

CIL COMPLIANCE STATEMENT FOR UNILATERAL UNDERTAKING ACCOMPANYING THE BRISTOL AIRPORT 12MPPA APPEAL

1. INTRODUCTION

- 1.1 To the extent that the planning obligations contained within the Unilateral Undertaking (**UU**) are a reason for the grant of the planning permission, then the obligations must meet the current legal tests within Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Regulation 122 states:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

(a) necessary

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 1.2 The CIL Compliance Statement submitted by NSC on 7 October 2021 outlines the justification for their proposed obligations within the Section 106 Agreement and how they meet the requirements of CIL Regulation 122. As NSC have not sought to demonstrate how the obligations contained within the UU are CIL Compliant, BAL submit this statement to assist in demonstrating compliance with the relevant tests. Schedule 1 outlines each main obligation in turn and provides a headline explanation of how the obligation is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

SCHEDULE 1

Unilateral Undertaking CIL Compliance Summary

Obligation	Necessary	Directly related to development	Fair and reasonable
Transport, Travel, Parking and Highway Works			
Pursue the objectives in the existing Airport Surface Access Strategy (ASAS). (Schedule 1, Part 2, Para 2.1)	This was part of the 10mppa Permission and is required for consistency until the Replacement ASAS is prepared and approved.	The ASAS is directly related to the BAL's existing 10mppa Permission and will need to remain in place until the Replacement ASAS is prepared and approved.	This is an obligation already in place under the 10mppa Permission so it is reasonable that this continue.
Provide a replacement ASAS within six months of the Effective Date and thereafter continue the actions and pursue the objectives contained in the replacement ASAS. (Schedule 1, Part 2, Para 2.2)	<p>The replacement ASAS is needed to provide for an annual action plan which monitors all the service improvements and commitments contained therein against a set of key performance indicators (KPIs) together with any further measures considered necessary to achieve the Public Transport Modal Share target.</p> <p>The production of an ASAS, and the associated measures contained therein, is in accordance with Development Plan Policies CS1, CS10 and CS23, as well as Policies DM50 and DM54, the National Planning Policy Framework (NPPF) and Aviation Policy Framework (APF) on matters relating to the promotion of sustainable travel and surface access.</p>	As the development will cause an increase in passengers accessing the Airport, a new ASAS is required to provide and monitor service improvements which will mitigate any impact on the highway network.	As the existing ASAS has been in place since 2012, it is appropriate for a Replacement ASAS to be prepared as part of the proposed development.

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<p>Increase in PTMS to be based on continuation of existing public transport services with further improvement in the frequency and/or introduce new service routes. (Schedule 1, Part 2, Para 2.3.3(b))</p>	<p>It is necessary to promote sustainable forms of transport to and from the airport as part of the proposed development.</p> <p>Increasing public transport mode share as part of the promotion of sustainable travel is in accordance with Development Plan Policies CS1, CS10 and CS23, as well as Policies DM50 and DM54, the NPPF and APF.</p>	<p>As the development will cause an increase in passengers accessing the Airport, aiming to increase public transport mode share will relieve pressure on the highway network by reducing the volume of cars accessing the Airport.</p>	<p>A PTMS increase of 2.5% is a challenging but achievable target as has been demonstrated by the evidence of Mr Witchalls.</p>
<p>Phased approach to additional parking delivery (Schedule 1, Part 2, Para 4)</p>	<p>The Parking Demand Study and Parking Demand Study Update have shown that a mix of premium and low cost parking options are required to meet parking demand. This obligation, together with the Monitor and Manage condition, will ensure that sufficient parking is provided to meet the demand associated with an additional 2mppa as it arises.</p> <p>The provision of adequate car parking is in accordance with Policy CS11 of the Development Plan. The requirement to provide additional car parking and need to meet the demand for low cost parking is one of three very special circumstances that outweigh any harm to the Green Belt as a result of the development, and any other harm caused by increasing the capacity of the Airport to 12mppa. This is in accordance</p>	<p>As the Parking Demand Study and Parking Demand Study Update have demonstrated, additional parking provision will be required at the Airport to meet increased demand resulting from the additional 2mppa associated with the proposed development.</p> <p>The proposed phasing represents a balanced and controlled approach to the delivery of additional car parking capacity at the Airport.</p>	<p>This is a reasonable approach which enables development of parking to be provided as it is anticipated to be needed.</p>

Obligation	Necessary	Directly related to development	Fair and reasonable
	with the NPPF and Policies DM12 and DM50 of the Development Plan.		
Noise and Air Quality			
Submit a noise mitigation scheme to the local planning authority, which details the noise mitigation grants to be made to qualifying residential properties, for approval and provide details of the account to the Council.	<p>It is necessary to ensure that "<i>airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more</i>" (2013 APF).</p> <p>Policy CS23 of the Development Plan refers to the satisfactory resolution of environmental issues and Policy CS3 stipulates that development which, on its own or cumulatively, would result in (inter alia) noise or harm to amenity, health or safety will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.</p> <p>The NPPF paragraph 185 states that planning policies should "<i>mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise from giving rise to significant adverse impacts on health and quality of life; and Identify</i></p>	As the development will be causing an increase in aircraft take-off and landing, this Noise Mitigation Scheme provides an uplift in contributions to mitigate any harm to local residents.	The latest Noise Mitigation Scheme has provided better coverage by including specific consideration of the night time impacts, increasing funding and by removing the matched funding requirement, removing a potential barrier for mitigation to occur. BAL believes this is a reasonable approach, which compares very well with offerings at other airports.

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	<p><i>and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason".</i></p> <p>The aims of the NPSE include the aim to <i>"mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable Development"</i>.</p> <p>The Planning Practice Guidance, Noise advice is that noise above the SOAEL should be avoided using appropriate mitigation while taking into account the guiding principles of sustainable development. Where noise is between the LOAEL and SOAEL, the advice is to take all reasonable steps to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development.</p>		