



Secretary of State for Transport,
Aviation Policy & Reform,
Zone 1/25, Great Minster House,
33 Horseferry Road,
London, SW1P 4DR

One Glass Wharf
Bristol BS2 0ZX
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]
www.burgess-salmon.com
DX 7829 Bristol

Direct Line: [REDACTED]
[REDACTED]

Our ref: GS03/22942.9998/SOLOM

Your ref:

14 October 2020

When telephoning please ask for: Gary Soloman

Dear Sirs

THE BRISTOL AIRPORT LIMITED (LAND AT A38 AND DOWNSIDE ROAD) COMPULSORY PURCHASE ORDER 2020

Objection by North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

We act for North Somerset Council (the Council) in relation to the above matter and we have been instructed to make an objection to the Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 (the CPO) on behalf of the Council in its capacity as Local Highway Authority.

The objection is made in relation to the Order Land, including any land in the ownership of the Council or within which it has an interest (it is unclear whether the Council does own any land within the CPO boundaries. The Statement of Case accompanying the CPO suggests that Council land is included but that is to be confirmed). In relation to the land owned by Highways England, the Council is not aware that this has been transferred to the Council and believe that it is still held by Highways England and should be treated as such.

Reason for objection

The A38 forms part of the Major Road Network (MRN). The MNR forms a middle tier of the country's busiest and most economically important local authority 'A' roads, sitting between the national Strategic Road Network (SRN) and the rest of the local road network.

In July 2019, the Council and Somerset County Council (SCC) submitted to the Department for Transport a Strategic Outline Business Case (SOBC) to provide a package of measures which aim to remove pinch points, increase capacity and improve safety along the A38 between Bristol, the Airport and Junction 22 of the M5 (the A38 MRN Scheme). The anticipated benefits of the A38 MRN Scheme would be improved journey times, a reduction in traffic diverting onto less appropriate routes through sensitive villages or narrow lanes, and improved resilience for when there are incidents on the M5, for which the A38 is a diversion route.

The SOBC provided evidence that, without the A38 MRN Scheme, pressure would be placed on the M5 (the SRN) as well as the local highway network resulting in increased congestion. In addition, economic growth would be stifled and the potential social and economic benefits arising from corridor development along the A38 would not be realised.

The SOBC was successful and in October 2019 the Department for Transport granted development funding to NSC and SCC to develop the scheme to Outline Business Case (OBC). This was confirmed in writing on the 3 December 2019. The grant was accepted in principal by NSC on the 19 December 2019.

WORK\38070413\v.1

Classification: Confidential

The proposed A38 MRN Scheme is a series of discrete packages of interventions along the A38 to meet criteria established by the Department for Transport for the MRN and to address the key issues identified within the SOBC work. The interventions vary in nature and scope with the critical proposals to secure maximum benefits along the A38 corridor lying at Downside Road and Edithmead Roundabout at J22 of the M5.

The majority of the land needed to deliver the proposed interventions are within the public highway and fall within the remit of the Council and SCC as highway authority to undertake; however third-party land is needed at Downside Road to deliver the optimal proposal to secure the above benefits and deliver the proposed scheme in line with DfT MRN objectives. The land needed for the A38 MRN Scheme is included in the CPO.

The Council considers that Bristol Airport Limited (BAL) should not be seeking acquisition of the land required for the Council's A38 proposals. The works to the A38 in the vicinity of the Airport are being progressed as part of the wider A38 MRN Scheme. The proposed BAL CPO therefore has the potential to compromise those works as it would result in BAL owning the land required for the A38 MRN Scheme with no arrangements in place for the Council to be able to control construction or maintenance of those works.

This may impact the development and delivery programme for the MRN, established by the Department for Transport, which requires completion of works by 2025. Indeed, the Council has its own powers of CPO under the Highways Act 1980 which it will be considering utilising to progress the A38 MRN Scheme if required. It is contrary to the public interest to have the same land being acquired by a third party developer when that land is required by the Local Highway Authority.

The Council recognises that BAL's Statement of Reasons refers to a number of scenarios under which the works could be undertaken. However, there is currently no agreement in place for completion of these works as part of the A38 MRN Scheme and its delivery, therefore, remains uncertain. Should BAL's CPO be confirmed, as things currently stand this will jeopardise the whole MRN project to the detriment of the A38 corridor and wider communities including additional resilience to the SRN network.

Covid-19 has demonstrably had a significant impact upon airport passenger patronage with the industry generally expecting no return to pre-covid levels of passenger throughput for at least 5 years. BAL has and will be impacted by this significant downturn in passenger numbers which, if tied to 12mppa (via the planning appeal and any co-joined CPO), would further delay the council's ability to progress the MRN scheme and would prejudice the ability of the council to implement the scheme in-line with DfT programme requirements.

As such, the Council objects to the CPO and considers that it should not be confirmed.

Yours faithfully


BURGES SALMON LLP