PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

10 FEBRUARY 2020

Section 1

Item 6 – 18/P/5118/OUT Bristol Airport, North Side Road, Felton, Wrington, BS48 3DP

Additional Third-Party comments
When the committee report was published, 7,632 individual comments had been received, including 5,250 objections and 2,382 in support of the proposal. This has now increased to 11,926 comments, including 9,374 objections and 2,406* in support of the proposal.

Comments have also been received since the report was published that some standard postcards submitted in support of the application have been done so without the writers' consent and should be discounted.

Officer comment
*The points that are raised in the additional comments reiterate those points already made which are summarised in Appendix 2 of the repor*t. *Postcards submitted in support of the application via the applicant in bulk included a tick box to give consent to the card being passed on to the Council. Of the 471 cards received 49 did not have the consent box ticked and have therefore been redacted from the Council's website. *For the avoidance of doubt, the 49 unticked cards have been deducted from the total in support quoted above.*

Other representations received
The following additional letters/emails have also been received since the report was published:

South West Confederation of British Industry (CBI) and Federation of Small Businesses (FSB).
Strongly support the application in terms of direct and indirect employment and economic growth to the region. Bristol Airport has a catalytic effect on the economy with investment creating jobs and opportunities in the supply chain far beyond the airport boundary. The region is home to an aerospace cluster which is working hard to deliver a low carbon future for aviation. By enabling Bristol Airport to make the most efficient use of its site the benefits of air travel can be secured while limiting and mitigating the impacts. Constraining the airport risks forces businesses to use airports in London putting us at a competitive disadvantage by increasing travel time and costs, whilst increasing carbon emissions from road journeys to other airports. Limiting growth opportunities for airlines creates a risk that Bristol's route network may stagnate or decline.

Dr Liam Fox MP
Identifies various issues with the proposed expansion with reference to the consultation document "Aviation 2050". Comments on the local economy, local transport infrastructure, noise and parking. The regional economic benefits of airport growth are acknowledged but it is unlikely that this would yield a significant increase in business travel. Local transport infrastructure is the biggest impediment to expansion meaning considerable additional pressure on local roads with adverse effects for pollution and road safety. Noise can produce a significant reduction in quality of life for those under the flight path. Limiting expansion of noise must be a major consideration. Further expansion should be ruled out until full parking provision, including that under previous permissions and at other official sites is provided, to reduce parking displacement in villages and in the Green Belt.

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Officer comment
These matters have been addressed in the committee report. Notably, economic impacts are addressed in 'Issue 3', noise impacts are addressed in 'Issue 5' and transport and parking are addressed in Issues 8 to 11 inclusive.

Cardiff International Airport
An objection has been received from Cardiff International Airport.

Officer comment
This objection is very similar to the objection made by the Welsh Government (owners of Cardiff International Airport), which is summarised in Appendix 2 and addressed in 'Issue 2' of the report.

Parish Councils Airport Association (PCAA)
The report gives excessive weight to the economic benefits and inadequate weight to climate emergency, which PCAA consider should be decisive in decision making. The latter is predicated on new tighter environmental policies being in place soon. PCAA does not accept the conclusions reached in respect of noise, public health and wellbeing, surface access, landscape impacts, biodiversity, car parking options and 'very special circumstances' for development outweighing substantial harm to the Green Belt. The mitigation set out in planning conditions and planning obligations are inadequate

Solicitors on behalf of the PCAA have also raised the following matters:

Public Transport Interchange (PTI):
The movement of the PTI has not been assessed in the Environmental Statement (ES). If a fundamental piece of infrastructure is to be re-located from what was originally submitted or there is a change from what is currently consented, then this change must be assessed and presented as part of the ES. Without this assessment provided by the applicant then the committee will have a legitimate reason for refusal. If this information is not provided to the committee, prior to any resolution to grant, then any decision notice flowing from that resolution can be judicially reviewed and is very likely to be successful.

Conditions and S106 agreement
The recommendation as drafted means that conditions and S106 will be agreed by officers and then passed for sign off by the chair and Vice Chair of the Committee. This system is open to abuse by the applicant. The Committee should have the chance to review the agreed conditions and S106 and approve them through committee.

Officer comments
The PTI was approved as part of a multi-storey cark (MSCP) under the 10mppa application (09/P/1020/OT2) which has not been constructed. It is a standalone project which does not form part of the current application and the development could come forward without it as public transport services to/from the airport are required to increase regardless. Hence it does not form part of the ES. In response to representations received as part of the consideration of the current application,

the Council has nevertheless sought agreement to the applicant bringing forward an alternative provision as set out in Issue 8 (pp89) and Appendix 3 of the report.

The recommendation reflects the Committee's normal approach.

PCAA and Bristol Airport Action Network (BANN)

A Counsel's opinion on behalf of the PCAA and BANN has also been submitted. In summary it states that it would be lawful for the Committee to depart from the officer's recommendation and to refuse to grant planning permission. The environmental impact of the proposal, including the greenhouse gas impact (GHG), Green Belt harm, biodiversity impact and impact on habitat of protected species, mean the proposal does not comply with the Development Plan. Material considerations do not indicate permission should be granted. There is mixed evidence on need and BAL has overstated the economic benefits of the proposal.

Specific points made include:

Climate Change:

The Committee is required to take the Net Zero obligation into account. The Climate Change Act (CCA) 2008 imposes a statutory obligation that by 2050 there will be a reduction in GHG by at least 100% below the 1990 baseline. Policy CS1 must be understood in the light of the CCA statutory duty and the ES should have assessed against the requirement to reduce GHG by at least 100% below the 1990 baseline. Neither the ES or officers' report (OR) does this. It is the wrong approach to compare the additional CO2 against the whole carbon budget for all of the UK.

Green Belt, Habitats and Biodiversity:

Mitigation through replacement habitat is proposed which the ES and OR conclude would compensate for habitat loss. Case law (known as the Dutch Nitrogen cases) requires that LPAs cannot take into account mitigation measures which are "uncertain" at the time they are assessed, either because the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified or quantified with certainty.

There is evidence before the Committee questioning whether the replacement habitat would mitigate the impact. The proposal is required to show no net loss of, and instead net gain of, biodiversity. The only net gain identified is ecologically valuable bat habitat.

The OR does not factor in that substantial weight should be given to the permanent harm that will be caused to the Green Belt and does not explain why the "very special circumstances" clearly outweigh that harm.

Officer comments

Net Zero: The Supporting Text to policy CS1 refers to the obligation in section1 of the Climate Change Act 2008 (CCA) which at the time of adoption of the Core Strategy was 80%. Since then the Climate Change Act 2008 was amended in June 2019. Section 1 states:

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

(2) "The 1990 baseline" means the aggregate amount of—

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

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

The amendment to the CCA is a material consideration and should be taken into account when the Committee exercises its planning judgment, including its consideration of the principles in CS1. The application of policy CS1 has been considered in the OR in the context of the Net Zero obligation and the references to policy CS1 should be read in this context.

The ES is considered to be adequate in this respect. The OR refers to the Climate Change Act 2008 (2050 Target Amendment) Order 2019 on page 35 and acknowledges that "GHG emissions from all projects will contribute to climate change" and "any GHG emissions or reductions from a project might be significant." Page 36 the OR refers to 'Beyond the Horizon: making best use of existing runways' 2018 in which the Government says: "We shall be using the [emerging] Aviation Strategy to progress our wider policy towards tackling aviation carbon."

In the current absence of a new Aviation Strategy, the Committee on Climate Change (CCC) considered that UK aviation emissions should be capped at 37.5 million tonnes of carbon per year to meet the UK climate change obligations in 'Net Zero'. This has not been translated in to policy to date but is a material consideration and has been given weight accordingly. The ES was prepared on the basis of the 37.5 million tonnes of carbon per annum cap.

The ES contextualises the impact of added carbon growth from aviation against the recommended 37.5 million tonnes cap and this demonstrates that it is not significant against this cap. Pages 39 to 40 of the OR assess the impact of the added carbon from aviation from the proposed development and adds that to other UK aviation emissions (cumulative approach). The summary on page 42 of the OR concludes: "GHG emissions arising from the proposal, including those arising from flights and other sources are unlikely to have a material impact on the ability of the Government to meet its climate change obligations" in the 'Climate Change Act 2008 (2050 Target Amendment) Order 2019'. Furthermore, the proposal complies with 'Beyond the Horizon: making best use of existing runways' 2018; Policy CS1 and CS2 of the of the North Somerset Core Strategy and paragraphs 8, 148 and 150 of the NPPF.

<u>Certainty</u>: The European Court found that appropriate assessments may only be relied on subsequently for different stages or parts of a project if the assessment is appropriate for that stage or part and produces the requisite degree of scientific certainty as to the absence of an adverse effect on integrity. In the case of this application, at the time of assessment, the proposed mitigation measures follow current scientific standards and methodology which provides the certainty required.

<u>Net Gain</u>: The submitted information demonstrates no net loss of Habitats of Principal Importance. Additional mitigation/replacement habitat and enhancement measures have also been included in the scheme. Therefore, it is considered that the proposals will comply with the NPPF, CS4 and DM8 to provide net biodiversity gain providing appropriate management measures are applied.

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Green Belt: Issue 12 of the OR sets out the approach to Green Belt policy and the conclusions on harm. The NNPF is summarised on page 105. This states that "substantial weight" should be given to any harm to the Green Belt. The full text of NPPF para 144 is reproduced in full below:

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

For the avoidance of doubt, substantial weight has been given to the harm to the Green Belt and the conclusions on this set out in OR Issue 12 and the Issue 24 "Summary and Planning Balance" should be read on that basis.

Other matters

Recommended condition 23

Condition 23 of the recommendation deals with the requirement to carry out highway improvement works at M5 Junction 22/A38 'Edithmead' roundabout. Following further consideration, it is considered that this requirement is better met as a planning obligation within the Section 106 legal agreement. It is therefore recommended that the same requirements set out in condition 23 are added to the planning obligations in Appendix 3 and condition 23 as shown in the report is removed and all subsequent conditions are re-numbered accordingly. The recommendation is amended below to reflect this.

Correction to report

Issue 3. Page 24

In paragraph 2 line 8 the reference to "£1.65 billion of GVA" should be amended to "£1.6 billion NPV (Net Present Value) over 60 years."

The factors which are included in this figure can be found in figure 6.1 of the 'Development of Bristol Airport to Accommodate 12 million passengers per annum: Economic Impact Assessment – Final Report' November 2018'

AMENDMENT TO RECOMMENDATION:

1. Under part (b) "The completion of a S106 legal agreement securing:" after final bullet point "Skills and Employment Plan" add an additional bullet point as follows:

    - A scheme for transport improvement works at M5 junction 22/A38 Edithmead roundabout, or details of an alternative scheme of equivalent effect to be implemented in full and open to traffic before the passenger throughput at Bristol Airport reaches 11 million passengers in any calendar year (unless otherwise agreed)

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2. Delete condition 23 and renumber subsequent conditions accordingly.