

**Planning Application 18/P/5118/OUT**  
**Applicant: Bristol Airport (majority owned by**  
**Ontario Teachers' Pension Plan, Canada)**  
**Submission to North Somerset District Council by the**  
**Parish Councils Airport Association**

**PCAA Rebuttal of the Officers Report to Bristol Airport**  
**Planning Application 18/P/5118/OUT:**

The PCAA comprises 28 parishes surrounding the airport. We cover a large area with parishes from Sedgemoor district, Bath and North East Somerset district as well as North Somerset district. The parishes the association represents are Barrow Gurney, Blagdon, Brockley, Burrington, Butcombe, Churchill, Cleeve, Congresbury, Dundry, Kingston Seymour, Long Ashton, Winford, Wraxall and Failand, Wrington (**North Somerset**) Chew Magna, Chew Stoke, Compton Dando, Compton Martin, Keynsham Town Council, Nempnett Thrubwell, Newton St Loe, Publow w Pensford, Stanton Drew, Stowey Sutton, Timsbury, Ubley (**BANES**) Cheddar, Shipham (**Sedgemoor**).

The PCAA considers that Officers have given undue weight to perceived benefits and policy statements that support the case for approval and far too little weight to well-documented objections and the obvious material consideration of climate emergency.

It appears that some issues are not considered 'material considerations' and Officers have given them little or no weight. However, we reference the case [Erine Kides v South Cambridgeshire DC – Court of Appeal, 2002, LJ Parker] in which the following statement was given:

*'In my judgment a consideration is 'material', in this context, if it is relevant to the question whether the application should be granted or refused; that is to say if it is a factor which, when placed in the decision maker's scales, would tip the balance to some extent, one way or the other.*

The material consideration of the Climate Emergency along with other important material issues should have tipped the balance in favour of refusal. A letter from our barrister has been sent to all District Councillors giving our views on the material considerations for refusal. Importantly, this letter states that NSC can refuse this application without incurring financial liabilities as long as they identify and articulate clear planning reasons for doing so.

District Councillors will be exercising their judgement in respect, primarily, of an argument that the economic benefits from airport expansion exceed the impacts felt by the environment and local communities. In our view:

## Economic Argument

The case is weak

We agree with Officers that:

- BAL's economic case is 'over-stated'
- Jobs won't go to disadvantaged areas
- JSP has been withdrawn

We challenge Officers in respect of:

- Weight given to JLTP4

## Environmental and Community Impacts

Key issues have been glossed over

- Noise
- Climate Emergency
- Traffic and roads
- Parking
- Landscape
- Openness of the Green Belt
- Loss of biodiversity
- Health & wellbeing
- Mitigation
- Recent precedents

Strong reasons for refusal include the fact that:

- The proposal does not accord with the NSC Development Plan
- 'Material Considerations' do not tip the balance:
  - o The economic case is flawed and uncertain
  - o The 'need' is over-stated and contrary to CCC advice
  - o The net-zero emissions target has been ignored
  - o The case for using green belt land is un-proven
  - o There is no net environmental gain

A summary of the main points where we challenge the Officers Report is shown below, focusing specifically on Issue 24 – Summary and Planning Balance. This is followed by more detailed argument and a number of other issues.

## Key points in respect of Issue 24 (page 141 of the Officer's Report)

1. The Officers are using existing (but old and out-dated) policies, knowing that new ones are imminent. It is highly likely that new policies will be tighter and, for that reason, 29 UK airports are seeking to expand before the rules change. The correct response by NSC is to recognise the climate emergency and to take action to avoid climate-threatening developments. Within the past few weeks other Local Authorities have refused airport expansion applications, such as Stansted and Southampton.
2. Officers accept that there are uncertainties over economic assumptions but feel, nevertheless, that the economic benefits are worth the negative impacts. They do this without even seeking an estimated cost of the negative impacts (externalities). The truth is that different experts say different things and the weighting given to economic benefits has to be reduced to reflect the uncertainty.
3. Incrementalism pervades the whole report by the Officers:
  - a. The Officers say that they 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*'. This is a shocking comment:
    - i. aviation is the fastest-growing source of emissions whilst almost all other industries are reducing their emissions

- ii. the UK is set to miss its carbon budget
    - iii. the offsetting scheme, COSIRA, has been strongly denigrated
    - iv. emissions from increased vehicle movements have been ignored and this is a specific responsibility for NSC, with targets to meet
    - v. the idea that we don't need to change and we can leave it to everyone else is the epitome of 'business as usual' and the reverse of what could be expected from an authority that has declared a Climate Emergency
    - vi. NSC ignores the advice of the Committee on Climate Change
  - b. The Officers also state that *'The physical impact of the additional building works, including extra car parking and lighting, are likely therefore to have only a modest impact on the landscape character'*
    - i. Growth to 12mppa and onwards to 20mppa will have massive impact on openness and tranquillity and the dismissive approach favoured by the Officers appears to give carte blanche to enabling landscape-diminishing development
    - ii. It is worth pointing out that under the permissions of 2011 and the permitted development rights that were left with BAL, the monstrous Administrative Building was erected on the South side and in green belt, contrary to plans approved by NSC in the airport planning consent 2011. The PCAA re-state the view that all permitted development rights should be removed and that BAL should be much more actively challenged on development that impacts on open spaces and tranquillity.
  - c. The Officers claim that the use of quieter aircraft balances out the proposal to have many more movements and the incremental change will be insignificant.
    - i. People experience a noise 'event' rather than an average over 16 hours. Many more movements is highly noticeable even if each one is a few dB quieter
    - ii. The normal methodology for assessing noise impacts may say one thing but Councillors need to think beyond this and act for the community and they need to recognise the full impact of noise
4. Time and again the Officers seek to reassure Members that Conditions will sort out problems. However, there should be very low trust in the effectiveness of Conditions as BAL has effectively escaped or delayed several important commitments from the 2011 growth to 10mppa (e.g. MSCP2 and PTI) and they have made matters worse through use of permitted development that back-track on promises in the planning consent (e.g. siting the admin building on the South side in the green belt). The PCAA believe that the conditions put forward may be challengeable at the time of a Judicial Review.
5. The Officers point out that noise evaluation should be done with a *'balanced approach'* and with an objective to *'avoid, minimise, mitigate and where possible reduce significant adverse impacts on health and quality of life'*. However, the assessment does not achieve this:
- a. The trend across European airports has been, for some time, to reduce night-time flights yet for Bristol Airport the proposal, supported by Officers, is to increase the number of flights, particularly in the summer. Frankfurt airport has gone further and has recently banned night flights, at least on one of their runways. Geneva airport restricts night time flying.

- b. The gradual deployment of quieter aircraft is seen as a reason to increase flight movements, particularly at night and in the summer months. Quieter aircraft however are not quiet aircraft and, if anything, the planners should take this opportunity to reduce the impact on local people, as happens elsewhere.
  - c. BAL can only hope that airlines deploy quieter aircraft at the pace outlined in their documentation – they have no power to enforce this. Daytime flights are not governed by a noise quota system so, if BA are given permission to increase passenger and flight numbers and if quieter aircraft are not deployed as envisaged then it is the local community that will suffer. There needs to be a way of controlling noise from aircraft during daytime hours, perhaps through the use of a quota system.
  - d. The Officers seem to accept without challenge the idea that fewer households will fall within certain noise contours, without commenting on the imminent changes to flight paths that will arise through the CAP1616 ruling. This is very likely to increase the number of houses impacted.
  - e. The wording surrounding the quota system is ambiguous at best:
    - i. The Officers suggest that NSC should continue to use the quota system and use it to '*lower the optimum level of noise from aircraft types*' during night hours. In other words ask BAL to use quieter aircraft at night. This should be a mandatory requirement - that only quieter aircraft may fly at night if BA wants to increase flight numbers.
    - ii. The transfer of quota points between winter and summer months is the opposite of mitigation. It is turning one's back on an opportunity to contain summer night flying when people may wish to sleep with windows open.
    - iii. The comments on shoulder period are misleading. Currently flight numbers are 3513pa (source: Operations Monitoring Report 2018) although permission exists for 10,500. A move to 9,500 under the new proposals illustrates that the previous allowance was far too high and the proposed change should not be sold as good news to the community
    - iv. The PCAA expect the Officers to point out the change from the previous Quota Point System to the new Quota Point System at the planning meeting.
    - v. The PCAA note that the new system does not reduce the Point System but only the 'borrow or carry over of unused quota points between seasons'.
6. The Officers Report implies that sufficient mitigation is in place to address the environmental and community impacts:
- Much of this claim centres on the Community Fund and the grants for noise insulation. This hardly touches on the range of negative impacts that will be felt by local people: congested roads, cars parking in neighbouring villages, inability to sleep with windows open, health impacts, increasing emissions and loss of tranquillity across so many of our open areas
  - Furthermore, contributions to the fund are at a rate of 0.83p per passenger when the norm for other airports is 1.1p per passenger. Why should our communities be short-changed? (Reference: Stop Stansted Expansion legal opinion)

7. The Officers review of green belt issues fails entirely to push for the alternative to using green belt land for parking which is to build more MSCPs. This is not favoured by BAL because they prefer low cost solutions such as on open space. As stated: *BAL's main reason for discounting further MSCP's (beyond MSCP3) is that they do not consider there is a business case for it.* This is an inadequate reason for using green belt land. BAL make much of their profits from car parking but environmental degradation should not be allowed just so that this can continue.
8. The truth behind the comments on public transport is that the airport is in the wrong place – no rail link and poor road infrastructure. Enabling it to grow will compound the problem and builds on failure. Low-cost car parking will attract more cars and clog up the roads. High-cost car parking will push people to park in neighbouring villages.
9. The Officers' analysis of the traffic impact on smaller roads is inadequate.
  - a. Bristol's Clean Air Zone will clearly have an impact on traffic flows as drivers seek to avoid entering the proposed diesel-free area in Bristol (e.g. the Portway). The Officers claim that thinking and consultation are only at an early stage and therefore it can be discounted. In reality this will be one more incremental burden that local people will suffer.
  - b. The Officers point out that improvement in the use of public transport by 2.5% is a demanding target. The PCAA observe that previous targets have all been missed and have little confidence that this new target is achievable. This has repercussions for local communities in respect of vehicle emissions, traffic congestion and car parking.
10. The PCAA has provided NSC with a copy of a Legal Opinion that identifies valid and legitimate reasons why the application can be refused and outlines the cost implications of taking this step.
  - a. It can be refused because the proposal does not accord with the NSC Development Plan (which the Officers accept) in that it:
    - i. Does not resolve environmental issues and deliver a net environmental gain
    - ii. Fails to fully address issues relating to carbon emissions
    - iii. Falls short in respect of nature conservation
    - iv. Does not prove very special circumstances for use of green belt land
  - b. NSC can still approve the application if it is outside the Development Plan if material considerations are strong enough. This is not, however, the case: the need for the development and the scale of economic benefits are both less than outlined by BAL and subject to considerable uncertainty.
  - c. If the committee refuse the application on solid planning grounds, as outlined above, then there is a 'vanishingly low' chance of NSC bearing the other party's costs at a public inquiry.

## **Comments on more detailed sections of the Officer's Report**

### **Issue 21: Public Health and Wellbeing**

The Report found only long term beneficial effects on the population health locally and we strongly dispute the statement below:

*'The HIA indicates that the main socio-economic health related impacts of the proposal are positive in that the provision of long-term good quality employment opportunities (directly at Bristol Airport, or indirectly through wider economic investment within the region facilitated by the expansion) are likely to have a long-term beneficial effect on population health locally and, to a lesser extent, regionally. Such benefits could include reducing levels of poverty and inequalities. The impacts are contended to be 'minor beneficial' for the general population and up to 'moderate beneficial' for vulnerable groups'.*

The statement and the whole Report ignores the impacts of climate stress and air pollution. These arguments are founded on hard evidence whilst the trickle-down economic benefit claimed by BAL and the Officers is far from certain. The hard evidence is that the most disadvantaged local areas do not benefit from airport-related jobs. This is clear from a post-code analysis of employees at the airport.

The Medact Bristol group state that in their letter of objection that *'The proposed expansion of Bristol airport will damage air quality, increase noise pollution and contribute to climate change, all of which are significant threats to human health'* The PCAA question how the NS Public Health can arrive at the decision that there are no adverse impacts on residents particularly in light of the change in the night noise from greater aircraft movements.

### **Issue 22: Planning Obligations**

The PCAA still request a meeting with North Somerset Officers to discuss conditions whatever the outcome of the planning meeting on 10 February 2020, as the conditions are not finalised or yet going for approval. The Officers Report was only published on Wednesday, 29 January 2020. This gives very little time for parishes to consider conditions and request improvements. We will be seeking to improve conditions on noise, the Silver Zone Phase 2 green belt land, Carbon and Climate Change Action Plan and other issues. A letter has been sent to North Somerset Council from Lyons Bowe solicitors on the new location of the Public Transport Interchange.

**The Officers Report has failed to highlight the following objections from parishes within**

**North Somerset:**

Churchill

Wraxall and Failand

**Bath and North East Somerset:**

Compton Dando

Compton Martin

Chew Stoke

Nempnett Thrubwell

Timsbury

Ubley

We note that Bristol City Council comment is down as one of support for the Airport. Please see PCAA Addendum 20 which explains that it should only be considered as a neutral response.

We note that the West of England Combined Authorities comments are also down as ones of support and often quoted in the Report, for example, on page 25. Please see PCAA Addendum 22 which shows that the January 2019 letter from WECA cannot be considered one of support as it out of date and participating authorities have now changed their views and object to the proposal.

We note that with all the parish objections, four housing association objections, Churchill and Langford Residents Action Group, Avon Wildlife Trust, CPRE, Sustainable Clevedon, Bristol Medact, Campaign against Climate Change and even BALPA etc that objections for expansion heavily outweigh those of support. Objection from individuals also heavily outweigh those of support.