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Dear Grant Shapps

**Request for recovery of appeal by Bristol Airport Limited against North Somerset Council's refusal of planning permission for the development of Bristol Airport to accommodate 12 million passengers per annum**  
**Application Reference: 18/P/5118/OUT**

On 10 September 2020, Bristol Airport Limited (BAL) submitted an appeal to the Planning Inspectorate against the refusal of North Somerset Council (NSC) to grant planning permission to increase the capacity of Bristol Airport to 12 million passenger per annum (mppa) on 19 March 2020. As you will be aware, BAL is a statutory undertaker for the purposes of section 266 of the Town and Country Planning Act 1990 (as amended) and is writing to request that the appeal is recovered by the Secretary of State for Housing, Communities & Local Government and the Secretary of State for Transport for their joint determination in accordance with section 266(1A) of the 1990 Act.

In BAL's view, the appeal proposal meets a number of the criteria contained in the Ministerial Statement on recovery of planning appeals dated 30 June 2008. In particular:

**1. Proposals for development of major importance having more than local significance**

Bristol Airport is the principal airport and main international gateway for the South West of England and South Wales. The expansion of Bristol Airport to 12mppa is therefore a development of major importance for the South West region and beyond. The Economic Impact Assessment submitted with the planning application concludes that the appeal proposal would, if permitted, deliver substantial social and economic benefits including 5,150 employment opportunities and £390 million Gross Value Added (GVA).

The employment benefits associated with expanding Bristol Airport to 12mppa are especially important in light of the economic impact of the COVID-19 pandemic. In this context, Bristol Airport is in close proximity to two of the South West's most deprived areas, Weston-super-Mare and South Bristol, which are amongst the 10% most deprived areas in the UK. These areas are significant providers of labour for the airport; as at 2019, Weston-super-Mare was estimated to account for around 13% of current on-site employment and South Bristol around 11%. The appeal proposal will support local and regional economic recovery from the pandemic and regeneration in these deprived areas.

The appeal proposal also supports the Government's policy objectives to make the UK one of the best-connected countries in the world and, if approved, it would enable a substantial contribution to the economic growth of the UK, as well as to the agenda for levelling-up regional growth. In contrast, constraining Bristol Airport's capacity at 10 mppa would see economic activity displaced from the South West, act as a barrier to overseas investment and trade post-Brexit, and result in a reduction in regional connectivity.

## **2. Proposals giving rise to substantial regional or national controversy**

Given its nature, the appeal proposal is high profile. To date, there have been over 11,500 representations submitted on the proposed development. There will undoubtedly be widespread interest in the appeal, both regionally and nationally.

## **3. Proposals which raise important or novel issues of development control, and/or legal difficulties**

The Government's emerging aviation policy set out in the Green Paper 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"*. Therefore, a key consideration in the appeal will be the extent to which increasing the capacity of Bristol Airport will materially affect the ability of the Government to meet its 'net zero' carbon target for 2050.

BAL is committed to minimising greenhouse gas emissions and has already published a Carbon Roadmap to become a net zero airport by 2050. This includes offsetting all passenger surface access journeys from 2020, being carbon neutral by 2025 for emissions within BAL's control and generating 25% of BAL's energy consumption from onsite renewables over the same period. The assessment presented in the Environmental Statement supporting the application established that aviation emissions associated with the addition of 2 mppa would represent only 0.28% of the 37.5 MtCO<sub>2</sub>/annum 'planning assumption' adopted by Government. The assessment therefore concluded that this would not materially affect the UK's carbon budgets.

The Secretary of State for Transport's recent decision in respect of the reopening and development of Manston Airport has confirmed that substantial weight can be afforded to developments which support and implement Government policy

objectives for aviation. However, there are no recent Government decisions for aviation expansion under the Town and Country Planning regime which set a clear precedent for how the Government's emerging aviation policy in relation to meeting carbon reduction commitments should be applied, notwithstanding the Government's making best use policy. It is therefore appropriate that Government gives particular consideration to planning appeals involving aviation expansion to ensure an appropriate and consistent application of such emerging policy.

#### **4. Proposals against which another Government Department has raised major objections or has a major interest**

If planning appeals are recovered, this is usually on the direction of The Secretary of State for Housing, Communities & Local Government. However, BAL is a statutory undertaker for the purposes of section 266 of the Town and Country Planning Act 1990 by virtue of its operation of Bristol Airport. Therefore, The Secretary of State for Transport will also have a major interest in the determination of the appeal. In accordance with section 266(1A) of the Town and Country Planning Act 1990 (as amended), the appeal will be referred to both The Secretary of State for Housing, Communities & Local Government and The Minister for Transport, to consider whether they wish to recover the appeal for their own determination.

In addition, BAL is promoting a separate Compulsory Purchase Order (CPO) under the provisions of the Airports Act 1986 to enable delivery of the highway works necessary to facilitate the increase in capacity sought through the appeal proposal. Following diligent enquiries, it is also understood that a small parcel within the land to be compulsorily acquired may include common land. No replacement land is proposed given that the area affected is below the threshold of 250 square yards and is, in any event, required for works to widen the existing highway. Whilst it is not therefore considered that the Order would be subject to Special Parliamentary Procedure, the Secretary of State for Transport will be asked to certify that the provisions of section 19(1) of the Acquisition of Land Act 1981 apply.

Following the expiry of the period to lodge objections on the making of the Order, it is anticipated that there are likely to be unresolved objections, such that it will be necessary to hold a public inquiry before the Order can be confirmed by The Secretary of State for Transport. Therefore, once the objection period has expired and the Order is submitted to The Secretary of State for Transport with a request for its confirmation, a request will also be made that the planning appeal and related CPO inquiry are co-joined to ensure an effective, efficient and fair process for all parties involved.

#### **5. Proposals of major significance for the delivery of the Government's climate change programme and energy policies**

Linked to the matter of whether the appeal raises important or novel issues of development control is the question of whether the appeal proposal is significant for the delivery of the Government's climate change programme.

As set out above, BAL is firmly of the view that the appeal proposal will not have a material impact on the Government's ability to meet its carbon reduction targets. BAL is confident that its proposals to increase the capacity of Bristol Airport provide a sustainable solution to meeting regional passenger demand, including through the potential to claw back leakage of passengers from London airports, in line with the Government's policy of making best use, which will not affect the Government's ability to meet its carbon reduction commitments.

Notwithstanding this, BAL is aware that the regional controversy of the appeal proposal is largely driven by current perceptions by some objectors on the compatibility of aviation expansion with delivery of the Government's climate change objectives. In fact, the perceived impacts of the appeal proposal on climate change were cited as a reason for refusal by NSC.

## **6. Proposals for significant development in the Green Belt**

It should be noted that the appeal proposal includes development in the Green Belt, and indeed inappropriate development in the Green Belt was cited as a reason for refusal by NSC. Whilst the development proposed in the Green Belt is limited in scale and BAL's view is that it would have limited impact on the openness of the Green Belt, it is recognised that it is necessary to demonstrate that there are very special circumstances which outweigh harm to the Green Belt as a result of the appeal proposal.

If permitted, the appeal proposal will enable a significant step to be taken towards levelling up the regions and would recognise BAL's efforts to become an exemplar for sustainable aviation growth in line with existing Government policy. However, the appeal proposal gives rise to matters of regional significance and has attracted substantial controversy as a result of considerations for the application of national and international policy.

Given the above circumstances, BAL respectfully invites The Secretary of State for Housing, Communities & Local Government and The Secretary of State for Transport to recover this appeal for their joint determination.

Yours sincerely,



**Dave Lees**  
**CEO**  
**Bristol Airport**