

# **Statement of Case**

**Bristol Airport Limited  
Compulsory Purchase Order  
Appeal**

**Land at North Side Road &  
Downside Road, A38, Bristol**

**On Behalf of  
The Trustees of the Sir J V Wills  
Will Trust**



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## **1.0 INTRODUCTION**

1.1 This Statement of Case is submitted on behalf of Sir David Wills, Rupert Wills and Sandra Brown as The Trustees of the Sir J V Wills Will Trust (the Trust) C/o Michelmores, Broad Quay House, Broad Quay, Bristol BS1 4DJ, as owners of Plots 1 & 2 on the proposed scheme map.

1.2 The primary reasons for objecting to the Compulsory Purchase Order (the CPO) made are as follows:

1. Not all of the land in my client's ownership is needed for the scheme
2. The attempts made to acquire the land by Private Treaty are inadequate
3. The impacts from Covid-19
4. The proposed scheme is not in the public interest
5. North Somerset Council Planning Committee has refused the planning application for the proposed scheme, which is now subject to appeal

## **2.0 NOT ALL OF THE LAND IN MY CLIENT'S OWNERSHIP IS NEEDED FOR THE SCHEME**

2.1 Only Plot 2 as identified on the proposed scheme map is required for the highway improvements proposed, yet a compulsory purchase order (CPO) is being requested over the area shown in Plot 1 also. The details of proposed usage as set out in the Statement of Reasons are not sufficient to justify the owners being deprived of their freehold interest. These are listed as:

- Provide additional space for contractor to construct new road/footway
- Continued use as bat habitat through reinforcement works as part of the Integrated/Embedded Landscape, Visual and Ecology Mitigation Masterplan
- Safe working space around old quarry workings



Even if the CPO is approved, the land in Plot 1 should be excluded from the Order. A temporary agreement could be reached with the Trust for the use of the land for storage space during construction and to ensure safe working space around the quarry without the need to acquire the land. Similarly, an arrangement could be reached with the Trust for the continued maintenance of the bat habitat, albeit since bats are already a protected species, it is difficult to know what difference would be made under the ownership of Bristol Airport Limited (BAL) as opposed to the Trust. Therefore, Plot 1 is not needed for the scheme itself and should be excluded from the CPO.

### **3.0 THE ATTEMPTS MADE TO ACQUIRE THE LAND BY PRIVATE TREATY ARE INADEQUATE**

- 3.1 Inconsistent approaches have been made on behalf of BAL to acquire the land. Offers have been made and then withdrawn with lower offers made in their place. In 2018 the Trust received offers of over £200,000 for the land but in 2020, the offers were reduced to £40,000.
- 3.2 Evidence has been provided to support my client's assessment of value of the land being more than double that already offered but this evidence has been disregarded entirely. Indeed, a last minute attempt to remove my client from this CPO hearing process was made by offering a Lands Tribunal Contract on 25 May 2021 at a minimal land value.
- 3.3 The area of land to be acquired has altered over the course of negotiations without warning or justification and BAL has changed the agents negotiating on their behalf which has led to duplicated and protracted discussions in having to clarify ownership and Trustees all over again. All of these factors have frustrated the ability to reach agreement.



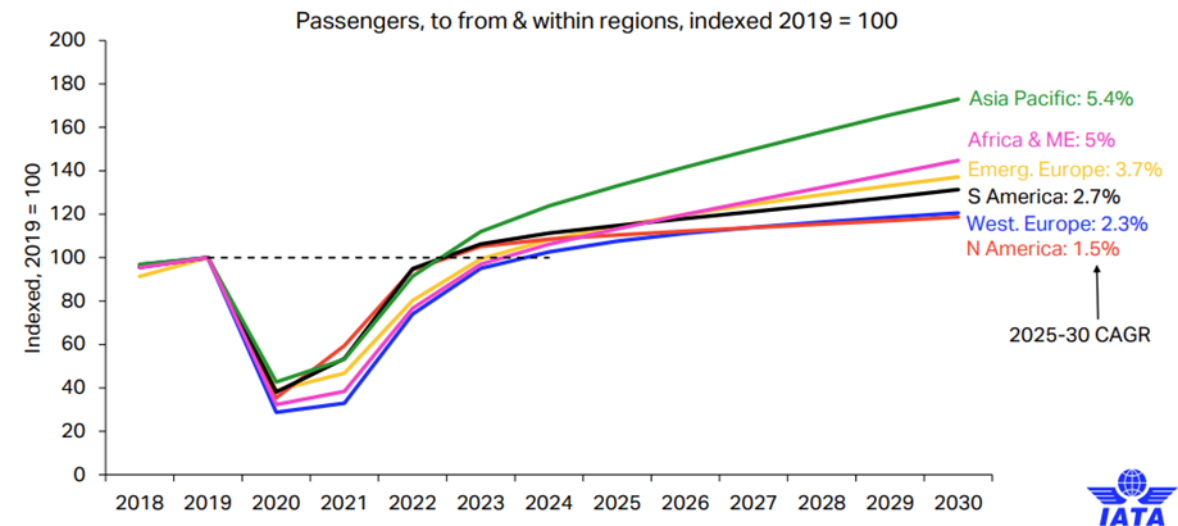
## 4.0 THE IMPACTS FROM COVID-19

- 4.1 The revised Air Traffic Forecast (the Forecast) submitted from York Aviation rather conveniently suggests that passenger numbers will increase to 12 mppa within the same timescale as predicted before the pandemic. This is an interesting conclusion bearing in mind the significant drop in travel during Covid-19 and the fact that we have not had a pandemic such as this before in order to model predictions. This Forecast is already outdated having been submitted in November 2020 since when the impact of travel restrictions – and the consequent effect on traveller behaviours – has become starkly apparent.
- 4.2 The Forecast does not account for lack of public confidence in travelling abroad nor any future restrictions on travel caused by variants of the virus. Nor does it allow for changes in ways of working, allowing far more people to work from home, utilising virtual communication, rather than the need to travel for work, a significant factor for this airport. Furthermore much of the business travel through Bristol relates to EU countries where activity levels have dropped sharply since Brexit.
- 4.3 The Forecast confirms that passenger numbers are unlikely to reach 10 mppa until 2024 based on the “core case” and therefore unlikely to reach 12 mppa until 2030, a significant delay on the previous forecast. This forecast contradicts the International Air Transport Association (IATA) and The Airports Council International (ACI) predictions as stated in the claimant’s Statement of Case<sup>1</sup> which both show that, internationally, traffic is expected to return to pre-pandemic levels by 2024 (in the case of Bristol, 8.9 mppa).
- 4.4 More recent IATA projections in April 2021 furthermore shows muted growth in Western Europe:

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<sup>1</sup> Bristol Airport Statement of Case Final para 5.6

## Regions with large domestic markets recover first European, Africa & Middle East regions lags due to international markets



Application of this analysis suggests that Bristol will not reach 10 mppa until 2030. BAL confirm in their Statement of Case that the highways works are not required until a capacity of 10 mppa is reached.<sup>2</sup>

- 4.5 This highlights the fact that this CPO application and the proposed expansion are premature. For a CPO to be approved, the acquiring authority must prove the need for the scheme to proceed and also the likelihood that the scheme will proceed without delay. That is clearly not the situation in this case where the airport has suffered a substantial drop in passenger traffic with no guarantee of those numbers recovering to pre Covid-19 levels in the foreseeable future, let alone increasing to the level at which the proposed works are required to accommodate expansion. It should be noted that early in the pandemic (May 2020), Birmingham Airport recognised the implications on air travel and paused it's £500 million expansion scheme indefinitely.

<sup>2</sup> Bristol Airport Statement of Case Final para 10.1



4.6 The capacity of the airport in 2009 was 7.3 mppa when planning consent was sought to a scheme to increase capacity to 10 mppa which the operator forecast would be required by 2019.<sup>3</sup> In fact, expansion has been considerably below that projection with only 8.9 mppa in 2019 despite a period of considerable economic growth and before any Covid effects. Even using the Forecast figures, which as explained above appear to contradict international projections as well as not accounting for Brexit and further travel disruption since they were assessed, the capacity of 10 mppa will now not be met until 2024, a delay of 5 years.

## **5.0 THE PROPOSED SCHEME IS NOT IN THE PUBLIC INTEREST**

### **5.1 Employment**

One of the key justifications given for the CPO relates to the additional employment that will be generated at the airport site. The airport is already able to expand from 9 million to 10 million passengers per annum so can already enable the creation of more jobs through this expansion. It is not felt that the employment or impact on the economy this further expansion may create outweighs other concerns. Bristol Airport Limited (BAL) only actually employs 275 people, down from around 400 people pre Covid-19. At present, approximately 2500 people are engaged in work relating to the airport, this is after redundancies in 2020. Increasing the passenger numbers as proposed will not increase the number of jobs by 20% due to improved technologies and the efficiencies of working across the airport. Any long term job creation will be minimal and not likely to be in the skilled sectors the area needs.

### **5.2 Traffic/Highways**

Public highway improvement is already needed in this area along the A38 corridor and surrounding routes in order to satisfactorily accommodate existing vehicle movements, particularly at peak times.

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<sup>3</sup> Entec Environmental Statement June 2009



The highway improvements proposed under the CPO do not adequately address accommodating a further 4 million passengers so this proposal needs to give greater consideration as to how to address the additional vehicle movements this would generate, particularly at peak times.

The majority of visitors to the airport travel by private car due to the lack of public transport links to any major settlements, which is also a major factor that should constrain the expansion of the airport. The further provision of public transport to the airport has not been suitably addressed within the proposal. Proper attention to the opportunities to improve connections through public transport would reduce the need for the extent of highway works proposed and potentially remove the need to acquire the Trust's land.

### 5.3 Environment

The noise and impact on air quality generated by the increase in aircraft movements would have a significant adverse impact on the health and wellbeing of local residents, as demonstrated by the Environmental Statement submitted by BAL for the planning application. In addition, the increase of greenhouse gas emissions generated by the proposal would exacerbate climate change and be in contravention of the Climate Change Act 2008 which imposes a duty to reduce carbon emissions.

As outlined in para 2.2 above, the majority of passengers travel by private car to the airport due to the inadequate public transport links so an increase in passenger numbers will only add to the pollution. This is quite apart from the additional flights proposed to accommodate the additional passenger numbers proposed.

The effects of air travel on the Bristol area were clearly seen during lockdown in 2020 when travel was restricted. This showed a 25% reduction in pollution in 2020 when compared with a 5 year average, demonstrating one of the largest reductions across the UK. Equally, this period also showed a sharp increase in the ozone levels.

For these reasons, it is therefore felt that the wider impact on the environment outweighs the narrower benefits of the expansion.





## **6.0 NORTH SOMERSET COUNCIL PLANNING COMMITTEE HAS REFUSED THE PLANNING APPLICATION FOR THE PROPOSED SCHEME**

6.1 Application reference 18/P/5118/OUT for the expansion of Bristol Airport was refused on 19 March 2020. Therefore, there are currently no grounds for issuing a CPO. Until a scheme has been granted planning consent, the acquisition of land should not be authorised. The scheme is now subject to appeal which is being held at the same time as this CPO hearing so unless the planning decision has been overturned at appeal, there are still no grounds for issuing a CPO.

In making the decision to refuse the application, it was felt that the proposal was contrary to the following North Somerset Core Strategy 2017 policies:

- Policy CS1 – Addressing Climate Change and Carbon Reduction
- Policy CS3 – Environmental Impacts and Flood Management
- Policy CS10 – Transportation and Movement
- Policy CS23 – Bristol Airport
- Policy CS26 – Supporting Healthy Living and the Provision of Care Homes

It was also deemed to be contrary to Policy DM12 of the North Somerset Development Management Policies Sites and Policies Plan 2016 and the National Planning Policy Framework relating to Green Belts. This is also highlighted in the Environmental Statement submitted by BAL for the planning application which confirms that there would be “*localised moderate significant adverse effect*” on the landscape and visual aspect of the area.

## **7.0 CONCLUSION**

7.1 For the reasons stated above, the CPO application cannot be justified. In particular:

- a. At the point of application, it is not supported by the necessary planning consent for the scheme to proceed.



- b. It relies on projections for passenger growth which are not supported either by historic growth (where the airport have a track record of over-estimating growth) or by international projections on recovery in passenger numbers from the Covid-19 pandemic. The projections do not reflect the impact of Brexit on business travel or the continuing and increasing disruption from Covid-19 which will influence passenger behaviour for years to come. The scheme is therefore premature with the 2009 scheme accommodating expansion up to 10 mppa with these passenger numbers unlikely to be exceeded until the latter part of this decade. The land is not required until 10 mppa is reached.
- c. The Acquiring Authority has made no credible attempt to acquire the freehold interest, seeking to purchase at nominal value only, ignoring the evidence for value that has been provided and frustrating negotiations through regular changes in both negotiating position and in personnel dealing with the matter
- d. Even if the CPO is granted, Plot 1 is not required for the scheme.