



**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 or 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*”.<sup>1</sup> 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.<sup>2</sup>
17. The CS (together with the DMP and the SAP) is the spatial, land-use expression of these shared priorities.<sup>3</sup> 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.”<sup>4</sup>*

---

<sup>1</sup> See the CS at [2.2].

<sup>2</sup> See the CS at [2.3].

<sup>3</sup> See the CS at [2.4].

<sup>4</sup> 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 circumstances<sup>5</sup>. 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

---

<sup>5</sup> *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,<sup>96</sup> 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 LAmax 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 LAmax 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 8hrs 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<sub>2.5</sub> 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 NO<sub>2</sub> 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<sub>2.5</sub> towards the WHO annual mean guideline of 10 µg/m<sup>3</sup>. 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<sub>2.5</sub> and nitrogen dioxide, in the context of evidence that health impacts arise at levels below current standards, and the expected tightening of PM<sub>2.5</sub> 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 37.5MtCO<sub>2</sub> (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 23MtCO<sub>2</sub> for aviation (before offsetting to zero) in the recommendations of the Climate Change Committee (“**CCC**”) on the 6<sup>th</sup> Carbon Budget published on the 9<sup>th</sup> 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 37.5MtCO<sub>2</sub> 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 budget<sup>6</sup>. 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](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 Agreement<sup>7</sup> temperature goals imply cuts from any and all sources of emissions.
89. Since MBU, the CCC<sup>8</sup> has twice proposed reductions in the scale of that planning budget: in 2019 it recommended a budget for aviation of 30MtCO<sub>2</sub> and in the draft 6<sup>th</sup> Carbon Budget dated December 2020 it recommends a budget of 23MtCO<sub>2</sub> 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) explains<sup>9</sup> 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 explains<sup>10</sup>:

***“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*

---

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

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

<sup>9</sup> Sixth Carbon Budget – The path to Net Zero Page 176

<sup>10</sup> 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 23-25MtCO<sub>2</sub> 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 paper<sup>11</sup> and second in response to the CCC Progress Report to parliament<sup>12</sup>). 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;

---

<sup>11</sup> 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932122/decarbonising-transport-setting-the-challenge.pdf)

<sup>12</sup> 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](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 6<sup>th</sup> 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 37.5MtCO<sub>2</sub> 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 MtCO<sub>2</sub>).

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.<sup>13</sup>

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.<sup>14</sup>

---

<sup>13</sup> See the Local Plan Inspector’s Report at [31].

<sup>14</sup> 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 CO<sub>2</sub> 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 <sup>15</sup>	
December 2020	CCC The Sixth Carbon Budget: The UK's path to net zero	
December 2020	UK Treasury published: Interim Net Zero Review.	

<sup>15</sup> [www.theccc.org.uk/publication/letter-advice-on-the-uks-2030-nationally-determined-contribution-ndc/](https://www.theccc.org.uk/publication/letter-advice-on-the-uks-2030-nationally-determined-contribution-ndc/)