

**ADDRESS: BRISTOL AIRPORT, NORTH SIDE ROAD, FELTON, WRINGTON**  
**APPEAL BY BRISTOL AIRPORT LIMITED RELATED TO BRISTOL AIRPORT,**  
**NORTH SIDE ROAD ('The s78 appeal')**  
**AND**  
**THE BRISTOL AIRPORT LIMITED (LAND AT A38 AND DOWNSIDE ROAD)**  
**COMPULSORY PURCHASE ORDER 2020 ('The CPO').**

**CASE MANAGEMENT CONFERENCE (8 March 2021) SUMMARY NOTE**

1. The Panel of Inspectors appointed to conduct the Inquiry comprises Inspector Mr Phillip Ware BSc (Hons) DipTP MRTPI (Lead), with Mrs Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC and Mr Dominic Young JP BSc (Hons) MA MRTPI MIHE. The Inquiry will open at 10.00am on Tuesday 20 July 2021 and is currently estimated to be sitting for around 40 days. A detailed programme of sitting days will be devised in due course.
2. The S78 appeal is transferred for determination by the Panel. The CPO has not been delegated, and the Panel will be reporting to the Secretary of State. If either of these matters changes, the parties will be informed.
3. The Council may wish to draw the attention of interested parties to this Note. At the very least, it is recommended that a copy be posted on the Council's website. The Note will be posted on the Inquiry website (details below).

**Programme Officers**

4. The Council has appointed a Programme Officer, Joanna Vincent, to deal with both the s78 Appeal and the CPO. She is independent from all parties and will be responsible to the Inspectors. She has been appointed to assist with the organisation and smooth running of the Inquiry and will be the first point of contact for people with queries about procedure, timetabling and general organisation of the event. All correspondence relating to the appeal should now be sent to the Programme Officer ([joanna.vincent@gateleyhamer.com](mailto:joanna.vincent@gateleyhamer.com)).

**Main Issues**

5. Having had regard to the submissions to date and discussions during the Case Management Conference, in connection with the s78 appeal will broadly relate to:
  - a. The acceptability of the scheme with regard to adopted and emerging local and national policy;

- b. The extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes and the extent to which the harm to the Green Belt by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations, including very special circumstances.
  - c. The effects of the proposed development upon sustainable transport objectives, the highway network, highway safety and parking provision;
  - d. The effect of air pollution associated with the proposed development on health and quality of life;
  - e. The effect of noise associated with the proposed development on health and quality of life;
  - f. The impact of the proposed development on greenhouse gas emissions and the ability of the UK to meet its climate change obligations;
  - g. The extent to which the proposed development will deliver economic, social and/or other benefits;
6. Evidence will also cover air traffic forecasts and projections; socio-economic impacts and other health matters though it is considered that these are sub-issues within the main issues identified above.
  7. The parties need not overly concern themselves with the exact wording of the issues at this stage, especially as they have been formulated in the absence of any Statement of Common Ground. They are merely intended to be a guide and the parties will of course present their evidence in a manner they see fit.
  8. Other matters raised by interested parties will also be considered. Whether or not these are dealt with as main issues in the eventual decision will depend on the evidence heard. It may also be the case that some of these issues could be dealt with through written submissions.
  9. In relation to the CPO, the core issue will be whether there is a compelling case for the CPO in the public interest. The acquiring authority is urged to continue negotiations with those affected, in line with guidance.

### **Format of the Inquiry**

10. At the current time it is hoped that the Inquiry will be held as a physical event, with live web-streaming and capacity to hear evidence from some witnesses virtually. A contingency for a full virtual event must be made in case the roadmap for emergence from the pandemic is not maintained.

### **Dealing with the evidence**

11. All the main issues will be dealt with in the conventional format for Inquiries, by evidence in chief from the relevant witness for each side,

followed by cross-examination from opposing Advocates. A topic-based approach will be adopted for the main issues so that the parties' respective evidence on particular issues can be heard consecutively.

12. Other matters raised by interested parties may be addressed by the Appellant and Council in the proofs of their respective planning witnesses and at the Inquiry itself as necessary.
13. As discussed, the overarching Statement of Common Ground (SOCG) should be submitted as soon as possible. To maintain focus on those areas where there is not agreement, topic-based Statements of Common Ground on the main issues are required, to be devised between the respective witnesses for the Appellant and the Council. These should endeavour to set out key points in a tabular format and bullet points where possible and be specific and clear on matters of 'uncommon' ground as well as the common ground. The views of the Rule 6 parties on matters contained in the topic based SOCGs will be sought.

### **Conditions**

14. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be submitted with the general Statement of Common Ground. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

### **Planning Obligations**

15. Draft heads of terms (HoT) of the proposed planning obligation should be sent as soon as possible, by way of an update to the HoT within the Officer Report.
16. A final draft of the planning obligations should be submitted two weeks before the Inquiry opens, accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. The Statement must contain a fully detailed justification for each obligation sought with reference to the CIL Regulations. The methodology for calculating any financial contributions should be included, along with details for how the money would be spent.
17. A signed and completed version of the S106 agreement should be submitted before the close of the Inquiry.

### **Core Documents/Inquiry Documents**

18. A list of core documents should be agreed in advance of preparing Proofs of Evidence proofs so they can be properly referenced. Core Documents can be provided in electronic form only with a hard copy made available at the Inquiry (or, where technology allows, via publicly accessible tablets). Core Documents can be added to in the run up to the Inquiry. They should be submitted to the Programme Officer (copying the PINS Case Officer),

who will coordinate their organisation and referencing on a website for easy access by all parties throughout the appeal. The Inquiry website is now available and can be found at <https://gateleyhamer-pi.com/en-gb/bristol-airport/> - quick link - [Bristol Airport Public Inquiry](#).

19. Any documents submitted once the Inquiry has opened will be recorded as an Inquiry Document on a separate list, overseen by the Inspectors and administered by the Programme Officer.

### **Inquiry Running Order/Programme**

20. Three hard copies of Proofs and Appendices (and summary proofs where more the 1500 words) are needed for the Inspectors. (Should the Inquiry have to proceed on a virtual basis, the requirement may change.) These should be sent to the Programme Officer. The parties should make arrangements to exchange Proofs with each other, in consultation with the Programme Officer.
21. The Inquiry will open at 10.00 on 20 July 2021, though may start slightly earlier on subsequent days. We will aim to finish each day no later than 17.00, take a lunch break around 13.00, with short mid-morning and afternoon breaks at suitable points in the proceedings. For any virtual elements of the Inquiry, we will aim to sit for around 90 minutes at a time and will seek the parties' assistance in facilitating this. If the Inquiry has to proceed on a virtual basis due to Government advice, the sitting days will be shorter to acknowledge screen fatigue, and the Inquiry will be consequently longer.
22. After the Panel's opening comments, opening statements from the main parties will be invited in order Appellant, the Council, then Rule 6 parties.
23. We will then hear from interested parties who wish to speak, although there is scope for some flexibility if someone has difficulties that prevent them from speaking in the first few days. Depending on how many interested parties wish to speak, we may split the sessions into supporters and objectors. The Panel would be happy to hold an evening session at some point during the proceedings, if there is sufficient demand. We consider this is the generally most appropriate format as it will allow the public to make representations on a range of issues in one go, rather than appearing at individual topic-based sessions.
24. A topic-based approach to hearing the evidence will be adopted. This will involve the formal presentation of evidence – Council first, followed by Rule 6 and then the Appellant.
25. The order of topics will be influenced by witness and Inspector availability, however at present, the s78 order is anticipated to be broadly as follows:
1. Third parties not represented by Rule 6 parties
  2. Forecasting
  3. Green Belt
  4. Noise
  5. Air Quality

6. Highways
7. Socio-economics
8. Climate Change
9. Planning issues and balance (including GB VSC)

26. The Inspectors will lead round table sessions on conditions and planning obligations. These sessions would normally take place towards the end of the Inquiry, but this may be brought forward in the programme to make good use of Inquiry time. All parties should be ready to engage with this at an early stage in the Inquiry.
27. At the end of the Inquiry there will be closing submissions, which should last no longer than 2 hours for each party. They will be in the order of Rule 6 Parties, Council and Appellants. They should set out each parties' respective cases as they stand at the end of the Inquiry, and structured in such a way that relates to the main issues with an electronic copy having been provided in advance to the Inspectors, appropriately cross-referenced where evidence is relied on.
28. The CPO Inquiry will formally open at the start of the s78 Inquiry, so as to enable the use of joint Core Documents. However it will not begin to be heard until immediately after the s78 Inquiry closes. It will proceed along the lines of what is commonly called a 'Method B' procedure, with the acquiring authority initially setting out the general case, followed by consideration of the individual objections.
29. An Inquiry programme will be circulated following receipt of your time estimates for each witness in due course. Other than in exceptional circumstances, parties are expected to take no longer than the timings indicated, which will require the co-operation of both advocates and witnesses.
30. Given the length of the Inquiry, it is likely that the programme will need to be continually evaluated and if necessary amended to reflect progress, and the duration of the Inquiry may change. All parties should maintain their availability for the expected 40 days of sitting, noting that Monday's will not generally be a sitting day. It will also be necessary to identify a number of days to be reserved for over-run.
31. A two week break will be scheduled for w/c 16 and 23 August 2021. There will be a further one week break w/c 20 September 2021.
32. A further Case Management Conference will be scheduled in order to progress details of the timing of the Inquiry. This is anticipated to be w/c 21 June 2021.

### **Site Visit**

33. The Inspectors will visit the area before the Inquiry opens, solely to familiarise themselves with the surrounding area. This will be unaccompanied and will not go onto private land.

34.The Inspectors will carry out an accompanied site visit during the Inquiry, and will visit the airport and the wider area. For efficiency, this may take place w/c 23 August 2021 during the scheduled break.

35.Its purpose is simply for the Inspectors to see the site and its surroundings. Due to security issues, the Council and Appellant are asked to consider the detailed arrangements, including for an accompanied air-side visit. If necessary, this may be limited to the Panel and Programme Officer, with a security representative from the Airport who is not directly involved with the Inquiry proceedings.

36.A suitable route and itinerary for the visit should be agreed between parties, including the Rule 6 parties, including land outside the operational airport itself.

### **Timings**

37.As soon as possible, but no later than **31 March 2021** the Panel require the following:

- Confirmation of a suitable venue (with associated technology capabilities)
- Submission of witness names and critical availability matters
- Initial estimate of timings for evidence in chief.

38.The general SoCG and draft Heads of terms for the S106 are due by **31 March 2021**.

39.For the CPO Inquiry, the Acquiring authority should produce a Statement of case by **6 April 2021** for circulation to all Remaining Objectors.

40.The deadline for the initial Core Documents List is **18 May 2021**.

41.Proofs (electronic and hard copies) will need to be submitted 5 weeks before opening, by **15 June 2021**. (For the CPO Inquiry, Statements of Evidence need to be submitted by **29 June 2021**.) In order to allow for ongoing discussion and focus between witnesses, the Topic Based SOCG and draft conditions should also be submitted by **15 June 2021**.

42.Final timings for openings and closings, evidence in chief and cross examination must be provided by all parties by **22 June 2021**.

43.The final draft S106 agreement is to be submitted no later than **6 July 2021** to be accompanied by the CIL Compliance Statement prepared by the Council and the relevant office copy entries.

44.Copies of notification letters to interested parties of the Inquiry arrangements should be provided to the Inspectors by **6 July 2021**.

45.There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **6 July 2021**. Before considering the use of rebuttals, the parties will be expected to explore

whether the matters in question can be addressed via an agreed addendum to the Statement(s) of Common Ground. It is important that any rebuttal proofs do not introduce new issues (other than if further updates are required after the publication of the Sixth Carbon Budget in June 2021).

## **Costs**

46.No application for costs is currently indicated by any party. If an application is to be made, the Planning Practice Guidance makes it clear that they should be made in writing to the Programme Officer before the Inquiry or as soon as reasonably possible.

47.You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to initiate an award of costs in line with the Planning Practice Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.

*P. J. G Ware*

Lead Inspector

*C Searson*

Inspector

*D. M. Young*

Inspector

17 March 2021

## **Annex 1: Summary Timetable:**

31 March 2021	Confirmation of suitable venue. Deadline for submission of: <ul style="list-style-type: none"><li>• witness names and critical availability</li><li>• initial estimate of timings</li><li>• general SOCG</li></ul>
6 April 2021	Acquiring Authority CPO Statement of Case
18 May 2021	Deadline for submission of: <ul style="list-style-type: none"><li>• Core Documents List</li></ul>
15 June 2021	Deadline for submission of: <ul style="list-style-type: none"><li>• all proofs</li><li>• topic specific statements of common ground</li><li>• draft conditions</li></ul>
w/c 21 June 2021	Second Case Management Conference (Virtual). Precise date to be agreed.
22 June 2021	Deadline for submission of: final timings for openings, EIC, XX
29 June 2021	CPO Statements of Evidence due
6 July 2021	Deadline for submission of: <ul style="list-style-type: none"><li>• any necessary rebuttal proofs final draft planning obligation and relevant office copy entries</li><li>• CIL Compliance Statement</li><li>• Inquiry notification letters</li></ul>
20 July 2021	Inquiry opens 10.00am
w/c 16 August	Inquiry not sitting
w/c 23 August 2021	Inquiry not sitting + Panel site inspection
w/c 20 September	Inquiry not sitting

## **Annex 2: List of those speaking the CMC for the main parties**

For the Council. Mr R Taylor QC (and Mr M Henderson of Counsel).

For the Appellant. Mr M Humphries QC.

For PCAA. Mr B Moorhouse of Counsel.

For BALPA. Mr A Renshaw. (Mr R Williams of Counsel at the Inquiry.)

For BAANCC. Mr R Gama. (Ms E Dehon of Counsel at the Inquiry.)

For Bristol XR Elders. Ms L. Beth.

For SP & LS. Ms A Sutherland.