); together with such other measures as Government may deem necessary. We recognise here too that there are those who do not agree with the Government’s strategy on these issues but, again, the merits of such policy are not matters for this inquiry; the Inspectors have not been asked to advise Government on its climate change strategy.
8. The Jet Zero consultation also reiterates that *“The government is clear that expansion of any airport must meet its climate change obligations to be able to proceed.”*¹² (emphasis added). Whilst aviation’s emissions are a matter for Government and national policy and action, it is in relation to the airport’s own emissions that BAL sets out its ambitious targets to become ‘carbon neutral’ by 2021 and then carbon ‘net zero’ by 2030. BAL has gone further and has set out the mechanisms by which it will achieve these targets in its Carbon and Climate Change Action Plan (‘CCCAP’). Indeed, Bristol Airport’s climate change targets are sufficiently ambitious to actually merit specific mention in the Government’s ‘Decarbonising Transport’ Plan¹³. It is important to note, therefore, that expansion of the airport does not cut across the climate change ambitions that we all share, it is consistent with, and complements, them.
9. As the MBU policy indicates, however, there are local issues that are properly a matter for consideration at the local level and these include, noise, air quality, highways and, in this case,

⁹ Jet Zero consultation (CD[]) para 3.44)

¹⁰ CD[]

¹¹ CD6.4 paras 1.9-1.13

¹² Jet Zero consultation (CD[]) fn39 p.51)

¹³ CD[] p.121

Green Belt policy. Our evidence will set out our case on these impacts – how in fact they are relatively modest and how we have sought to mitigate them appropriately. This will be an important part of the inquiry and we will set out our broad position on these issues later in this opening.

10. Whilst it is accepted that there may be impacts for some people – this is nearly always the case for infrastructure developments – there are also benefits, including the socio-economic benefits to those who wish to travel through the airport for leisure, to visit friends or family in other countries, to study abroad or return home from studying in the UK, and those who travel for business. These are important benefits in a modern, multi-cultural and global country; to artificially restrict the ability of individuals to fly by deliberately constraining capacity (as some have suggested) would have profound implications in a free society.
11. Airports also bring other socio-economic benefits for those who work there or whose jobs benefit from the spending generated by the airport. The jobs at the airport are good jobs that pay well compared with local and sub-regional comparators and provide a range of opportunities at different levels of seniority and qualification. This is important; parts of Weston-super-Mare and South Bristol are genuinely areas of high deprivation and the airport lies almost precisely equidistant between them. Council Officers recognised this and the importance of it; members apparently not. How, for example, can it now be the Council's case that not creating new jobs at Bristol Airport does not matter because they will simply be 'displaced' to Heathrow or Birmingham or some other airport. That is a desperately bleak strategy for the unemployed or under-employed people of this town and an apparent reflection of members' indifference to the local opportunities for renewal and growth that the airport represents.
12. This brings us, then, to the way in which the Council determined this application.

North Somerset Council's decision and Reasons for Refusal

Context and Nature of the Application

13. In 2011 North Somerset Council ('NSC') granted outline planning permission to allow the capacity of Bristol Airport to increase from 7.2 to 10 million passengers per annum ('mppa') (Application Ref. 09/P/1020/OT2) ('the 2011 Permission'). That application was made against the backdrop of consistent long term growth in passenger numbers over the previous ten years,

increasing from 2.3 mppa in 2000 to 6.2 mppa in 2008.¹⁴ The 2011 Permission allowed major development at the airport, which included 30 separate elements of physical development.

14. Today, the airport continues to operate under conditions imposed on the 2011 Permission. Of particular relevance for the purposes of this appeal are the following:
 - a. Condition 65 limits the passenger throughput of the airport to 10 mppa;
 - b. Condition 38 limits night time flights (namely, those between 23:30 and 06:00 hours) to 4000 a year with a maximum of 3000 flights during British Summer Time and 1000 movements in British Winter Time;
 - c. Condition 9 restricts the use of the Silver Zone car park extension known as 'Cogloop' to seasonal use between May and October each year;
 - d. Condition 33 prevents the use of auxiliary power units and allows for only tow on and push back on aircraft stands 38 and 39;
 - e. Condition 7 prevented the use of the seasonal car park until the first phase of the consented multi-storey car park ('MSCP') was in use.
15. In 2016, BAL submitted two planning applications to revise the phasing of the 2011 Permission, one of which (Application Ref. 16/P/1455/F) sought to amend condition 7 (above). This amendment allowed a re-phasing of the delivery of MSCP, such that the seasonal car park could come into use prior to the operation of the MSCP. The second application (Application Ref. 16/P/1486/F) enabled BAL to operate phase 1 and phase 2 of the Green Belt surface car park before 9 mppa was reached, whilst retaining the seasonal restriction. Both applications were granted.
16. BAL's application for planning permission for the currently proposed development was submitted in December 2018, following pre-application engagement with NSC (Application Ref. 18/P/5118/OUT). The application was accompanied by drawings and reports, including an Environmental Statement ('ES'), the scope of which was agreed with NSC under application reference 18/P/3502/EA2.¹⁵

¹⁴ CD4.1a.

¹⁵ NSC Committee Report (CD4.11), p.5.

17. The application seeks permission to amend conditions 9, 33, 38 and 65 identified above to allow the airport to grow to 12 mppa. To enable the increase in passenger numbers, the following associated physical development is proposed.
18. BAL proposes to extend the passenger terminal on its west and southern sides with canopies over the forecourt of the main terminal building, erect a new walkway and pier with vertical circulation cores and pre-board zones and provide a new service yard and an acoustic fence. BAL seeks to increase the provision of car parking at the airport through the erection of a multi-storey car park and extension of the Silver Zone surface level car park, with associated enhancements to the internal road system and layout. The proposed development also seeks some small enhancements to airside infrastructure through the construction of a new eastern taxiway link and taxiway widening and fillets. With regards to off-site development, the Appeal Proposal includes carriageway and junction improvements to the A38.
19. In the context of airport expansions, the proposed development is by all accounts relatively minor. If permitted, the proposed development would enable the airport to grow to serve 12 mppa from the existing runway, representing an increase in permitted capacity of 20%.

Officers' Report

20. Following the submission of BAL's application in December 2018, BAL worked extensively with NSC Officers to address matters of concern and provide additional information where required.
21. Regulation 4(5) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the 2017 EIA Regs')¹⁶ states clearly that "*The relevant planning authority or the Secretary of State must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement.*" This is particularly important where, as here, many of the issues are highly technical. NSC instructed specialist external consultants, Jacobs, in the fields of forecasting, socio-economic impacts, highways, carbon and climate change, noise and vibration, to advise them on the technical aspects of BAL's application. The consideration of the application by Officers and their consultants resulted in two requests for further information by NSC under regulation 25 of the 2017 EIA Regs, which BAL provided detailed responses to in April and October 2019 respectively¹⁷.

¹⁶ CD5.5

¹⁷ CD3.6.1 – 3.6.23

22. Through this process, BAL and NSC Officers reached full agreement on the appropriate planning conditions to be imposed and the proposed Heads of Terms for a section 106 agreement prior to the determination of the application.
23. NSC Officers, assisted by their technical advisers, produced a Committee Report running to 235 pages which provided detailed advice to members of NSC's Planning and Regulatory Committee¹⁸. The Report considered in detail all the planning issues that arose, including the socio-economic benefits and environmental impacts of the proposed development. The Report recommended that the application for outline planning permission be approved, subject to the completion of a section 106 agreement and referral to the Secretary of State. The Report was made available on 29 January 2020.

The Decision

24. Regulation 26(1) of the 2017 EIA Regs¹⁹ provides as follows (emphasis added):
 - (1) When determining an application or appeal in relation to which an environmental statement has been submitted, the relevant planning authority, the Secretary of State or an inspector, as the case may be, must—
 - (a) examine the environmental information²⁰;
 - (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in subparagraph (a) and, where appropriate, their own supplementary examination;
 - (c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
 - (d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.
25. The Planning and Regulatory Committee meeting at which the application was considered was held on 10 February 2020²¹. The Case Officer made a presentation of the application to Committee members who considered the application. Contrary to NSC Officers' considered

¹⁸ CD4.11

¹⁹ CD5.5

²⁰ That is, reg.2(1), the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development.

²¹ The minutes of the meeting are available at CD9.86.

recommendation, and without the benefit of any additional expert advice whatsoever, the Committee resolved to refuse planning permission for the proposed development. At the date of the Committee meeting, seven initial reasons for refusal were identified, none of which had any apparent basis in the evidence summarised in the Officers' Report.

26. BAL understands that a legal opinion²² (dated Tuesday 4 February 2020) drafted by counsel instructed by the Parish Councils Airport Association ('PCAA') and Bristol Airport Action Network Coordinating Committee ('BAANCC') was sent directly to some members of NSC's Planning and Regulatory Committee later that same week and before the Committee meeting on the following Monday 10 February 2020. The opinion explained that members of the Committee would be entitled to lawfully refuse the application, notwithstanding the recommendation of NSC Officers, and provided suggested reasons for refusal. These included key issues such as greenhouse gas emissions, biodiversity and the Green Belt, on which NSC had received its own expert advice leading Officers to recommend approval. The opinion further explained²³ that NSC may be vulnerable to a legal challenge if members were to approve the application.
27. This opinion was not sent to BAL as the applicant, nor directly to NSC Officers, however it is understood that NSC Officers obtained a copy of the opinion later during the week before the Committee meeting on 10 February and subsequently passed a copy to BAL. BAL was completely taken by surprise and was not aware of the status or distribution of the opinion and was afforded no adequate opportunity to respond on the substance of the points made before the consideration of its application by the Committee.
28. A further Committee meeting was held on 18 March 2020 at which the decision to refuse permission was ratified and the final reasons for refusal provided. NSC Officers produced an updated Report for the meeting²⁴, which considered the Committee's proposed reasons for refusal. In so doing, the Report reaffirmed Officers' recommendation that permission should be granted for the proposed development. At that meeting, the Committee confirmed the decision to refuse planning permission and issued five reasons for refusal concerning the environmental impact of the proposed development in respect of noise levels, air quality, traffic, off-airport car parking, greenhouse gas emissions, the harm to the Green Belt and the inadequacy of public transport provision.

²² CD19.11

²³ CD19.11 para 33

²⁴ CD4.13

29. It is significant that all of these matters had been the subject of detailed consideration by Officers in the Committee Report, who in turn had benefitted from independent expert advice. The proposed development had been found by Officers to be acceptable. In contrast, the Committee received no additional technical input on any of these matters and yet found the proposed development to be unacceptable.
30. As such, the Committee's decision was not only contrary to the considered recommendation of NSC Officers, but constituted a sweeping rejection of the detailed evidence put forward by BAL in circumstances where the Committee had no proper alternative technical advice that could provide a rational basis for doing so. It seems difficult to reconcile this decision with NSC's clear duties under regulation 26(1) above. Members might have called for further technical advice and given BAL an opportunity to comment on it; they did not, they simply rejected the technical advice and instructed Officers to prepare an updated report²⁵ (considering the Committee's initial reasons for refusal. The Committee then resolved to adopt the five reasons for refusal (above).
31. We note that Jacobs, which advised NSC in relation to the application in the fields of climate change, noise and transport, are no longer acting for NSC in these fields. It is reasonable to infer, therefore, that both Officers (who are not to be called), and the relevant members of the technical team that contributed to the Officers' recommendation in respect of the application (who are not witnesses), disagree with the case now being put forward by NSC.
32. That this is the case is reflected in the fact that the evidence presented by NSC bears little resemblance to the consideration of the matters presented in the Officers' Report²⁶. Indeed, NSC's position discloses an apparent change of stance in respect of a number of previously agreed technical matters. One such matter is the proposed A38 junction improvements. NSC has presented transport evidence to this Inquiry that makes a substantive attack on the junction modelling carried out and seeks to demonstrate that the proposals are poorly designed and undeliverable²⁷. This is notwithstanding the fact that these very works were designed in collaboration with NSC Officers and their technical advisers, and agreed at the time to be acceptable. Indeed, there is no reason for refusal on highway design. Similarly, the Officer's Report discloses that the methodology adopted by BAL for each chapter of the ES was considered to be appropriate and consistent with policy. NSC's evidence now raises a wide

²⁵ CD4.13

²⁶ CD4.11

²⁷ Proof of Evidence of Mr Colles, para 4.19.4 (NSC/W4/1).

range of issues relating to the methodology adopted, none of which were foreshadowed in any way by the Officers' Report.

33. BAL feels that it has been treated unfairly by the planning system and put to substantial cost, and that NSC's behaviour has been both wrong and, indeed, unreasonable.

The Inspectors' Case Management Conference 1 Issues

34. At the first Case Management Conference ('CMC1'), which was held on 8 March 2021, the Inspectors identified the following seven main issues:²⁸

- a. The acceptability of the proposed development with regard to adopted and emerging local and national policy;
- b. The extent to which the proposed development would harm the openness of the Green Belt and/or conflict with its purposes and the extent to which the harm to the Green Belt by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations, including very special circumstances;
- c. The effects of the proposed development upon sustainable transport objectives, the highway network, highway safety and parking provision;
- d. The effect of air pollution associated with the proposed development on health and quality of life;
- e. The effect of noise associated with the proposed development on health and quality of life;
- f. The impact of the proposed development on greenhouse gas emissions and the ability of the UK to meet its climate change obligations; and
- g. The extent to which the proposed development will deliver economic, social and/or other benefits.

35. The remainder of these opening submissions is structured around the Inspectors' CMC1 issues, however the order in which these issues are taken differs to that adopted in the Inspectors' CMC1 Note. As these issues draw on the major themes from NSC's reasons for refusal, in addressing those issues, these submissions seek to respond to each reason for refusal.

²⁸ Inspectors' CMC and PIM Note, para 5.

36. It is notable that a number of matters on which parties to the appeal have presented evidence were not identified by the Inspectors as main issues at CMC1. This reflects the fact that these issues have at no time formed part of NSC's reasons for refusal. These include matters such as the landscape and visual impact of the proposed development in relation to the Mendip Hills Area of Outstanding Natural Beauty ('AONB'), the impact on the North Somerset and Mendip Bats Special Area of Conservation ('SAC'), and the adequacy of the design of the A38 improvements. BAL has, in any event, sought to respond to the evidence produced on these topics through rebuttal evidence and technical notes where appropriate. We note, however, the increased breadth of issues on which BAL has been required to provide evidence and the apparent departure from the scope of the reasons for refusal.

Air Traffic Forecasting

The Role of Forecasting

37. Air traffic forecasting is concerned with the assessment of future demand for air travel. Demand is driven by population growth, economic growth, disposable income and the cost of travel, in addition to various other factors.²⁹
38. The role of forecasting in the context of this appeal is to identify that Bristol Airport will reach 12 mppa (the proposed new passenger cap), the broad timescale over which this threshold is expected to be reached, and what the characteristics of the airport at 12 mppa are likely to be.³⁰ The outputs from this modelling underpin the results of the environmental assessment of the proposed development.
39. In this regard, forecasting therefore underpins all of the main issues identified by the Inspectors at CMC1.

Government Aviation Policy

40. Current Government policy on aviation is contained in the following documents: Aviation Policy Framework ('APF') (March 2013)³¹, Beyond the Horizon - The Future of UK Aviation: Making Best Use of Existing Runways (June 2018) ('MBU')³² and the Airports National Policy Statement: New

²⁹ Proof of Evidence of Mr Brass (Forecasting), para 2.2.1 (BAL/1/2).

³⁰ Proof of Evidence of Mr Brass (Forecasting), para 2.9.3 (BAL/1/2).

³¹ CD6.1

³² CD6.4

Runway Capacity and Infrastructure at Airports in the South East of England (June 2018) ('ANPS')^{33, 34}

41. Since 2003³⁵, Government aviation policy has supported a balanced approach to aviation, making best use of existing airport capacity and regional airport growth, subject to the consideration of economic and environmental impacts. The Government is strongly supportive of long-term, sustainable, aviation growth to support the economic and social benefits that it brings.

42. The APF, which was published in March 2013, recognises the role of aviation in economic growth. It states as follows:

*"The Government's primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise."*³⁶

43. It further notes that,

*"One of our main objectives is to ensure that the UK's air links continue to make it one of the best connected countries in the world."*³⁷

44. The APF recognises the important economic role of regional airports in accommodating wider forecast growth in demand and taking pressure off London's main airports. The APF, like the Air Transport White Paper (2003) before it, acknowledges that regional airports *"play a very important role in UK connectivity."*³⁸

45. Between July 2017 and June 2019, the Government carried out consultation on its draft future aviation policy. This included the publication of a Green Paper titled 'Aviation Strategy 2050: The Future of UK Aviation' ('Aviation 2050')³⁹. At the present time, the Government's final aviation strategy is yet to be published. For the purposes of this appeal, therefore, extant national aviation policy is that contained in the documents identified above. What is apparent, however, is that Aviation 2050 signals the Government's intentions to continue to support

³³ CD6.9

³⁴ Statement of Common Ground, para 19 (CD12.1)

³⁵ Air Transport White Paper (2003).

³⁶ Para 5.

³⁷ Para 9.

³⁸ Para 1.23 (CD6.1).

³⁹ CD6.5

regional airports making best use of their existing runways, subject to environmental considerations.⁴⁰

46. The Government's latest policy for the expansion of UK airports (other than Heathrow) is contained in MBU, which was published in June 2018 and builds on the UK Aviation Forecasts 2017. It should be noted at the outset, that the High Court has expressly recognised that the legality of MBU as now "*beyond argument*".⁴¹ Following the adoption of the 'net zero' target, in February 2020 the Government expressly reiterated its commitment to MBU⁴² and its status, post the amendment to the UK's statutory climate change target, has been recognised recently by the Inspectors in the Stansted Airport appeal.⁴³ Furthermore, as stated earlier, the Government has recently confirmed its policy positions as set out in MBU and make it clear that it is to have 'full effect' in planning inquiries.

47. There are six points to note in respect of MBU⁴⁴:

- a. The strategy anticipates significant growth in demand for passenger air travel over the long-term;⁴⁵
- b. It is clear in confirming the Government's in principle support for airports beyond Heathrow making best use of their existing runways, taking into account relevant economic and environmental considerations;⁴⁶
- c. Decisions on airport expansion proposals should be taken by local planning authorities.⁴⁷ The majority of environmental impacts will be taken into account as part of the local planning application process, however there are certain matters that should be considered at a national level. One such matter is the issue of carbon emissions;⁴⁸
- d. The impact of the strategy was considered in both a carbon traded and carbon capped scenario. In both instances, the carbon impacts of MBU are considered acceptable;

⁴⁰ CD6.5 para 3.11

⁴¹ *R (Ross and (Stop Stansted Expansion)) v Secretary of State for Transport* [2020] EWHC 226 (Admin) at [115].

⁴² Statement of Secretary of State for Transport, Grant Shapps, 2020 (CD6.8).

⁴³ The Planning Inspectorate, Appeal into the expansion of Stansted Airport, May 2021, p.5 para 24 (CD6.13).

⁴⁴ CD6.4

⁴⁵ Proof of Evidence of Mr Brass (Forecasting), Figure 5 (BAL/1/2).

⁴⁶ MBU (CD6.4), para 1.29.

⁴⁷ MBU, para 1.29.

⁴⁸ MBU, para 1.11.

- e. MBU is consistent with the recommendations of the Airports Commission’s Final Report⁴⁹ into the UK’s future airport capacity needs over the short, medium and long term, which was published in July 2015. The Commission found that it was “*imperative*” that the UK continues to grow its domestic and international connectivity during the period before the delivery of new capacity at Heathrow.⁵⁰ The Report recognised the “*crucial importance*” of regional airports⁵¹, and the need to make “*more intensive utilisation*” of airports outside Heathrow and Gatwick⁵².
- f. The Airports Commission’s recommendation is reflected in the ANPS, which, although not of primary application to aviation developments that are not Nationally Significant Infrastructure Projects, is a material consideration in the determination of this appeal. The ANPS confirms the Government’s support for other airports making best use of their existing runways.⁵³
48. Since the entry into force of the Carbon Budget Order 2021⁵⁴, the Government has published its Decarbonising Transport Plan⁵⁵ and the Jet Zero consultation⁵⁶. As stated earlier, the latter document expressly acknowledges that MBU and the ANPS “*are the most up-to-date policy on planning for airport development. They continue to have full effect, for example, as a material consideration in decision-taking on applications for planning permission....*”⁵⁷
49. This national policy context is entirely consistent with, and supported by, the UK Government’s economic policy, which is focussed on returning the UK to economic growth as we emerge from the COVID-19 pandemic.
50. In March 2021, the Government published ‘Build Back Better: Our Plan for Growth’⁵⁸ (‘BBB’), which sets out a strategy for rebuilding the UK economic which sees Britain as firmly embedded in the global economy through trade, foreign investment and competition. Air travel will be needed to meet this internationally focussed vision. BBB highlights the importance of ‘levelling up’, which sees major UK cities as globally focussed and well-connected drivers of productivity.

⁴⁹ CD6.11

⁵⁰ Para 16.40.

⁵¹ Para 16.45.

⁵² Para 16.40.

⁵³ ANPS, para 2.22.

⁵⁴ CD9.38

⁵⁵ CD[]

⁵⁶ CD[]

⁵⁷ Page 51, footnote 39.

⁵⁸ HM Treasury, March 2021 (CD11.10).

This is echoed in the foreword to Decarbonising Transport⁵⁹, in which it is recognised that “international transport is a vital part of Global Britain.”⁶⁰

51. BAL acknowledges that many people, including the witnesses of NSC and the Rule 6 parties, simply do not accept the thrust of Government policy as set out in the APF and MBU. Some seek to challenge Government policy by arguing that it is inconsistent with achieving the net zero target, or the recently published Sixth Carbon Budget. There are two points to note in this regard. First, as a matter of principle, the adoption of the Sixth Carbon Budget does not impact the status of MBU as Government policy. Unless and until Government decide to revoke or otherwise amend MBU, it remains extant policy to be applied in the determination of this appeal. The obligation to meet the five yearly carbon budgets falls on the Secretary of State. It is for the Secretary of State and Government to determine how best that obligation is met. Secondly, it is important to stress that it is not for this Inquiry to debate the merits of Government policy. The APF and MBU are matters of high level Government policy, the merits of which are not for debate at local planning inquiries; that is clear from the well-known judgement of Lord Diplock in *Bushell*⁶¹. Government’s clear policy to ‘make best use’ of existing runways is simply not ‘up for grabs’ and nor is an attack on the merits of Government policy by the backdoor of challenging ‘soundness’ or ‘weight’. The role of the Inspectors in the context of this section 78 appeal is to take proper account of extant Government policy.
52. The Government’s position on MBU, and the ‘in principle’ support for regional airports making best use of their existing runway capacity is clear. Both the MBU and the APF should be given full and significant weight in this appeal.
53. The proposed development responds to, and is in accordance with, the Government’s aviation policy. It will make best use of the existing runway at Bristol Airport, maximising the use of existing infrastructure and bringing forward investment in new infrastructure and services required to support the growth of the airport to meet forecast passenger demand. In turn, the proposed development will support regional and local economic recovery from the COVID-19 pandemic and assist in meeting the Government’s wider economic policy.

BAL Forecasts and Updated Forecasts

⁵⁹ CD[]

⁶⁰ Foreword, page 8.

⁶¹ *Bushell & Anor v SSE* [1981] AC 75, per Lord Diplock.

54. At the date of the planning application, BAL provided an independent validation Forecast Report⁶² by Mott MacDonald which confirmed BAL's internal forecasts and indicated that passenger demand at Bristol Airport would reach the airport's current passenger cap of 10 mppa by 2021 and 12 mppa by 2026. Following the submission of the application, Bristol Airport handled 8.96 mppa in 2019, making it the fourth largest regional airport in the UK.
55. These forecasts have since been updated in order to account for the impact of the global COVID-19 pandemic, which has artificially and drastically suppressed aviation passenger throughput as a result of widespread travel restrictions in place for well over a year. While such measures are in place it is simply not possible to observe the level of demand in the UK market.⁶³ In order to consider the effect of the pandemic and address uncertainties associated with the rate at which demand will return, York Aviation LLP ('York Aviation') produced an updated Forecast Report⁶⁴ for BAL.

Forecasting methodology

56. The forecast model adopted by York Aviation uses a 'bottom up' approach to demand forecasting to inform the first four years of the forecast. This approach is designed to reflect both airline behaviour and underlying market demand at a route level. To inform the longer term forecast, York Aviation has used an econometric passenger allocation model to determine how the underlying passenger demand base in the broad catchment area for the airport will split between Bristol and a number of competing airports.⁶⁵
57. Air traffic movements ('ATMs') have been calculated for future years by dividing the overall passenger demand forecast by a projected average number of passengers per movement, which in turn is identified from historic trends as well as airlines' likely fleet plans for Bristol Airport.⁶⁶
58. As with any forecasts, there remains a degree of uncertainty surrounding the model output. The unprecedented impact of the global pandemic and associated travel restrictions means that such uncertainty is inevitably greater, particularly in the short term. It is important, however, to put any such uncertainty in context. This is not a case where BAL has simply forecast passenger throughput at the airport in 2030 at 12 mppa, but objectors are arguing that

⁶² CD2.3 Appendix F

⁶³ Proof of Evidence of Mr Brass (Forecasting), para 2.6.2 (BAL/1/2).

⁶⁴ CD2.21

⁶⁵ Proof of Evidence of Mr Brass (Forecasting), section 3 (BAL/1/2) and York Aviation Forecasting Report (CD2.21).

⁶⁶ Proof of Evidence of Mr Brass (Forecasting), para 3.1.8 (BAL/1/2).

throughput will actually be 14 mppa or even 16 mppa and that the adverse environmental effects will be much higher than assessed. In this case, BAL has proposed a passenger cap at 12 mppa; on that there is no uncertainty whatsoever. The only uncertainty, therefore, is 'when' throughput will reach 12 mppa, but once it does it will have the characteristics of the 12mppa airport as forecast by the modelling. This is a very different type of uncertainty to that explored at many previous airport inquiries.

59. In recognition of this fact, the forecast model presented in the York Aviation's Forecast Report⁶⁷ and the ES Addendum considers a range of different growth scenarios as follows:
- a. The Core Case, which sees passenger demand at Bristol Airport reaching 10 mppa in around 2024 and 12 mppa in 2030;
 - b. The Slower Growth Case, which sees passenger demand reaching 10 mppa in around 2027 and 12 mppa in 2034;
 - c. The Faster Growth Case, which sees passenger demand reaching 10 mppa in around 2022 and 12 mppa in 2027.
60. Notably, all of these forecasts see Bristol Airport reach 12 mppa within a reasonable timeframe between 2027 and 2034. It is not, therefore, a question of precisely when the airport reaches the 12 mppa threshold but of the broad timescale for it doing so.
61. At the present time, and in view of the current progress in relation to the lifting of travel restrictions, both BAL and NSC agree that of the three scenarios, the faster growth scenario is less likely to be realised.⁶⁸

Core Case

62. The Core Case provides the basis for the quantification of environmental effects of the proposed development. It is common ground with NSC that the Core Case is the scenario most likely to be realised, and that it provides an appropriate basis for assessing environmental impacts.⁶⁹
63. The Core Case represents a balanced view of the future market and current risks, reflecting a central view of issues such as economic growth and carbon costs. As Mr Brass explains in his

⁶⁷ CD2.21

⁶⁸ Proof of Evidence of Mr Folley, para 4.11 (NSC/W1/1).

⁶⁹ Proof of Evidence of Mr Folley, para 4.11 (NSC/W1/1).

evidence, this scenario is felt to be a reasonable best estimate of when Bristol Airport will reach 10 mppa and 12 mppa.

64. Under the Core Case, the forecast air transport movements in 2030 at 10 mppa and 12 mppa respectively is 74,380 (including 63,740 commercial movements) and 85,980 (including 75,340 commercial movements). These numbers reflect on-going growth in aircraft size in line with airline fleet development plans and discussions with key airlines as regards likely deployment at Bristol Airport.

Sensitivities (Slower/Faster Growth)

65. The faster and slower growth cases represent a reasonable worst case scenario in terms of future growth being faster and slower than expected. The slower growth case reflects factors such as a potentially slower recovery from COVID-19, lower economic growth or adverse market conditions, such as higher carbon costs. The faster growth case reflects a more rapid bounce back from COVID-19 or faster economic growth.
66. These scenarios have been used to sensitivity test the outputs from the Core Case, which NSC agrees is an appropriate approach and in line with best practice⁷⁰. In other words, they are used to determine whether a different rate of growth would have a material difference on the outputs from the forecast model, which in turn are used for the assessment of significant environmental impacts.
67. It is important to understand the nature of this sensitivity testing. The alternative growth scenarios have been used to qualitatively assess the extent to which passenger forecast outputs would be affected by slower or faster passenger growth at the airport. If those qualitative assessments had indicated a material change in effect that might lead to a different conclusion on significance, then a quantified assessment would have been undertaken; it didn't and so no such quantitative assessment was necessary.
68. Crucially, what the sensitivity testing demonstrates is that whichever growth scenario is realised, the outputs from the detailed air traffic forecasts that are used as inputs to the EIA process are unlikely to be significantly affected. This reflects the fact that, whether 12 mppa is reached in 2027 in accordance with the faster growth scenario or 2034 following the slower growth scenario, this means that the capacity will be used up slightly earlier or later than anticipated by the Core Case. In each case, the benefits and impacts may be brought forward

⁷⁰ Proof of Evidence of Mr Folley, para 3.5 (NSC/W1/1).

slightly in time, or deferred slightly in time. In all other respects, however, they are not materially different such as to change significance of effect. Indeed, if growth is at a slower rate, the evidence demonstrates that any adverse environmental impacts are likely to be less significant than in the Core Case scenario. In light of this, therefore, arguments about the precise timescale within which the airport will reach 12 mppa are largely academic.

Inputs to EIA

69. As explained above, the outputs from the forecast modelling form inputs to the environmental assessment of the proposed development. The quantitative assessment of significant effects within the EIA is based on quantitative outputs associated with the Core Case passenger forecasts. This has been sensitivity tested against the faster and slower growth scenarios.
70. There are seven outputs from the forecast modelling that inform the environmental assessment, as follows:
 - a. Busy hour rates: A series of busy day timetables that describe the diurnal profile of ATMs and passengers arrival / departures at the airport were developed, which form inputs to assessments such as highway junction capacity;
 - b. Fleet mix: The forecasting provides an assessment of the annual fleet mix in order to inform assessments such as for noise and air quality;
 - c. 92 day summer period average daily movements: This covers the period from 16 June to 15 September each year. Together with the fleet mix, this data is used for noise modelling;
 - d. Night movements and quota count: This data was used as an input to the noise assessment;
 - e. Average range forecasts: These forecasts, which are concerned with the average flight distance of aircraft at Bristol Airport, informed the carbon assessment;
 - f. Surface origins and destinations of passengers: This information provided an input into the transport assessment and quantification of socio-economic benefits of the proposed development;
 - g. Passenger demand displacement: The level of passenger displacement to other airports provided an input into the socio-economic assessment.

71. As explained above, the analysis carried out by York Aviation demonstrates that the air forecast outputs identified above are relatively insensitive to the exact point in time at which 12 mppa is reached.

Forecasting Uncertainty and the Role of Planning Conditions

72. A major theme of the evidence of Mr Folley on behalf of NSC is that forecasting future demand for air travel is inherently uncertain.⁷¹ This, it is argued, renders BAL's assessment of the environmental impacts of the proposed development unreliable.
73. One such argument arises from the announcement by Jet2 of its plans to operate from Bristol Airport from the summer of 2021. This announcement post-dated the forecast modelling by York Aviation, such that it is said that the operation of Jet2 from the airport materially changes the 2030 fleet mix. In his evidence, Mr Folley has purported to provide an "up-to-date" fleet mix which includes Jet2's aircraft.⁷² This alternative fleet mix is assessed by NSC as having greater environmental impacts in terms of noise and air quality than that used in the ES and ES Addendum.
74. Mr Brass explains in his rebuttal proof, however, that Mr Folley's 'updated' fleet mix is simply wrong and, indeed, untenable.⁷³
75. Furthermore, this debate is again largely academic. The imposition of appropriate planning conditions is capable of mitigating any uncertainty with regards the fleet mix. The imposition of an air noise contour cap and quota count limit would mean that the noise impact of the proposed development could not exceed the level found to be acceptable. BAL proposes caps on the size of the day time and night time air noise contours, and a monitoring and annual reporting mechanism for actual air noise contours. As the airport grows towards 12 mppa, this mechanism will allow NSC to monitor actual noise against the cap. If actual noise contours begin to reach the contour cap then the result would either be that there could be no more flights or airlines would have to include more 'new generation' aircraft in the mix they fly from Bristol Airport. Such a consequence would be an operational issue for BAL and the airlines to resolve, but there would be a very strong commercial driver for airlines to accelerate the introduction of 'new generation' aircraft. Importantly, however, this would not be a matter that affects the environmental impact of the proposed development because the air noise 'effect' would be capped. If any issue arose regarding compliance with the noise contour cap NSC would, of

⁷¹ Proof of Evidence of Mr Folley, para 3.1 (NSC/W1/1).

⁷² Proof of Evidence of Mr Folley, para 7.8 (NSC/W1/1).

⁷³ Rebuttal Proof of Mr Brass (Forecasting), section 4.2 (BAL/1/3).

course, enjoy the full range of planning enforcement powers in respect of the condition. There is no reason to believe that NSC would not properly enforce the condition.

Challenges

76. What is striking on this topic is the degree to which there is general agreement with NSC regarding the forecast modelling carried out. It is common ground that:
- a. The Core Case is the most likely to materialise;
 - b. The Core Case provides the most appropriate basis on which to carry out an environmental assessment; and
 - c. That the approach of testing the Core Case against alternative growth scenarios is appropriate.
77. There remains, however, four principal points of challenge presented in the evidence of NSC and the Rule 6 parties, three of which are of a similar nature. A summary of these points is as follows:
- a. Lack of sensitivity testing: The lack of quantitative sensitivity testing has been raised as a concern by Mr Folley on behalf of NSC;
 - b. Uncertainty: Within the criticism that forecasting is too uncertain to be relied upon, there are three distinct factors identified:
 - i. The impact of Jet2 operating from Bristol Airport on the future fleet mix and busy day timetable;
 - ii. The impact of the UK's departure from the European Union ('EU') on air traffic forecasts; and
 - iii. The recovery of travel, and business travel in particular, following the COVID-19 pandemic.
78. These arguments have been identified and responded to in section 5 of the Proof of Evidence of Mr Brass and in his rebuttal evidence.⁷⁴
79. In short, with regards NSC's concern over the lack of quantitative sensitivity testing, as explained above, the analysis by York Aviation has demonstrated that the forecast outputs which inform

⁷⁴ BAL/1/2 and BAL/1/3.

the environmental assessment are relatively insensitive to the speed of passenger growth. Indeed, this is entirely consistent with the findings of the Inspectors in the context of the Stansted Airport appeal decision, who noted that it had “*remained unclear throughout the inquiry, despite extensive evidence, why the speed of growth should matter to the appeal.*”⁷⁵ As the Inspectors noted, “*if it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime*”.⁷⁶ This is a proposition that Mr Folley himself accepts.⁷⁷

80. With regards to uncertainty, we have explained how the use of planning conditions is capable of overcoming uncertainty regarding fleet mix. With regards to the speed of recovery, the Slower Growth Case does not see the threshold of 12 mppa being reached until 2034, thirteen years from now. It is implausible that over a decade into the future, the impact of current uncertainties will continue to exert a significant influence over demand. This scenario has been used precisely in order to account for a slower rate of growth than assumed in the Core Case, whether that is caused by COVID-19, the UK’s departure from the EU, higher carbon costs or an unrelated factor.

Summary of BAL’s Case

81. With regards to BAL’s case, there are six points to note by way of summary:
- a. Bristol Airport has long been a strong and growing regional airport that has been able to outperform the UK as a whole and its nearest competitors;⁷⁸
 - b. The COVID-19 pandemic has suppressed throughput by the imposition of travel restrictions, which has caused a temporary decline in passenger numbers, however the short term forecasts for the UK air transport market and Bristol Airport are of no great relevance to the environmental assessment of the proposed development. They are simply an early step along the way to 12 mppa;
 - c. Crucially, it remains clear from the updated forecasts that underlying passenger demand at Bristol Airport remains strong and that the throughput will grow to meet 12 mppa notwithstanding the short term effects of the COVID-19 pandemic. The question, therefore, is not whether such demand will be reached, but when. Even under the Core

⁷⁵ Stansted Airport Appeal Decision, para 30 (CD6.13).

⁷⁶ Stansted Airport Appeal Decision, para 30 (CD6.13).

⁷⁷ Proof of Evidence of Mr Folley, para 3.4 (NSC/W1/1).

⁷⁸ Proof of Evidence of Mr Brass, (Forecasting), para 2.8.4 (BAL/1/2).

- Case, demand is not anticipated to reach 12 mppa for a period of nine years, by which time it is implausible to argue that there will not have been a return of demand for air travel;
- d. These updated passenger forecasts are in broad alignment with wider industry forecasts, such as those produced by IATA and ACI;⁷⁹
 - e. The remaining uncertainty regarding when the level of demand will return has been accounted for by the sensitivity testing of the Core Case. This has shown that whether growth was in line with the faster or slower growth scenario, the outputs from the detailed air traffic forecasts that are used as inputs to the EIA are unlikely to be significantly affected;
 - f. In any event, NSC agrees that the Core Case is the most likely to be realised and therefore provides an appropriate basis for the assessment of environmental effects; and
 - g. Much of the residual uncertainty regarding forecasting can, and should, be dealt with by way of condition.

Socio-economic benefits

- 82. Bristol Airport is the principal airport and main international gateway for the South West of England and South Wales. In 2018, the airport was responsible for 8,200 FTEs across the South West region through direct, indirect and induced employment. The connectivity provided by the airport enables the flow of trade, investment, people and knowledge that underpins a globally successful region. As at 2018, it is estimated that the airport generates circa £1.7 billion in Gross Value Added (GVA) in the South West economy.
- 83. The proposed development will allow Bristol Airport to grow to serve 12 mppa, delivering important economic, social and environmental benefits that are aligned with the principles of sustainable development, national aviation policy and the UK's wider economic objectives.
- 84. The socio-economic benefits of the proposed development were identified by the Inspectors as CMC1 issue (g). The assessment of the benefits of the proposed development underpins reason for refusal 1, which asserts that the economic benefits would not outweigh the environmental impacts of the proposed development.

Policy Context

⁷⁹ Proof of Evidence of Mr Brass, (Forecasting), para 2.6.4 (BAL/1/2).

National Policy

85. There are three major themes running through the national policy context in which the socio-economic benefits of the proposed development fall to be considered:
- a. The Government's vision for a 'Global Britain';
 - b. The need to 'level up' the UK economy in the aftermath of the COVID-19 pandemic; and
 - c. The role of airports as engines of economic growth and prosperity.
86. With regards to the first of these, the role of air travel in attaining the ambition of a 'Global Britain' is reflected in the APF⁸⁰. That framework sets out that one of the Government's main objectives is *"to ensure that the UK's air links continue to make it one of the best connected countries in the world."*⁸¹
87. This aim was reiterated in the Green Paper, 'Aviation 2050 – The Future of UK Aviation'⁸² in December 2018, in which the Government identified the UK as *"one of the best connected countries in the world"* and recognised that:
- "Aviation has an important role to play in the future of our country. It is key to helping to build a global Britain that reaches out to the world. It underpins the competitiveness and global reach of our national and our regional economies."*⁸³
88. The Green Paper highlights the specific economic contribution of aviation in respect of connectivity, productivity, employment and tourism.⁸⁴
89. The recognition of the vital role played by airports in global connectivity has been re-emphasised by the Secretary of State for Transport, Grant Shapps, in a ministerial statement to Parliament in February 2020. He stated as follows:
- "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."*⁸⁵

⁸⁰ CD6.1

⁸¹ Para 9 (CD6.1).

⁸² CD9.29

⁸³ HM Government, December 2018, page 18 (CD9.29).

⁸⁴ Page 21 (CD9.29).

⁸⁵ CD6.8

90. Most recently, in the foreword to the Government's recent 'Decarbonising Transport' Plan, Grant Shapps recognised that *"international connectivity is a vital part of Global Britain."*⁸⁶

91. This will be all the more important in a post-Brexit UK, both in terms of trade and the labour market.

92. But airports do not just provide international connectivity. The role of airports both as centres of employment and catalysts of economic growth is well-established and recognised in national policy. The APF provides strong support for sustainable air transport growth in recognition of the significant economic and social benefits that it brings:

*"The Government's primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise."*⁸⁷

93. This is echoed in Aviation 2050, which explains that:

*"The government has been clear about the importance of aviation to the whole of the UK. Aviation creates jobs across the UK, encourages our economy to grow and connects us with the rest of the world as a dynamic trading nation. It also helps maintain international, social and family ties. This is why the government supports the growth of aviation, provided that this is done in a sustainable way and balances growth with the need to address environmental impacts."*⁸⁸

94. In March 2021, the Government's BBB plan for recovery from the pandemic highlighted the importance of world class infrastructure in supporting economic growth. BBB articulates the Government's desire to 'level up' the UK economy by supporting economic growth opportunities outside of London and the South East:

*"We will tackle geographical disparities in key services and outcomes across the UK: improving health, education, skills, increasing jobs and growth, building stronger and safer communities and improving infrastructure and connectivity. We will focus on boosting regional productivity where it is lagging to improve job opportunities and wages."*⁸⁹

⁸⁶ Page 8.

⁸⁷ CD6.1

⁸⁸ HM Government, December 2018, page 18 (CD9.29).

⁸⁹ HM Treasury, March 2021, page 71 (CD11.10).

95. Central to this vision is boosting the global competitiveness of UK cities away from London and the South East, such as Bristol. Indeed, the APF recognises that Bristol Airport “*plays a vital role in the economic success of the South West region*”⁹⁰.

96. This importance of airports for the UK economy has explicit links with the MBU policy, as explained by the Secretary of State for Transport in February 2020:

*“We fully recognise the importance of the aviation sector for the whole of the UK economy. The UK’s airports support connections to over 370 overseas destinations in more than 100 countries facilitating trade, investment and tourism. It facilitates £95.2 billion of UK’s non-EU trade exports; contributes at least £14 billion directly to GDP; supports over half a million jobs and underpins the competitiveness and global reach of our national and our regional economies. Under our wider “making best use” policy, airports across the UK are already coming forward with ambitious proposals to invest in their infrastructure.”*⁹¹

97. The NPPF too provides that significant weight should be given to the need to support economic growth and productivity.⁹²

98. What is notable, however, is that there is no policy to stop UK residents travelling abroad in order to retain spending domestically. Indeed, the APF considers the economic impacts of outbound tourism, noting that the evidence available did not show that a decrease in the number of UK residents flying abroad for their holidays would have an overall benefit for the UK economy.⁹³ It is well recognised that there are not only economic, but social and well-being benefits of international travel⁹⁴. This is particularly so in a UK that is, and prides itself on being, multi-cultural, outward facing, and internationally connected.

Local Policy

99. The economic importance of Bristol Airport is recognised in the following sub-regional and local policy documents:

- a. The West of England Local Enterprise Partnership Strategic Economic Plan (2015), which identifies the connectivity provided by the airport as a strength of the region and

⁹⁰ Page 21 (CD11.10).

⁹¹ Grant Schapps, 2020, (CD6.8).

⁹² Para 80.

⁹³ Para 1.16 (CD6.1)

⁹⁴ APF (CD6.1) paras 1.3 and 1.17.

highlights an opportunity for meeting investment and jobs targets through major development at Bristol Airport;⁹⁵

- b. The North Somerset's Economic Plan 2020 to 2025, which identifies Bristol Airport as a strategic employment site;⁹⁶ and
- c. The North Somerset Core Strategy, one of the priorities of which is to “[s]upport and promote major employers in North Somerset, such as Bristol Airport and Royal Portbury Dock, to ensure continued employment security and economic prosperity”.⁹⁷

100. More recently, the West of England Industrial Strategy, which was published in July 2019, highlights the global nature of the West of England economy and the importance of these international links to future prosperity. In particular, it recognises the airport as a strategic economic asset for the region and its role in making the West of England a “critical gateway to the nation and the world”.⁹⁸

Local Areas of Deprivation

- 101. Bristol Airport is located in proximity to, and directly between, two of the South West’s most deprived areas. Parts of both Weston-super-Mare and South Bristol have high levels of economic deprivation as shown by the index of deprivation in Mr Siraut’s Figure 3-3.⁹⁹ These areas form an important labour catchment area for the Bristol Airport, which is recognised by NSC as a major employer.¹⁰⁰
- 102. As explained later in these opening submissions, BAL has proposed a range of initiatives for both the construction and operational phase of the proposed development which will assist local residents to access skills training and secure employment. These initiatives will be secured through the section 106 agreement, which also makes provision for monitoring the performance of these programmes.

Socio-economic Benefits

- 103. The opportunity to grow Bristol Airport is an opportunity to strengthen the very real contribution that the airport makes to both the regional and UK economy. In this regard, the

⁹⁵ Page 22/23.

⁹⁶ Page 22.

⁹⁷ Page 20.

⁹⁸ Page 4.

⁹⁹ Figure 3-3.

¹⁰⁰ North Somerset Core Strategy (CD5.6), page 20.

proposed development is entirely consistent with, and supported by, local and Government economic policy, as outlined above.

104. An assessment of the socio-economic benefits of the proposed development was carried out by York Aviation in relation to BAL's original application for planning permission. The Economic Impact Assessment Report¹⁰¹, as updated by the Economic Impact Assessment Addendum ('EclA Addendum')¹⁰², assesses the socio-economic benefits to be positive and significant on a local and regional level. Further information on this issue was provided in the ESA and in response to requests for further information by NSC Officers under regulation 25 of the 2017 EIA Regs.¹⁰³
105. NSC Officers had the independent advice of Jacobs in considering the scale of the benefits. Importantly, although NSC Officers did not accept in full the exact scale of the economic benefits, the Officers' Report¹⁰⁴ concluded that:
- a. The methodology used to assess the economic benefits was appropriate;¹⁰⁵ and
 - b. It was "*clear*" that the proposed development would have a "*substantial net economic impact for North Somerset and the wider sub-region*". This was the case even if a conservative estimate of the economic benefits was adopted, allowing for a high degree of displacement.¹⁰⁶
106. It is notable that the only changes that have been made to the methodology since the original application were those made in response to requests by NSC itself. In all other respects, the methodology used for the EclA Addendum and ESA remains the same as that previously accepted as appropriate.¹⁰⁷

The Assessed Benefits

107. The proposed development's impact on GVA and employment has been assessed as being major beneficial and significant in North Somerset and the West of England, and moderate beneficial and significant in the South West and South Wales.¹⁰⁸ Significantly, these conclusions

¹⁰¹ CD2.8

¹⁰² CD2.22

¹⁰³ CD3.4.3 and CD3.6.7.

¹⁰⁴ CD4.11

¹⁰⁵ Page 26.

¹⁰⁶ Page 64 (CD3.13).

¹⁰⁷ Proof of Evidence of Mr Brass (Socio-economics), para 4.2.10.

¹⁰⁸ Proof of Evidence of Mr Brass (Socio-economics), para 4.4.1.

remain the same for both the faster or slower growth scenarios¹⁰⁹, indicating that the scale of the benefits is relatively insensitive to the speed of growth.

108. The precise scale of the economic benefits is set out in the EclA Addendum¹¹⁰ and summarised in Table 1 in the Proof of Evidence of Mr Brass on Socio-Economics. In summary, the proposed development will have the following total additional economic impacts in 2030 (at 12 mppa) above the benefits of the currently consented 10 mppa throughput in that year:

- a. £70 million in GVA and 710 jobs (570 FTEs) in North Somerset;
- b. £220 million in GVA and 2,460 jobs (2,040 FTEs) in the West of England; and
- c. £310 million in GVA and 4000 jobs (3,210 FTEs) in the South West and South Wales.¹¹¹

109. In addition to the operational benefits, the construction of the proposed development will provide positive economic benefits for the region.

110. Overall, the proposed development will act as a catalyst for the wider economy by enabling trade, foreign direct investment, competition, agglomeration, labour market effects and inbound tourism. In its role as a major employer and centre of prosperity in its own right, the expansion of the airport will contribute to the wider regeneration of areas around the airport and provide opportunities for the supply chain in the region, thereby increasing prosperity across the South West. This will be of particular benefit for those areas of economic deprivation in proximity to the airport.

111. This type and scale of development is directly in line with ambitions for the West of England to be a world class, global location for business, and one of the UK's leading tourism regions. It is precisely the sort of development that supports the Government's 'levelling up' agenda, enabling regions away from London and the South East to drive up productivity and 'bridge the gap'.

112. The benefits of the proposed development are supported by a range of social initiatives that will be delivered by BAL in association with the expansion of the airport. These are as follows:

- a. A construction phase local labour agreement and action plan;

¹⁰⁹ Proof of Evidence of Mr Brass (Socio-economics), para 4.4.1.

¹¹⁰ CD2.22

¹¹¹ Taking into account direct, indirect, induced and wider effects.

- b. An 'Achieve Programme' to deliver employment and skills interventions and a programme of activities with education providers relating to the operational phase of the development;
 - c. An operational phase education programme, through which BAL will engage with the education sector in order to develop opportunities for young people to access employment at the airport; and
 - d. A monitoring programme, which will set out the agreed key performance indicators against which the implementation of the Skills and Employment Plan will be monitored.
113. These initiatives seek to ensure that the economic opportunities and benefits provided by the growth of the airport are experienced by the local community.

Challenges

114. The principal challenges raised by NSC and the Rule 6 parties can be summarised as follows:
- a. Business travel will not grow as anticipated following the COVID-19 pandemic;
 - b. The levels of employment identified in the EclA Addendum are incorrectly calculated as the assessment has not taken into account improvements in productivity;
 - c. The economic costs of carbon emissions and other environmental impacts should be taken into account;
 - d. The levels of displacement have been understated in the EclA Addendum; and
 - e. That, overall, the economic benefits are overstated and/or the weight to be attributed to the benefits of expansion should be reduced, due to the limitations on airport growth that result from carbon targets.
115. These issues are identified and responded to in detail in section 5 of the Proof of Evidence of Mr Brass on Socio-economics, and his Rebuttal Proof of Evidence.¹¹² The question of whether reduced weight should be attributed to the socio-economic benefits of the proposed development is dealt with in section 2.4 of the Rebuttal Proof of Mr Melling.¹¹³

¹¹² BAL/1/2 and BAL/1/3.

¹¹³ BAL/7/3.

116. With regards to the other points of challenge raised, BAL's evidence¹¹⁴ indicates that the fundamental errors in the forecasting analysis presented by My Folley undermines the arguments of Mr Siraut, such that he fails to demonstrate that business travel will not recover due to new technologies and attitudinal changes.¹¹⁵ As explained in the Rebuttal Proof of Mr Brass, Mr Siraut's assessment itself contains serious errors which affect both his calculation of direct employment benefits¹¹⁶ and his analysis of the effects of displacement¹¹⁷. Similarly, as Mr Brass explains in his Rebuttal Proof¹¹⁸, the re-modelling of displacement by Dr Chapman is flawed.

117. In respect of the argument raised by the PCAA that the ES and ESA should include the monetised cost of carbon emissions and other environmental impacts of the proposed development, this issue is responded to specifically in section 5.7 of the Proof of Evidence of Mr Brass¹¹⁹.

Summary of BAL's Case

118. The proposed development represents a major private sector infrastructure investment both locally in North Somerset and regionally in the South West. It provides an opportunity to strengthen the important economic contribution that the airport makes, both in terms of employment and GVA, to the region. The creation of 710 additional jobs in North Somerset will bring real benefits to those living in the broad employment catchment area for the airport, including two of the most deprived areas within the South West. As the analysis in the EclA Addendum indicates¹²⁰, the jobs generated at the airport are well-paid and, therefore, have the potential to make a real difference to the lives of individuals.

119. Whilst NSC and the Rule 6 parties to the appeal have questioned the precise levels of employment or exact GVA that the proposed development will deliver, the evidence demonstrates that even on a conservative view, the benefits are substantial. It is not the case that if the additional employment figure should be 343 to 582 jobs (as alleged by Mr Siraut) rather than 710 (as assessed in the EclA), the benefits are in some way materially diminished. Disputes concerning the precise figures should not detract from the fact that the proposed development will deliver real benefits to real people.

¹¹⁴ Proof of Evidence of Mr Brass (Forecasting), section 4.9 (BAL/1/2) and Rebuttal Proof of Mr Brass (Forecasting), section 2 (BAL/1/3).

¹¹⁵ See, for example, para [2.2.8 – 2.2.10] of the Rebuttal Proof of Mr Brass (Socio-economics) (BAL/5/3).

¹¹⁶ Explained by Mr Brass at section 3 (BAL/5/3).

¹¹⁷ Explained by Mr Brass at section 4 (BAL/5/3).

¹¹⁸ Rebuttal Proof of Mr Brass, section 4.4 (BAL/5/3).

¹¹⁹ BAL/5/2.

¹²⁰ EclA Addendum (CD2.22), page 26, Figure 3-8.

120. Indeed, even accepting the evidence of Mr Siraut in full (which BAL does not) and adopting the most pessimistic assumptions, the proposed development would still provide substantial benefits at a regional, sub-regional and, importantly, local level.
121. The delivery of such benefits is entirely consistent with Government policy, the thrust of which is to capitalise on economic opportunities in order to 'level up' economic growth outside the South East of England. The proposed development is also perfectly in-keeping with NSC's ambitions to provide employment and improve the skills of those living in nearby economically deprived areas, such as parts of Weston-super-Mare, through development areas such as the Junction 21 Enterprise Area.
122. This is consistent with, and supported by, the social initiatives proposed by BAL as outlined above. For the reasons explained in Mr Melling's evidence, the substantial socio-economic benefits are capable of outweighing the modest environmental impacts of the proposed development.

Noise

123. As with all development that seeks to deliver substantial socio-economic benefits, there will inevitably be some degree of environmental impact associated with the delivery of those benefits. As was said at the outset, it falls to the planning system to reconcile the national and regional needs with the impacts that are borne most directly by the local community; and the delivery of infrastructure improvements, such as airport expansion, is no different.
124. The need to strike a balance between economic, social and environmental goals is recognised by the MBU policy¹²¹. MBU identifies that it is for local planning authorities in the first instance, and Inspectors on appeal, to carry out this balancing exercise within the framework of national, regional and local policy.
125. The noise impact of Bristol Airport is currently limited by conditions imposed in connection with the grant of the 2011 Permission. This includes a day-time contour cap of 57 dB $L_{Aeq16hr}$ (Condition 30), a noise quota count ('QC') system in order to control night-time noise levels (Condition 36), an overall limit and seasonal restriction on the number of night-time flights (Condition 38) and a limitation on the number of flights in the 'shoulder-periods' (Condition 39). These limitations are in addition to certain measures secured by condition and a section 106

¹²¹ CD6.4

agreement, such as the Environmental Improvement Fund, which are used to offset and mitigate the local environmental impacts of the airport.

126. The operational phase of the proposed development has three potential noise sources, namely, air noise, ground noise and road traffic noise, all of which have been assessed. The ES also carried out an assessment of the noise impacts arising from construction and any potential vibration impacts. Both of the latter potential noise sources were found to be acceptable by NSC Officers and do not feature in the reasons for refusal. For this reason, they are not covered in detail in the Proof of Evidence of Mr Williams.¹²² The impact of the proposed development on road traffic noise was considered in Mr Williams's Proof of Evidence, but it has subsequently been agreed with NSC that it is no longer in issue¹²³.
127. At the time of the Officers' Report¹²⁴, the methodology and results of the noise assessment in the ES were accepted and considered to be consistent with policy.
128. The impact of the proposed development in terms of noise is expressly referred to in reason for refusal 2, but also forms one of the environmental impacts referred to in reason for refusal 1. It was identified by the Inspectors at CMC1 as issue (e).

Noise Policy Context

National Policy

129. The Noise Policy Statement for England 2010 ('NPSE')¹²⁵ provides the policy framework for noise management decisions, in order to ensure that noise levels do not place an unacceptable burden on society. NPSE introduces the following concepts for categorising noise effects:
 - a. 'No Observed Adverse Effect Level' ('NOAEL'), being the level at which no effect can be detected;
 - b. 'Lowest Observed Adverse Effect Level' ('LOAEL'), being the level above which above which adverse effects on health and quality of life can be detected;
 - c. 'Significant Observed Adverse Effect Level' ('SOAEL'), being the level above which significant adverse effects on health and quality of life occur.

¹²² See Proof of Evidence of Mr Williams, at paras 4.1.4 to 4.1.6 (BAL/2/2).

¹²³ Draft SoCG Part 2 pp.51/2

¹²⁴ CD4.11

¹²⁵ CD10.4

130. The Planning Practice Guidance ('PPG')¹²⁶ defines SOAEL as the level at which *"a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present"*.¹²⁷ The PPG continues, *"If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused."* (emphasis added). The 'Noise Exposure Hierarchy Table' within the PPG says that at this level of exposure the action is 'Avoid'. The PPG also introduces the concept of 'Unacceptable Adverse Effect Level' ('UAEL'), which is described as follows: *"At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided."*¹²⁸ The 'Noise Exposure Hierarchy Table' within the PPG says that at this level of exposure the action is 'Prevent'. There is no receptor above the UAEL at Bristol Airport.

131. Where adverse noise impacts are identified and cannot be avoided, mitigation measures are recommended to ensure no significant residual effects on health and quality of life arise. It is important to note that findings of noise levels above LOAEL or SOAEL do not mean that there is a 'significance' effect in terms of EIA (as explained further below).

132. The APF¹²⁹ defines the Government's objectives and policies on the impacts of aviation. In respect of noise, the APF sets out the Government's overall objective to *"limit and where possible reduce the number of people in the UK significantly affected by aircraft noise"*, consistently with the NPSE. The APF treats 57 dB L_{Aeq,16h} as an average level of day time aircraft noise marking the approximate onset of significant community annoyance; more recently, the Survey of Noise Attitudes ('SONA')¹³⁰ study has resulted in a level of 54 dB L_{Aeq,16h} being adopted the approximate onset of significant community annoyance¹³¹. It is well recognised, however, that this does not mean that all people exposed to this level or higher will experience significant

¹²⁶ CD10.40

¹²⁷ Paragraph: 005 Reference ID: 30-005-20190722.

¹²⁸ PPG (CD10.40), Paragraph: 005 Reference ID: 30-005-20190722; 'Noise hierarchy table'.

¹²⁹ CD6.1

¹³⁰ CD10.9

¹³¹ Proof of evidence of Mr Williams para 3.6.3 (BAL/2/3).

adverse effects from aircraft noise, nor does it mean that no one exposed to lower levels will consider themselves annoyed.¹³²

133. Paragraph 180 of the NPPF¹³³ sets out the aim of ensuring that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In so doing, proposals should mitigate and reduce to a minimum potential adverse impacts from noise, avoid noise from giving rise to significant adverse impacts on health and quality of life, and identify and protect tranquil areas.

EIA Significance

134. As noted above, the concepts of LOAEL and SOAEL introduced in the NPSE do not in themselves equate to findings of significance in EIA terms.
135. The assessment of air noise impacts in the context of EIA has regard to both the absolute level of noise and the difference in noise levels between the consented 10 mppa scenario and the proposed 12 mppa Core Case growth scenario as at 2030.
136. The ES and ESA utilised $L_{Aeq,16h}$ and $L_{Aeq,8h}$ as the primary metrics, which were supported by supplementary metrics, such as noise frequency modelling (L_{Amax}) and number-above data (Nx). This was accepted by NSC Officers as appropriate and consistent with current and emerging policy.¹³⁴
137. The ES and ESA assign noise levels to LOAEL, SOAEL and UAEL for each noise source. If a receptor is above the LOAEL then there is the potential for an EIA 'significant' effect, depending on the magnitude of change. Above the SOAEL, a smaller change is required for an EIA 'significant' effect to be found.
138. The LOAEL adopted for the purpose of the EIA is 51 dB $L_{Aeq,16h}$ for day time air noise and 45 $L_{Aeq,8h}$ for night-time air noise. The adopted SOAEL is 63 dB $L_{Aeq,16h}$ for daytime air noise and 55 dB $L_{Aeq,8h}$ for night time air noise; the daytime level reflects the Government's recommended level for sound insulation. These levels are also consistent with the adopted SOAEL levels for other recent UK airport planning applications.¹³⁵ In terms of the magnitude of change, for receptors where the noise level would be between the LOAEL and the SOAEL, a value of 3 dB was adopted

¹³² APF (CD6.1), Para 3.17.

¹³³ CD5.8

¹³⁴ Officer's Report (CD4.11), page 65.

¹³⁵ See Proof of Evidence of Mr Williams, Table 5 (BAL/2/2). The exception is the recent Stansted Airport expansion, where a SOAEL of 54 dB $L_{Aeq,16h}$ for night-time was adopted, 1 dB lower than the other five recent airport applications.

as the EIA threshold for a 'significant' change. In respect of receptors where the noise level would be above the SOAEL, a lesser threshold of 2 dB was adopted.¹³⁶ This approach was accepted by NSC Officers at the time of the Officers' Report.¹³⁷

139. There is currently no UK policy or standard which sets out an assessment method which must be followed for ground noise. The ES and ESA adopted the same metrics of $L_{Aeq,16h}$ and $L_{Aeq,8h}$. This was found acceptable by NSC Officers and their consultants, and is consistent with other recent airport applications. The LOAEL and SOAEL values differ to those adopted for air noise, however.
140. The assessment of road traffic noise is set out in the Design Manual for Roads and Bridges, and requires the use of $L_{A10,18h}$ metric. This metric was agreed with NSC Officers.
141. For both ground and road traffic noise, the ES and ESA had regard to both absolute noise levels and changes in noise levels in order to determine any 'significant' effects.

Local Policy

142. The local policies cited in reasons for refusal 1 and 2 are policy CS3, policy CS23 and policy CS26 of the North Somerset Core Strategy 2017. The local policy context for the assessment of environmental impacts is dealt with in detail in the Proof of Evidence of Mr Melling at section 2, but it is sufficient at this stage to note the following points:
 - a. The test in policy CS3 for development causing environmental pollution or harm to amenity is whether the potential adverse effects would be mitigated to an 'acceptable' level;
 - b. The test in policy CS23 requires the "*satisfactory resolution of environmental issues*". As such, if policy CS3 is satisfied, so is CS23;
 - c. Local policy incorporates the NPPF and NPSE, the overall aims of which are to avoid significant adverse noise impacts and mitigate and minimise adverse noise impacts; and
 - d. Policy CS26 is framed in positive terms; it supports "*programmes and strategies*" that increase and improve health services, promote healthier lifestyles and aim to reduce health inequalities. It is only of indirect relevance to the assessment of the noise impact of the proposed development, in that it requires a Health Impact Assessment ('HIA') to

¹³⁶ As explained in the Proof of Evidence of Mr Williams, para 4.2.52 (BAL/2/2).

¹³⁷ See, for example, page 73 of the Officers' Report (CD4.11).

be carried out. It does not, however, impose a requirement that all development must contribute to the improvement of the health and well-being of communities.

Geographical Context

143. The geographical context of Bristol Airport is a relatively rural one. In comparison to airports situated in urban environments, there are comparatively very few dwellings that may experience noise impacts due to the low population density in the surrounding area.
144. In this regard, whilst there are of course real noise impacts experienced by some individuals located in the vicinity of the airport, in relative terms compared to many airport expansion projects, the numbers of individuals adversely affected are very small. There are, therefore, some advantages in seeking to expand airports in more remote rural locations from a noise perspective.

ES and ESA Assessment of Effects

145. The noise impacts of the proposed development have been subject to extensive analysis by Bickerdike Allen and Partners, the results of which are set out in chapter 7 of the ES and chapter 6 of the ESA.

Inputs

146. The main inputs to the noise assessment are the future fleet mix, the 92 day summer period average daily movements, and night movements. These inputs are derived from the air traffic forecast modelling in relation to the Core Case. As explained above, the sensitivity testing carried out by York Aviation demonstrates that these inputs are relatively insensitive to the point in time at which 12 mppa is reached, such that whether growth in demand is faster or slower than envisaged by the Core Case, this will not have a material impact on these inputs. Having said that, with the passage of time, the average fleet mix will contain more 'new generation' aircraft and so noise associated with an additional 2 mppa in a slower growth scenario will tend to be less than forecast in the Core Case.

Outputs

147. The outputs of the primary air noise assessment (i.e. using $L_{Aeq,16h}$ and $L_{Aeq,8h}$ metrics) are summarised in section 4 of the Proof of Evidence of Mr Williams. There are twelve key points to note at this stage, as follows:

- a. The ESA concluded that the proposed development would give rise to no significant adverse noise effects, either from air or ground noise;¹³⁸
- b. The number of dwellings exposed to daytime air noise levels at or above the LOAEL does not materially change between the 2017, 10 mppa (2024) and 12 mppa (2030) scenarios adopted in the assessment. Indeed, the number of properties actually reduces from around 3,250 in 2017 to 3,100 in the 12 mppa (2030) scenario. The 10 mppa scenario shows a further reduction to 2,600;
- c. The number of dwellings exposed to daytime air noise above the SOAEL is low in all scenarios – 20 in the 2017 and 10 mppa (2024) scenarios and 10 in both the 10 mppa and 12 mppa (2030) scenarios;
- d. These changes in daytime noise level between the 10 mppa and 12 mppa scenarios are less than 1 dB and assessed as ‘negligible’ in the ESA;
- e. The number of people ‘highly annoyed’ is assessed to be marginally lower in the 12 mppa (2030) scenario than in the 2017 and 10 mppa (2024) scenarios, and only marginally higher than the 10 mppa (2030) scenario;
- f. With regards to night-time air noise, the number of dwellings exposed to levels at or above the LOAEL does not materially change between the 2017, 10 mppa (2024) and 12 mppa (2030) scenarios (increasing from around 3,750 in 2017, to 4,000 in the 12 mppa scenario). The 10 mppa (2030) scenario shows a reduction to around 3,400;
- g. The number of dwellings exposed to night-time air noise levels at or above the SOAEL increases from around 150 in the 2017 scenario, to around 200 in the 10 mppa (2024) scenario and around 250 in the 12 mppa (2030) scenario. In the 10 mppa (2030) scenario it would reduce to around 100;
- h. The changes in night-time noise level between 10 mppa and 12 mppa scenarios are less than 2 dB and assessed in the ESA as ‘negligible’;
- i. Overall, the ESA found that when comparing the 10 mppa (2024) with the 12 mppa (2030) scenarios, both daytime and night-time noise levels would remain comparable with or without development, as the increase in flights would be offset by a high proportion of quieter aircraft. When comparing 10 mppa (2030) and 12 mppa (2030), the ESA found

¹³⁸ ESA (CD2.20.1), para 6.1.1 and 6.1.4.

that night-time noise levels for all assessed receptors would increase by less than 1 dB, i.e. a negligible amount well below the significance threshold.

- j. The ESA considered a qualitative assessment of faster and slower growth forecasts. This assessment concluded that the effect of these forecasts on the 10 mppa and 12 mppa scenarios was likely to be comparable and would result in differences in air noise levels of up to +0.5 dB for the faster growth scenario and -0.5 dB for the slower growth scenario;
- k. The particular uncertainty in the forecast has some impact on absolute air noise levels experienced by the community, but would apply similarly to the 'without development' scenario. The conclusions of the ESA assessment would therefore not change, as the difference between the with and without development cases would remain similarly low and result in no significant impacts;
- l. As explained above, any other uncertainty regarding noise impacts (whether that be from uncertainty with regards to the future fleet mix or otherwise) is perfectly capable of being managed, as it is currently. The imposition of conditions to impose a daytime noise contour cap, a night-time noise contour, a QC scheme and a restriction on the number of flights in the shoulder periods means that there is no doubt in relation to the maximum noise levels that will be experienced.

148. Supplementary noise metrics, such as Number Above (Nx) metrics (the number of times that a receptor is likely to experience noise levels over a particular threshold), were produced as part of the ES assessment to aid an understanding of how the noise environment will change from one scenario to another. Whilst much is made of the use of alternative metrics by Mr Fiumicelli (as discussed further below), there is limited evidence relating to how these metrics correspond to community response.¹³⁹ These metrics can be useful, however, in aiding an understanding of a noise assessment as it affects local communities.

149. With regards to ground noise, the ESA similarly found that the number of dwellings exposed to noise levels at or above the LOAEL does not materially change between 10 mppa (2030) and 12 mppa (2030) scenarios. The number of dwellings exposed to ground noise levels at or above the SOAEL is low in all scenarios: one property in 10 mppa (2030) scenario for both day and night, increasing to 2 at night in the 12 mppa (2030) scenario. The changes in ground noise level are assessed as 'negligible' and below the threshold of significance in the ESA. Indeed, for the

¹³⁹ Proof of Evidence of Mr Williams, para 4.2.21 in respect of N70 and N60 contours (BAL/2/2).

majority of residential properties above the LOAEL, the proposed development is forecast to provide a benefit in terms of ground noise, due to additional screening provided by the proposed infrastructure works. Once again, the slower or faster growth to 12 mppa was assessed to have no material impact on the assessment results or conclusions.

150. With regards to road traffic noise, the number of dwellings exposed to road traffic noise levels at or above the LOAEL does not change between the 10 mppa (2030) and the 12 mppa (2030) scenarios. Similarly, the number of dwellings exposed to noise levels at or above the SOAEL does not change. The changes in noise level between the 10 mppa and 12 mppa scenarios considered in the ESA are assessed as 'negligible', all of which were changes below 1 dB.

Noise Mitigation Measures

151. As noted above, BAL already operates a noise insulation scheme ('NIS') under which grants are offered for noise insulation works for residential buildings. As part of the proposed development, and in recognition that there will be some adverse noise impacts (albeit no significant ones), BAL has proposed a substantial package of measures to mitigate aircraft noise. This will expand the NIS to encompass more properties, provide larger grants and increase the minimum standards of glazing and ventilators available.

Challenges

152. The principal challenges raised by NSC and the Rule 6 parties are identified and responded to in section 5 of the Proof of Evidence of Mr Williams and his Rebuttal Proof. A summary of the main points, which raise similar themes to those already identified in this Opening, are as follows:
- a. The impact of uncertainty regarding air traffic forecasting, including the impact of Jet2 operating from Bristol Airport on the future fleet mix, and the rate of growth;
 - b. The appropriateness of qualitative, instead of quantitative, sensitivity testing;
 - c. The requirement to use alternative metrics to inform a determination of significance;
 - d. The appropriateness of the thresholds adopted; and
 - e. That planning permission should be refused where it results in increased noise impacts and/or any increase in the number of properties experiences noise levels about the SOAEL.

153. We have already provided a summary of BAL's response to the first two points in the context of considering uncertainty in air traffic forecasting and the appropriateness of qualitative sensitivity testing.

154. With regards to the use of alternative metrics, as Mr Williams explains, the use of such metrics may be a useful aid to understanding the noise impacts of development, but they are not necessarily useful as a test of significance and there is no policy requirement to do so.¹⁴⁰ Indeed, where the use of primary metrics does not reveal 'significant' effects, supplementary metrics are not able to change this conclusion.

155. Mr Fiumicelli, on behalf of NSC, makes a number of criticisms of the methodology adopted in the ES and ESA. Three points are made in response at this stage:

- a. The methodology was agreed as appropriate and consistent with policy by NSC Officers;
- b. The approach to assessing noise is entirely consistent with the assessments carried out in respect of other airport development applications and found to be appropriate by the relevant decision makers including, most recently, the Inspectors into the Stansted Airport appeal; and
- c. The range of points raised by Mr Fiumicelli are not novel; these points have been raised previously in the context of other airport developments and have not resulted in the refusal of planning permission or been reflected in Government policy on the assessment of air noise effects.

156. As Mr Melling explains, NSC's position that planning permission should be refused for any development that results in an increase in noise impacts, and/or an increase in the number of properties experiencing noise levels above the SOAEL, is a fundamental misinterpretation of the Government's policy position on noise.¹⁴¹

Summary of BAL's Case

157. It is inevitable that increasing the capacity of an airport will bring with it an associated increase in air traffic and ground movements when considering a specific future year. The associated noise impact of the proposed development has been subject to detailed assessment using

¹⁴⁰ Proof of Evidence of Mr Williams, para 4.2.8 (BAL/2/2).

¹⁴¹ Mr Melling, Rebuttal Proof, para 4.4.26 and 4.4.30 (BAL/7/3).

methodology that is consistent with policy, agreed with NSC Officers as being appropriate, and entirely in-keeping with the approach adopted for other airport applications.

158. While the other parties have sought to criticise detailed aspects of the assessment, standing back, what is striking is quite how limited the noise impacts of the proposed development are in the context of airport expansion projects. The results indicate that the difference in aviation noise between 10 mppa and 12 mppa is minimal and ‘not significant’ in EIA terms. This is partly due to the low population density around Bristol Airport and partly due to the modest nature of the increase in throughput compared to that already permitted. In addition, a comprehensive set of conditions is proposed that will remove any residual uncertainty about the maximum noise levels that will be experienced.
159. As explained in the Proof of Evidence of Mr Melling, the proposed development is consistent with national and local policy in respect of noise effects.¹⁴² This is also consistent with findings of NSC Officers, who considered that *“there would not be an unacceptable adverse impact arising from the proposed increase in day time flight numbers or the variation of the night time flight caps”*.¹⁴³

Air Quality

160. The impact of the proposed development on air quality is one of the two environmental impacts (alongside noise) that underpins reason for refusal 2. It is notable, however, that the reason for refusal is limited to the air quality impacts *“generated by the increase in aircraft movements”*. The reason for refusal does not refer to the impact of (for example) increased road traffic, ground support equipment or car parks, on air quality.
161. The impact of the proposed development on air quality was identified by the Inspectors at CMC1 as issue (d).

Legal and Policy Context

AQS and AQO

162. The key criteria against which air quality impacts are to be assessed are as follows:
- a. Air Quality Standards (“AQS”). The Air Quality Standards Regulations 2010¹⁴⁴ impose a duty on the Secretary of State to comply with AQS;

¹⁴² Proof of Evidence of Mr Melling, paras 4.4.19 – 4.4.31 (BAL/7/2).

¹⁴³ Officers’ Report, page 77 (CD4.11).

¹⁴⁴ CD8.3

- b. Air Quality Objectives (“AQO”). AQOs are set by the Government in the Air Quality Strategy¹⁴⁵ and are a keystone of the Local Air Quality Management framework under which local authorities are expected to deliver compliance with the AQOs.
163. Both AQSs and AQOs set limit values for air pollutants. For the purposes of this appeal, the AQSs and AQOs are numerically the same. The limit values of greatest relevance for present purposes are the following:
- a. Annual mean concentration of NO₂ of 40 µg m⁻³;
 - b. Annual mean concentration of 40 µg m⁻³ of PM₁₀ and daily mean concentration of 50 µg m⁻³ not to be exceeded more than 35 times a year; and
 - c. Annual mean concentration of PM_{2.5} of 25 µg m⁻³.
164. Paragraph 170(e) of the NPPF provides that planning decisions should prevent new development giving rise to unacceptable levels of air (and other) pollution. Paragraph 180 says that development must be appropriate for its location in terms of the likely effects of pollution on public health and living conditions. Paragraph 181 says that decisions should “*sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones*” and local air quality action plans.

Local Policy

165. The Proof of Evidence of Mr Melling explains the local policy context for the assessment of environmental effects. The policies of the Core Strategy cited in reason for refusal 2 are policies CS3, CS23 and CS26.
166. The points previously made in this opening in relation to these policies in the context of noise are equally applicable to the consideration of air quality impacts. In particular, (i) that policies CS3 and CS23 seek the satisfactory resolution of environmental issues, ensuring that they are mitigated to an acceptable level, and (ii) that policy CS26 does not impose a positive requirement on all development to improve the health and well-being of communities.

ES and ESA Assessment of Effects

Methodology

¹⁴⁵ CD8.2

167. The impact of the proposed development on air quality has been thoroughly assessed by Wood. The assessment is set out in Chapter 8 of the ES and Section 7 of the ESA.
168. Five potential sources of emissions were assessed; aircraft, ground support equipment, road traffic (both airport and non-airport related), car parks and background sources. The assessment follows best practice guidance, including the approach recommended by the Project for the Sustainable Development of Heathrow (for aircraft emissions), the use of emission factors published by DEFRA and dispersion modelling from DEFRA's Local Air Quality Management Technical Guidance¹⁴⁶ (for road traffic emissions), and DEFRA's mapped background concentration data (for background sources).
169. The updated assessment in the ESA used the same methodology in the ES, but compared the 10 mppa scenario and 12 mppa scenario as at 2030 in line with the Core Case. The findings of the assessment were sensitivity tested against the faster and slower growth cases.
170. At the time of the original application, the methodology was agreed to be acceptable by NSC in its EIA Scoping Opinion¹⁴⁷ issued in August 2018. Officers and their advisers remained content with the methodology at the date of the Officers' Report¹⁴⁸, which said that *"the method used to establish the air quality results and the number and distribution of the assessment locations provide a realistic projection of the impacts."*
171. The ES was also reviewed by Public Health England, who also agreed that *"the major pollutants of concern are nitrogen dioxide (NO₂) and particulate matter (PM₁₀/PM_{2.5})"* and that the proposals did not give rise to additional impacts that need to be mitigated.¹⁴⁹

Results

172. The assessment in the ES found that the air quality impacts of the proposed development would be of 'moderate significance' in EIA terms. Increases in annual mean NO₂ were predicted to result in impacts which are classified as moderate adverse in terms of the IAQM/EPUK guidance¹⁵⁰ at seven receptors, and slight adverse¹⁵⁰ at a further 50 receptors, but no other significant air quality impacts at any human or ecological receptor were predicted.

¹⁴⁶ CD8.10

¹⁴⁷ CD4.9

¹⁴⁸ CD4.11

¹⁴⁹ Officer's Report (CD4.11), pages 146 and 208.

¹⁵⁰ CD8.6

173. The revised assessment in the ESA, using updated information, demonstrates that the air quality impacts of the proposed development, although not negligible, are small and are 'not significant' in EIA terms. Indeed, the assessment in the ESA found concentrations of NO₂ in the 10 mppa and 12 mppa Core Case scenarios to be appreciably lower than those reported in the ES, as a result of a smaller contribution from road traffic sources due to reductions in emission factors over time. The ESA predicted no 'moderate' impacts, 'slight adverse' impacts at just fourteen receptors, and negligible impacts at all other modelled receptors. The concentrations at all receptors would remain comfortably below the AQO, with a maximum NO₂ concentration of 30 µg m³. All other impacts, including from PM₁₀ and PM_{2.5}, were assessed to be 'negligible'.
174. The sensitivity testing carried out indicates that the principal effect of the faster and slower growth scenarios is the effect on NO_x emissions from road traffic, which are reducing as newer, cleaner cars enter the fleet. However, even in the faster growth scenario, pollutant concentrations are sufficiently low that the increased vehicle emissions do not present any risk of exceeding any AQOs. The faster growth case would, therefore, have no material impact on PM₁₀ and PM_{2.5} and would not result in a significant effect.
175. The Officers' Report¹⁵¹ agreed with the results presented in the ES, which were greater than those presented in the ESA, concluding that:

*"For human health, there are no predicted exceedances of the annual mean air quality objectives for PM₁₀ and PM_{2.5}. For nitrogen dioxide (NO₂) however all but two receptors locations are expected to incur increase concentrations, but the projected levels remain below the air quality objective [sic]. In terms of Local Air Quality Management, all receptors comply with acceptable levels, although some are close to these limits. To ensure this remains the case, ongoing monitoring will be required together with an air quality action plan to improve air quality. This can be secured through a S106 agreement."*¹⁵²

Challenges

176. The main challenges in respect of air quality are identified and responded to in section 5 of Mr Peirce's Proof of Evidence and his Rebuttal Proof.

¹⁵¹ CD4.11

¹⁵² Page 83 (CD4.11).

177. It is notable that NSC's Statement of Case raises only two points of dispute in respect of the technical modelling methodology and the quantitative results produced by the assessment. These points are as follows:
- a. The impact of uncertainty regarding the air traffic forecasts, in particular the future fleet mix; and
 - b. The assessment of ultrafine particles ('UFPs').
178. In terms of the forecasting uncertainty, the evidence of Mr Peirce explains that concentrations of pollutants at relevant ground level receptors are not particularly sensitive to changes in aircraft emissions, such that uncertainty about fleet mix has limited impact on the air quality assessment.¹⁵³ Moreover, aircraft are not a major source of PM emissions, so the effect of fleet mix uncertainty has even more limited an impact.
179. With regard to UFPs, as NSC acknowledges¹⁵⁴, there is currently no means of quantitatively assessing the impact of development on UFPs. This was recently acknowledged in the Stansted Appeal Decision.¹⁵⁵ The assessment of PM_{2.5}, which in any event shows the impact of the proposed development to be negligible, is the best available means of assessing the impact on UFPs. We note that NSC's concern about the assessment of UFPs is an apparent departure from that set out in its Scoping Opinion¹⁵⁶, in which NSC stated that the scope and methodology of assessment, which was to include NO₂, PM₁₀, PM_{2.5} and NO_x, was "acceptable".
180. NSC also raise matters relating to the proposed development's performance against policy concerning air quality impacts. NSC argue that:
- a. BAL's case fails to address the broader national and local policy agenda of needing to reduce the impact of the airport on air quality; and
 - b. The proposed development will not contribute to improving the health and well-being of the local population as a result of the increase in emissions of nitrogen oxide and PM, even taking into account the proposed mitigation.
181. In respect of the first point, as explained by Mr Peirce, the air quality assessment uses widely recognised and accepted guidance from the Institute of Air Quality Management ('IAQM') and

¹⁵³ Proof of Evidence of Mr Peirce, para 5.2.60 (BAL/3/2).

¹⁵⁴ NSC Statement of Case, para 80 (CD21.2).

¹⁵⁵ CD9.107 para 58.

¹⁵⁶ CD4.9

Environmental Protection UK ('EPUK')¹⁵⁷. This guidance recognises that (i) the priority is to assess the risk of air quality impacts breaching legal requirements and then (ii) to assess the significance of impacts even if they remain within those standards. The ES and ESA demonstrate there is no risk of any exceedance occurring, before proceeding to assessing the impacts even though they are within the AQALs. In any event, nowhere in national aviation policy, the NPPF or the development plan is there a requirement to maintain or reduce emissions.¹⁵⁸

182. The criticism raised by NSC regarding the failure of the proposed development to contribute to the health and wellbeing of the local population by way of improving air quality is wrong in two respects.

183. First, as explained above, neither policy CS26, policy CS3 or policy CS23 of the Core Strategy¹⁵⁹ impose a positive requirement that all development improve health and well-being. What local policy requires (consistently with the NPPF) is that any adverse impacts are 'acceptable', taking into account the effect of mitigation.

184. Second, there is no basis in the air quality assessment on which to find that the proposed development would have a 'significant adverse impact' on health and well-being of residents in local communities. The ES and ESA show that all AQOs are complied with, and furthermore, that impacts on concentrations below the AQOs are small. As the evidence of Mr Pyper explains, what is relevant is the impact of environmental impacts on population health. The assessment in the HIA demonstrates that the proposed development would have a 'negligible' impact for the general population and 'minor adverse' for vulnerable groups.

Summary of BAL's Case

185. The approach adopted in the ES and ESA is in accordance with guidance. It addresses the pollutants that were agreed with NSC at the EIA scoping stage, in addition to providing an indication of the likely impacts on UFP concentrations (insofar as it is possible to do so).

186. The assessment is robust; any uncertainty regarding aircraft fleet forecasts or the precise year at which 12 mppa will be reached does not have a material impact on the conclusions of the assessment. The results indicate that the air quality impacts of the proposed development are

¹⁵⁷ CD8.6 - Guidance on land-use planning and development control: Planning for air quality 2017 v1.2, Institute of Air Quality Management and Environmental Protection UK.

¹⁵⁸ Rebuttal Proof of Mr Melling, para 3.5.5 (BAL/7/3).

¹⁵⁹ CD5.6

small and are 'not significant' in EIA terms. Even using the more pessimistic assumptions in the ES, the Officers' Report¹⁶⁰ found the impacts to be 'acceptable'.¹⁶¹

187. To address the small increases in pollutants, mitigation is to be committed under a planning condition comprising of the preparation and implementation of an Air Quality Action Plan. This is in addition to the embedded mitigation built into the proposed development in order to reduce the air quality impact of the development.
188. As explained in the evidence of Mr Melling, the proposed development is consistent with national and local policy in respect of air quality impacts.

Health

189. In accordance with policy CS26 of the Core Strategy¹⁶², BAL's planning application was accompanied by an HIA in Chapter 16 of the ES¹⁶³. This was subsequently updated by section 9 of the ESA¹⁶⁴.
190. The Officers' Report¹⁶⁵ considered the findings of the HIA and in so doing, Officers consulted Public Health England in addition to the Council's Public Health Team.¹⁶⁶ Public Health England considered that the HIA was carried out in accordance with good practice and the methodology and scope was considered proportionate. Overall, the NSC Officers accepted the assessment set out in the ES and concluded that:¹⁶⁷
- a. The HIA was "*realistic*";
 - b. There were no additional population health impacts that needed to be mitigated;
 - c. The proposed development is likely to have a long-term beneficial effect on population health; and
 - d. There were "*no overriding health or well-being impacts which would warrant refusal of the application*" as long as the planning conditions and obligations that had been agreed with BAL were imposed.

¹⁶⁰ CD4.11

¹⁶¹ Page 83 (CD4.11).

¹⁶² CD5.6

¹⁶³ CD2.5.42

¹⁶⁴ CD2.20.1

¹⁶⁵ CD4.11

¹⁶⁶ Officers' Report (CD4.11), p.130.

¹⁶⁷ Officers' Report (CD4.11), p.135.

191. Despite this, the impact of the proposed development on health is referred to in reason for refusal 2. It is relevant to the reason for refusal in the following two respects:
- a. The noise and air quality impact from the proposed development would have a “*significant adverse impact on the health and well-being of residents in local communities*”; and
 - b. The proposed development “*would not contribute to improving the health and well-being of the local population*”.
192. The development plan policies referred to in reason for refusal 2, namely, policies CS3, CS23 and CS26 have been discussed earlier.
193. The impact of the proposed development on population health was not identified by the Inspectors as a main issue at CMC1. Having received the Statement of Case of NSC, on 1 June 2021 BAL advised the Inspectors of its intention to call a health witness in order to respond to the points raised therein.

Nature of Health Impacts

194. The HIA assesses the impact of the proposed development on population health. The utility of an EIA health analysis is to provide a population level understanding of effects.
195. What the HIA is not directly concerned with is assessing the impact on individual health. Such an assessment would merely restate that for every health issue, there is a wide range of individual level responses based on behaviours, circumstances, genetics, chance and other such factors. Whilst conclusions of this nature may inform targeted mitigation measures, they have limited value for determining the overall acceptability of the proposed development within the framework of local and national policy, in addition to carrying a high likelihood of being inaccurate¹⁶⁸. Nor would carrying out an individual assessment of health effects be proportionate to the nature of the proposed development.
196. This is entirely consistent with Public Health England’s Guidance on health in spatial planning¹⁶⁹, which provides direction on assessing magnitude in terms of the significance of impacts for population health. The proportion of the population affected, in addition to other factors such as severity, the reversibility of the outcome and health service implications, feed into whether

¹⁶⁸ Proof of Evidence of Mr Pyper, para 4.2.45 (BAL/8/2).

¹⁶⁹ CD[]

or not an impact is significant. In relation to the proportion of the population affected, an impact that is 'not significant' is defined as one that affects only "a small minority of the population" or "very few people". 'Significant' effects are those where a "large minority of the population" are affected (in the case of a moderate effect) or a "majority of the population" are affected (in the case of a major effect). The HIA explains that for adverse environmental exposures resulting from the proposed development, there would be a small change in health-related risk factors for a small minority of the population. It is concluded that there would not be significant population health effects, including for vulnerable groups. This conclusion is for both the population close to the airport and the wider local population.

197. It is unclear from the wording of reason for refusal 2, namely "residents in local communities", which 'population' the Committee members considered would experience a significant adverse impact.

ES and ESA Assessment of Impact

198. The conclusions reached in the ES and ESA demonstrate that the proposed development would have an overall beneficial impact on population health, as accepted in the Officers' Report¹⁷⁰.
199. With regards to the impact of noise on population health (referred to in reason for refusal 2), the ES and ESA demonstrate that the significance of the effect would be 'negligible' for the general population and up to 'minor adverse' for vulnerable groups ('not significant' in EIA terms). This conclusion reflects that the magnitude of change would be low, but the effects would be experienced across a wide area.
200. Similarly, the air quality impact of the proposed development on population health is assessed to be 'negligible' for the general population and up to 'minor adverse' for vulnerable groups ('not significant' in EIA terms). This conclusion reflects the UK Government's view that compliance with AQOs and AQSs demonstrates an acceptable level of health protection, and that these air quality protection measures are produced in the knowledge that particular groups within a population will have particular health vulnerabilities.
201. The expansion of the airport will, however, deliver important socio-economic benefits, in particular, the provision of good quality employment opportunities both directly at the airport, and indirectly through wider economic investment within the region enabled by the proposed development. Such opportunities have the potential to deliver long-term health benefits

¹⁷⁰ CD4.11

through reducing levels of poverty and inequality, as well as through additional household resources. The ES and ESA assessment concludes that the significance of this effect would be up to 'minor beneficial' for the general population and up to 'moderate beneficial' ('significant' in EIA terms) for vulnerable groups.

202. The ESA demonstrates that the precise timing of growth in passenger demand does not have a material effect on the population health impacts of the proposed development.

Challenges

203. The Proofs of Evidence of Mr Fiumicelli¹⁷¹ (in relation to noise) and Dr Broomfield¹⁷² (in relation to air quality) raise a number of challenges relating to the impact of the proposed development on health. Where these points concern technical aspects of the noise and air quality impact assessments, they are identified and responded to in section 5 of the Proofs of Evidence of Mr Williams¹⁷³ and Mr Peirce¹⁷⁴ and their Rebuttal Proofs. The points that concern the methodology and results of HIA are identified and responded to in detail in the Proof of Evidence of Mr Pyper and his Rebuttal Proof¹⁷⁵.

Summary of BAL's Case

204. The inputs to the assessment of the proposed development on health, namely, noise, air quality and socio-economic benefits, are robust. The approach adopted in the ES and ESA for determining the significance of health impacts is in line with national and international guidance on good practice.
205. Standing back, there is simply no evidential basis on which to argue that the proposed development will have a "*significant adverse impact*" on health at a population level. This is a conclusion with which NSC Officers, Public Health England and NSC's Public Health Team all agree with. Indeed, the assessment indicates that the proposed development would have a beneficial impact on population health through the provision of real socio-economic benefits such as good quality employment.

Climate change

¹⁷¹ NSC/W2/1

¹⁷² NSC/W3/1

¹⁷³ BAL/2/2

¹⁷⁴ BAL/3/2

¹⁷⁵ BAL/8/2

206. The greenhouse gas emissions generated by the proposed development and the associated impact on climate change forms the basis for reason for refusal 3. That reason for refusal makes three allegations, namely that the scale of greenhouse gas emissions generated (i) “*would not reduce carbon emissions*”, (ii) “*would not contribute to the transition to a low carbon future*” and (iii) “*would exacerbate climate change*”. The legal and policy provisions cited are the NPPF, policy CS1 of the Core Strategy and the duty in the Climate Change Act 2008 to achieve the ‘net zero’ target by 2050.
207. The impact of the proposed development on greenhouse gas emissions and the ability of the UK to meet its climate change obligations was identified by the Inspectors as CMC1 issue (f).

Legal and Policy Context

Paris Agreement

208. The Paris Agreement¹⁷⁶ is a legally binding international treaty on climate change within the framework of the United Nations Framework Convention on Climate Change (‘UNFCCC’)¹⁷⁷. It was adopted at COP21 in Paris on 12 December 2015 and entered into force on 4 November 2016.
209. The Paris Agreement sets out the “*long term temperature goal*”¹⁷⁸ of limiting global warming to “*well below*” 2 degrees Celsius above pre-industrial levels and “*pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels*”¹⁷⁹.
210. In order to achieve the ‘long term temperature goal’, parties aim to reach global peaking of greenhouse gas emissions as soon as possible and to undertake rapid reductions thereafter in accordance with best available science “*so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century*” (this is, in effect, ‘net zero’)¹⁸⁰. The mechanism by which these ambitions are delivered is through each country publishing and accounting for ‘Nationally Determined Contributions’ (‘NDC’)¹⁸¹. The UK submitted its NDC in December 2020.

Climate Change Act 2008

¹⁷⁶ CD9.26

¹⁷⁷ CD9.19

¹⁷⁸ Article 4(1).

¹⁷⁹ Article 2(1)(a).

¹⁸⁰ Article 4(1).

¹⁸¹ Article 4(2) and 4(13).

211. The UK's contribution towards meeting the 'long term temperature goal' in the Paris Agreement is enshrined in domestic law through the Climate Change Act 2008 ('CCA')¹⁸². When the CCA came into force in December 2008 it placed a duty on the Secretary of State to ensure that the 'net UK carbon account' for the year 2050 is at least 80% lower than the 1990 baseline (section 1(1)), but this 'target' was subsequently amended in June 2019 to be at least 100% below the baseline (this is the UK's 'net zero' target).
212. In addition to the 2050 target, the CCA imposes an obligation on the Secretary of State to set five yearly carbon 'budgets' in order to achieve the 2050 target.¹⁸³ Each five yearly budget is to be set 12 years in advance as a series of interim targets. Section 4 places an obligation on the Secretary of State to ensure that the carbon budget is met.
213. Section 32 of the CCA established the Committee on Climate Change ('CCC') to advise the Government on matters relating to climate change, including the carbon target,¹⁸⁴ carbon budgets¹⁸⁵ and international aviation¹⁸⁶.
214. Six carbon budgets have been adopted to date. The fifth, which runs for the period between 2028 and 2032, was set in 2016.

Role of the CCC

215. It is important to appreciate the role of the CCC, and the limitations on that role. The CCC exists to advise Government. Its advice must be taken into account by the Government in making policy and setting climate change strategy, including the five yearly carbon budgets. The role of the CCC is not, however, to make Government policy. Nor is there any obligation on the Government to adopt every recommendation made by the CCC. Its advice is but one consideration in a much wider range of factors that must be taken into account when determining the direction of Government policy.
216. That this is the case can be seen from the Government's departure from certain recommendations contained in the CCC's 2020 Sixth Carbon Budget Report¹⁸⁷.
217. In that report, the CCC recommended that international aviation be brought into the net zero carbon budget, rather than being within a 'planning assumption' (as explained later). The CCC

¹⁸² CD9.2

¹⁸³ Sections 5 and 8, CCA.

¹⁸⁴ Section 33, CCA.

¹⁸⁵ Section 34, CCA.

¹⁸⁶ Section 35, CCA.

¹⁸⁷ CD9.66

considered five scenarios for managing aviation emissions; Balanced Pathway, Headwinds, Widespread Engagement, Widespread Innovation and Tailwinds. As part of the Balanced Pathway option, the CCC recommended that aviation measures are required to reduce sector emissions to 23 MtCO₂e/year by 2050 for international, domestic and military aviation.

218. On 20 April 2021, the Government announced that the Sixth Carbon Budget will include international aviation and shipping, in line with the CCC's recommendations¹⁸⁸. It announced that the carbon budget was based on a reduction of 78% of emissions compared to the baseline of 1990 by 2035. However, the press release also stated that the Government would *"look to meet this reduction target through investing and capitalising on new green technologies and innovation, whilst maintaining people's freedom of choice, including on their diet."* It made clear that the carbon budget target was based on the Government's own analysis and that it did not follow each of the CCC's specific policy recommendations. This was recognised in the recent Inspectors Report into the recent Stansted Airport appeal¹⁸⁹. It is also clear from the Government's Jet Zero consultation, which says in terms that *"Our analysis shows that there are scenarios that can achieve similar or greater CO₂ reductions to those in the CCC's Balanced Pathway (which limits growth to 25% by 2050 compared to 2018 levels compared to a baseline of 65% growth) by focussing on new fuels and technology, with the knock-on economic and social benefit, rather than capping demand."*¹⁹⁰

The Place of Aviation in the Context of Carbon Targets and Budgets

219. Section 10 of the CCA requires that, in setting carbon budgets, the Secretary of State *"take into account"*¹⁹¹ *"the estimated amount of reportable emissions from international aviation and international shipping for the budgetary period or periods in question"*¹⁹². The *"estimated amount of reportable emissions"* means *"the aggregate of the amounts relating to emissions of targeted greenhouse gases from international aviation ... that the Secretary of State ... will be required to report for that period in accordance with international carbon reporting practice"*¹⁹³.
220. Section 30(1) of the CCA provides that *"[e]missions of greenhouse gases from international aviation or international shipping do not count as emissions from sources in the United Kingdom for the purposes of this Part, except as provided by regulations made by the Secretary of State..."*.

¹⁸⁸ CD9.109

¹⁸⁹ CD9.107

¹⁹⁰ CD[] para 3.41 9

¹⁹¹ Section 10(1), CCA.

¹⁹² Section 10(2)(i), CCA.

¹⁹³ Section 10(3).

221. Emissions from international aviation and shipping were not, therefore, formally included within the first to fifth carbon budgets. Instead, these emissions were ‘taken into account’ in accordance with the CCA by setting the budgets at a level that allowed ‘headroom’ for these emissions; in other words, the budgets were set lower by the amount of the headroom. The figure allowed for aviation emissions in the first to fifth carbon budgets was 37.5MtCO₂ per annum; this figure is also known as the ‘planning assumption’.
222. On 21 April 2021, the UK Government announced the Sixth Carbon Budget. This budget covers the period from 2033 to 2037 and is set to align with the UK’s latest NDC under the Paris Agreement. At the same time, the Government announced a new target to reduce emissions by 78% compared to 1990 levels by 2035.
223. For the first time, the Sixth Carbon Budget will formally include emissions from international aviation and shipping within the budget figure, rather than being accounted for as a ‘planning assumption’. Whilst this changes the formal means of reflecting emissions from international aviation in a carbon budget, it does not change the fact that such emissions have always been accounted for in budgets.
224. The Sixth Carbon Budget Order 2021¹⁹⁴ provides that “[t]he carbon budget for the 2033-2037 budgetary period is 965,000,000 tonnes of carbon dioxide equivalent”. It is not further broken down and, as there is no longer any ‘headroom’ to be taken into account, there is no ‘planning assumption’ for this budget.
225. Since 2005, the UK has participated in the EU Emissions Trading Scheme (‘EU ETS’), which has included the aviation sector since 2012. As part of the UK’s withdrawal from the EU, the UK ETS has replaced the UK’s participation in the EU ETS with effect from 1 January 2021. The UK ETS was established through the Greenhouse Gas Emissions Trading Scheme Order 2021¹⁹⁵. Aviation within the European Economic Area (‘EEA’) has been brought within the UK ETS and it is anticipated that airlines will be given allocations of carbon allowances that will be consistent with UK carbon budgets. Beyond such allocations, airlines will have to purchase additional allowances under a ‘cap’ and trade’ system.
226. Under the UK ETS, a cap on allowances each year will initially be set at 5% below the UK’s expected notional share of the EU ETS cap. The Government has stated its intention to consult

¹⁹⁴ CD9.38

¹⁹⁵ CD9.36

on an appropriate trajectory for the UK ETS cap following the CCC's Sixth Carbon Budget Report, with the aim of aligning the cap with the net zero trajectory by January 2023.¹⁹⁶

227. The Government has consulted on the interaction between the UK ETS and the UN's CORSIA, a global measure adopted in 2016 by the International Civil Aviation Organisation ('ICAO') to supplement industry initiatives to reduce carbon emissions. CORSIA will apply to those emissions not covered by the UK ETS (i.e. flights beyond the EEA) and enables airline operators to purchase carbon credits from the carbon market to offset emissions. CORSIA has three phases; the pilot and first phase which run from 2021 to 2023 and 2024 to 2026 respectively, and the second which runs from 2027 to 2035. The pilot and first phases, in which the UK intends to participate, are voluntary. The second phase would include the majority of countries based on the proportion of aircraft movements. The Government's recently published Jet Zero Consultation document emphasises the importance of international agreement in meeting the challenges of climate change.¹⁹⁷
228. In its consultation, the Government has reiterated its intention to fully participate from the start of the scheme in 2021. As explained by Mr Ösund-Ireland in his Proof of Evidence,¹⁹⁸ seven policy options for the interrelation between the UK ETS and CORSIA have been proposed, with a preference for a 'supply adjusted' hybrid scheme under which aeroplane operators could claim a reduction in their UK ETS obligations equivalent to their CORSIA obligations on flights from the UK and EEA states. The outcomes of the consultation on the detailed design of the CORSIA-UK ETS interaction are expected to be published during the summer.
229. While other parties to the appeal have criticised the measures taken by Government in this regard, it is a matter for Government to control aviation emissions consistently with its 'net zero' target. The Government clearly retains the ability to take further action and bring into force additional measures in order to meet its climate change obligations, if such further measures are necessary. The Government's 'Decarbonising Transport' Plan¹⁹⁹, which was published alongside the Jet Zero Consultation²⁰⁰, signals just this: it makes clear that whilst certain measures to be adopted in order to meet the Sixth Carbon Budget have been outlined in the Plan, the Government will continue to "*develop and refine*" them "*to ensure that the*

¹⁹⁶ Explanatory Memorandum to the Greenhouse Gas Emissions Trading Scheme Order 2020 (CD9.45).

¹⁹⁷ Page 16ff (CD[]).

¹⁹⁸ Para 3.4.10

¹⁹⁹ CD[]

²⁰⁰ CD[]

*transport sector fulfils its contribution to our legally binding climate targets*²⁰¹. This is entirely consistent with, and reflective of, the intentions of the UN in formulating the framework provided by the Paris Agreement, under which contributions are nationally determined and accounted for by state Governments.

230. This is also reflected in MBU²⁰², which recognises that it is not for local development control policies to seek to control carbon emissions from domestic and international aviation; those are matters of policy for a national, and indeed, international level. Nor is it a matter for development control decisions such as this to determine how best the UK may meet its climate change commitments.
231. While many parties to this Inquiry criticise and dispute the approach to aviation emissions adopted by the UK Government, it is simply not a matter for these Inspectors to determine and nor have they been asked to advise Government on the formulation of its national strategy on this.

ES and ESA Assessment

232. The approach to the assessment of emissions associated with the proposed development has been to forecast the relevant sources for the 'with development' scenario and 'without development' scenario for 2024, 2030, 2040 and 2050. There are five relevant sources; aviation, surface access, airport buildings and operations, and construction (including embodied carbon). The assessment uses a range of scenarios in order to reflect the uncertainties in the projection. These included an upper emission scenario, central emission scenario and lower emission scenario, reflecting different levels of greenhouse gas emissions based on policy or market trends.
233. As shown in the evidence of Mr Ösund -Ireland, the assumptions made in the ES and ESA about the future reductions in emissions from aviation can be described as a "*reasonable worst case*" when compared to the five scenarios considered by the CCC in the Sixth Budget Report.²⁰³
234. The methodology adopted in the ES and ESA,²⁰⁴ and the results of the calculation of carbon emissions, were agreed with NSC Officers.²⁰⁵

²⁰¹ CD[] p. 44.

²⁰² CD6.4

²⁰³ Proof of Evidence of Mr Ösund -Ireland, para 4.2.2 (BAL/6/2).

²⁰⁴ Proof of Evidence of Mr Ösund -Ireland, para 4.2.4 (BAL/6/2).

²⁰⁵ Proof of Evidence of Mr Ösund -Ireland, para 4.2.6 (BAL/6/2).

Assessment of Significance

235. The assessment of significance in the ES and ESA is based on a combination of receptor sensitivity and magnitude of impact.
236. In accordance with IEMA Guidance²⁰⁶, the relevant receptor for the assessment of greenhouse gas emissions is the global climate, which is considered highly sensitive.
237. The ESA has carried out two assessments of significance as follows:
- a. The extent to which the scheme materially affects the ability of the UK to meet the aviation 'planning assumption'; and
 - b. The extent to which the scheme affects the ability of the UK to meet its carbon budgets and target of net zero greenhouse gas emissions by 2050.
238. With regards to the first, the evidence of Mr Ösund-Ireland explains that the proposed development would result in an additional contribution of between 0.17 to 0.20% of the planning assumption in 2050. This incremental increase is not significant when compared with the planning assumption of 37.5 MtCO₂ or, indeed, the lower figure of 23 MtCO₂ used by the CCC in its balanced pathway option to net zero. The proposed increase in carbon emissions from the expansion of Bristol Airport is one of the lowest of the various proposed airport projects,²⁰⁷ and well below the contribution of the recently consented Stansted Airport expansion. Moreover, the assessment indicates that Bristol Airport's share of emissions from international flights departing from the UK is unlikely to increase with the proposed development, and the proposed development would most likely result in aviation emissions being reduced compared to 2017.²⁰⁸
239. With regards to the second assessment of significance, the ESA assesses aviation emissions at 443.01 ktCO₂ in 2050 (as the central scenario), which represents a decrease of 6% compared to the 2017 baseline. Whilst aviation emissions can be influenced by BAL, as outlined previously they are subject to control by the Government at a national level. The Government has put in place mechanisms to control aviation emissions and ensure that it would not be prevented from achieving net zero emissions by 2050. This includes the Sixth Carbon Budget and the inclusion

²⁰⁶ CD9.47

²⁰⁷ Proof of Evidence of Mr Ösund -Ireland, Table 4.3 (BAL/6/2).

²⁰⁸ Proof of Evidence of Mr Ösund -Ireland, paras 4.3.8 to 4.3.12 (BAL/6/2).

of both domestic and international aviation emissions within the UK ETS, which can be supplemented by CORSIA.

240. It is also important to note also that the quantum of emissions in BAL's ESA does not reflect the trajectory to decarbonise aviation, as set out in the Decarbonising Transport plan. In other words, the move to Jet Zero for the UK's domestic and international aviation will also be reflected in the emissions of flights to / from Bristol airport, meaning that its forecast emissions will reduce over time compared with the quantified figure given. Thus the emissions in the ESA are very much a 'worse case' in the long term.
241. The inclusion of domestic and EEA flights within the UK ETS provides a robust mechanism for the Government to ensure that emissions are capped and reduced over time, aligned with its net zero target.
242. This is consistent with the High Court's recent rejection of a challenge to the design of the UK ETS in the case of *R (Elliot-Smith) v Secretary of State for Business, Energy and Industrial Strategy* [2021] EWHC 1633. The Claimant argued *inter alia* that the Secretary of State had failed to take into account the imperative in Article 4(1) of the Paris Agreement to urgently limit greenhouse gas emissions in the short-term, separately from the need for action to meet longer term goals. In so doing, it was argued that the total emissions cap under the UK ETS was too high to meet such goals.
243. The High Court rejected the ground of challenge and recognised that the Paris Agreement was an unincorporated international treaty and, indeed, that it was not the role of the Court to resolve definitively questions of construction of the Paris Agreement. Furthermore, it held that the Government's interpretation of the Paris Agreement was "*entirely appropriate*" and did not deny the urgency of the need to address climate change, but recognised that taking actions in the short-term is an essential part of achieving the longer-term objective.
244. In light of this, there can be no debate about the appropriateness or otherwise of the way in which the UK ETS is meant to operate with regards to the Government's climate change obligations.
245. With regards to non-aviation emissions from the airport's buildings and ground operations, these are under the direct control of BAL. BAL has already done significant work to reduce these emissions, which will be supplemented and strengthened by the CCCAP. Indeed, BAL has

published a draft CCCAP²⁰⁹ which embodies its vision to be carbon neutral by 2021 for Scope 1 and 2 emissions²¹⁰, carbon 'net zero' by 2030 and the longer term aim for the airport as a whole being carbon 'net zero' by 2050. The draft section 106 agreement for the proposed development provides a number of measures to improve public and active transport access, in order that BAL may continue to influence surface access emissions. These measures supplement BAL's practice of offsetting surface access to the airport by passengers travelling by road, which it adopted in 2020. As such, the non-aviation emissions from the proposed development are assessed as 'not significant'.

246. Overall, granting planning permission for the proposed development cannot prejudice the Government's ability to meet the net zero target by 2050. The proposed development is consistent with national policy, which recognises that it is for the Government to control aviation emissions at a national level; measures, such as the UK ETS, are in place to do so. If the measures adopted prove ineffective or insufficient, it is for the Government to take further action in order to ensure that the 'net zero' target is met.

Challenges

247. Seven main challenges are presented in the Statements of Case and evidence of NSC and other parties to the Inquiry. These can be grouped under the following themes:

- a. The proposed development does not satisfy policy relating to greenhouse gas emissions and climate change:
 - i. At an international level, it is contrary to UNFCCC Article 3 and reliant on CORSIA;
 - ii. At a national level, it is contrary to (i) the NPPF's objectives for sustainable development, (ii) the UK's declaration of a climate emergency, and (iii) the commitment to net zero by 2020; and
 - iii. At a regional and local level, it is contrary to policy CS1 CS2, CS23 and or DM50 of the development plan.
- b. The proposed development does not satisfy legal requirements in the CCA and the UK target of net zero by 2050;

²⁰⁹ CD9.48

²¹⁰ Scope 1 are direct emissions resulting from an organisation's activities; Scope 2 emissions are indirect emissions from the production of energy used by an organisation.

- c. The assessment presented in the ES and ESA is insufficient, including for the following reasons:
 - i. It does not comply with WebTAG unit A5.2; and
 - ii. There is no cumulative assessment for climate change effects arising with other airport expansion projects; and
 - iii. The effect of non-CO₂ warming has been ignored.

248. These points of challenge are identified and responded to in section 6 of the Proof of Evidence of Mr Ösund-Ireland, and his Rebuttal Proof²¹¹. To the extent that these matters have not been addressed already in this opening, BAL's summary responses are as follows:

- a. The proposed development would not impede the UK Government meeting its international obligations nor would it require reliance on CORSIA. It is well established that the UNFCCC is an international treaty, the obligations under which only have effect in domestic law to the extent that they have been incorporated. In any event, the scope of these international treaties excludes emissions from international aviation.²¹² The UK's inclusion of international aviation emissions in the Sixth Carbon Budget demonstrates the Government going beyond the ambitions of UN treaties. The UK Government's position is that emissions from aviation are included within the UK ETS, which will only be integrated with CORSIA to the extent that the Government considers appropriate. This is not, however, a matter for debate in the context of this appeal;
- b. As we have explained, the assessment presented in the ESA demonstrates clearly that the proposed development would not be inconsistent with the Government's 'net zero' target. The control of emissions from aviation is a matter for Government, and not the NPPF, regional or local policy. The proposed development's compliance with such policies is discussed in the Proof of Evidence of Mr Melling²¹³;
- c. The relevance of WebTAG unit A5.2 to the assessment of the proposed development is explained in detail in the evidence of Mr Brass²¹⁴ and Mr Ösund-Ireland²¹⁵. In short, there is no requirement to comply with WebTAG unit A5.2, which in any event is not suitable

²¹¹ BAL/6/2 and BAL/6/3.

²¹² See Mr Ösund -Ireland's Proof of Evidence, para 6.2.2 to 6.2.9 (BAL/6/2).

²¹³ Section 4.5 BAL/7/2.

²¹⁴ Section 5.7 BAL/5/2.

²¹⁵ Para 6.2.25 to 6.2.34, BAL/6/2.

for an assessment of the proposed development. The guidance was designed to apply to Government ‘interventions’ in the aviation industry²¹⁶; not local development control decisions. Nor is it an appropriate tool for considering a modest increase in the planning cap at a regional airport, funded by private sector investment and not reliant on wider public sector infrastructure investment or other Government intervention;

- d. With regards to the need to carry out a ‘cumulative assessment’, the assessment in the ES, ESA and the evidence of Mr Ösund -Ireland has contextualised the emissions from the proposed development against the ‘planning assumption’. It has also identified emissions from other known expansion projects and explained the effect of including aviation within the Sixth Carbon Budget in the context of the UK ETS and CORSIA. Setting carbon budgets and the allocation of allowances under the UK ETS are, by their nature, cumulative exercises. They are set at a national level and apply equally to all UK airlines. Whilst the 2017 EIA Regs²¹⁷ require the cumulative assessment of the proposed development with other projects²¹⁸, this is limited to those that are consented and/or approved and does not include any obligation to assess the cumulative impacts of emissions on the global climate as a receptor. This is indicative of the fact that climate change is a matter of national, and indeed international, concern. There is no need for any further cumulative assessment, either in law or policy, of all known airport expansion projects; and
- e. As recognised by the CCC in its Sixth Budget Report²¹⁹, the UK Government in Aviation 2050²²⁰ and, recently, by the Inspectors into the Stansted Airport appeal²²¹, there is great uncertainty in assessing the climate change impact of non-CO₂ emissions. BAL acknowledges in its draft CCCAP that non-CO₂ impacts cannot be ignored, but in light of the scientific uncertainty, this is not a reasonable basis to resist the proposed development (as found by the Inspectors into the Stansted Airport appeal²²²).

Summary of BAL’s Case

249. The Paris Agreement is an unincorporated international treaty that does not have direct effect in domestic law, save to the extent that it has been so incorporated. The relevant legal climate

²¹⁶ WebTAG unit A5.2 (CD11.8) para 1.1.1

²¹⁷ CD5.5

²¹⁸ Regulation 18(3)(f) and Schedule 4(5).

²¹⁹ CD9.64/5

²²⁰ CD9.29

²²¹ CD9.107

²²² Para 98.

change obligations in the UK are those set out in the CCA, as was confirmed by the Supreme Court in *R (Friends of the Earth Ltd and others) v Heathrow Airport Ltd* [2020] UKSC 52 and reiterated, more recently, in the decision of *Elliot-Smith*.

250. The assessment in the ESA considers first the contribution of the proposed development in terms of the first to fifth carbon budgets. On any reasonable assessment, the contribution of the proposed development in this context is very small. With regards to the Sixth Carbon Budget and beyond, the contribution is still small, but must be understood in the context of the 'cap' and 'trade' mechanism within the UK ETS and CORSIA. Beyond that, it is for the Government to take further measures, if such measures become necessary, to ensure that the 2050 carbon target is achieved.
251. As MBU makes clear, climate change is a matter of national policy and MBU itself remains current Government policy. Emissions from aviation can only sensibly be controlled at the national level, with the UK Government providing clear mechanisms for capping aviation emissions within UK carbon budgets, and encouraging the industry to drive emission reductions through innovation to "*make best use*" of runways.
252. Whilst other parties have raised queries regarding the impact of the expansion of Heathrow Airport, it is for Heathrow to make its own case for development consent; that is not a matter for this Inquiry.
253. With regards to non-aviation emissions and surface access emissions, BAL's proposed CCCAP is robust, and sets out how the proposed development will meet the requirements of the NPPF and would not be contrary to NSC Core Strategy policies CS1, CS3, CS23 and DM50 of the DMP.

Transport

254. Bristol Airport is located in a generally rural area 11km south west of Bristol. It has close links to Bristol and Bath, as well as some larger towns such as Weston-super-Mare, and smaller towns and villages across North Somerset and Bath and North East Somerset ('B&NES').
255. Historically, access to the airport has been heavily car dependent. The primary access to the airport is by the A38, which runs north to Bristol and south west to Weston-super-Mare. As part of the 2011 Permission, an ambitious passenger public transport mode share target of 15% was agreed and supported by substantial enhancements. Despite not having yet reached 10 mppa,

BAL has made significant progress towards delivering public transport enhancements²²³ and achieving an enhanced public transport mode share.

256. The impact of the proposed development in terms of highways, transport and car parking is relevant to reasons for refusal 1, 4 and 5.
257. Reason for refusal 1 relates to *inter alia* the generation of additional traffic and off-airport car parking and the impact on “*an inadequate surface access infrastructure*”. Reason for refusal 4 relates to the proposed extension to the Silver Zone car park and the year round use of the seasonal car park. Whilst this reason for refusal relates primarily to the application of Green Belt policy, the assessment of car parking demand informs this analysis. Reason for refusal 5 relates to the claimed insufficiency in the proposed public transport provision and the extent to which it will reduce reliance on access to the airport by car.
258. The Inspectors identified the effects of the proposed development upon sustainable transport objectives, the highway network, highway safety and parking provision as CMC1, issue (c).

Policy Context

National Policy

259. The NPPF is a material consideration for the purpose of the determination of this appeal. The relevant paragraphs from the NPPF are as follows:
- a. Paragraph 103 encourages the focussing of significant development on locations which are or can be made sustainable, through offering a genuine mode of transport choices. However, as recognised by the NPPF, it should be taken into account that opportunities to maximise sustainable transport solutions vary between urban and rural areas;
 - b. Paragraph 109 makes clear that development should only be refused on highway grounds if its project impacts are severe, and cannot be mitigated;
 - c. Paragraphs 108 and 110 seek to ensure that applications for development take opportunities to increase sustainable transport modes;
 - d. Paragraph 111 requires development proposals that generate significant additional traffic to include a transport assessment and a sustainable travel plan to reduce vehicle trips.

²²³ Proof of Evidence of Mr Witchalls, para 4.3.1 to 4.3.2 (BAL/4/2).

Regional and Local Policy

260. The West of England Joint Local Transport Plan 4 ('JLTP')²²⁴ was adopted in March 2020 and sets out the strategy for improving connectivity in the West of England. For trips beyond the region, the focus is primarily on *"supporting the role of the ... airport"*.²²⁵ Policy B1 seeks to *"enhance competitiveness of major gateways and improving connectivity to international markets"* by means of working with Bristol Airport to maximise the airport's transport connectivity as a local, sub-regional and regional transport interchange.²²⁶ In particular, the JLTP sets out the objective of working to *"increase public transport in the short term with improvements to bus and coach services serving the airport, and in the long term through a high-frequency mass transit corridor."* The mass transit corridor is identified as a long term and high cost *"Transformational Major Scheme"*.
261. The JLTP includes a number of other potential early investment schemes. This includes A38 improvements between the A368 and Bristol Airport, and improvements to the Downside Road junction. The latter is proposed to be delivered by BAL as part of the proposed development.
262. The following policies of the NSC Core Strategy²²⁷ and DMP²²⁸ are relevant to CMC1 issue (c):
- a. Policy CS1 of the Core Strategy sets out principles applicable to addressing climate change and carbon reduction. It provides that opportunities for walking, cycling and the use of public transport should be maximised through new development, emphasising the aim to encourage and facilitate modal shift towards more sustainable transport modes in existing areas;
 - b. Policy CS10 of the Core Strategy relates to transportation and movement. It provides support for development proposals that encourage an improved and integrated transport network, and allow for a wide choice of modes of transport;
 - c. Policy CS11 of the Core Strategy relates to car parking. Insofar as it is relevant to the proposed development, it requires that adequate parking is provided and managed to meet the needs of anticipated users;

²²⁴ CD7.5

²²⁵ Page 34.

²²⁶ Pages 37 – 38.

²²⁷ CD5.6

²²⁸ CD5.4

- d. Policy CS23 of the Core Strategy relates to the airport specifically. It provides 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”;
- e. Policy DM24 of the DMP provides that development will not be permitted if it would prejudice highway safety. Development giving rise to a significant number of travel movements will only be permitted if it is (i) not likely to have a severe residual cumulative impact on traffic or (ii) generate traffic that cannot be accommodated without demonstrable harm to the character and function of the surrounding area, and (iii) is accessible by non-car modes that can readily be integrated with public transport where appropriate. Development which gives rise to a significant detrimental impact on travel patterns or exacerbates existing transport problems will only be permitted where acceptable counter measures or mitigation is possible. Where a development is otherwise acceptable, planning permission may be granted subject to legal agreements to fund necessary improvements;
- f. Policy DM50 of the DMP relates to Bristol Airport. It provides that development in the Green Belt inset will be permitted provided that, *inter alia*, appropriate provision is made for surface access to the airport.

Transport Assessment and Transport Assessment Addendum

Discussions with NSC

- 263. From early EIA scoping discussions in June 2018, BAL worked closely with NSC to develop the methodology and approach to be adopted for the Transport Assessment (‘TA’)²²⁹. NSC Officers benefited from expert advice from transport consultants, Jacobs.
- 264. Through this process, the assessment approach to be adopted was agreed with NSC Officers and Highways England, including aspects such as the study area, the parameters of the assessment, the assessment approach and the basis for the TA forecasts.
- 265. In May 2019 BAL’s transport consultants produced a TA Supplementary Document in order to capture all changes agreed with NSC, South Gloucestershire, B&NES and Highways England. Two further notes were produced by BAL in order to address further concerns raised by NSC with regard to some of the junction modelling.

²²⁹ CD2.9.1

266. Even after the submission of the application, BAL and their consultants continued to meet with NSC and Highways England between January 2019 and July 2019. A number of requests for additional information were made, such as a review of current passenger mode shares for other UK airports and further detail on the passenger trip generation methodology, which BAL responded to in detail.

Officers' Report

267. The Officers' Report²³⁰ considered in detail the impact of the proposed development in relation to transport and concluded as follows:

- a. With regards to the surface access strategy, Officers had no objections and considered that it complied with relevant policies in the Core Strategy, JLTP and the NPPF;
- b. With regards to the vehicle trip number and impacts, it was concluded that *"the proposed development would not have an unacceptable effect in terms of vehicle trip numbers and impacts"* subject to the agreed mitigation. It was considered to accord with relevant policies of the North Somerset Development Management Policies: Sites and Policies Plan Part 1 ('DMP')²³¹.
- c. In respect of the proposed highway works, the Report concluded that they were considered to be *"proportionate to the added traffic impacts"*, and therefore were acceptable under policies in the Core Strategy and DMP.

The Transport Assessment Addendum

268. The Transport Assessment Addendum ('TAA')²³² provided an updated assessment taking into account the updated passenger forecasts prepared by York Aviation. As with the other updated assessments, the faster and slower growth cases were used to carry out qualitative sensitivity testing. This demonstrated that the impacts were not materially different to those reported in the TA as a result of different rates of growth. Overall, the conclusions of the TA remained unchanged.

269. The forecast travel demand was determined using forecast data, mode share targets of 15% for the 10 mppa case (previously agreed with NSC) and 17.5% for the 12 mppa case, and data from the 2019 and 2015 Civil Aviation Authority ('CAA') passenger surveys to establish proportionate

²³⁰ CD4.11

²³¹ CD5.4

²³² CD2.20.3

car mode splits. The 2018 baseline traffic was factored up to 2030 using TEMPro data to reflect the Core Case.

270. This data was used to identify predicted impacts on traffic flows in the network study area, in order to establish whether the flow increases could have potentially significant adverse effects. Junction capacity testing was carried out to determine the impact of the proposed development.
271. Overall, the TAA has demonstrated that with the proposed improvements to the A38, the proposed development would not have a significant adverse impact on the operation of the wider local or strategic highway network, taking into account the “worst-case” scenario in terms of traffic flow forecast. In the 2030 Core Case, the TAA showed that most junctions would operate within capacity, or where this was not the case, the impacts would not be severe.

A38 Improvements

272. As a result of the junction capacity testing, a junction improvement scheme was proposed at the A38/Bristol Airport roundabout (J1) and the A38/Downside Road/West Lane junction (J4). These junction improvements were subject to a rigorous design and development process. The design of the improvements was issued to NSC in April 2019 and agreed with NSC Officers at that time (May 2019).²³³
273. At the time of the Officers’ Report, the position of NSC Officers was that the proposed works would *“improve traffic flow and safety in the immediate vicinity of the airport and are proportionate mitigation in relation to the projected impacts arising from the proposed development. The detailed drawings submitted with the application showing the proposed highway works are acceptable, although some final specifications will need to be agreed before works can commence. This can be controlled by planning condition.”*²³⁴
274. We note that the design of the junction improvements is not a matter that features in the reasons for refusal. It was not until receipt of NSC’s transport evidence that BAL understood the full extent and nature of the issues now raised by NSC. This is particularly surprising given that the junction improvements were developed in collaboration with NSC Officers. Because of this, Mr Witchalls was not in a position to address these issues in his Proof of Evidence, however his Rebuttal Proof responds in detail to the concerns raised.

²³³ Rebuttal Proof of Evidence of Mr Witchalls, Appendix C (BAL/4/5).

²³⁴ Page 100.

275. To facilitate these improvements, on 15 September 2020 BAL made a compulsory order, The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020. BAL has submitted Proofs of Evidence in respect of the Order from Mr Church²³⁵ and Mr Witchalls²³⁶ and BAL's planning evidence is set out in Appendix C of Mr Melling's Proof of Evidence²³⁷.

Car Parking Demand

276. A Parking Demand Study ('PDS')²³⁸ was prepared as part of the planning application. The methodology for forecasting on-site parking demand at Bristol Airport was considered acceptable by NSC Officers at the time of submission. The PDS was subsequently updated by a PDS Update ('PDSU')²³⁹ in November 2020 in order to take into account the passenger forecasts produced by York Aviation. The methodology remained unchanged save for the use of updated data, which included forecasting, 2019 CAA Passenger Survey and two additional years of car park barrier data.

277. The key outputs of the updated study were as follows:

- a. By 10 mppa in 2024, 19,100 spaces would be required; and
- b. By 12 mppa in 2030, 22,200 spaces would be required.

278. The assessment has indicated that the existing car parking capacity at the airport would be insufficient to meet forecast demand. To meet the additional demand, the assessment concluded that the following four elements are required, (i) the year round use of the existing seasonal car park, (ii) the extension of the Silver Zone car park to provide 2,700 additional spaces, (iii) the delivery of MSCP2 (as consented) and (iv) the construction of an additional MSCP, MSCP3.

279. The increase of on-site parking provision has a number of advantages, in particular, reducing off-site parking impacts, reducing demand for taxi and drop-off trips and allowing a 'monitor and manage' approach to the provision of car parking. The 'monitor and manage' approach ensures that control mechanisms are in place to demonstrate that any additional car parking is provided as a managed response to overall passenger requirements, whilst ensuring that it aligns with targets to increase the public transport modal share (to be included in the draft

²³⁵ BAL/9/2

²³⁶ BAL/4/4

²³⁷ BAL/7/2

²³⁸ CD2.11

²³⁹ CD2.23

section 106 agreement) and is consistent with the principle of encouraging movement through the transport hierarchy.

280. The PDS analysis established that there was a need to provide a mix of low cost parking in addition to premium product parking, based on demographic data and research. Importantly, it also found that increasing low cost, surface level car parking would be more effective at tackling the problem of unauthorised off-airport parking.²⁴⁰
281. The view expressed in the Officers' Report²⁴¹ was that the methodology used in the PDS was robust. The Report concluded that the proposed level of car parking at the airport was the minimum required to meet the need arising from the proposed increase in passenger numbers after the level of public transport use has increased. Subject to the agreed conditions and mitigations, the proposal was considered acceptable. In the context of the assessment of the impact on the Green Belt, it was further accepted that additional passenger car parking was essential to meet the requirements of the proposed increase in passenger numbers.

Challenges

282. The points of challenge raised by NSC and the Rule 6 parties are identified and responded to in detail in section 9 of the Proof of Evidence of Mr Witchalls and his Rebuttal Proof²⁴², which divides the points raised into themes. As noted above, one of the main points now raised by NSC is the design of the A38 highway improvements, despite this being previously agreed with NSC Officers. The Rebuttal Proof of Mr Witchalls responds in detail to these points.²⁴³
283. A summary of the other principal points of challenge is as follows:
- a. The assessment in the TA and TAA suffer from a number of deficiencies resulting in an incomplete and inaccurate understanding of the effects of the proposed development;
 - b. The public transport targets are not ambitious enough and/or the public transport provision is inadequate;
 - c. There are uncertainties in highway modelling due to COVID-19;
 - d. The PDS and PDSU suffer from a number of deficiencies, including the failure to consider the latest CAA sustainable transport mode share data; and

²⁴⁰ Proof of Evidence of Mr Witchalls, para 7.1.10 (BAL/4/2).

²⁴¹ CD4.11

²⁴² BAL/4/2

²⁴³ Section 2.

- e. The need to extend the Silver Zone car park could be overcome by a pricing strategy that offered MSCP parking at the same cost as surface level car parking.
284. Whilst it is surprising that NSC now raises technical concerns regarding the TA, TAA, PDS and PDSU in light of the process by which the methodologies for those assessments were agreed, the technical points raised are addressed by Mr Witchalls in detail in his Rebuttal Proof²⁴⁴ at section 2.2.
285. Furthermore, Highways England has made it clear that it anticipates that it *“will enter into a Statement of Common Ground with the appellant which will confirm that, for Highways England and Bristol Airport Limited, we are satisfied there are no outstanding matters to be resolved on the basis that both parties agree the improvement works at M5 junction 22 are necessary to make the proposed development acceptable in highways and transport terms.”*²⁴⁵
286. The public transport mode share target to be adopted is an ambitious but achievable one when compared to other regional airports²⁴⁶. Indeed, whilst other parties criticise the public transport provision at Bristol Airport, it actually has the highest public transport main mode share of any of the principal regional airports considered in the 2019 CAA survey data²⁴⁷.
287. The output of the highway modelling has been considered against the slower and faster growth forecasts. This analysis indicates that the speed of growth does not materially affect the results of the TA and TAA.
288. As set out in the legal advice contained in Appendix B to the Rebuttal Proof of Mr Melling, the suggestion that BAL prices the MSCP provision in line with the lower cost surface level parking has the potential to be deemed anti-competitive behaviour. This would represent a real risk that BAL is not prepared to run.

Summary of BAL's case

289. With regards BAL's case, the following points should be noted at this stage:
- a. The methodologies used in the TA and TAA were the result of a long process of negotiation and discussion with NSC, Highways England and the surrounding local highways authorities. NSC Officers and Highways England were satisfied with the

²⁴⁴ BAL/4/5

²⁴⁵ CD7.17

²⁴⁶ As noted above, the NPPF provides that regard should be had to the difference between urban and rural locations in terms of opportunities for providing sustainable modes of transport (see para 103).

²⁴⁷ Proof of Evidence of Mr Witchalls, Table 6.3 – 2019 CAA survey mode share data (Main Mode) (BAL/4/2).

approach adopted and the results produced by that analysis. Any criticisms now levelled at the approach should be viewed in this context;

- b. The results of these assessments indicate that, even on a worse-case scenario, the impact of the proposed development on the highways network would, with mitigation, not be significant. The proposed junction improvements will provide a significant reduction in queuing and delays at the A38/West Lane and Downside Road junction compared to what is currently consented, which does not propose further improvements;
- c. The PDS, which forms the basis of the car parking proposals, was considered by NSC Officers to be robust. It has been validated against the TA and TAA, which represent a reasonable 'worst case scenario' for highways impact. The need for a total of 22,200 parking spaces, assuming a 2.5% increase in public transport use, is the minimum required to meet the demand associated with 12 mppa, as well as helping to prevent unauthorised parking and minimise drop-off;
- d. The need for, and advantages brought by, providing additional low cost parking are strongly supportive of the strategy adopted by BAL. The 'monitor and manage' approach will ensure that additional parking does not undermine the public transport mode share targets and the objective of minimising drop-off;
- e. BAL has already committed significant resources to delivering public transport benefits. The proposed development will enhance these further, providing a comprehensive package of sustainable transport measures;
- f. Despite the design of the A38 improvement works being agreed with NSC Officers and not featuring in the reason for refusal, Mr Witchalls has demonstrated that the technical concerns regarding its deliverability are unfounded.

Green Belt

290. The area surrounding Bristol Airport comprises the Bath-Bristol Green Belt. The development plan defines an inset that excludes land on the northern side of the airfield from the Green Belt. Land to the south of the existing terminal building, including, *inter alia*, the runway and the existing seasonal Silver Zone long-stay car park are within the Green Belt²⁴⁸. The pressing need to deliver additional car parking to facilitate the expansion of the airport to a throughput of 10

²⁴⁸ See Appendix A to the Proof of Evidence of Mr Melling, Figure 1.1 (BAL/7/2).

mppa was considered by NSC to constitute 'very special circumstances' outweighing the limited harm to the Green Belt.²⁴⁹

291. Reason for refusal 4 concerns (i) the proposed year-round use of the existing seasonal Silver Zone car park and (ii) the further extension of the car park proposed. The reason for refusal states that such development constitutes inappropriate development for which no very special circumstances have been demonstrated that are capable of outweighing the harm to the Green Belt and any other harm, including the encroachment of the development into the countryside and loss of openness. Policy DM12 of the DMP and the NPPF are cited.
292. At CMC1, the Inspectors identified the proposed development's impact on the Green Belt and compliance with Green Belt policy as issue (b).

Development in the Green Belt

293. There are three aspects of the proposed development that would be located within the Green Belt, namely (i) the changes to the Silver Zone seasonal use restriction, associated permanent infrastructure and the proposed extension of the car park, (ii) the improvements to the A38 and its junction with Downside Road, and (iii) a limited number of elements of the new airside infrastructure, namely, the proposed taxiway widening and fillets and eastern taxiway link. The extent to which these aspects constitute inappropriate development in the Green Belt will be briefly addressed shortly.

Green Belt Policy Context

294. Chapter 13 of the NPPF²⁵⁰ contains Green Belt policy. Great importance is attached to Green Belts, the fundamental aim of which is to prevent urban sprawl and keep land permanently open²⁵¹. The purposes of Green Belt are identified in paragraphs 134 of the NPPF as follows:
- a. To check unrestricted sprawl of large built-up areas;
 - b. To prevent neighbouring towns merging into one another;
 - c. To assist in safeguarding the countryside from encroachment;
 - d. To preserve the setting and special character of historic towns; and

²⁴⁹ Officer's Report, application 09/P/1020/OT2 (CD4.1a).

²⁵⁰ CD5.8

²⁵¹ Paragraph 133 of the NPPF (CD5.8).

e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

295. Paragraphs 145 and 146 of the NPPF provide for the types of development that are considered to constitute ‘appropriate development’ in the Green Belt. Development that is ‘inappropriate’ in the Green Belt is by definition harmful, and should not be approved except in ‘very special circumstances’.²⁵²

296. Paragraph 144, which is reflected in policy DM12 of the DMP²⁵³, provides that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

297. Policy CS26 of the NSC Core Strategy²⁵⁴ concerns the approach to the Green Belt, including in respect of Bristol Airport specifically. It notes that the Replacement Local Plan created an inset in the Green Belt to accommodate *“the medium term expansion requirements of Bristol Airport”*, and that further Green Belt amendment would be premature in advance of *“exceptional circumstances being demonstrated through evidence regarding future expansion and its land use implications”*.

298. The supporting text to policy DM50, which relates to development within the Green Belt inset, reiterates that outside the inset, Green Belt policy applies, such that it is for a developer to demonstrate ‘very special circumstances’ that outweigh the harm to the Green Belt and any other harm.

299. Policy DM30 concerns provisions for off-airport car parking and is therefore not of direct relevance to this application. However, as part of the policy justification it states that the policy aim includes protecting the Green Belt from off-airport car parking. This aim is mainly achieved through the Green Belt status itself, which precludes inappropriate development including car parking.

Inappropriate Development in the Green Belt

²⁵² Paragraph 143.

²⁵³ CD5.4

²⁵⁴ CD5.6

300. It is common ground with NSC that the proposed year-round use of the existing seasonal Silver Zone car park and the car park extension constitute inappropriate development in the Green Belt. This was the view expressed in the Officers' Report,²⁵⁵ and is reflected in reason for refusal 4.
301. With regards to the other aspects of the proposed development that are situated within the Green Belt, the position of BAL, NSC Officers and (it would appear) the Planning Committee are similarly aligned; they do not constitute inappropriate development in the Green Belt²⁵⁶. Indeed, Mr Gurtler, NSC's planning witness, acknowledges that the reason for refusal is limited in scope to the impact of the proposed car parking development.²⁵⁷
302. Despite this, however, Mr Gurtler proceeds to "*record his view*" on other aspects of the proposal, namely the elements of airside infrastructure and the A38 improvements. Both of these elements, he argues, are inappropriate development in the Green Belt by virtue of their impact on openness.²⁵⁸ This is a clear departure from the position of both NSC Officers and the Committee that determined the application.
303. The widening of the objection relating to Green Belt was not foreshadowed in NSC's Statement of Case, which was properly limited in scope to the impact of the proposed car parking development. The first indication that NSC sought to broaden the scope of reason for refusal 4 was in the Statement of Common Ground (Part 2)²⁵⁹.
304. The Proof of Evidence of Mr Melling²⁶⁰ provides a detailed explanation as to why the airside infrastructure and A38 improvements do not constitute inappropriate development in the Green Belt. Both aspects are forms of development identified in paragraph 146 of the NPPF as 'not inappropriate' development, provided that the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land within it. In summary,
- a. The airside infrastructure constitutes 'engineering development' comprising the laying of hardstanding only. This will have no impact on the openness of the Green Belt; and

²⁵⁵ Page 106.

²⁵⁶ Officer's Report (CD4.11), page 106. The absence of a reference to the other aspects of the development as constituting inappropriate development in the Green Belt indicates that the Committee adopted NSC Officers' assessment of this matter in the determination of the appeal.

²⁵⁷ Proof of Evidence of Mr Gurtler, para 43 (NSC/W7/1).

²⁵⁸ Para 46 and para 49 (NSC/W7/1).

²⁵⁹ CD12.2

²⁶⁰ BAL/7/2.

b. The proposed improvements to the A38 constitute local transport infrastructure, which is required to mitigate the traffic effects associated with the increase in throughput and can only be located in the Green Belt. In its location alongside the existing highway, the proposed works will preserve the openness of the Green Belt and will not conflict with Green Belt purposes.

305. Section 4.2 of the Rebuttal Proof of Mr Melling²⁶¹ carries out a detailed assessment of these aspects of the proposed development in terms of their impact on openness and consistency with Green Belt purposes.

Harm to Green Belt Purposes

306. Appendix A to Mr Melling's Proof of Evidence²⁶² contains a Green Belt Assessment of the land to the south of the airport, where the Silver Zone car park is situated.

307. With regards the proposed year-round use of the existing seasonal car park, this aspect of the development relates to an existing facility, the principle of which has already been established and accepted in this location. The analysis in Appendix A to Mr Melling's Proof of Evidence indicates that the contribution made by the land to Green Belt purposes is limited. Close range views of the car park are screened by the existing, maturing landscaping bund. Longer range views of the car park are seen in the context of the existing development at the airport. Against this background, the impact on the Green Belt arising from the year-round use of the car park, and the associated development including lighting and CCTV will be limited.

308. With regards to the proposed extension of the Silver Zone car park, it will be situated adjacent to the existing seasonal car park and would consist of development of a similar nature. Mitigation measures have been proposed such as a landscape perimeter bund to screen close range views and the adoption of a lighting strategy to prevent light spillage. Mr Melling's Green Belt assessment indicates that this land makes a contribution to the Green Belt²⁶³. The car park extension would result in 'moderate to limited' harm to the Green Belt in the absence of mitigation, which is reduced to 'limited' harm through effective landscaping.

309. Overall, Mr Melling's evidence indicates that the overall harm to the Green Belt as a result of the proposed development will be limited.

²⁶¹ BAL/7/3.

²⁶² BAL/7/2.

²⁶³ BAL/7/2, Appendix A.

Very Special Circumstances

310. The NPPF and the development plan requires that 'very special circumstances' are demonstrated to justify the development of the components of the proposed development that constitute inappropriate development.
311. The Proof of Evidence of Mr Melling identifies three very special circumstances, as follows:
- a. The need for additional car parking in the Green Belt to facilitate the growth in passenger throughput. This is based on a robust assessment of parking demand contained in the PDS²⁶⁴ and PDSU²⁶⁵, which highlights a particular need for low cost car parking. The additional demand cannot be accommodated within the Green Belt inset, in which an additional MSCP is already proposed. In order to make better use of development already within the Green Belt, removal of the seasonal restriction on the Silver Zone car park allows for greater operational efficiency. Moreover, the ongoing problem of unauthorised off-site car parking, which causes serious harm to the Green Belt as well as adverse impacts on the amenity of local communities and the environment, will only be exacerbated should insufficient car parking be provided at the airport;
 - b. There are no further suitable and available sites for car parking outside of the Green Belt. The Parking Strategy²⁶⁶ produced on behalf of BAL assessed 25 off-site potential locations to accommodate the identified parking demand. None of the sites assessed were suitable to meet the additional demand. This was acknowledged by NSC Officers.²⁶⁷
 - c. The need for, and benefits of, the growth of Bristol Airport. The provision of additional parking is integral to the proposals to expand capacity at the airport. It forms part of the strategy that makes best use of the existing airport site, which is consistent with national aviation policy.
312. These very special circumstances are capable of outweighing the limited harm to the Green Belt resulting from the proposed extension to the Silver Zone car park and year round use of the seasonal car park.

Challenges

²⁶⁴ CD2.11

²⁶⁵ CD2.23

²⁶⁶ CD2.12

²⁶⁷ Officer's Report (CD4.11), page 111.

313. The main challenges raised by NSC and other parties to the appeal are identified and responded to in section 5.5 of the Proof of Evidence of Mr Melling and his Rebuttal Proof²⁶⁸. These can be summarised as follows:

- a. The harm to the Green Belt has been “*underplayed*”;
- b. The need for additional car parking, including low cost car parking, has not been demonstrated;
- c. The additional parking will have an adverse impact on the public transport mode share;
- d. That BAL has not demonstrated why additional car parking in the Green Belt should be delivered in advance of car parking within the inset; and
- e. That BAL has not demonstrated that car parking in the Green Belt inset has been maximised, and/or a further MSCP should be delivered in the Green Belt inset.

314. Insofar as these have not been addressed already in this opening, a summary of BAL’s response to these points of challenge is as follows:

- a. The first and second points are contrary to the detailed assessment presented in the Green Belt Assessment and PDS/PDSU respectively;
- b. With regard to the public transport mode share, BAL has adopted an ambitious public transport mode share target, which will be supported by further significant investment in public transport provision. The ‘monitor and manage’ approach discussed above will ensure that car parking is delivered at a rate that does not undermine this objective; and
- c. With regards to the remaining two points of challenge, the PDS indicates that the car parking demand is for a mix of standards of provision. This includes low cost car parking, which can only be delivered through surface level car parking. One reason for this is the competition law issues associated with this proposal as we have already explained.²⁶⁹ The delivery of an additional MSCP (beyond that proposed as part of this application) would not provide low cost parking, nor would it help address the issue of unauthorised off-airport car parking and the negative effects associated with it. Moreover, the delivery of

²⁶⁸ BAL/7/2 and BAL/7/3.

²⁶⁹ Appendix B to the Rebuttal Proof of Mr Melling (BAL/7/3).

a fourth MSCP/decked parking to the north of the airport would result in significant landscape and visual impacts²⁷⁰.

Summary of BAL's Case

315. The only aspect of the proposed development that is properly identified as inappropriate development in the Green Belt is the proposed car parking elements. Mr Gurtler alone disagrees with this position.
316. The proposed development maximises further development of the airport in the Green Belt inset. This includes a commitment to deliver MSCP2 permitted under the 2011 Permission and a further MSCP3. A need has been identified for additional surface level car parking in the Green Belt, which cannot be met elsewhere. In particular, the delivery of increased car parking provision is integral to the growth of the airport, allowing it to make best use of its existing infrastructure in line with national policy. The considerable socio-economic benefits that the proposed development brings are more than capable of outweighing the limited harm to the Green Belt when considered within the framework of local and national policy.

Landscape

317. The impact of the proposed development on landscape character and visual amenity was subject to detailed consideration by NSC Officers. Further information was provided by BAL in response to regulation 25 requests from NSC²⁷¹, which supplemented that contained in the Landscape and Visual Impact Assessment ('LVIA'). The landscape impact of the proposed development was not identified as an objection by NSC Officers either in advance of submission of the application, or in the Officers' Report²⁷². The Officers' Report considered this issue in detail under 'Issue 13'²⁷³ and concluded that the proposed development was considered acceptable in terms of its impact on landscape character and visual amenity. Committee Members agreed with this recommendation, which is why this issue does not feature as a reason for refusal.
318. The LVIA²⁷⁴ submitted on behalf of BAL considered 47 locations, 22 of which were selected for more detailed visual impact assessments. This included six locations in the Mendip Hills AONB.

²⁷⁰ Appendix A to the Rebuttal Proof of Mr Melling (BAL/7/3).

²⁷¹ CD3.4.7 and CD3.4.8

²⁷² CD4.11

²⁷³ Pages 110 to 115.

²⁷⁴ CD2.5.21

This assessment was considered by NSC Officers to provide an “*extensive representation of the projected visual impact*”²⁷⁵.

319. The conclusions reached by the assessment were that at 40 locations, people would experience a ‘minor’, ‘negligible’ or ‘no’ impact, and at seven visual receptor groups, the impact of the proposed development would be ‘moderate’. The moderate effects arose because of an incremental increase in the quantity of development.
320. The only party to produce substantive evidence on the impact of the proposed development on landscape and visual impact is XR Elders. This evidence criticises the assessment in the LVIA and argues that the impact of the proposed development on the AONB and its setting is significant and adverse.
321. BAL’s response to this evidence is provided in the Rebuttal Landscape Proof of Evidence of Mr Furber²⁷⁶, who responds to the landscape evidence of Ms Tudor for XR Elders. This evidence demonstrates Ms Tudor’s assessment is based on a methodology that does not follow best practice guidance and that the assessment conclusions reached in respect of the impact of the proposed development on the AONB and its setting are unsubstantiated. Mr Melling’s Rebuttal Proof responds to the policy implications of Ms Tudor’s evidence.²⁷⁷

Planning Policy and Planning Balance

322. At the time of the determination of BAL’s application, NSC Officers were satisfied that the proposed development was in compliance with the development plan when considered as a whole. The reasons for refusal subsequently identified six development plan policies that were said to be breached, namely policies CS1, CS3, CS10, CS23 and CS26 of the Core Strategy²⁷⁸ and policy DM12 of the DMP²⁷⁹. Compliance with these policies is addressed in detail in the evidence of Mr Melling.
323. The acceptability of the proposed development with regard to adopted and emerging local and national policy was identified by the Inspectors as CMC1 issue (a).

Legal and Policy Framework

²⁷⁵ CD4.11, p.115.

²⁷⁶ BAL/9/1/2

²⁷⁷ Para 5.2.4 to 5.2.8 BAL/7/3.

²⁷⁸ CD5.6

²⁷⁹ CD5.4

324. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.

325. BAL and NSC have agreed a list of development plan policies that are relevant to the determination of the appeal.²⁸⁰ The development plan comprises the North Somerset Core Strategy (adopted 10 January 2017), the Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016) and the Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018). It is agreed that full weight can be given to the development plan.²⁸¹

Planning Balance

326. Mr Melling's assessment of the planning balance is set out at section 8 of his Proof of Evidence²⁸². For the reasons explained in Mr Melling's evidence, the proposed development accords with local development plan policy. In particular:

- a. Whilst other parties to the inquiry raise a multitude of points of dispute regarding the socio-economic benefits of the proposed development, even on the most pessimistic of assumptions, the benefits are substantial. They include the generation of £310 million GVA and the creation of 4,000 employment opportunities for local areas including deprived communities. More broadly, the proposed development will deliver the benefits of increased connectivity, prosperity and quality of life benefits. These are the very objectives of both the Government and NSC in seeking to 'level up' regional economic growth, enhance international trade following the UK's departure from the EU, and support economic recovery from the COVID-19 pandemic. The proposed development will be accompanied by a significant package of initiatives to engage the local community and labour market, delivering employment opportunities and a means of improving skills;
- b. As with all airport expansion projects, the socio-economic benefits of the proposed development must be weighed against the environmental impacts. Bristol Airport's location in a rural area with low population density means that the environmental impacts associated with the proposed development are modest when set alongside a very significant package of mitigation measures. Policy requires that environmental

²⁸⁰ Statement of Common Ground (Part 1), para 15 (CD12.1).

²⁸¹ Statement of Common Ground (Part 1), para 14 (CD12.1).

²⁸² BAL/7/2.

impacts are mitigated to an acceptable level. The detailed assessment in the ES and ESA demonstrate that all environmental impacts have been minimised and, where necessary, mitigated appropriately. As such, the environmental effects of the proposed development have been satisfactorily addressed, a conclusion with which NSC Officers, and their expert advisers, had agreed;

- c. BAL's evidence has demonstrated that the environmental effects that do arise from the development are 'not significant' in EIA terms. Indeed, certain receptors will experience a benefit in respect of noise levels experienced. NSC's position that the impacts on air quality and noise would cause "significant adverse impacts" is simply not supported by the detailed assessment carried out by BAL. Indeed, Mr Pyper's evidence, which draws on the analysis in the HIA, indicates that the proposed development will actually result in a beneficial impact in terms of population health, as a result of the substantial socio-economic benefits that it will provide;
- d. With regards to the carbon emissions from the proposed development and the associated impact on the ability of the UK Government to achieve its net zero target, BAL's evidence demonstrates that the concerns of NSC and other parties to the appeal are unfounded. Indeed, much of the evidence produced simply seeks to mount an attack on Government policy or speculate as to what future Government policy may be. Indeed, many of the points raised, in particular relating to MBU, have been shown to be groundless by the recent publication of the Jet Zero Consultation^{283, 284}. Government policy is clear; national policy provides in principle support for airports making best use of their existing infrastructure subject to the balancing of environmental and economic impacts. The proposed development seeks to do just this. The means by which the Government meets its legal obligations under the CCA are matters for Government. The UK ETS, the setting of carbon budgets and the participation in CORSIA provide such means. It is well established that the effectiveness or sufficiency of these measures are not matters for local development control decisions;
- e. Insofar as it is possible to do so, BAL is already implementing measures to minimise the carbon emissions from the airport, this includes the objective in its Carbon Roadmap to be net zero. Through this approach, Bristol Airport has sought to be an exemplar airport

²⁸³ CD[]

²⁸⁴ And in particular the restatement of MBU as up to date policy that provides a basis for decision making (fn 39).

- for sustainable aviation growth across the industry and its draft CCCAP will formalise that commitment in a planning condition;
- f. The proposed expansion of the surface level car parking capacity is integral to the delivery of growth at the airport. The nature of the proposed development in the Green Belt results in only limited harm to the Green Belt, which is capable of being outweighed by the very special circumstances identified in the evidence of Mr Melling;
 - g. The TAA has demonstrated that even on a reasonable worst case basis, the additional traffic generated for the proposed development will not prejudice highway safety, nor result in severe cumulative impacts on traffic congestion. On the contrary, the proposed A38 junction improvements will deliver significant capacity benefits, enhancing safety. The ambitious target of a 2.5% increase in public transport mode share will be supported by a comprehensive package of deliverable, sustainable transport measures.
327. As explained by Mr Melling, the proposed development is consistent with policies CS1 (Addressing climate change and carbon reduction), CS3 (Environmental Impacts and flood risk management), CS10 (Transportation and Movement), CS11 (Parking), CS23 (Bristol Airport), CS26 (Supporting health living and the provision of health care facilities) DMP policy DM12 (Development within the Green Belt) and DM50 (Bristol Airport). As such, the proposal accords with the development plan considered as a whole.
328. There are no material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan.²⁸⁵ The proposed development is consistent with national policy, including the NPPF and the presumption in favour of sustainable development. The benefits that the proposed development will deliver, whilst ensuring that environmental impacts are satisfactorily addressed, is consistent with and supportive of national aviation policy contained in the APF and MBU. National aviation policy is clear in its support for airports such as Bristol making best use of their existing airport infrastructure, which the proposed development enables BAL to do. The growth in capacity brought by the proposed development will deliver precisely the type of socio-economic benefits for the surrounding areas and the South West region that both NSC and the Government economic policy support the delivery of. The demand for growth at Bristol Airport exists, despite the impact of the

²⁸⁵ Proof of Evidence of Mr Melling, section 8.3 (BAL/7/2).

COVID-19 pandemic. The proposed development meets this demand, thereby retaining passengers and the other associated benefits within the region.

Conditions and Section 106 Agreement

329. At the time of the determination of the application, a list of draft planning conditions and a draft Heads of Terms for a section 106 agreement were agreed in principle with NSC Officers as part of the Officers' recommendation for approval of the application.²⁸⁶ These documents were appended to the Officers' Report²⁸⁷.
330. Until substantive proposed amendments to the list of conditions were proposed by NSC in May 2021, BAL did not understand there to be outstanding matters of dispute. Since that date the parties have entered into negotiations in an attempt to narrow the extent of dispute surrounding the proposed conditions and the draft section 106 agreement. Some matters in relation to these documents are agreed, but some are not. It is disappointing that there remains substantial points of dispute outstanding. In particular, the Proofs of Evidence submitted on behalf of NSC seek substantially different conditions and obligations than those previously agreed with Officers.

The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020

331. As explained above, the highway improvements that form part of the proposed development require the compulsory acquisition of 22 plots of land amounting to approximately 9,293 square metres for the construction and operation of the works. The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 ('the CPO') was made by BAL on 15 September 2020 pursuant to powers conferred by the Airports Act 1986.
332. The inquiry into the CPO has also opened today and BAL's evidence for the planning inquiry is also, therefore, evidence in the CPO inquiry; although the specific CPO issues have been programmed towards the end of the inquiries. In addition, BAL has submitted additional evidence for the CPO inquiry, being: written Proofs of Evidence of two witnesses, Mr Witchalls on the need for the A38 improvement scheme by reference to the technical highways assessments undertaken²⁸⁸, and Mr Church on matters relating to the compulsory purchase order, including BAL's attempts to acquire the interests required by agreement and the extent

²⁸⁶ Statement of Common Ground, paras 27 and 28 (CD12.1).

²⁸⁷ CD4.11

²⁸⁸ BAL/4/4

to which these have been successful²⁸⁹. Also it should be noted that the planning issues for the CPO are specifically covered in Mr Melling's Proof of Evidence (at Appendix C)²⁹⁰.

Conclusion

333. The evidence presented sets out BAL's case by reference to the issues identified by the Inspectors at CMC1, the reasons for refusal and other issues raised by parties to the appeal, where appropriate.
334. For the reasons summarised above, and set out in detail in the written Proofs of Evidence, it will be BAL's case that the proposed development provides an opportunity to deliver increased connectivity, prosperity, and economic growth to North Somerset, the wider West of England sub-region and the South West. The proposed development is in accordance with the development plan taken as a whole and there are no material considerations that indicate that planning permission should be refused. For these reasons, in due course we will invite the Inspectors to allow the appeal and grant planning permission.

Michael Humphries QC

Daisy Noble

20 July 2021

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Inner Temple
London EC4Y 7BY

²⁸⁹ BAL/9/2

²⁹⁰ BAL/7/2

IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 78 OF
THE TOWN AND COUNTRY PLANNING ACT 1990

BRISTOL AIRPORT, NORTH SIDE ROAD, FELTON,
WRINGTON BS48 3DP

OPENING STATEMENT ON BEHALF OF NORTH
SOMERSET COUNCIL

I. INTRODUCTION¹

1. National aviation policy has recognised for years that technological improvement via the introduction of cleaner and quieter aircraft provides the scope for the environment within local communities around airports to improve. In that context it only supports expansion plans which still ensure that those local communities share these benefits. North Somerset Council ("**the Council**") will contend that the Proposed Development does not achieve this objective.
2. The Council will argue that Bristol Airport Limited ("**BAL**") has failed to recognise the requirement in national aviation policy to reduce the impacts upon, and maximise the benefits for, the local community affected by the airport's operations as an inherent part of the design process. In large part the mitigation proposed to reduce impacts upon the local communities remains inchoate and of undefined effect - almost as if the mitigation has been brought forward as an afterthought.
3. The result is a scheme which imposes a significant environmental cost, particularly in relation to noise disturbance at night, on a local community which then does not obtain any material benefit from the proposed growth. BAL's appraisal of the degree of environmental harm is understated whilst its assessment of the benefits of expansion is overstated. The Council will contend that the development proposed by BAL in this appeal ("**the Proposed Development**") will give rise to adverse impacts and risk to health and quality of life to such an extent that it should be refused.

¹ References in the form "*CD + number*" are to core documents. Where a page is referred to, the internal printed pagination of that document is used, unless there is no pagination, in which case the electronic page number is used, denoted by "*PDF p. number*".

4. The recognition that the world faces a climate emergency by the UK Parliament and the adoption of a net zero target by the UK Government was a watershed moment. It means that we have re-evaluate all aspects of our lives. It means that the basis on which we take decisions about infrastructure growth is altered forever.
5. Whilst the Government has identified that we must achieve a 78% cut in emissions for 2035 and net zero by 2050, it is yet to determine the extent of the carbon emission reductions that are necessary within the aviation sector. The Committee on Climate Change ("**the CCC**") has explained that additional airport capacity can only come forward when it is established that the aviation is meeting its sectoral target to an extent that allows for additional growth. The absence of such a target means this cannot be done. Thus, the Council will contend that it is simply too soon to allow the Proposed Development to proceed.
6. BAL's claims of becoming a net zero airport are a smokescreen – they omit to include the far greater extent of emissions associated with aircraft and surface transportation. There is no clear evidence that total carbon emissions associated with the airport will reach net zero at any particular point in the future.
7. This appeal concerns the latest instalment in the incremental expansion of Bristol Airport ("**BA**"). BA (formerly known as Lulsgate Airport), opened in 1957 and has expanded in repeated increments since that date: in the 1960s the runway was extended and the former terminal building expanded; further expansion to that terminal building and car parks occurred in the 1980s; a new terminal building (the current building) was completed in 2000; the 2000s saw a litany of additional development including a new control tower; and in 2010 planning permission was granted for a significant expansion ("**the 2010 Permission**"), consisting principally of an increase in passenger throughput to 10 million passengers per annum ("**mppa**"), a near doubling of the floorspace in the terminal building, a host of new aircraft stands and extensive carparking, both surface parking and a multi storey car park ("**MSCP**").² Remarkably, the development permitted by the 2010 Permission has not been completed, over 10 years later, and BA has not come close to serving 10 mppa.

² See CD 4.01A at PDF pp. 5 - 6 and CD 4.11 at p. 2.

8. This creeping form of development, in a sensitive location and giving rise to a multitude of harmful effects, is poor planning. This was recognised by the Council in the formulation of its Core Strategy (“the CS”):

‘Additional development requiring consent beyond 2011 is expected to form the subject of an Area Action Plan (AAP) or other development plan document, such as a subject based plan for aviation, refining detailed criteria inappropriate at Core Strategy scale. This is not supported by Bristol Airport but it remains the council’s preference because it will enable community expectations to guide the planning process from an early stage pending adoption of an AAP [...]’³

9. Bristol Airport Limited (“BAL”) has simply ignored the Council’s preference for an Area Action Plan. BAL does not even have an up-to-date masterplan: the last master plan was published in 2006 and consultation on an updated masterplan petered out in 2018. This approach has resulted in a series of missed opportunities, in particular the opportunity to formulate a form of development which is guided by community expectations and which is consistent with the Council’s planning for its area, as expressed through the development plan. The first of these failings is made plain simply by looking around the room: the Proposed Development has failed to match the expectations of a range of different stakeholders, in particular the local community. The second of these failings is demonstrated through the Council’s evidence: the Proposed Development is in conflict with a range of policies in the development plan, fails to accord with the development plan as a whole and represents a form of development which is inimical to the vision for the Council’s area that is enshrined in the development plan.
10. Further, the Proposed Development must now be considered in a radically different world to that which has formerly prevailed. Never before has significant expansion at BA been assessed against the NPPF, the current development plan or in a legislative framework which mandates the achievement of net zero greenhouse gas emissions. These matters represent a watershed in the assessment of development at BA. Indeed, they represent a watershed in the consideration of aviation development throughout England. The consistent thread through local and national policy (as well as the legislative framework) is one of responsible growth. Policy support for aviation development at any level can only be unlocked if the environmental effects of such development are resolved. The Proposed Development is not responsible growth;

³ CD 5.06 at [3.293] (on p. 95).

rather it gives rise to a range of harmful, unresolved, environmental effects and provides modest countervailing benefits. It is a form of development stuck in the past and which fails to live up to the expectations of the modern world.

11. Before outlining the Council's case on the main issues in this appeal, we address the key features of the policy framework.

II. THE POLICY FRAMEWORK

12. The policy framework for this appeal is characterised by two matters: first, as already foreshadowed, the consistent theme of responsible growth at all levels of policy; and secondly, the dynamic nature of national policy concerning carbon emissions.

(a) The development plan

13. The starting point is the development plan, which for the purposes of this appeal consists principally of the CS and the Sites and Policies Plan Part 1: Development Management Policies ("DMP").⁴ The development plan is entirely consistent with the NPPF and should be afforded full weight in the determination of this appeal. BAL do not contend to the contrary.
14. The CS and DMP (together with the Site and Policies Plan Part 2: Site Allocations Plan ("SAP")) represents the spatial, land use expression of the priorities in the North Somerset Vision. That vision is summarised in the CS as '*sustainable, inclusive, safe, healthy, prosperous communities thriving in a quality environment*'.⁵ Underpinning the vision is six priorities: tackling disadvantage and promoting equality of opportunity; development strong inclusive communities; ensuring safer communities; improving health and well-being; developing a prosperous economy and enterprising community; and living within environmental limits.⁶ The policies in the CS and the DMP provide the framework for the delivery of this vision and these priorities.
15. The Council's evidence deals with the full suite of relevant policies, but we dwell here on policy CS23 of the CS which concerns BA specifically and which provides:

⁴ CD 5.06 and 5.04 respectively. The Sites and Policies Plan, Part 2: Site Allocations Plan (CD 5.26) is also part of the development plan.

⁵ CD 5.06 at [2.2] (p. 14).

⁶ CD 5.06 at [2.3] (p.14).

*'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.'*⁷

16. The Council is not blind to the potential for growth at BA to benefit its area: to the contrary, the third priority objective in the CS recognises the need to *'support and promote major employers in North Somerset, such as Bristol Airport'*.⁸ However, this priority is set in the context of the Council's vision, which we repeat: *'sustainable, inclusive, safe, healthy, prosperous communities thriving in a quality environment'*. Policy CS23 mediates the positive potential for growth at BA in this context: in order to grow BA, BAL *'is required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure'*.⁹ There is no unqualified support for growth at BA; quite the opposite – growth is only supported where the environmental issues and impact of growth are resolved. This is an imposing hurdle for BAL because the resolution of environmental issues is not, as BAL seek to argue in this appeal, a mere simplistic question of balancing harm and benefit; rather it requires development which delivers growth without compromising the environment – both human and physical – in which it is situated. Moreover, this is a burden which rests on BAL: *'Development of the Airport is led by its owners, whose responsibility it is to ensure that the environmental impacts of growth are addressed to the satisfaction of the council or other relevant decision-maker.'*¹⁰ The same approach is adopted in linked policy DM50 of the DMP.¹¹
17. In this respect, policy CS23 draws together the other relevant policy imperatives in the CS, in particular: the reduction of carbon emissions and tackling of climate change in policy CS1; the prevention of unacceptable environmental pollution or harm to amenity and health in policy CS3; the achievement of sustainable transport which does not adversely affect the environment or undermine carbon reduction in policy CS10; and the achievement of healthy communities in policy CS26. Taken together, these policies, as applied to BA by policy CS23, require that any growth at BA is responsible growth. We return to specific aspects of these policies below.

⁷ CD 5.06 at p. 95.

⁸ CD 5.06 at p.20.

⁹ See policy CS 23 at CD 5.06 on p. 95.

¹⁰ CD 5.06 at [3.296] on p. 95.

¹¹ CD 5.04 at p. 117.

(b) National Aviation policy

18. As with local policy, national aviation policy only supports aviation development when the environmental effects are resolved. This can be traced through the full suite of policies.
19. Starting with the Aviation Policy Framework (“APF”), the Government recognises that the aviation sector is a major contributor to the economy and ‘*support[s] its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise*’ (emphasis added).¹² Accordingly, there is no unconditional support for aviation growth; rather the support of the APF for growth can only be obtained once it is established that the benefits of growth outweigh its costs, particularly in relation to climate change and noise. These environmental considerations are not simply matters to be taken into account; rather they shape the manner in which growth must be delivered.¹³
20. The absence of any unconditional support for growth is particularly apparent in the approach of the APF to growth outside of London. The APF explains:
- ‘we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports [outside London] should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.’¹⁴*
21. The Council’s decision in this case is an example of such local decision making in action: as the Council will explain through its evidence, the claimed positive economic benefits of the Proposed Development are overstated and uncertain; at the same time the environmental and health impacts are tangible and unresolved.
22. At the heart of APF is also the clearly identified need for aviation development to tackle its environmental impacts. This is particularly the case in respect of carbon emissions, congestion, air quality and noise, and indeed APF mandates airports not just to avoid gross impacts on air quality, but actually to deliver improvements in air quality. We return to these matters below.

¹² CD 6.01 at [5] on p. 9.

¹³ See especially CD 6.01 at [1] and [1.57] on pp. 10 & 29 – ‘in a balanced way, consistent with the high-level policies set out in this document’.

¹⁴ CD 6.01 at [1.24] on p. 22.

23. Turning to consider 'Beyond the Horizon: The future of UK aviation – Making best use of existing runways' ("MBU"), a consistent position is adopted to that set out in APF. MBU explains:

*'The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.'*¹⁵

24. There is no unconditional support for growth here. To obtain the benefit of the support of MBU it has to be established that the benefits of the Proposed Development outweigh the costs. Just as with APF, MBU does not provide any in principle support *per se* for applications to increase the use of existing runways. MBU only provides weight in favour of a scheme once it is established that the benefits outweigh the costs.
25. Indeed, MBU was promulgated at a time when it was anticipated that the environmental impacts of aviation upon those living in the vicinity of airports would reduce over time as expected technological change would deliver cleaner quieter aircraft. The Government was astute in determining that the headroom created by such change was not to be used by airports as a justification for further expansion thereby eroding the environmental gains which would otherwise be made. As with APF, MBU expects that local communities are to obtain a share of the benefits of any airport expansion, both economic and environmental:

*'The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.'*¹⁶

26. As we explain below, one of the fundamental difficulties in the present case is the failure of the Proposed Development to recognise this imperative to share the benefits of expansion with local communities. The Council intends to explore the extent to

¹⁵ CD 6.04 at [1.11] on p. 5.

¹⁶ CD 6.04 at [1.22] on p. 8.

which the case for the Proposed Development actually shares environmental benefits with the ‘communities surrounding’ the airport.

27. Finally, the Green Paper ‘Aviation 2050 – The future of UK aviation’ (“Aviation 2050”) very clearly explains that the support for growth is conditional on resolution of the environmental impacts: the Government ‘supports airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed’.¹⁷ This is affirmed in the discussion of sustainable development: the Government ‘supports the growth and the benefits this would deliver, provided that growth takes place in a sustainable way, with actions to mitigate the environmental impacts’.¹⁸ Again, and consistently with APF, Aviation 2050 goes beyond the mere avoidance of impacts to require reductions in carbon and congestion, and improvements in air quality.
28. Stepping back and looking at these documents in the round, there is a clear picture: the Government does not support growth unconditionally, rather aviation development can only benefit from the support in national policy when it has resolved its environmental impacts and where expected environmental gains are shared with the community surrounding the relevant airport. This is entirely consistent with the expression of responsible growth in local policy.
29. This approach emerges clearly on the face of these policies, but the reality of the situation today, as the Council’s evidence will demonstrate, is that even these expressions of conditional support for growth are out-of-date. Changes in both legislation and policy concerning carbon emissions after the publication of current aviation policy means that the scope for aviation growth is now extremely limited and cannot be determined in an *ad hoc* fashion *via* isolated planning appeals such as the present. When extant aviation policy is understood in today’s circumstances, it fails to provide a robust and up to date framework for the assessment of future aviation development.

(c) National Planning Policy Framework

30. Multiple parts of the NPPF are material to the assessment of the Proposed Development. It is not necessary to recite each provision here, but is clear that the concept of sustainable development in the NPPF, as embodied in NPPF paragraph 11,

¹⁷ CD 6.05 at [1.3] and [1.21] on pp. 18 and 26.

¹⁸ CD 6.05 at p. 12.

is consistent with the theme of responsible growth in both the development plan and aviation policy. Sustainable development is, of course, development which achieves environmental, economic and social gains. The Council will contend that in circumstances where the scope for further airport expansion is limited, only the airport expansion schemes which are the most sustainable can be permitted to come forward. Any other approach would not be consistent with the objective of attaining sustainable airport growth.

III. OUTLINE OF THE CASE FOR THE COUNCIL

31. The Council submits that this appeal should be dismissed because the Proposed Development fails to accord with the development plan and the other material considerations in this case do not indicate that planning permission should be granted contrary to the development plan.
32. There are four fundamental deficiencies in BAL's case. First, BAL fail to adequately address the uncertainty which pervades the assessment of the Proposed Development. Secondly, BAL has not demonstrated, and it cannot be demonstrated, that the Proposed Development can be delivered on a basis which is consistent with the UK meeting either the 6th Carbon budget ("6CB") target or net zero in 2050. BAL fails to grapple with the dynamic nature of policy on carbon emissions, providing no coherent explanation for how the Proposed Development is consistent with the attainment of these targets. Thirdly, BAL underestimates the adverse effects of the Proposed Development and fails to take the opportunity to deliver improvements and provide innovative solutions to these problems. Fourthly, BAL overestimates the benefits of the Proposed Development. We will outline the nature of each of these deficiencies in turn.

(a) Failure to adequately address the uncertainty which pervades the assessment of the Proposed Development

33. Forecasting the growth in the demand for air travel from a particular location is an inherently uncertain activity. This applies across the sector and is not specific to BA, as Mr Folley's evidence demonstrates: forecasts for Belfast, Birmingham, East Midlands and Stanstead airports range in accuracy from 51% above to 50% below the

actual figure.¹⁹ The uncertainty in this appeal is even more significant given the unknown impact of Brexit and Covid. Indeed, the circumstances now are such that the uncertainty in forecasting airport growth has never been greater

34. BAL's evidence fails to grapple with this uncertainty or its consequences adequately. BAL has provided its forecast fleet mix and night movements for its core case alone. No sensitivity test has been applied to these factors for the slower or faster growth scenarios. In short, the implications for the full range of impacts and benefits associated with the uncertainty in the forecast has not been assessed and are unknown.
35. This failure by BAL is compounded by other errors of approach in BAL's forecasting, in particular:
 - (a) BAL has utilised airline interviews to inform its forecasts but has only provided high-level anonymous responses from those interviews. Neither the Council nor this inquiry is able to interrogate this sterilised data, despite it forming an important part of BAL's forecasting exercise. Similarly, BAL has not explained what values have been assigned to each market segment in its long-term forecasting. This too is an important matter which the inquiry is unable to interrogate.
 - (b) BAL's route development assumptions for forecasting in the shorter term do not provide sufficient evidence to either support the growth assumptions made with regard to business travel or to support the assumption that business travellers will make up the same proportion of passengers in 2030 as it did in 2019.
 - (c) BAL's bottom-up forecasts have failed to consider a reduction or levelling off of route frequency EU worker markets, e.g. Eastern Europe.
 - (d) BAL has used historic elasticities from the Department for Transport's UK Aviation Forecasts 2019 which are drawn from a world without Covid and before the implementation of Brexit.
36. Of further significance is BAL's failure to properly take into account the arrival of Jet2 to BA. Jet2 has historically brought second hand and older generation aircraft which

¹⁹ See Mr Folley's Appendix 1.

it operates for a long period. This is in contrast to easyJet and Ryanair who tend to buy aircraft new and replace them at a higher frequency. When Jet2 is taken into account, it results in a number of stark differences both in the number of annual movements and the aircraft undertaking those movements.²⁰

37. Far from being sterile matters of forecasting, BAL's failure to account for this uncertainty – and its failure to properly account for Jet2 – in its assessment of the effects of the Proposed Development cuts across a number of issues, in particular noise, air quality and carbon emissions. The effect of this is twofold: first, BAL's evidence cannot be considered to be robust; secondly, it has resulted in the underestimation of the adverse effects of the Proposed Development.

(b) Failure to grapple with the dynamic nature of policy and legislation on carbon emissions

38. As explained in Mr Hinnells' evidence, policy and legislation on carbon emissions is dynamic and fast moving. Indeed, there have been changes in this area since both the decision of the Council to refuse planning permission and the exchange of evidence in this appeal.
39. The clear thrust of the NPPF is to ensure that the planning system in both policy making and decision taking terms plays its part in securing the attainment of climate change targets and objectives. This can also be seen in the Airports NPS:

“Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.”²¹

40. Thus, it has to be demonstrated that if planning permission is granted the UK will still be able to achieve the 6CB targets and net zero in 2050. If this cannot be demonstrated then to grant planning permission would be inconsistent with the legal duty in section 1 of the Climate Change Act 2008 (“CCA 2008”).
41. In the absence of a government adopted aviation sector target for the 6CB period and/or for net zero by 2050, the only means by which it can be established that the

²⁰ While BAL has identified some issues with the Jet2 fleet mix produced on behalf of the Council, it will be argued that these do not materially affect the conclusions drawn by the Council's witnesses.

²¹ CD 6.09 at [5.82] on p. 60.

targets could be met would be to undertake a cumulative assessment of all UK emissions including those anticipated from other airport expansions. BAL has not undertaken such an assessment. Indeed, when asked to produce one by the PCAA its response indicated that it was not in a position to undertake this exercise.

42. Moreover, as MBU recognised, such an exercise is for Government to undertake. The Council will contend that the Government has not presented any concluded exercise which establishes that existing carbon emission targets will be attained with any degree of certainty if planning permission for the Proposed Development is granted.²² The result is that this Inquiry does not have any assessment before it which demonstrates that if the proposed development is permitted, the UK will still meet the 6CB target and/or the 2050 net zero target. This means that it has not been established that the Proposed Development can come forward on a basis which is consistent with the 78% cut in emissions for 2035 or the net zero 2050 target which is required.
43. This is not a new position for Inspectors to find themselves in. In the recent DCO examination for the A38 Derby junctions DCO, the Applicant sought to demonstrate that the scheme in that case would not affect the ability of the Government to meet the net zero target. The ExA concluded that *'we are unable to make a recommendation on this as the relevant interim carbon budgets have not been published. The SoST will need to satisfy themselves on that matter before making their decision.'*²³
44. Further the ExA was not satisfied that the Applicant for that DCO (Highways England) adequately considered cumulative climate change effects:

*'In our view a more suitable assessment would adopt a reasonably consistent geographical scale by, for example, considering the Road Investment Strategy (RIS)1 or RIS2 programme, of which the Proposed Development is a part, against the UK carbon budgets. The SoST will need to satisfy themselves on that matter before making their decision.'*²⁴

45. The ExA also explained that the evidence presented was:

' [...] not sufficient for us to conclude whether or not the Proposed Development, or the RIS1 or RIS2 programmes of which it is a part, would cause the UK to be in breach

²² The recent Jet Zero consultation presents four scenarios but the assumptions behind them has not been present and nor has any assessment of the likelihood of the scenarios coming about been conducted.

²³ ExA Report A38 Derbyshire Junctions.

²⁴ ExA Report at [6.4.56].

*of its international obligations. The Applicant has suggested that evidence that there would not be a breach of the obligation would be available to the SoST. The SoST will need to satisfy themselves on this matter before making their decision.'*²⁵

46. The Secretary of State concluded in respect of these matters:²⁶

'The Secretary of State notes that the ExA has recommended that further consideration should be given to the cumulative effects of carbon emissions from the Proposed Development and proposed that this should be undertaken in relation to consideration of the cumulative effects of the Road Investment Strategy ("RIS") 1 and 2. The Secretary of State is satisfied that appropriate consideration was taken of the carbon impacts of the RIS programmes during their development and that any impact is not incompatible with the national wide carbon targets and commitments of the Government. The Secretary of State considers that the cumulative assessment of the RIS is a matter for national consideration and as mentioned above, is satisfied that appropriate consideration was given during the RIS's development. The Secretary of State is content with the assessment undertaken by the Applicant and that it is in accordance with paragraphs 5.17 and 5.18 of NPSNN. The Secretary of State is satisfied that any increase in carbon emissions that would result from the Development is not so significant that it would have a material impact on the ability of the Government to meet its carbon reduction targets and that having regard to s104(4) of the PA2008 would not result in a breach of international obligations.'

47. This decision was the subject of a challenge in the High Court. The Secretary of State consented to judgment on the basis of inadequate reasons.

48. The Council will argue that you are in the same position as the ExA. The interim targets for the aviation sector have not been published. There has been no definitive appraisal of the cumulative effects of carbon emissions from airport expansion proposals presented to you which enables you to conclude whether or not the Proposed Development would cause breach of the 6th Carbon Budget target or the net zero target for 2050. The Council will contend that since you are not in a position to undertake the assessment necessary and neither is BAL, the Proposed Development cannot proceed unless the Secretary of State satisfies himself that climate change obligations can be met. But to do that an appraisal must be conducted and presented in detail to allow the parties to this Inquiry to make appropriate representations and to address the relevant matters in their evidence.

²⁵ ExA Report at [6.4.57].

²⁶ Decision Letter at [72].

49. The Government announced in April that alongside domestic aviation, international aviation is to be included in assessing the achievement of the 6CB target and in attaining net zero by 2050. Whilst aviation emissions may represent a small proportion of total UK carbon emissions now, that will not be the case as other sectors respond to the need for significant carbon reductions. By 2050 the CCC expects the sector to be the second largest contributor to UK greenhouse gases (“GHG”) emissions unless significant action is taken.²⁷ In the “Decarbonising Transport Plan” published only last week, the Government explains that:

‘Decarbonising aviation is one of the biggest challenges across the global economy. The technological requirements to provide the power to propel aircraft the distances required far outstrip those for equivalent land-based transport.’²⁸

50. Further, the foreword of the Jet Zero consultation which was also announced last week describes aviation as ‘one of the most challenging sectors to decarbonise’.²⁹ Indeed, it explains that the aviation sector will not achieve net zero itself:

‘Aviation is expected to be one of the few residual emitting sectors in 2050. Many of the technologies we need are in their infancy and will take time to develop.’³⁰

51. Thus, the Proposed Development would simply add to the difficulty of attaining net zero in a sector where the attainment of the targets is ‘one of the biggest challenges’ faced by the economy. In that context, the Council will argue that it cannot be established that the addition of the carbon emissions associated with a 2mppa increase in capacity at BA would not have a material impact on the ability of the Government to meet its carbon reduction targets.

52. Indeed, the CCC in its assessment of the difficulties that the aviation sector presents for the attainment of net zero was very clear. In its 6CB report the CCC’s pathway to net zero only allowed for a 25% growth in the aviation sector in the period to 2050 and it recommended the introduction of demand management, explaining that for every 1 mppa increase in capacity that was granted, 1 mppa of capacity would have to be lost at another airport elsewhere. Even these assumptions resulted in the aviation sector

²⁷ Climate Change Committee (2020). Sixth Carbon Budget.

²⁸ At p. 118.

²⁹ At p. 4.

³⁰ Jet Zero consultation at [2.2].

producing significant amounts of carbon emissions as at 2050 and not attaining net zero.

53. It is clear that, even on the basis the level of growth examined by the CCC, for the aviation sector to attain the 6th Carbon Budget target and net zero as at 2050, GHG removal measures will have to be relied upon. The CCC noted, however, that such measures are yet to be demonstrated to be available at the required scale in the UK for the aviation sector to achieve net zero.

54. The CCC re-iterated this advice as recently as 24 June 2021 in its update to Parliament:

*'The UK already has more than enough capacity to accommodate the demand increases in our Balanced Net Zero Pathway. Our advice in the Sixth Carbon Budget was therefore that **there should be no net expansion of UK airport capacity, unless the sector is on track to sufficiently outperform its net emissions trajectory and can accommodate the additional demand:***

Outperforming the net emissions trajectory means making significant progress on nascent and untested technologies like hybrid electric planes, and developing and scaling up markets for sustainable aviation fuels (SAF) and greenhouse gas removals.

*It is not possible to have certainty today over the pace of development of these technologies in future. **It is therefore difficult at present to justify capacity expansion on the basis of outperforming the emissions trajectory, particularly given the uncertainty around the permanence of impacts on aviation demand from COVID-19.**' (emphasis added)*

55. Thus, in essence the CCC's position is that it is too soon to be able to allow any further net expansion of UK airport capacity. In other words, it is premature to grant permission for schemes such as the Proposed Development. The CCC's position is that further expansion can only be contemplated in the future if it is established that the aviation sector is outperforming the emissions trajectory required to meet the carbon emissions reduction targets. We return to this theme of prematurity further below.

The APF and MBU in respect of carbon emissions

56. The Council will contend that both APF and MBU are out of date in so far as their policy approach is justified by reference to an appraisal of the implications of growth against a now out of date set of emissions reduction targets.

57. The APF was published in March 2013 and as such it was formulated in the context of a statutory duty in the CCA 2008 to cut emissions to 80% of 1990 levels by 2050. Further, APF adopted a policy approach (within the context of an 80% cut in emissions) where international aviation was not to be included in the attainment of national targets. An 80% target of course would allow for off-setting from other sectors which achieve a greater than 80% reduction in carbon emissions.
58. This position has been overtaken, is no longer tenable and APF must be considered to be out of date. Today, the Government has committed to including international aviation with carbon reduction targets, to the CCC recommendation for the 6CB of a cut in carbon emissions to 78% of 1990 levels by 2035 and to achieve net zero by 2050. The approach set out in APF is entirely at odds with those objectives and its support for growth can only be seen to be support for growth on a basis which was not established to be consistent with the recently adopted targets.
59. Further, the policy approach in MBU was founded on it being established that the small increase in capacity that it contemplated could come forward on a basis which would ensure that the then existing climate change targets could still be met. Of course, those climate targets were not those which apply today: there was no commitment to net zero and the policy was promulgated several years before the publication of the 6CB by the CCC and its acceptance by the Government.
60. MBU does not contain any assessment which demonstrates that the increase in capacity that it contemplates can come forward on a basis which will ensure that either the 6CB target or net zero in 2050 will be attained.
61. The Jet Zero consultation paper published last week states:

*'Beyond the horizon The future of UK aviation: Making best use of existing runways (2018) and Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018) are the most up-to-date policy on planning for airport development. They continue to have full effect, for example, as a material consideration in decision-taking on applications for planning permission. The government is clear that expansion of any airport must meet its climate change obligations to be able to proceed'*³¹

³¹ At footnote 39.

62. Whilst the Council recognises that the APF and MBU are the most recent policy statements made by Government, that fact alone does not mean that the justification for the policy approach contained within those statements remains up-to-date;³² rather the Council will contend that in so far as support for additional airport expansion is provided in those documents, that support is founded upon an appraisal of compliance with carbon reduction targets which is wholly out of date.
63. Neither the APF nor MBU tested the ability for the UK to meet its current climate change obligations (6CB and net zero 2050 including international aviation emissions). As such, to the extent that either of these policy documents can be construed as giving any in principle support for airport expansion, that support must be out of date since it was not provided on the basis of any assessment which establishes that airport expansion can be achieved on a basis which is consistent with the current climate change obligations.
64. As a result, the Council will argue that to the extent that the APF and MBU support additional airport expansion, those expressions of support are to be given little weight, since it has not been established that such growth is deliverable on a basis which is consistent with existing carbon emissions reductions targets.

Recent Announcements - Decarbonising Transport Plan

65. The Government's Decarbonising Transport Plan published last week does not alter this position. It does not contain any assessment which is comparable to the exercise set out in MBU. Indeed, that document does not identify the scale of growth for the aviation sector the Government contemplates in the period to 2050.

Recent Announcements - Jet Zero Consultation

66. The Jet Zero consultation published last week and which runs to 8 September 2021 will also be a particular focus at this Inquiry. That document is notable because it:
- (a) brings into sharp focus that the Government has set legally binding targets for the UK but has not adopted policy which demonstrates how these will be attained by the aviation sector;

³² Indeed, the Jet Zero paper footnote 39 is careful not to state that these statements are up to date.

- (b) proposes to set a CO₂ emissions reduction trajectory for aviation from 2025 to 2050 which would see in-sector CO₂ emissions of:
 - (i) 39 Mt in 2030;
 - (ii) 31 Mt in 2040; and
 - (iii) 21 Mt in 2050 (with any residual emissions in 2050 to be offset by greenhouse gas removal methods).

- (c) alternatively, it proposes a trajectory based on net CO₂ emissions – where offsetting and removals are considered as part of the target – which require CO₂ emissions of:
 - (i) 23-32 Mt in 2030
 - (ii) 12-19 Mt in 2040; and
 - (iii) 0 Mt in 2050.

67. These trajectories are more stringent than the planning assumption identified in MBU against which the acceptability of the limited capacity expansion contemplated by that document was assessed. Indeed, the higher ambition trajectory which is tougher than the CCC trajectory, still requires some 21 MtCO₂ to be off-set by GHG removal methods.

68. The Jet 2 Consultation states:

*'We currently **believe** the sector can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth. The industry's need to rebuild from a lower base is likely to mean that plans for airport expansion will be slower to come forward. Our analysis shows that there are scenarios that can achieve similar or greater CO₂ reductions to those in the CCC's Balanced Pathway (which limits growth to 25% by 2050 compared to 2018 levels compared to a baseline of 65% growth) by focussing on new fuels and technology, with the knock-on economic and social benefit, rather than capping demand.'*

*We recognise that net zero 2050 must be achieved and we must ensure that any growth in aviation is compatible with our emissions reduction commitments.'*³³

³³ At [3.41] – [3.42].

69. The basis for the “belief” that the Government does not need to intervene directly to limit aviation growth appears to be founded in four scenarios summarised in the accompanying “Evidence and Analysis” document. But these scenarios contain no appraisal of the degree of risk associated with each of them. In other words, there is nothing which indicates the extent to which they can be relied upon. The supporting document explains:

‘In order to achieve the CCC’s proposed demand limit of a 25% increase in passenger numbers on today’s levels by 2050, our modelling suggests a carbon price substantially higher than £600/t could be necessary. However, given the current evidence on the costs of SAF and hydrogen, we think before carbon prices reached this level, they would be sufficient to incentivise technologies to reach net zero GHG emissions by 2050.

*This analysis suggests that capping demand **may not** be necessary to reduce emissions to levels which can be offset by GGRs to achieve net zero (such as the level suggested by the CCC’s Balanced Net Zero Pathway, 23 Mt in 2050). **There is much uncertainty however, and clearly there could be many combinations of technology improvements, GGR costs and demand growth which would achieve net zero.** The challenge is to provide the right incentives and support to achieve this aim in the least restrictive and most cost-effective way possible.’³⁴ (emphasis added)*

70. The statement that capping demand “may not” be necessary cannot be read as a conclusion that capping demand is not necessary.
71. The Evidence and Analysis paper examines four scenarios containing varying levels of growth (between 58% and 60% increase in passengers. It explains:

[...] the four scenarios we have modelled result in residual in sector emissions of between 9 Mt and 36 Mt in 2050. The scenarios show that significant in-sector abatement could be possible if we make substantial progress with new technologies. However, making the required technological progress will be very challenging and there are many barriers that will need to be overcome, especially for the final two scenarios. Our trajectories also indicate that aviation net zero can be met by 2050 with future capacity assumptions consistent with Making Best Use policy and the Airports National Policy Statement.’³⁵

72. The Council is still seeking to understand the basis of this last statement, since it seems to suggest some assumptions have been made regarding future airport growth which are not presented in the consultation documentation. There are concerns whether, as

³⁴ At [2.21 – 2.22] on p. 9.

³⁵ At [4.1] on p. 19.

a result, sufficient information is provided to enable respondents to engage meaningfully with the appraisal which has been undertaken. The Council reserves its position to comment further in the light of any information that it may obtain in this regard.

73. The Council will contend that the “evidence” supporting the Jet Zero consultation paper does not support a conclusion that airport expansion now will be consistent with the achievement of existing emissions reduction commitments. The evidence does not support the view that capping demand will not be necessary in order to achieve existing emissions reduction commitments. The evidence does not demonstrate that very challenging technological progress to deliver the trajectories modelled will be made – nor does it assess the consequences if it is not.
74. In essence, what the “evidence” identifies is that it is too soon to conclude that capping airport growth is not necessary. The Council will argue that this material also points to the conclusion that there is no analysis which demonstrates that permitting the Proposed Development now can be done without there being any likely material impact on the Government’s ability to meet its climate change obligations.

Stanstead Airport appeal decision

75. There will inevitably be some discussion of the implications of the Stanstead Airport appeal decision letter. The Council will contend that that the decision is flawed in numerous respects, not least its failure to consider the weight to be ascribed to MBU in the light of the factors set out above. It is notable indeed, that the Inspectors failed to consider whether the rationale for growth contained within MBU remained sound notwithstanding the inclusion of international aviation within UK targets and the adoption of the 6CB and net zero targets. It is understood that the decision is now the subject of challenge in the High Court. The Council has been identified as an interested party and is currently consider the extent to which it may wish to become involved in that litigation.

BAL’s evidence

76. BAL simply fails to grapple with any of the difficulties set out above. Indeed, Mr Melling’s evidence does not even contemplate that the above matters could afford a basis for reducing the weight to APF and MBU. The further difficulty with BAL’s case

is that it fails to recognise the consequences of the current wave of airport expansion in the context of a policy framework which is out of date and wholly unable to guide aviation growth in a manner which is consistent with the attainment of net zero.

77. Over time, aviation carbon emissions will become more and more significant. The extent to which growth can be allowed depends on the extent to which there is the ability to use greenhouse gas reduction (“GGR”) measures during the 6CB period and as at 2050. Asserting that the impact of a scheme is small does not establish that the additional emissions it will give rise to will be reduced/offset to a sufficient degree that the 6CB target can be met and that net zero 2050 will be attained.

Prematurity

78. What is clear from Mr Hinnells’ proof is that not all airports will be able to expand. That is because the expansion plans of all airports cumulatively go beyond what could have been permitted under previous climate change targets. Since the new targets are even more stringent and require greater carbon emission reductions, it follows that only some of the airport expansion plans can come forward between now and 2050 on a basis which ensures attainment of the UK climate change obligations.
79. Since there are more schemes than carbon headroom, there has to be a process of identifying which schemes should come forward and which should not. A comparative exercise needs to be undertaken by national government to identify the scheme which achieve “sustainable growth” objectives of Aviation 2050 and the NPPF. Only the schemes which rank highest in the attainment of these objectives, consistent with the amount of capacity for growth which is available to ensure attainment of climate change targets, can be permitted to come forward.
80. Since such a concluded exercise has not been undertaken by Government, BAL cannot demonstrate that its scheme would be selected ahead of other airport expansion schemes. It follows that to grant planning permission for the Proposed Development now would be premature. It would prejudice the outcome of that exercise. To grant permission for the Proposed Development would utilise capacity that might otherwise be assigned to a different airport to better attain sustainable development objectives.

81. It is no answer to this difficulty to contend that airport expansion schemes should be permitted since their use can be subsequently regulated by central Government introducing controls to inhibit the use of any increase in capacity. Such an argument fails to recognise that planning decisions have to be taken on the basis of a balance of the impacts and benefits that will arise if planning permission is granted. If it is the case that once built the use of a scheme would be inhibited in order to meet climate change targets, then the benefits of the scheme that were used to justify the grant of planning permission would not be realised.
82. If in reality a proportion of the benefits of a scheme will not be capable of realisation, or there is a substantial risk that it will not, then that proportion must not be taken into account by a planning decision maker or it should be given limited, if any, weight.
83. It follows that the extent to which Government is likely to allow an airport to use any increase in capacity must be known prior to any decision maker granting planning permission, in order for that decision maker to weigh the degree of benefit that would actually be realised against the adverse impacts that would arise.
84. BAL has chosen to present its case in the present appeal on the basis of an assessment of benefits and impacts that assumes the full growth of 2 mppa. It has not demonstrated that the Government will or can allow this level of growth to occur consistent with the UK's climate change obligations. Further, BAL has not demonstrated that its scheme is justified if only a lower level of growth or indeed no growth is permitted by the Government. There has been no appraisal which demonstrates that the benefits of a lower level of growth would outweigh the harm.
85. In the light of the above, it has not been demonstrated that the Proposed Development will not have a material impact on the Government's ability to meet its carbon reduction targets.
86. Indeed, this application is premature. The concept of prematurity is well established in planning law, albeit usually in the context of the development plan process. The essence of a successful claim of prematurity is that the development proposed predetermines and pre-empts a decision which ought to be taken in the development plan process by reason of its scale, location and/or nature or that there is a real risk that it might do so: see *Truro City Council v Cornwall Council* [2013] All ER 108 at [63].

87. In the present case, the prematurity arises in the context of national policy. To grant planning permission for the proposed development predetermines and pre-empts a decision which ought to be taken in the context of a national evaluation of the constraints that exists as a result of adopted carbon emission reduction targets or that there is a real risk that it might do so. If the constraints are such that only some airport expansion schemes can be permitted then the national evaluation must decide which schemes come forward as best representing sustainable development.
88. The capacity of GGR measures that will be available in the future is fraught with uncertainty. Yet, since aviation will still be emitting carbon above the target levels in 2035 and at 2050, the extent of growth within the aviation sector can be accommodated depends in large part on the extent of available GGR capacity as at 2035 and 2050. Given the scale of the uncertainties associated with the provision of GGR measures, BAL cannot demonstrate that granting consent for the proposed development will not be material to the Government's ability to achieve climate change targets.
89. In "A Green Future: Our 25 Year Plan to Improve the Environment" the Government explained that:
- ' [...] the European Union (Withdrawal) Bill (now Act) will ensure that the body of existing EU law, including environmental law, continues to hold sway in the UK. Key underlying principles of existing policy, such as the 'polluter pays' principle and the precautionary principle, are reflected in this legislation.'*³⁶
90. Further, the Environment Bill (currently at the report stage prior to third reading in the House of Lords) requires a policy maker to have regard to amongst other matters, the precautionary principle (see current clauses 18 & 19). The adoption of a Jet Zero policy is thus likely to be considered in the context of the application of that principle, which already forms a part of the Government's approach to the Environment.
91. The precautionary principle states that where there are threats of serious or irreversible environmental damage, a lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. Thus, whilst there is significant uncertainty whether further airport expansion can be permitted on a basis which will be consistent with the attainment of carbon reduction targets, Government will have to err on the side of caution by refusing to permit

³⁶ At p. 129.

additional capacity until it has been established that allowing such development will be consistent with the attainment of such targets. The application of the precautionary principle leads to the adoption of the approach identified as appropriate by the CCC and explained above: there should be no net expansion of UK airport capacity, until it is proven that the aviation sector is on track to sufficiently outperform its net emissions trajectory to provide the headroom for expansion. Even, then the expansion which is permitted to come forward should be that which best delivers the objectives of sustainable development.

92. The Jet Zero consultation paper contains no discussion of the implications of the precautionary principle. The Council intends to explore the implications of this at this Inquiry.

Conclusion on carbon emissions

93. The proposed development is premature. It would add to carbon emissions in a sector which will not attain net zero even assuming substantial progress with new technologies and where the delivery of these new technologies will be “very challenging”. On any view, in order to attain net zero the aviation sector will be dependent upon greenhouse gas reduction measures to offset its residual emissions as at 2035 and 2050 on a scale which is yet to be established as deliverable on the necessary timescale.
94. The Council will contend that result is that it has not been established that the carbon emissions associated with the proposed development would not have a material impact on the ability of Government to meet its carbon reduction targets. The Council will argue that granting planning permission has not been demonstrated to be consistent with the attainment of the 6CB target or net zero by 2050 target. As such it is contrary to the NPPF (in particular the objectives in paragraphs 7 and 148), policy CS1 of the CS and the duty in the CCA 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. It will be said that this is a significant material factor weighing heavily against the grant of planning permission.

(c) Underestimation of the adverse effects of the Proposed Development and failure to deliver improvements

95. The common characteristic of BAL's evidence on the issues of noise, air quality, carbon emissions, Green Belt and surface access is that it underestimates the adverse impacts of the Proposed Development and fails to take the opportunity to provide innovative solutions to these problems.

Noise

96. There are two threads in local and national policy on noise. First, future aviation growth should ensure that the benefits of anticipated noise reductions are shared between the aviation industry and local communities. This means that the aviation industry must continue to reduce and mitigate noise as airport capacity grows and as noise levels fall with technological improvements, those benefits should be shared with local communities.³⁷ Thus local communities should be left with an improved noise climate over time even where an airport expands. Secondly, the number of people significantly affected by aircraft noise is to be limited and where possible reduced. This means that significant adverse effects of noise should be avoided, harm to amenity and health by noise must be limited to acceptable levels, quality of life shall be protected against adverse noise effects and health should be improved where possible.³⁸
97. The Proposed Development fails to accord with either policy strand. In particular:
- (a) Contrary to the assessment in the Environmental Statement ("the ES") and the Addendum Environmental Statement ("the AES"), the Proposed Development would increase the number of people experiencing significant adverse and adverse impacts on health and quality of life from air noise.

³⁷ See, for example APF CD 6.01 at [3.12] "*The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.*" Repeated at [3.1.3] of Aviation 2050 CD 6.05 and [5.6] of the ANPS CD 6.09: "*The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction*". See also [4.1] of DoTs Air Navigation Guidance: Guidance on airspace & noise management and environmental objectives CD 10.12: "*The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that facilitate it.*"

³⁸ See Mr Fiumicelli's POE at [3.52] and the supporting paragraphs preceding.

- (b) The Proposed Development would not sufficiently mitigate and minimise adverse impacts on health and quality of life. For example, the proposed noise insulation scheme is insufficient in terms of spatial scope and only addresses internal noise impacts, not those in private and public outdoor amenity spaces. Further, the result of reliance upon noise insulation scheme is that in order to experience lower noise levels residents must keep windows closed, something which gives rise to a further significant adverse impact on quality of life in locations (particularly rural locations) which would otherwise be relatively quiet.
 - (c) As a result, the Proposed Development would contribute to a deterioration rather than improvement in the health and well-being of the local population, in particular those who are already affected by aircraft noise by worsening the already significant adverse and adverse effects of noise associated with the operation of BA.
98. Further, there are a number of reasons why the conclusion in the ES and AES regarding the absence of significant adverse noise effects are likely to be unsafe. In particular:
- (a) The LAeq,T metric is used as a standalone metric for the assessment of significance, without consideration of supplementary metrics. LAeq does not capture all of the impacts upon individuals and their quality of life.
 - (b) The ES and AES fail to assess established direct effects of aviation noise on health, such as cardiac effects, stroke, hypertension.
 - (c) The air noise impact ratings used in the ES and AES underestimate the degree of impact caused by the substantial increase in air traffic movements. This is particularly the case in terms of the impacts upon sleep disturbance at night within the local community
 - (d) The failure to take into account the decision by Jet2 to operate from Bristol Airport means that the future fleet mix is likely to be noisier than has been assessed in the ES and the AES.
99. The Council will contend that the proposed development will give rise to a material increase in the number of households subjected to levels of noise above SOAEL at

night. These are impacts which national and local planning policy says should be avoided but which are not. As a result, the NPPF and the NPPG support an approach that planning permission should be refused. In essence, the Council will contend that the noise impacts alone create a presumption in favour of refusal of the Proposed Development.

Air quality

100. At the international level, emissions of air pollutants should be avoided where possible, prevented if they cannot be avoided, and where they cannot be prevented then they should be controlled to reduce the emissions as far as possible. This is particularly important for PM_{2.5}. Air quality standards/objectives are set nationally, but mere compliance with these standards/objective is not enough to prevent impacts upon human health from arising: a complete assessment of the potential impacts of the Proposed Development must include consideration of the effects on health which occur even when levels of airborne pollutants comply with the current national air quality standards.³⁹
101. This is reflected in local policy, in particular policy CS26 of the CS. BAL contend via Mr Peirce that the CS does not require development to improve the health and well-being of the local population. The Council contends the contrary. CS policy CS26 requires "*Health Impact Assessments (HIA) on all large scale developments in the district that assess how the development will contribute to improving the health and well being of the local population; ...*".⁴⁰ The Council will argue that Policy CS26 cannot be read as simply process driven i.e. it is not simply about conducting an HIA where there is large scale development. Such a policy would not have any land use consequences since it would achieve nothing other the carrying out of an HIA. The Council will contend that Policy CS26 was included in the Plan to deliver a particular land use outcome; that outcome, explicitly stated in CS26, is to ensure that large scale development contributes to the achievement of the objectives of the CS which include an improvement in the health and well-being of the local population.
102. Consistently with this, both national aviation policy and the NPPF require new development to positively demonstrate ongoing improvements in air quality by

³⁹ See Mr Broomfield's POE, section 4.

⁴⁰ CD 5.06 at p.100.

providing innovative solutions and incentives against ambitious targets; and by identifying opportunities to improve air quality or to mitigate impacts. This requires a comparison of air quality without development with air quality with development with the presumption that, with the development in place, air quality will improve.

103. BAL's assessment of the Proposed Development is flawed because it focuses on compliance with national air quality standards and omits consideration of how even compliance with those standards is insufficient to avoid harm to health to the local population living in the vicinity of the airport, particularly in a policy context which requires positive steps to be taken to improve the present situation.
104. The Council contends that the Proposed Development omits to include the identification of any ambitious targets relating to the reduction of polluting emissions and does not include any deliverable and measurable innovative solutions or incentives to achieve such targets. Despite having had years to develop a robust set of targets, solutions and incentives, BAL propose to postpone the identification, evaluation and possible implementation of any such targets and measures to an Action Plan at some point in the future. This would not take place until any leverage to require such measures to be taken in fulfilment of policy objectives is long gone. The extent to which the airport is actually committed to doing what can reasonably be done to reduce the impact of its polluting footprint is questioned.
105. These omissions are all the more stark when BAL's assessment reveals a worsening of air quality due to increases in nitrogen dioxide and PM_{2.5} resulting from the appeal proposals. The Council will contend that the only reasonable conclusion is that the development would result in an increase in risks to human health, thus failing to comply with the clear requirements of national and local policy. These impacts are matters which have to be weighed in the balance against the grant of planning permission.

Green Belt

106. There is no dispute between the parties that the extension of the silver zone car park and the lifting of seasonal restrictions within the Green Belt is inappropriate development. However, BAL's assessment of the degree of harm arising to the Green Belt is a woeful underestimate. The Proposed Development results in a permanent loss of openness to the Green Belt in both spatial and visual terms. The current

seasonal silver zone car park and the proposed extension to that cover 12.9ha. That area will be block parked with up to 6,350 cars, in addition to a range of parking paraphernalia. The harmful impact of such development has been repeatedly recognised by Inspectors in enforcement appeals concerning off-airport parking around BA, none of which have involved development of a comparable size (they have all been smaller). Here, not only is there a loss of openness of the Green Belt but there is also a clear and tangible encroachment into the countryside, resulting in the loss of an important openness buffer around BA, contrary to the purposes of including land in the Green Belt.

107. In order to obtain planning permission for the Proposed Development BAL must establish that very special circumstances (“VSC”) exist to justify the harm by reason of inappropriateness. VSC will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm from the Proposed Development is clearly outweighed by other considerations.
108. The Council will argue that it has not been established that any necessary additional parking provision could not be provided outside of the Green Belt within the inset via a multi storey provision. As we explain below, the Council contends the amount of parking identified by BAL represents significant over-provision. Further, a Public Transport Interchange is required as part of the sustainable transport proposals. At present that can only be delivered by building out the previously granted planning permission for MSCP1. The provision of that additional parking reduces the need for additional parking in the Green Belt.
109. In *R. (Langley Park School for Girls Governors) v Bromley LBC* [2009] EWCA Civ 734, [2010] 1 P. & C.R. 10, the Court held that where there are no clear planning objections to a proposed development, alternative proposals (whether for an alternative site, or a different siting within the same site) will normally be irrelevant.⁴¹ However, where there are clear planning objections to a proposed development such as the provision of inappropriate development in the Green Belt, the more likely it is that an alternative will be relevant, and may in some cases be necessary, to consider whether that objection could be overcome by an alternative proposal.

⁴¹ See also *R. (Mount Cook Land Ltd) v Westminster City Council* [2003] EWCA Civ 1346, [2004] 2 P. & C. R. 405.

110. In the present case, the ability to provide further multi storey car parking within the Green Belt inset (i.e. outside of the Green Belt) is clearly an alternative means of meeting such parking demand as may exist. Whilst BAL has a preference not to provide additional multi storey parking within the inset, that preference is driven by its own commercial considerations rather than by any necessity. The extent to which it has been established that the provision of multi storey car parking would make the entire development financially unviable and undeliverable will be explored.
111. The Council will also contend that the provision of additional surface level parking in the Green Belt will not resolve historic issues relating to off-airport parking since off airport parking will always undercut BAL's parking provision in order to sustain itself
112. Taken together, the Council will contend that BAL falls quite some way short of establishing that the harm to the Green Belt by reason of inappropriateness, and any other harm from the Proposed Development is clearly outweighed by other considerations. The Council will contend that VSC do not exist and that there is a conflict with national and local planning policy in this regard which is to be given significant weight against the grant of planning permission.

Surface access

113. Providing sustainable surface access to/from airports is an essential part of achieving sustainable growth in the aviation sector, especially because surface access is an important component in combatting climate change and because the impacts of inadequate surface access are felt acutely by local communities. This is recognised throughout national and local policy.
114. Within national aviation policy, four themes are readily apparent: (1) the important role of surface access provision in reducing emissions, in particular carbon emissions;⁴² (2) the need to reduce congestion related to airports;⁴³ (3) the need to increase the use of public transport to access airports;⁴⁴ and (4) the importance of up to date surface access strategies which underpins these other objectives.⁴⁵ These themes are replicated

⁴² See APF CD 6.01 at [1.96] and [4.22]; and Aviation 2050 CD 6.05 at [3.67] and [3.101].

⁴³ See APF CD 6.01 at [1.96] and [5.11]; and Aviation 2050 CD 6.05 at [3.67] and [3.101].

⁴⁴ See APF CD 6.01 at [4.20] and [5.11]; MBU at [6.40]; and Aviation 2050 CD 6.05 at [3.67] and [3.99].

⁴⁵ See APF CD 6.01 at [4.20] – [4.30] and Annex B; and Aviation 2050 CD 6.05 at [3.67 – 3.68, 3.99 and 4.32 – 4.40].

in the NPPF and in the development plan.⁴⁶ Indeed, policy CS23 makes specific reference to the need to resolve the adverse effects of expansion at BA on surface access provision.⁴⁷

115. In this context, BAL's Transport Assessment ("TA") and Addendum Transport Assessment ("TAA"), as well as the various iterations of the Parking Demand Study, fail to demonstrate compliance with these policy objectives in multiple respects. In particular:

- (a) There are a number of deficiencies in the TA and TAA which results in an incomplete and inaccurate understanding of the effects of the Proposed Development, especially in relation to: mitigation drawings; swept path analysis; road safety audits; walking, cycling and horse-riding audits; and junction modelling of the Slower Growth Scenario. The consequence of this is that it has not been demonstrated that the impact of the Proposed Development on congestion and highway safety has been mitigated to an acceptable degree, and as such the only conclusion is that there is inadequate surface access infrastructure to accommodate the Proposed Development.
- (b) There are a number of deficiencies in the Parking Demand Studies and the level of car parking proposed as part of the Proposed Development has not been justified. There is overprovision as a result of BAL's choice of operational utilisation percentage and demand to capacity ratio in the studies, as well as the growth in parking provision relative to passenger numbers and BAL's failure to assess the current sustainable mode share. Ultimately, these matters indicate that parking provision in the Proposed Development is overprovided to the extent that the Phase 2 Silver extensions is not required.
- (c) Similarly, there are a number of deficiencies in the assessment of public transport usage in the TA and TAA. It is clear that both national and local policy requires the sustainable mode share to be maximised but there is no evidence in the TA of what the maximum is, or that it will be achieved by the Proposed Development. Further, BAL's arguments concerning public transport are undermined by the lack of an up to date surface access strategy

⁴⁶ See Mr Colles' POE at [3.2.6] - [3.2.18].

⁴⁷ CD 5.06.

and passenger travel plan, as well as the absence of analysis to demonstrate geographically where the unmet public transport demand is situated, and the absence of any commitment or certainty that the required Public Transport Interchange will be delivered. Ultimately, the level of public transport provision within the Proposed Development is inadequate, does not take account of all the opportunities to maximise sustainable transport solutions, fails to deliver a genuine choice of transport modes and will not sufficiently reduce the reliance on the car to access BA.

Carbon emissions

116. BAL's evidence on carbon emissions fails to recognise that there is an inconsistency between the emissions from the Proposed Development and the attainment of both the emission reductions envisaged in the 6CB and the CCA 2008.
117. The Council intends to explore the reality of BAL's claim that the airport will attain net zero. This will include the relative importance of carbon emissions related to the airport as opposed to carbon emissions from all carbon emissions associated with the operation of the airport (i.e. including aviation). In addition, the Council will examine the extent to which BAL is committed to deliverable and measurable carbon reduction measures from all carbon emissions associated with the operation of the airport if permission is granted for the Proposed Development (and if permission is refused). This includes seeking to understand the measures proposed to deliver Sustainable Aviation Fuel at BA and the timescale for this.

(d) Overestimation of the benefits of the Proposed Development

118. The Council will contend that the constraints brought about by the UK's climate change obligations mean that there is only the ability to bring forward capacity to meet demand where this can be done on a basis which ensures that those obligations are met and where the benefits of expansion (including the benefits of meeting demand) outweigh the costs. To elevate the benefits of meeting demand to a "need" is to fail to appreciate the nature of these constraints. The Council will contend that it should not be accepted that there is a need for the Proposed Development; rather the position is that meeting demand will bring some benefits albeit not of the scale identified by BAL.

119. BAL has overstated the benefits of the Proposed Development across a number of areas and has failed to provide a comprehensive estimation of negative economic impacts, including environmental impact monetisation. Indeed, it is notable that the benefits claimed by BAL have declined: in its 2018 economic impact assessment, BAL claimed benefits amounting to £1565m, but this was slashed to £863m in 2020.⁴⁸The deficiencies noted by Mr Siraut's evidence can be summarised as follows:

- (a) BAL has assumed that business passengers will make up the same proportion of total throughput as was recorded in the CAA 2019 Passenger Survey. This approach fails to take account of the long term trend of lower business travel growth compared to leisure, and fails to recognise the effects of the Coronavirus pandemic or the climate emergency on the attitude of business passengers.
- (b) Any expansion at BA is likely to lead to displacement from other airports in the South West of England and South Wales, all of which have spare capacity. When displacement is considered realistically, the result is a significant reduction in the jobs and GVA arising from the Proposed Development.
- (c) Similarly, BAL's assessment of GVA per construction job is significantly higher than ONS data suggests and is not justified.
- (d) BAL fails to take into account: the effects of Brexit; the negative factor of outbound expenditure; and a number of monetised environmental impacts such as noise and air quality. Indeed, even though carbon costs have been monetised, BAL's calculation of these costs is opaque and cannot be fully interrogated.

120. Another factor to which regard must be had is that the proposed development will lead primarily to additional outbound tourism.

121. Mr Siraut also identifies that that most of the direct jobs provided by the expansion are likely to be low-value and low-skilled posts. This may lead to adverse impacts locally in terms of an overtightening of the local labour market.

⁴⁸ Compare CD 2.08 p. 59 at [6.8] and figure 6.1 and CD 2.22 p. 37 at [4.14] and figure 4.2

122. BAL's claims of increased connectivity will be questioned. The Council accepts that whilst there may be some changes in connectivity they are likely to be limited in terms of the factors which the APF considered to be important and thus of limited weight.
123. BAL claims that the Proposed Development will result in the clawback of passengers who would otherwise make longer journeys to other airports to fly. The extent to which that is the case depends very much on the change to the services on offer at Bristol which the proposed development will facilitate compared to the position if planning permission is refused. The Council will contend that those changes seem to be likely to be small. As a result, clawback is a matter to be given only limited weight.

IV. CONCLUSION

124. For these reasons, as will be developed by the Council, the Proposed Development is contrary to the development plan and to national planning policy. It does not represent sustainable development.
125. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- (a) In terms of the economic objective - it has not been established that the Proposed Development can come forward at the present time consistently with the now adopted carbon emission reduction targets. This is not a development that is needed now. It has not been established that this is development of the right types in the right place or at the right time. It has not been established that those in the local community who will be subject to the adverse impacts of the development will obtain any economic benefit from it. They will not share in the benefits as national aviation policy requires.
 - (b) In terms of the social objective, it has not been established that the proposed development will support a strong, vibrant and healthy local community communities; rather the local community's health, social and cultural well-being will all be detrimentally affected.
 - (c) In terms of the environmental objective, the proposed development does not deliver any net environmental benefit - rather it will be argued it will lead to

greater carbon emissions, an increased risk to the local community's health via increased air pollution and significant and substantial adverse impacts upon health and quality of life as a result of increased air noise particular at night.

126. The Council will argue that, whilst the Proposed Development would give rise to some benefits, these are not sufficient to outweigh the conflict with the development plan and national planning policy that the Proposed Development will give rise to.
127. For the reasons above, as will be developed in the Council's evidence and submissions at this inquiry, the Council will submit that the appeal should be dismissed.

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