

March 2021

The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory
Purchase Order 2020

Bristol Airport Limited's Statement of Case

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1. INTRODUCTION

- 1.1 This document is the Statement of Case produced by Bristol Airport Limited (**Acquiring Authority** or **BAL**) explaining the reasons and justification for making the Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 (the **Order**).
- 1.2 The Order was made by BAL on 15 September 2020 under the provisions of the Airports Act 1986 (the **Airports Act**). The Order has been submitted to the Secretary of State for Transport with a request that it be confirmed. The Order is required to support BAL's planned increase in the permitted passenger cap at the Bristol Airport (the **Airport**) from 10 million passengers per annum (**mppa**) to 12 mppa, which is the subject of an appeal (reference APP/D0121/W/20/3259234) against the refusal by North Somerset Council (the **Council**) of planning application (reference 18/P/5118/OUT) (the **Application**). The Application includes a number of new infrastructure components onsite and offsite to support the proposed increase in passenger numbers and to ensure safe and efficient passenger movements to and around the Airport site. Highway works to the A38 and Downside Road are required to accommodate additional traffic generated by the additional 2 mppa (the **Highway Works**). The Highway Works and the Airport expansion proposals (the **Scheme**) are described in more detail in section 6.
- 1.3 BAL is seeking to acquire land required for the Highway Works which it has not been able to secure by way of private treaty. The area over which land is required for the Highway Works is referred to in this Statement as the **Order Land**.
- 1.4 This Statement of Case is based upon the Statement of Reasons which was prepared when the CPO was made, in accordance with Section 12 of the guidance issued in October 2015 (and last updated in July 2019) by the Department for Communities & Local Government (as was) entitled "Guidance on Compulsory Purchase process and The Crichel Down Rules" (**CPO Guidance**). It set out the reasons why the powers of compulsory purchase contained in the Order are necessary and why there is a compelling case in the public interest for the Order to be confirmed by the Secretary of State. Paragraph 36 of the CPO Guidance confirms that it is possible to use the Statement of Reasons as a basis for this Statement of Case. This Statement of Case also addresses the objections which have been made to the Order.
- 1.5 As the Order was made during the time of the Coronavirus (**COVID-19**) pandemic, in complying with its notification requirements, BAL took into account the Ministry of Housing, Communities and Local Government's "Coronavirus (COVID-19): compulsory purchase guidance" published on 13 May 2020 (and last updated 27 May 2020) (**COVID-19 Guidance**).
- 1.6 Notices publicising the making of the Order appeared in the Western Daily Press on Thursday 17 September 2020 and Thursday 24 September 2020. Notices were also erected on the Order Land notifying of the making of the Order. The period for submission of any objections to the Order expired on 16 October 2020. By that date, 3 statutory objections and 29 non-statutory objections (with 32 objections being received in total) had been made to the Secretary of State.
- 1.7 On 29 January 2021, the Secretary of State gave notice to the Acquiring Authority that a public inquiry would be held into the Order. As requested by the Acquiring Authority, the inquiry for the Order will be heard with the inquiry into the planning appeal relating to the Application (the **Planning Appeal**). A Case Management Conference took place on 8 March 2021 and the inquiry will open on 20 July 2021.
- 1.8 Under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007, the Acquiring Authority is required to send the Secretary of State and all remaining objectors its Statement of Case. This document is the Acquiring Authority's Statement of Case.

2. STRUCTURE OF THIS STATEMENT

- 2.1 The following sections of this Statement reflect the CPO Guidance and include:
- 2.1.1 A description of the Order Land and its present use (section 3);

- 2.1.2 A description of the Highway Works, the Scheme and the proposals for the use or development of the Order Land (section 6);
 - 2.1.3 An explanation of the enabling power under the Airports Act (section 7);
 - 2.1.4 A statement of the Acquiring Authority's purpose in seeking to acquire the Order Land, justification for use of the enabling power and explanation of how regard has been given to the European Convention on Human Rights (sections 5, 6, 7 and 17);
 - 2.1.5 A statement justifying the extent of the Scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world' (section 6);
 - 2.1.6 A statement about the planning position of the Order Land (section 11);
 - 2.1.7 Any special considerations affecting the Order Land (section 16);
 - 2.1.8 A statement on the absence of impediments to the implementation of the Order and delivery of the Highway Works (sections 3, 6, 9, 11 and 12);
 - 2.1.9 Details of any views which may have been expressed by a Government department about the proposed development of the Order Land (section 19);
 - 2.1.10 An outline of the steps BAL has taken to negotiate the acquisition of the land by agreement (section 8);
 - 2.1.11 BAL's response to the objections made to the Order (section 9 and **Appendix 4**);
 - 2.1.12 Any other information which would be of interest to persons affected by the Order (sections 22 and 23);
 - 2.1.13 Details of related orders, applications etc (section 14); and
 - 2.1.14 Details of documents which BAL would intend to refer to or put in evidence at inquiry (section 21 and **Appendix 1**).
- 2.2 This Statement describes the case for compulsory purchase and provides conclusions on BAL's reasons for promoting the Order.

2.3 The following terms are used in this Statement:

1981 Act	Acquisition of Land Act 1981
ACI	Airports Council International
Acquiring Authority or BAL	Bristol Airport Limited
Airport	Bristol Airport
Airports Act	Airports Act 1986
APF	Aviation Policy Framework
Application	the planning application submitted by BAL to increase the permitted passenger cap at the Airport from 10 mppa to 12 mppa, allocated reference 18/P/5118/OUT, which is the subject of an appeal allocated reference APP/D0121/W/20/3259234

ATMs	air traffic movements
Aviation Act	Civil Aviation Act 1982
Aviation 2050	Green Paper Aviation Strategy 2050: The Future of UK Aviation
BADL	Bristol Airport Developments Limited
CAA	Civil Aviation Authority
Compensation Code	the body of Statute, Lands Tribunal and Lands Chamber of the Upper Tribunal decisions and case law applicable to the determination of compensation in relation to compulsory purchase
Convention	The European Convention on Human Rights which was incorporated into domestic law by the Human Rights Act 1998
Council	North Somerset Council
CPO Guidance	the guidance issued by the Ministry of Housing, Communities and Local Government in July 2019 entitled Guidance on Compulsory Purchase process and The Crichel Down Rules
COVID-19 Guidance	the guidance issued by MHCLG updated on 27 May 2020 entitled Coronavirus (COVID-19): compulsory purchase guidance
DfT	Department for Transport
FTEs	full time equivalents
GVA	gross value added
Highway Works	the highway works at the A38 and Downside Road described in Section 6
IATA	International Air Transport Association
MHCLG	Ministry of Housing, Communities & Local Government
MPPA	million passengers per annum
NPPF	revised National Planning Policy Framework (February 2019)
Order	The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020
Order Land	the land included within the Order for compulsory acquisition
Order Map	map referred to in the Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020
Planning Appeal	the appeal allocated reference APP/D0121/W/20/3259234 against the refusal decision for the Application

PRC	practical reserve capacity
Scheme	the scheme to be consented by the Application including the Highways Works on the Order Land
Secretary of State	the Secretary of State for Transport
YAL	York Aviation Limited

3. DESCRIPTION OF THE ORDER LAND

3.1 The land included within the Order to be compulsorily acquired is shown edged red and coloured pink on the Order Map (the **Order Land**). The total area of land to be compulsorily acquired is approximately 9,293 square metres.

General location of the Order Land

3.2 The Airport is located on the western side of the A38, approximately 11km south-west of Bristol City Centre, within the local authority administrative area of the Council. Covering an area of 196 hectares, it is situated on a ridge of high ground called Broadfield Down 183 metres above ordnance datum with the A370 Bristol to Weston-super-Mare road 4km to the north and the M5 motorway 11km to the west of the site (the total Application site area is circa 211 hectares). The A38 carriageway is directly adjacent to the Airport, on its eastern extent.

3.3 Two roundabout junctions provide access to the Airport site from the A38. The northern roundabout provides access to the northern parts of the Airport including the main terminal building, passenger pick up and drop off areas, hotel and operational facilities and both short and long-stay parking areas. This is also the main access for public transport links to the Airport. The southern roundabout, meanwhile, provides access to (inter alia) Silver Zone long-stay car parking, the main administrative building, staff car parking, taxi-waiting area, free drop off-car park, Staff Travel Hub, car rental hub, aircraft maintenance areas, fire station, Profred hangar, Bristol and Wessex Aeroplane Club, Bristol Flying Centre and Western Power Distribution Helicopter Unit.

3.4 In addition to its existing site, BAL owns some 16 hectares of land immediately to the south of the Airport. This land is currently used for agriculture, dominated by improved grassland used for grazing and a small area of woodland. The area surrounding the Airport, meanwhile, is predominantly open, undulating countryside with extensive woodland areas to the west and open farmland and settlements to the north, east and south.

3.5 Immediately to the north of the Airport are properties along Downside Road. Those properties along the southern side of this road fall within the parish of Wrington and those along the north fall within the parish of Backwell. Those properties along the southern side of Downside Road share a boundary with the Airport. To the north-west is the village of Felton which extends northwards along the A38 and east towards Winford. To the south is the small settlement of Redhill and beyond is Wrington.

3.6 The Order Land is located to the north of the northern A38 roundabout which serves the Airport. The Order Land comprises land both adjacent to the A38 carriageway as well as along Downside Road.

3.7 The Order Land in detail comprises:

Plot	Description and present use of Order Land
1	The western portion of woodland and former quarry (south of Downside Road and west of Bridgwater Road, A38)
2	Woodland and former quarry (south of Downside Road and west of Bridgwater Road, A38) fronting the highways

Plot	Description and present use of Order Land
3	Hardstanding between A38 highway and Airport Tavern building, hedgerow and shrubbery within field to the north of the Airport Tavern
4	Enclosed parking area adjacent to Downside Road and hedgerow (Airport Tavern)
5	Field, hedgerow and shrubbery (Airport Tavern) and public footpath (LA2/37/10/X)
6	Field, hedgerow and shrubbery (Airport Tavern) and public footpath (LA2/37/10/X)
7	Footway (north eastern corner Downside Road)
8	Hardstanding between A38 highway and Airport Tavern building
9	Hardstanding between A38 highway and Airport Tavern building, hedgerow and shrubbery within field to the north of the Airport Tavern
10	Hedgerow (land south of Oakwood House) and public footpath (LA2/37/10/X)
11	Hedgerow (land south of Oakwood House) and public footpath (LA2/37/10/X)
12	Caravan, garden and hedgerow (land south of Oakwood House) and public footpath (LA2/37/10/X)
13	Caravan, garden and hedgerow (land south of Oakwood House) and public footpath (LA2/37/10/X)
14	Garden and hedgerow (Oakwood House)
15	Garden and hedgerow (Oakwood House)
16	Grassed verge footway and shrubbery (north west of Felton Village Hall and east of Bridgwater Road, A38)
17	Grassed verge and footway (north west of Felton Village Hall and east of Bridgwater Road, A38)
18	Grassed verge footway and shrubbery (west of Felton Village Hall and east of Bridgwater Road, A38)
19	Grassed verge footway and shrubbery (west of Felton Village Hall and east of Bridgwater Road, A38)
20	Grassed verge footway and shrubbery (south west of Felton Village Hall and east of Bridgwater Road, A38)
21	Common land comprising grassed verge and footway on the corner of Bridgwater Road A38 and West Lane
22	Carriageway (east of Bridgwater Road, A38 leading to Lilac Cottages) and verge (east of Bridgwater Road, A38)

4. PRESENT OWNERSHIP AND OCCUPATION OF THE ORDER LAND

- 4.1 The Order Land is characterised by land adjacent to the existing A38 and Downside Road carriageways including the former quarry on the south side of Downside Road. None of the land comprises buildings other than a mobile home within parts of plots 12 and 13.
- 4.2 The CPO Schedule (Document 1.1) contains the names and addresses of all owners, lessees, tenants and occupiers (Table 1) who have interests within the Order Land together with other qualifying persons such as mortgagees, beneficiaries of restrictive covenants and other right holders (Table 2).
- 4.3 Table 1 of the CPO Schedule contains 22 parcels of which 1 is unregistered and a number may contain unknown interests. Table 2 of the CPO Schedule identifies other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 including interests of a mortgagee and those with access over plot 22. The CPO Schedule also identifies statutory undertakers and other like bodies who have or possibly have equipment on, in or over the Order Land.
- 4.4 The location of the plots is shown on the map accompanying the CPO - Document 1.2.

4.5 In order to ensure that the Highway Works can take place in a timely manner to allow delivery of the Scheme, it will be necessary for BAL to compulsorily acquire the Order Land, albeit with a continued commitment to seek to acquire the interests by agreement.

5. BACKGROUND TO, AND NEED FOR, THE HIGHWAY WORKS

5.1 Operated by BAL, the Airport is the principal airport and main international gateway for the South West of England and South Wales.

5.2 The Airport opened at Lulsgate Bottom in May 1957 on the site of a former WW2 experimental fighter station, RAF Lulsgate Bottom. For six decades the Airport has served passengers travelling to and from the South West of England and South Wales, enabled by ongoing investment in infrastructure, services and facilities.

5.3 In 2011, BAL obtained planning permission for the major expansion of the Airport to accommodate 10 mppa (09/P/1020/OT2). BAL is continuing to implement the extant 2011 consent as the Airport grows towards 10 mppa.

5.4 There is a compelling need for the Scheme:

5.4.1 there is a strong national aviation policy for the growth of regional airports and making the best use of existing runways (this is explained further at section 11 below);

5.4.2 it is essential that additional capacity is provided at the Airport in order to accommodate forecast regional passenger demand, despite the impact of the COVID-19 pandemic on the aviation sector;

5.4.3 additional capacity at the Airport has the potential to clawback passengers from the South West region that currently travel to London's airports;

5.4.4 the expansion of the Airport to 12 mppa will deliver substantial social and economic benefits in a sustainable way, minimising environmental effects and delivering benefits for local communities.

Meeting Passenger Demand

5.5 In 2019, the Airport handled 8.96 mppa, making it the fourth largest regional airport in the UK. Demand is expected to be strong over the next decade. At the time of the Application, the forecasts prepared by BAL and independently verified by Mott MacDonald indicated that passenger demand would reach the existing 10 mppa by 2021, increasing to 12 mppa by 2026.

5.6 The onset of the global COVID-19 pandemic has significantly impacted the aviation sector and passenger throughput at the Airport has temporarily fallen. However, it is expected that demand will return as travel restrictions are lifted, passenger confidence returns and the economy recovers from the pandemic. Global passenger forecasts prepared by the International Air Transport Association (**IATA**) show that, internationally, traffic is expected to return to pre-pandemic levels by 2024 with recovery in the short haul market likely to be faster. The Airports Council International (**ACI**) has made a similar projection.

5.7 Due to the COVID-19 pandemic, its impact on the aviation sector and temporarily suppressed passenger demand at the Airport, York Aviation Limits (**YAL**), on behalf of BAL, has updated the passenger demand forecasts for the Scheme. It uses a forecast model that combines a 'bottom up' market intelligence driven assessment and an econometric model of demand growth and passenger behaviour, which includes a probability based approach to modelling uncertainty in the inputs to the econometric model.

5.8 As set out in the Environmental Statement Addendum submitted to the Council on 30 November 2020 as part of the Planning Appeal documentation, the updated passenger demand forecasts have considered a range of different cases for future growth at the Airport. The 'core' case, which has been taken forward for assessment, indicates that passenger demand will reach 10 mppa in

around 2024, increasing to 12 mppa in 2030. The updated passenger demand forecasts also identify a reasonable 'faster growth' case and 'slower growth' case for sensitivity testing. The 'faster growth' case sees the Airport reach 10 mppa in 2022 and 12 mppa in 2027. The 'slower growth' case sees 10 mppa reached in 2028 and 12 mppa in 2034.

- 5.9 Overall, the updated forecasts demonstrate that there remains demand for additional capacity at the Airport despite the short-term impacts of the COVID-19 pandemic and, therefore, the need for the Scheme is unaffected. The 'core' case indicates that the Airport will reach 10 mppa in around 2024 and 12 mppa in around 2030. This suggests that the Airport will need to provide greater capacity from around 2024. In all growth cases, the Order Land is required to allow delivery of the Highway Works within three years of the Order being confirmed.
- 5.10 Expansion will give the Airport the best possible opportunity to contribute to the South West's economic recovery and create jobs in the region, helping to replace those lost during the pandemic. Further, with the UK's departure from the EU, the country's aviation industry will play a vital role in enhancing the UK's relationship with the rest of the world. In recent years, the South West has not been at the forefront of national infrastructure plans. Expansion will help to address this inequality and the improved connectivity will help the South West contribute to the UK's global ambitions. In consequence, there remains an acute need for the Scheme despite the short-term impacts of the COVID-19 pandemic on the aviation sector.
- 5.11 Whilst the Department for Transport's (DfT) UK Aviation Forecasts identify airports other than Heathrow in terms of their consented capacity, the DfT also states that *"the forecasts should not be considered a cap on the development of individual airports"*. In fact, the DfT forecasts demand in the South West region to increase by some 76% to 2050, with overall market share rising from 4% to 5%. This growth represents an increase in passengers originating in the South West of England from 14.3 mppa in 2016 to 25.1 mppa in 2050. At the same time, the 2019 Civil Aviation Authority (CAA) Passenger Survey indicates that leakage of passengers from the South West region to other UK airports is substantial at approximately 7.2 million passengers.
- 5.12 In terms of catering for aviation demand in the South West and South Wales, the Airport provides by far the highest proportion of flights. This is not only because of its current capacity but also because of its catchment area. The Airport's existing role as the international gateway for the South West, the projected increase in passenger demand and the potential to clawback leakage of passengers from London airports (lessening pressure on these airports) all demonstrate a need for the Scheme. This is consistent with the forecasts underpinning the Government's Making Best Use policy which showed overall market growth with airports able to make best use of their runways and, importantly the scope for regional airports to claw back local demand from the London airports. Given the total additional demand in the South West, the Airport's catchment and the wider range of services offered by the Airport, the Scheme is not expected to result in significant displacement of passengers from other airports in the region or South Wales.

Benefits

Economic

- 5.13 The economic benefits delivered as a result of the Scheme will boost the South West's economic recovery from the COVID-19 pandemic whilst the connectivity afforded by increasing the capacity of the Airport will support the Government's policy objective to 'level-up' regional growth by improving air connectivity and enabling more passengers to use an airport locally, giving rise to consumer benefits.
- 5.14 The Airport is the principal airport and main international gateway for the South West of England and South Wales. In 2018, around 3,960 people worked on-site at the Airport, which equates to approximately 3,480 full time equivalents (FTEs); including indirect and induced jobs, this increases to an estimated 8,200 FTEs across the South West region. In total, it is estimated that the Airport generates £1.7 billion of GVA in the South West economy (as at 2018). Delivering additional capacity at the Airport will mean that the significant economic benefits the Airport already provides are maintained and further increased.

- 5.15 An Economic Impact Assessment Addendum was submitted to the Council on 30 November 2020 as part of the Planning Appeal documentation and, along with an Environmental Statement Addendum and other documents, provided updated information in response to the impact of COVID-19. This evidences the substantial economic benefits which will be generated by the Scheme. It is predicted that growth to 12 mppa at 2030 would:
- 5.15.1 create an additional 820 direct jobs and an additional 5,560 opportunities in the wider economy;
 - 5.15.2 deliver benefits associated with enhanced productivity including improved access to international markets and supply chains;
 - 5.15.3 generate £430 million GVA, taking the Airport's total economic impact to £2.34 billion; and
 - 5.15.4 increase the inbound tourism impact in the South West and South Wales from £260 million GVA (supporting 4,050 FTEs) to £350 million GVA (5,470 FTEs).
- 5.16 The Economic Impact Assessment also assesses the potential impact of displacement on economic growth. Displacement considers the potential impacts from passengers that cannot travel via Bristol Airport transferring to other airports in the South West and South Wales to undertake their journeys if the proposed development did not go ahead. The inclusion of displacement represents a worst case assessment. Taking into account displacement, it is predicted that growth to 12mppa at 2030 would:
- 5.16.1 create an additional 590 direct jobs and an additional 2,470 opportunities in the wider economy;
 - 5.16.2 generate £380 million GVA, taking the Airport's total economic impact to £2.03 billion; and
 - 5.16.3 increase the inbound tourism impact in the South West and South Wales from £260 million GVA (supporting 4,050 FTEs) to £290 million GVA (4,610 FTEs).
- 5.17 The findings of the Economic Impact Assessment Addendum supersede those previously reported in the original Economic Impact Assessment and Environmental Statement. However, overall, the benefits of the Scheme remain substantial and the same conclusion was reached by the Council's officers in considering the Application following independent advice from their specialist consultant advisors. In sharp contrast, constraining the Airport's capacity at 10 mppa would see economic activity displaced from the South West, act as a barrier to overseas investment and result in a reduction in regional connectivity which would be contrary to the Government's policy objective to 'level-up' growth.

Social

- 5.18 The employment benefits associated with expanding the Airport will deliver increased prosperity and associated health benefits. This is especially important in light of the economic impact of the COVID-19 pandemic.
- 5.19 The 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 Scheme will support the regeneration of these deprived communities through BAL's commitment to bring forward a Skills and Employment Plan (secured through the Section 106 Agreement explained further at section 6.7 below). As agreed with the Council's officers, this plan will be specifically aimed at delivering employment opportunities for the people of North Somerset (with a focus on Weston-super-Mare) and South Bristol and will be supported by a financial contribution up to a maximum of £300,000.

- 5.20 Without growth beyond 10 mppa, there is a real risk that over time jobs at the Airport will be eroded, partly as a consequence of underlying productivity gains and also as airlines re-locate growth to other, more distant airports.
- 5.21 The Scheme will deliver important social benefits in terms of the increase in the destinations and frequency of connections an expanded airport will provide. This, in-turn, will facilitate people's desire to travel which, for many, is an important contributor to their wellbeing and quality of life.

Highway Works

- 5.22 The Transport Assessment submitted with the Application indicated that the current A38/Downside Road junction is over capacity:

"11.4.2 The existing A38 signal junction with Downside Road have been validated against the recorded traffic and queue length surveys.

11.4.3 The results indicate the existing A38 signal junction is operating over capacity in the 2018 survey flow evening peak, with the PRC recorded at -9.1%. In the 2018 survey flows morning peak and inter peak the junction is operating within capacity."

- 5.23 The Transport Assessment demonstrated that the A38 junction would operate over capacity in all three peaks in the 2026 10mppa reference case. The Transport Assessment Addendum submitted to the Council on 30 November 2020 as part of the Planning Appeal documentation drew the same conclusion for the 2030 10mppa reference case.
- 5.24 The Transport Assessment also outlined that the highway improvements (including the Highway Works) proposed as part of the Scheme would deliver the necessary capacity improvements to ensure the A38 junction would operate with reserve capacity in the 2026 12mppa test case and offer significant improvements to pedestrian and cyclist facilities. The planning officer's report for the Council's 10 February 2020 committee concluded that the works would improve traffic flow and safety in the immediate vicinity of the Airport. The Transport Assessment Addendum does not change the conclusions reported in the original Transport Assessment demonstrating that the A38 junction would operate with reserve capacity in the 2030 12mppa test case.
- 5.25 As a result, the Highway Works are required to allow delivery of the Scheme. The analysis undertaken for BAL identifies that the full Highway Works are required to be implemented as soon as growth beyond 10mppa is reached. Alternatives to the Highway Works' design were considered (including potentially reducing the extent of the works and along an alternative alignment) but it was concluded that the Highway Works represent the most efficient design to meet the highway requirements associated with the Scheme.

6. DESCRIPTION OF THE HIGHWAY WORKS AND THE SCHEME

- 6.1 The proposed Scheme seeks to facilitate an increase in the permitted passenger cap at the Airport from 10 mppa to 12 mppa. To support the proposed increase in passenger numbers and ensure safe and efficient passenger movement to and around the Airport site, the development includes a number of new infrastructure components, improvements to existing facilities and operational changes.
- 6.2 BAL is proposing to undertake a significant improvement of the A38 between the main Airport access road (being the most northern of the two roundabouts serving the Airport) and West Lane to accommodate any additional traffic generated by an extra 2 mppa. The main carriageway over this length will be increased in width to allow two through lanes to be provided on each carriageway. The widening will be mainly undertaken on the western side of the road providing an overall width of 16m. Level changes, Felton Common Land and residential properties prevent the carriageway works taking place on the eastern side. The improvements taper back to join the existing carriageway width some 130m beyond West Lane. A further dedicated lane will be provided for northbound traffic turning left into Downside Road, along with a right turn lane into West Lane. The centre of the carriageway will be hatched or have traffic islands in order to separate traffic flows. Downside Road will be widened to two lanes for 80m prior to the junction

with the A38 and a new access provided into the Airport Tavern car park from Downside Road to replace the current access from the A38 which currently does not meet the necessary highway standards.

- 6.3 The junction with Downside Road will remain controlled by traffic signals but will be linked to new signals controlling the West Lane junction. The junctions will monitor traffic approaching the junctions and using Microprocessor Optimised Vehicle Actuation will adjust the timings to enhance traffic flow and reduce queuing. Traffic will only be able to turn left out of West Lane, while traffic travelling southbound will remain unable to turn right into Downside Road and will continue to double back at the main Airport roundabout with the A38.
- 6.4 The existing footway / cycle track will remain on the eastern side of the A38 with a new footway provided north of the West Lane junction. An enhanced footway / cycle track will be provided on the western side of the road between the Airport and Downside Road, with a footway provided for the section north of the Downside Road tying in with the existing facility north of West Lane. Pedestrian and cycle facilities will be provided within the Downside Road junction. A pedestrian crossing is included within the West Lane signals and both junction designs will incorporate drop kerbs. Bus stops will be maintained albeit adjusted for the new carriageway alignment. Access will also be maintained to the public footpath which runs along the northern boundary of land at the Airport Tavern towards Lulsgate Bottom.
- 6.5 A table summarising the proposed use of each of the plots, both during and post construction is provided at **Appendix 3**.
- 6.6 The proposed improvements are in-keeping with the current character of the area. The road will be constructed with an asphalt wearing course and antiskid surfacing will be applied on the approaches to the signal stop lines. All traffic signs, signals and markings will be provided in accordance with highway design standards applicable to the location and type of road. The area will continue to have street lighting in line with the Council's standards and local operations including dimming at night. Surface water drainage will be enhanced to accommodate the effects of the widened carriageway.
- 6.7 The highway improvements referred to above (the **Highway Works**) were agreed with the Council's officers and delivery of the Highway Works was included within the proposed heads of terms for the draft Section 106 Agreement submitted to the Council as part of the Application and in the Council's draft conditions for the Application. These heads of terms were agreed with Council officers. Negotiations on the draft Section 106 Agreement with the Council to secure the heads of terms are continuing as part of the Planning Appeal process.
- 6.8 As stated in the planning committee report of 10 February 2020, it is expected that the Council will carry out the Highway Works at BAL's expense. If, however, for any reason the proposed Highway Works are not commenced by the Council, then their delivery would revert to a 'Section 278' process in which case BAL will be responsible for carrying out the Highway Works to the Council's satisfaction. These scenarios, including the transfer of funds, are set out in the proposed Section 106 legal agreement and heads of terms. BAL does not consider there to be any change in this approach but continues to have dialogue with the Council. In the absence of agreement to this approach, BAL will exercise the Order powers and then undertake the Highway Works itself under a combined Section 278 and 38 Agreement with the Council.

7. JUSTIFICATION OF THE USE OF THE ENABLING POWER

- 7.1 On 27 August 2020, the BAL Board formally resolved to make the Order under the Airports Act 1986 (the **Airports Act**). This followed recommendations by the Board's sub-committee at a meeting on 20 August 2020 to proceed. That sub-committee is leading BAL's development proposals.
- 7.2 BAL is the relevant airport operator for the Airport, being the company responsible for management of the Airport. BAL holds a certificate from the CAA under section 57A of the Airports Act. Accordingly, under section 58 and schedule 2 of the Airports Act, BAL is deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981.

- 7.3 As a result, BAL, on being authorised to do so by the Secretary of State, has the power under Section 59 of the Airports Act to acquire land compulsorily for any purpose connected with the performance of the airport operator's functions.
- 7.4 The Highway Works are necessary for the performance by BAL of its functions in ensuring the continued, effective operation of the Airport in accordance with the Scheme to be delivered pursuant to the Application.
- 7.5 Whilst freehold interests are sought over all of the Order Land, some of the land is required only for construction purposes, for example for working space to allow the Highway Works to be constructed. Some of that land may also need to be subject to permanent new rights, for example for diverted services or drainage rights. Compulsory purchase powers do not currently allow for the temporary acquisition of land, since the relevant provisions of the Neighbourhood Planning Act 2017 are not yet in force.
- 7.6 In addition, BAL does not consider that, in this circumstance, it could rely on Section 59(3) of the Airports Act to acquire new rights over land, since such rights sought do not fall within the categories listed in Section 44 of the Civil Aviation Act 1982 (**Aviation Act**). The permanent rights sought would be in connection with off-airport highway mitigation works, as opposed to rights required to construct airport infrastructure. As a result, BAL does not consider that it could rely on Section 44 of the Aviation Act to request that the Secretary of State make an (additional) compulsory purchase order to acquire permanent new rights for temporary construction areas required for the Highway Works.
- 7.7 Since BAL is not authorised to acquire new rights over land to use as construction areas for the off-airport highway works, and nor is it able to take temporary possession powers over such land, it must acquire the Order Land permanently, even on plots where BAL does not propose to undertake permanent highway works. However, BAL undertakes to offer back land which is not required permanently to the original landowners, subject to BAL retaining any necessary rights relating, for example, to diverted services and drainage and subject to other terms being agreed, including as to compensation. The Order Land falling within this category is plots 4, 6, 11, 13, 15, 17 and 22. BAL will, however, continue to negotiate with affected landowners to acquire the necessary use of the land and rights by agreement.
- 7.8 As well as having powers of compulsory purchase in respect of the Order Land, BAL will rely upon Section 203 of the Housing and Planning Act 2016 to override third party rights over land and convert them into a claim for compensation. This will then enable the Highway Works to be carried out without the beneficiaries of rights being able to obtain an injunction against BAL or its successors in title. Instead, as stated above, former beneficiaries will have a right to claim compensation. BAL has already acquired the properties known as High Lands and Greenacre so that parts of the rear gardens of those properties (which have a frontage but no access onto the A38) do not need to be included in the Order.
- 7.9 In order to deliver the increase in passenger numbers to 12 mppa as part of the Scheme, BAL needs to secure the Order Land to be able to deliver the Highway Works. Without the use of compulsory purchase powers, there is no guarantee that the acquisition of all interests through private treaty could be achieved within the timescales envisaged for the Highway Works, and in turn the expansion of the Airport, to proceed. Discussions with affected parties will continue with a view to securing the acquisition of interests and reducing the number of interests which need to be acquired compulsorily.

8. DETAILS OF ATTEMPTS TO ACQUIRE INTERESTS BY AGREEMENT

- 8.1 Negotiations to acquire the land required for the Highway Works including the Order Land have been ongoing for some time since before the Application was submitted.
- 8.2 BAL has already acquired two properties – Greenacre and High Lands, located to the south of plot 1. The rear portions of the gardens of those properties (which, as explained above, have a frontage but no access onto the A38) will be required for the Highway Works. As they have already been acquired, they do not form part of the Order Land.

- 8.3 BAL has appointed CBRE to support it in the promotion of the Order, including engaging with affected parties in an attempt to acquire all interests required for the Highway Works by agreement in advance of the use of compulsory purchase powers.
- 8.4 Whilst Highways England is registered at the Land Registry as owner of plots 9, 16, 17, 18, 19, 20 and 21, the Acquiring Authority understands that these parcels should have been transferred to the Council when the A38 was de-trunked as part of the Exeter- Leeds Trunk Road (Sidcot Lane (A371) Winscombe to Bristol City Boundary, Bedminster Down) (Detrunking) Order 1977 but no formal land transfer took place and the title has not been updated. Unfortunately, it has not been possible to obtain a copy of the detrunking order and accompanying plan, but a copy of the Schedule to the London Gazette dated 24 March 1977 is available. The Schedule confirms that

"the length of the Exeter-Leeds Trunk Road (A.38) between its junction with Sidcot Lane (A.371), Winscombe and the Bristol City Boundary, Bedminster Down shall cease to be a trunk road and shall become a principal road"... "and the responsibility for that length shall be transferred from the Secretary of State to the County Council of Avon and the County Council of Somerset".

The Acquiring Authority has sought to confirm the extent of the land transferred and whether this included the Order Land as well as the highway forming part of the trunk road, but are unable to do so without sight of the plan accompanying the detrunking order. As set out in their letter of objection, the Council do not consider that the land has been transferred to them. The Order is therefore essential for these plots to allow acquisition of the necessary interests by BAL to provide certainty of ownership to allow the Highway Works to proceed.

- 8.5 BAL and CBRE have been in contact with all parties with a confirmed and identifiable interest from whom permanent acquisition is required and offers have been made.
- 8.6 All parties who have the benefit of rights, easements and covenants in land which are affected by a compulsory purchase order and known to the acquiring authority must be served with notices of the making of the Order. Diligent enquiries have been carried out to identify these parties but if there are any parties who have not been notified of the Order who are within this category, they may still be notified of the Order by the posting of notices on site.
- 8.7 BAL remains committed to seek to acquire all interests by agreement.

9. RESPONSE TO OBJECTIONS

- 9.1 A total of 3 statutory objections and 29 non-statutory objections were received to the Order. BAL's responses to the objections are set out at **Appendix 4**. There were a number of common themes in the objections received to the Order, and in order to avoid repetition, BAL has grouped these objection themes into 7 categories:
- 9.1.1 Prematurity of the Order as Application refused/ Planning Appeal not yet determined;
 - 9.1.2 Prematurity of the Order due to COVID-19 impacts;
 - 9.1.3 Environmental impacts of the Scheme;
 - 9.1.4 Scheme being contrary to planning policy;
 - 9.1.5 Impacts on common land;
 - 9.1.6 Traffic impacts of the Scheme; and
 - 9.1.7 Impacts on local residents regarding access.
- 9.2 BAL has provided its responses to these categories of objection below the table provided at Appendix 4. In addition, BAL has provided responses to those issues raised which are unique to the relevant objection letter.

10. TIMESCALE FOR DELIVERY

- 10.1 The Highway Works are required to be undertaken once a throughput of 10 mppa is reached. BAL seeks agreement from the Council for the mechanism for undertaking the Highway Works. The previously agreed position has been that the Highway Works would be undertaken by the Council at BAL's expense. BAL does not consider that this position has changed and seeks agreement to this as part of the Planning Appeal. In the absence of agreement, BAL would look to undertake these works under a combined Section 278 and 38 Agreement to be entered into with the Council as highway authority.

11. PLANNING POLICY AND PLANNING POSITION

- 11.1 The planning policy context for the grant of planning permission for the Highway Works is set out in the Statement of Case for the Planning Appeal and should be referred to but is not reproduced in full here.

National planning policy

- 11.2 The revised National Planning Policy Framework (February 2019) (**NPPF**) considers (at paragraph 80) that planning decisions should help create conditions in which businesses can invest, expand and adapt. It sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 104 recognises the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time-taking into account their economic value.

- 11.3 The growth of the Airport to 12mppa will provide significant economic and regeneration benefits to the local economy, West of England sub-region and the wider South West region. It is therefore in accordance with the NPPF.

National aviation policy

- 11.4 There is strong national aviation policy support for the growth of regional airports and making the best use of existing runways. BAL's Planning Appeal directly responds to the Government's aviation policy and objectives by making better use of the existing airport runway, increasing the South West region's connectivity and by delivering significant economic benefits that will help 'level-up' regional growth.

- 11.5 The Government's policy objective for aviation, as set out in the Aviation Policy Framework (**APF**), is to make the UK one of the best-connected countries in the world and for the aviation sector to make a significant contribution to economic growth of the UK, an objective which is now even more essential following the UK's departure from the EU and the economic down-turn caused by the COVID-19 pandemic. To achieve this objective, the Government's aviation policy is that airports should, subject to environmental issues being addressed, make the best use of their existing capacity and runways.

- 11.6 The APF recognises that regional airports help to "accommodate wider forecast growth in demand for aviation in the UK which could help take some pressure off London's main airports", that they "*play a very important role in UK connectivity*" and that "*new or more frequent international connections attract business activity, boosting the economy of the region and providing new opportunities and better access to new markets for existing businesses*". This objective aligns with the Government's levelling-up agenda. The APF also states that the "*Government wants to see the best use of existing airport capacity*" which was further endorsed by Government in Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways (June 2018).

- 11.7 Emerging national aviation policy contained in the Green Paper Aviation Strategy 2050: The Future of UK Aviation (**Aviation 2050**) also supports the growth of regional airports as a catalyst for regional economic development and connectivity and reaffirms the Government's making best use policy. At paragraph 4.4, Aviation 2050 states:

"Airports have a crucial role to play in their regions. They are hubs for growth within and beyond the region in which they are situated. Local airports, such as Newquay, Norwich and Prestwick serve their immediate catchment area, offering domestic and short-haul destinations. Regional airports, such as Bristol, Belfast International, Newcastle and Glasgow, serve larger catchments and offer extensive short-haul network and some key long-haul routes, providing their regions with access to global markets."

- 11.8 In a number of recent statements to Parliament, the Government has reiterated the importance of airports to the economy, to the connectivity of the UK and regions and to delivering the levelling up agenda. For example, the Secretary of State's Ministerial Statement dated 27 February 2020 stated that:

"Our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global Britain."

Local Planning Policy

- 11.9 Policy CS10 of the North Somerset Core Strategy indicates that development proposals that encourage an improved and integrated transport network and allow for a wide choice of modes of transport as a means of access to jobs, homes, services and facilities will be encouraged and supported. Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies sets controls over development which will be permitted provided it would not prejudice highway safety or inhibit necessary access for emergency, public transport, service or waste collection vehicles. It is considered that the Highway Works will improve highway safety.
- 11.10 Policies CS23 of the Core Strategy and DM50 of the Sites and Policies Plan Part 1: Development Management Policies require that proposals to further develop the Airport include appropriate provision for surface access, including highway improvements and/ or traffic management schemes to mitigate the adverse impact of airport traffic on local communities, together with improvements to public transport services.
- 11.11 The Highway Works are in accordance with these policies.
- 11.12 The Joint Local Transport Plan 4 2020-2036 was published in March 2020. It recognises the growth aspirations of the Airport and seeks to maximise the Airport's transport connectivity as a local, sub-regional and regional transport interchange. However, the proposals contained in the Joint Local Transport Plan do not materially affect the Highway Works or the wider Scheme.

Planning Application / Consent

- 11.13 The Application was submitted to the Council in December 2018 and was recommended for approval in the Officer's Report to the Planning and Regulatory Committee of 10 February 2020.
- 11.14 However, contrary to the Council officer's recommendation, planning permission for the Application was refused at that Planning and Regulatory Committee meeting on 10 February 2020, and this decision was ratified on 18 March 2020.
- 11.15 The reasons for refusal related to the overall planning balance in terms of economic benefits and environmental impacts, aircraft noise, air quality impacts, greenhouse gas emissions, development of car parking in the green belt and public transport provision.
- 11.16 BAL has since submitted an appeal against the refusal of the Application (the **Planning Appeal**).
- 11.17 As demonstrated in the Statement of Case submitted as part of the Planning Appeal, the Scheme accords with the NPPF, local planning policy and national aviation policy and there are no other material considerations which weigh significantly against the Scheme. The Scheme would give rise to substantial local and regional benefits which are material considerations that weigh

significantly in favour of granting consent. This same conclusion was reached by Council officers in recommending approval of the Application.

- 11.18 The revised passenger forecasts referred to in sections 5.7 to 5.9 above and the Environmental Statement Addendum submitted to the Council on 30 November 2020 as part of the Planning Appeal documentation have not changed this conclusion.
- 11.19 As requested by the Acquiring Authority, the inquiry for the Order will be heard with the inquiry into the Planning Appeal. As a result, the outcome of the Planning Appeal will be known to the decision-maker of the Order.

12. FUNDING

- 12.1 Financial approval was obtained in September 2018 for funding to proceed with acquisition of the necessary land for the Highway Works. Since then, BAL has continued discussions with affected parties, with acquisition of the properties of Greenacre and High Lands achieved by agreement and approved by the Board. BAL will seek to acquire the remaining interests in accordance with that approval. The figures for the financial approval are commercially sensitive given the ongoing negotiations for acquisition.
- 12.2 The funding for the Highway Works will be confirmed once the Order powers are confirmed. BAL has a strong track record of capital investments. In 2018, this amounted to £20.3m which included the new administration building, multi-storey car park and new fire station. In 2019, the total spend was £46.6m. Whilst the final costs of the Highway Works will be settled as part of the tender process, BAL is confident that it has the capital resource to be able to fund them. The cost of the Highway Works (including land acquisition) is relatively low when considered in the context of the wider Scheme costs. BAL anticipates funding the construction of the Highway Works as part of its operational costs, with the costs of the wider Scheme being funded through equity and/or debt finance.

13. COMPLIANCE WITH GUIDANCE

- 13.1 In promoting a compulsory purchase order, acquiring authorities should have regard to Government guidance. The relevant Government guidance is MHCLG Guidance on Compulsory Purchase Process published in July 2019 (the **CPO Guidance**). Matters which should be addressed include:
- 13.1.1 Authorities should seek to acquire interests by negotiation where practicable. A compulsory purchase order is intended as a last resort in the event that attempts to acquire by agreement fail. A summary of the negotiations with third parties is contained in section 8 above.
- 13.1.2 There must be a compelling case in the public interest to justify the compulsory acquisition. This is set out in this Statement.
- 13.1.3 There should be a clear idea of how BAL intends to use the land and that the necessary resources are likely to be available to achieve that end within a reasonable timescale. Substantive information on the sources of funding of the scheme is required, together with information on the timing. As set out above, BAL has the funding to complete the acquisitions.
- 13.1.4 There must be a reasonable prospect of the scheme proceeding and it should not be likely to be blocked by impediments to implementation. Securing ownership of the Order Land will allow delivery of the Highway Works and the Scheme.

14. COVID-19 GUIDANCE

- 14.1 Given the current pandemic during which BAL made the Order, BAL followed the MHCLG Coronavirus (COVID-19): compulsory purchase guidance (as updated on 27 May 2020) (**COVID-**

19 Guidance) and the Minister of State for Housing's Written Statement (HCWS316) on the online inspection of documents of 25 June 2020.

- 14.2 As recommended by the COVID-19 Guidance, BAL increased the time period for objections to the making of the Order to be submitted to the Secretary of State from the minimum statutory 21 day period from the date that the making of the Order was first advertised to 28 days.
- 14.3 The COVID-19 Guidance confirms that the Government considers that publication of the Order and its supporting map online by an acquiring authority fulfils the requirement under the Acquisition of Land Act 1981 to publish these documents in a 'place'. A copy of the Order, the map, and the Statement of Reasons were made available (and continue to be available) at the following website address: www.bristolairport.co.uk/CPO.
- 14.4 In addition, it is also recommended under the COVID-19 Guidance to ensure that effective notice is provided that the Order has been made and to mitigate the risk of prejudicing interests of those who may not have access to the internet, that the acquiring authority provides contact details in the notices for individuals to request a hard copy of the Order and map. BAL's notices for the making of the Order referred individuals who would like a hard copy of the Order and map to contact Liz Higgins of BAL at liz.higgins@bristolairport.com or on 0117 457 5015.

15. RELATED APPLICATIONS, ORDERS ETC

- 15.1 As part of the Highway Works, it will be necessary to secure additional consents and approvals. These are being discussed with the Council. As part of the Planning Appeal process, a Section 106 Agreement is being advanced. In addition, in the event that BAL undertakes the Highway Works, a Section 278 Agreement (as well as dedication under section 38 of the Highways Act 1980) will be required. BAL will also discuss with the Council the need for any order to close and re-provide the private means of access to the Airport Tavern and any temporary closure of the public footpath within plots 10 and 11 whilst the Highway Works are undertaken.

16. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 16.1 Whilst plots 9, 16, 17, 18, 19, 20 and 21 are listed as being owned by Highways England, the A38 has been de-trunked as explained above and the parcels should have been transferred to the Council, so BAL does not consider that this is special category land.
- 16.2 Whilst BAL seeks to compulsorily acquire land belonging to the Council (as highway authority) to allow delivery of the Highway Works, under Section 57A of the Airports Act, BAL is deemed to be a statutory undertaker. As a result, under Section 17 of the Acquisition of Land Act 1981, the Order would not be subject to special parliamentary procedure.
- 16.3 Plot 21 falls within, and on the western boundary of, the Felton Common Land area. The total area of this plot at approximately 31 m² is less than 250 square yards and in any event, is needed for the widening /drainage of existing highway. It is adjacent to the current A38 highway and is in the ownership of Highways England. It is also located to the west of the existing cattle grid on West Lane. There is some uncertainty as to whether this land is in fact Common Land given its location to the west of the existing cattle grid on West Lane (which separates it from the vast majority of Felton Common) and given it is owned by Highways England. There may be an error in the mapping. The giving of exchange land is unnecessary, whether in the interests of any persons entitled to rights of common or other rights, or in the interests of the public due to the size and proximity of the plot to the highway and remainder of the Common. As a result, it is not considered that the Order should be subject to special parliamentary procedure, and the Secretary of State for Environment, Food & Rural Affairs has been asked to certify accordingly under section 19(1) of the Acquisition of Land Act 1981 that the provisions of section 19(1)(b) apply.
- 16.4 The Order also seeks to discharge plot 21 from all rights, trusts and incidents under section 19(3) of the Acquisition of Land Act 1981. This is being done on a precautionary basis since the rights over plot 21 are uncertain. BAL has made enquiries with the Council as the Commons Registration Authority, but due to the pandemic has been prevented from accessing the

documents listed on the Felton Common Register to assess whether plot 21 in fact forms part of the Common and if so, what rights may apply over it. The Council has now provided some of the documentation referred to on the Felton Common Register to allow BAL to confirm those rights which do not apply. The revised list of rights has been shared with the Secretary of State for Environment, Food & Rural Affairs. BAL is seeking to agree this list of rights with the Council in its role as the Commons Registration Authority. In addition, further documentation referred to on the Felton Commons Register is awaited from the Council.

- 16.5 In the meantime, BAL is continuing with its precautionary approach of seeking a certificate from the Secretary of State for Environment, Food & Rural Affairs under section 19(1) of the Acquisition of Land Act 1981. The Secretary of State has notified of his intention to issue the requested certificate and this intention was advertised accordingly. The period for representations or objections to be received in relation to the Secretary of State's intention to issue the requested certificate expired on 8 January 2021. No objections or representations were received and the Commons casework team confirmed on 2 March 2021 that the section 19 certificate can be issued if the decision is taken by the Secretary of State to confirm the Order.

17. HUMAN RIGHTS ACT

- 17.1 The Human Rights Act 1998 (**HRA**) came into force on 2 October 2000 and must be considered by authorities promoting the use of compulsory purchase. BAL considered the impact on human rights of those affected by the Highway Works before deciding to proceed with the making of the Order. In particular, BAL has had regard to the following conventions which can be invoked by individuals pursuant to the HRA:-

17.1.1 Article 8 – the right to respect for private and family life and his/her home;

17.1.2 Article 1 of Protocol 1 – the protection of property;

17.1.3 Article 6 – the right to a fair hearing.

- 17.2 In resolving to make the Order, BAL carried out an assessment of the interference with individuals' rights and, having regard to the purpose and benefits of the Scheme as set out above and in its Application for planning permission, considered that:-

17.2.1 With regard to Article 8, there is a legal basis for making the Order under Section 59 of the Airports Act and the Order pursues a legitimate aim to facilitate the delivery of the Scheme, which will bring socio-economic benefits. It is considered, therefore, that the interference with the protected rights of the individuals are in accordance with the law and necessary in a democratic society in the interests of the economic well-being of the country.

17.2.2 With regard to Article 1 Protocol 1 (**A1P1**), it is considered that the interference with the individual's property is in the public interest and subject to the conditions provided for by law; in particular, the interference with A1P1 rights is justified by the advantages accruing to the public by proceeding with the development particularly taking into account the fact that there is a legal right to compensation for the property acquired under the Order.

17.2.3 With regard to Article 6, the compulsory purchase process offers the opportunity for those affected by the Order to make representation on the Order and to be heard by an Inspector appointed on behalf of the Secretary of State to consider the case for compulsory acquisition, either through written representations or through a public inquiry. BAL considers that the right to a fair hearing is met through the compulsory purchase process.

18. EQUALITIES ACT 2010

- 18.1 In addition to the HRA, the Acquiring Authority is required to comply with the Equalities Act 2010. The Company has considered the impacts on those that would be affected by the land

acquisition. There are no known negative impacts arising from the Highway Works on anybody with protected characteristics. The Highway Works will deliver much improved segregated access for pedestrians and cyclists and provide Disability Act compliant access to the Airport Tavern via a ramp (in addition to steps).

19. VIEWS OF GOVERNMENT DEPARTMENTS

19.1 No views relating to the Order have been expressed by Government departments.

20. INQUIRIES PROCEDURE RULES

20.1 This is the Acquiring Authority's Statement of Case, intended to discharge BAL's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

21. DOCUMENTS ETC TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF A PUBLIC INQUIRY BEING HELD

21.1 BAL intends to refer to or put in evidence the documents identified in **Appendix 1**. It should, however, be noted that BAL reserves its right to add to the list as necessary and will endeavour to notify the Inquiry and any remaining objectors of any such documents as soon as possible prior to the opening of the Inquiry. The documents referred to at Appendix 1 are available at www.bristolairport.co.uk/CPO.

22. CONTACTS FOR FURTHER INFORMATION

22.1 Any queries in relation to this Order can be raised with BAL's Planning Manager, Liz Higgins, Bristol Airport, Bristol, BS48 3DY; email liz.higgins@bristolairport.com.

22.2 Any owners and occupiers of land affected by the Highway Works who wish to discuss acquisition by BAL should contact Henry Church of CBRE, telephone 0207 1822194 email henry.church@cbre.com.

23. COMPENSATION

23.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

Booklet No. 1 - Compulsory Purchase Procedure.

Booklet No. 2 - Compensation to Business Owners and Occupiers.

Booklet No. 3 - Compensation to Agricultural Owners and Occupiers.

Booklet No. 4 - Compensation for Residential Owners and Occupiers.

Booklet No. 5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

23.2 Copies of these booklets are obtainable, free of charge, from:

Communities and Local Government Publications, Cambertown House, Goldthorpe Industrial Estate, Rotherham S63 9BL, Tel: 0300 123 1124

23.3 In addition, the booklets are available to download for free online at:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/compulsory-purchase-system-guidance>

APPENDIX 1

Core Document List

Document Number	Document
1.	<p>Compulsory Purchase Order and supporting documents:</p> <ul style="list-style-type: none"> 1.1 The Order 1.2 The Order Map 1.3 Statement of Reasons 1.4 Statement of Case
2.	<p>Planning Application and Appeal documents</p> <ul style="list-style-type: none"> 2.1 Application for outline planning permission (reference 18/P/5118/OUT) including: <ul style="list-style-type: none"> 2.1.1 Planning Statement 2.1.2 Environmental Statement including: <ul style="list-style-type: none"> 2.1.2.1 Chapter 3 Alternatives 2.1.2.2 Chapter 11 Biodiversity Chapter 2.1.2.3 Chapter 12 Surface Water and Flood Risk Chapter 2.1.3 Economic Impact Assessment 2.1.4 Landscape, Visual and Ecology Mitigation Masterplan 2.1.5 Regulation 25 submission - Airfield Botanical Update 2.1.6 North Somerset Council Habitats Regulation Assessment dated 5 September 2019 2.2 Officer's Report to the Planning and Regulatory Committee at North Somerset Council on 10 February 2020 2.3 Planning and Regulatory Committee Update Sheet 10 February 2020 2.4 Report to Planning and Regulatory Committee 18 March 2020 2.5 Planning and Regulatory Committee Update Sheet 18 March 2020 2.6 Decision Notice 2.7 Planning Appeal (reference 20/P/2896/APPCON) documentation including: <ul style="list-style-type: none"> 2.7.1 Statement of Case 2.7.2 Environmental Statement Addendum including: <ul style="list-style-type: none"> 2.7.2.1 Volume 1: Main Report 2.7.2.2 Volume 1: Technical Appendices 1A – 1C 2.7.2.3 Volume 1: Technical Appendices 5A 2.7.2.4 Volume 1: Technical Appendices 6A – 6B 2.7.2.5 Volume 1: Technical Appendices 7A-7B 2.7.2.6 Volume 1: Technical Appendices 10 A – 10C 2.7.2.7 Volume 3: Non-Technical Summary

Document Number	Document
	2.7.3 Transport Assessment Addendum 2.7.4 Economic Impact Assessment Addendum
3.	Legislation 3.1 The Airports Act 1986 3.2 The Civil Aviation Act 1982 3.3 The Acquisition of Land Act 1981 3.4 The Human Rights Act 1998 3.5 The European Convention on Human Rights 1950 3.6 Neighbourhood Planning Act 2017 3.7 Housing and Planning Act 2016 3.8 Highways Act 1980 3.9 Equality Act 2010 3.10 The Compulsory Purchase (Inquiries Procedure) Rules 2007
4.	National Planning Policy and Guidance 4.1 Ministry of Housing, Communities & Local Government's National Planning Policy Framework February 2019 4.2 Department for Transport, Aviation Policy Framework March 2013 4.3 Department for Transport, Beyond the Horizon - The Future of UK Aviation: Next Step Towards an Aviation Strategy April 2018 4.4 Department for Transport, Beyond the Horizon – the Future of UK Aviation: Making Best Use of Existing Runways June 2018 4.5 Department for Transport, Aviation 2050 – The future of UK aviation December 2018 4.6 Ministry of Housing, Communities & Local Government's Guidance on Compulsory Purchase process and The Crichel Down Rules July 2019 4.7 Ministry of Housing, Communities & Local Government's Guidance entitled Coronavirus (COVID-19): compulsory purchase guidance May 2020 4.8 Ministry of Housing, Communities & Local Government's Compulsory Purchase System Guidance Booklets 1-5 26 October 2004 4.8.1 Booklet 1 4.8.2 Booklet 2 4.8.3 Booklet 3 4.8.4 Booklet 4 4.8.5 Booklet 5
5.	Local Planning Policy 5.1 North Somerset Council, Core Strategy January 2017 5.2 North Somerset Development Management Policies Sites and Policies Plan Part 1 (July 2016) 5.3 North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (SPD) adopted January 2018

Document Number	Document
6.	<p>Other supporting documentation</p> <p>6.1 The Secretary of State for Transport's Ministerial Statement dated 27 February 2020</p> <p>6.2 Minister of State for Housing's Written Statement (HCWS316) on the online inspection of documents made on 25 June 2020</p> <p>6.3 Schedule to the London Gazette dated 24 March 1977 referring to the Exeter-Leeds Trunk Road (Sidcot Lane (A371) Winscombe to Bristol City Boundary, Bedminster Down) (Detrunking) Order 1977</p> <p>6.4 Section 19 Application dated 28 September 2020</p> <p>6.5 Section 19 press notices dated 8 December 2020 and 15 December 2020</p> <p>6.6 Emails dated 18 January 2021 and 2 March 2021 from PINS</p>
7.	<p>Objections to the Compulsory Purchase Order</p> <p>7.1. OBJ 1, objection letter from Hawthorn Leisure (Mantle) Limited</p> <p>7.2. OBJ 2, objection letter from The Trustees of the Sir J V Wills Will Trust</p> <p>7.3. OBJ 3, objection letter from Tracy Harding</p> <p>7.4. OBJ 4, objection letter from North Somerset Council</p> <p>7.5. OBJ 5, objection letter from Congresbury Parish Council</p> <p>7.6. OBJ 6, objection letter from Parish Councils Airport Association</p> <p>7.7. OBJ 7, objection letter from Chew Magna Parish Council</p> <p>7.8. OBJ 8, objection letter from Backwell Parish Council</p> <p>7.9. OBJ 9, objection letter from Sir John and Lady Beringer</p> <p>7.10. OBJ 10, objection letter from Tim Hollins</p> <p>7.11. OBJ 11, objection letter from Colin and Christine Turton</p> <p>7.12. OBJ 12, objection letter from Elizabeth Porter</p> <p>7.13. OBJ 13, objection letter from Iwona Judkowska</p> <p>7.14. OBJ 14 objection letter from Andy Connell</p> <p>7.15. OBJ 15, objection letter from Jill Jones</p> <p>7.16. OBJ 16, objection letter from Kate Bird</p> <p>7.17. OBJ 17, objection letter from Yvonne Kempster</p> <p>7.18. OBJ 18, objection letter from Rosa Richards</p> <p>7.19. OBJ 19, objection letter from Sustainable Clevedon</p> <p>7.20. OBJ 20, objection letter from Stop Bristol Airport Expansion</p>

Document Number	Document
	<p>7.21. OBJ 21, objection letter from M F Hutchison</p> <p>7.22. OBJ 22, objection letter from Cleeve Parish Council</p> <p>7.23. OBJ 23, objection letter from Jonathan Hoey</p> <p>7.24. OBJ 24, objection letter from T Gould</p> <p>7.25. OBJ 25, objection letter from Heather Fuller</p> <p>7.26. OBJ 26, objection letter from Trevor Mitchell</p> <p>7.27. OBJ 27, objection letter from Nicky Connell</p> <p>7.28. OBJ 28, objection letter from Nicholas and Jill Higgins</p> <p>7.29. OBJ 29, objection letter from David Bignell</p> <p>7.30. OBJ 30, objection letter from Gilly Riddington</p> <p>7.31. OBJ 31, objection letter from J A T Pays</p> <p>7.32. OBJ 32, objection letter from Torin Menzies</p>

APPENDIX 2

Order Map

Key:
 Permanent Acquisition

Date:
 Executed by **Bristol Airport Limited** acting by a director and a director/secretary:

Director: 
 Director: 

Notes:
 Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936

Location:
 A38, Lulsgate Bottom, North Somerset, BS40 9XA


Coords: 351,352 165,725

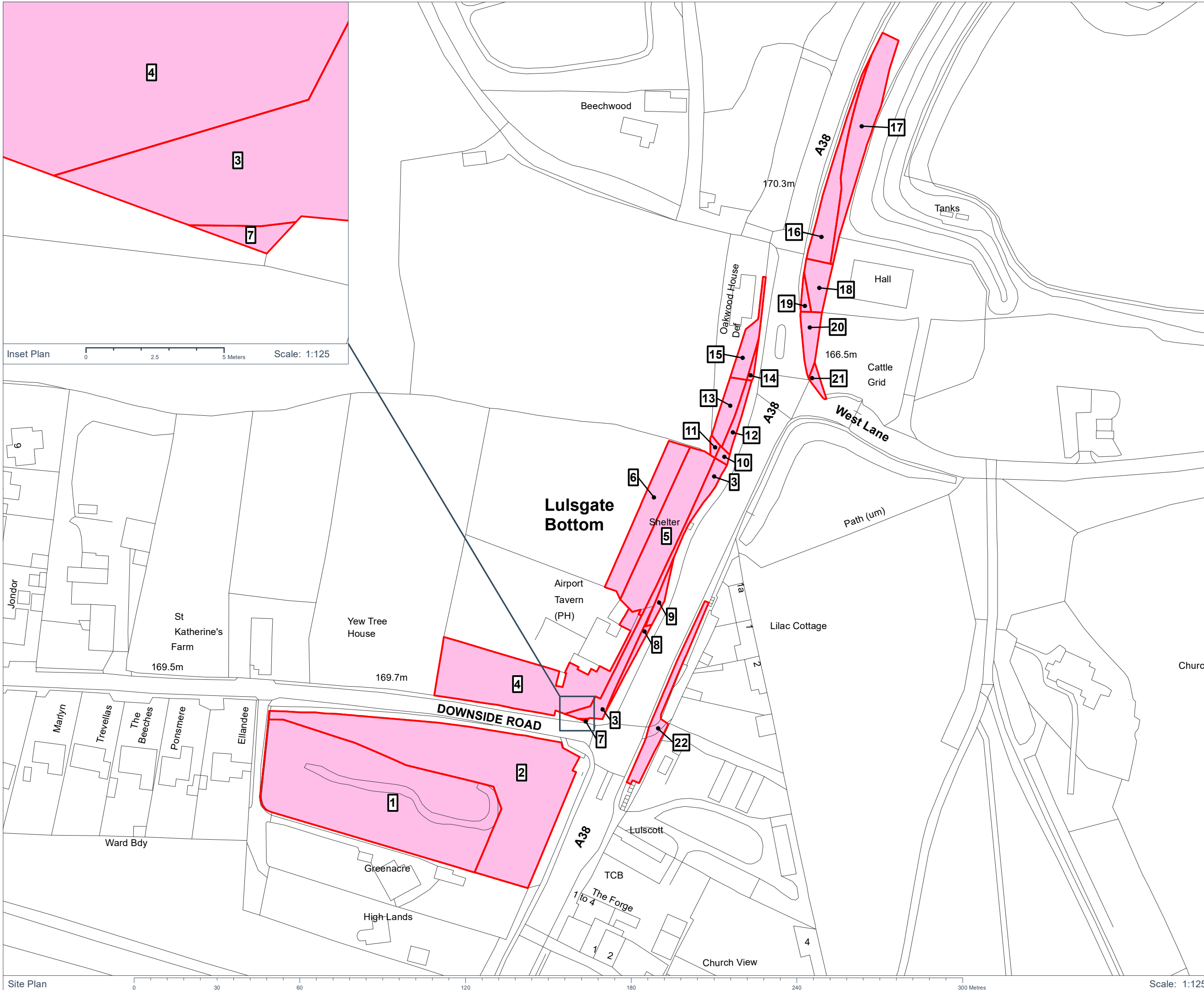
Scheme Name:
 A38 Land Referencing

Drawing Name:
 Map referred to in the Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020

Drawing No: 194590_PLN_CPO_306.1_D

Rev	Date	Description
-	22.07.2020	First Issue
D	24.07.2020	Amendment to Template and Plot
B	30.07.2020	Plot Amendments
C	14.08.2020	Plot Amendments & Renumbering

Drawn:	PR	
Approved:	OK	
Sheet No:	1 of 1	
Sheet Size:	A3	



Inset Plan
 0 2.5 5 Meters
 Scale: 1:125

Site Plan
 0 30 60 120 180 240 300 Metres
 Scale: 1:1250

Drawing Location: C:\Users\luis.mendes\Documents\Dalcour Maclaren\A38 Land Referencing - Geomatics\01 DM Plans\20200807_194590_CPO_Land_Plans_v4.mxd

APPENDIX 3

Table summarising plot proposed use

Plot No.	Notes / Proposed usage
1	<p>Provide additional space for contractor to construct new road / footway</p> <p>Continued use as a bat habitat through reinforcement works as part of the Integrated/Embedded Landscape, Visual and Ecology Mitigation Masterplan</p> <p>Safe working space around old quarry workings</p>
2	<p>Construction of new carriageway</p> <p>Construction of new footway and cycle track</p> <p>Erection of street lighting and traffic signals</p> <p>Construction of new surface water soak-away</p> <p>Diversion of buried statutory services</p> <p>Soft landscaping following conclusion of construction works</p>
3	<p>Construction of new carriageway</p> <p>Diversion of buried statutory services</p> <p>Construction of new public footway and pedestrian access (both steps and ramp) to The Airport Tavern</p> <p>Construction of structural retaining wall</p> <p>Erection of street lighting, traffic signals and bus shelter</p> <p>Relocation of post box</p>
4	<p>Creation of new junction and vehicular entrance into the Airport Tavern from Downside Road</p> <p>Re-grading of the parking area to accommodate change in level between existing parking area and Downside Road</p> <p>New white lining within property</p>

Plot No.	Notes / Proposed usage
	Amendments to existing surface water drainage system (private drainage for property)
5	<p>Foundations for retaining wall</p> <p>Landscaping and associated earthworks</p> <p>Works to existing highway surface water soak away and connections</p>
6	<p>Provide additional construction space for contractor to safely construct new road / footway / retaining wall</p> <p>Undertake changes to existing surface water soak away</p>
7	<p>Construction of new carriageway and footway</p> <p>Diversion of buried statutory services</p>
8	<p>Construction of new carriageway and footway</p> <p>Diversion of buried statutory services</p>
9	<p>Construction of new carriageway and footway</p> <p>Diversion of buried statutory services</p>
10	<p>Construction of new carriageway</p> <p>Construction of new footway</p> <p>Diversion of buried statutory services</p> <p>Erection of street lighting</p> <p>Provision of new public footpath stile</p>
11	<p>Provide additional construction space for contractor to construct new carriageway / footway</p> <p>Re-grading of earth embankment</p> <p>Creation of new steps for public right of way</p>
12	<p>Construction of new carriageway</p> <p>Construction of new footway</p>

Plot No.	Notes / Proposed usage
	Diversion of buried statutory services Erection of street lighting and traffic signals
13	Provide additional space for contractor to safely construct new road / footway Re-grading of earth embankment New fencing as boundary treatment
14	Diversion of buried statutory services Construction of new carriageway Construction of new footway Erection of street lighting and traffic signals Re-provision of stone wall
15	Provide additional space for contractor to safely construct new road / footway Re-grading of earth embankment Re-provision of shrubbery
16	Construction of new carriageway Construction of new footway Diversion of buried statutory services Erection of street lighting
17	Provide additional construction space for contractor to safely construct new road / footway Provide additional space for service diversions
18	Construction of new carriageway Construction of new footway Diversion of buried statutory services

Plot No.	Notes / Proposed usage
	Erection of street lighting
19	Construction of new carriageway
20	<p>Construction of new carriageway</p> <p>Construction of new footway</p> <p>Diversion of buried statutory services</p> <p>Erection of street lighting and traffic signals</p>
21	<p>Construction of new footway</p> <p>Diversion of buried statutory services</p> <p>Construction of new carriageway</p> <p>Erection of street lighting</p>
22	<p>Provide additional space for contractor to safely construct new carriageway / footway</p> <p>Provide additional space for service diversions</p> <p>Upgrading of street lighting, existing traffic signals and related equipment</p>

APPENDIX 4

Acquiring Authority's Response to Objections

APPENDIX 4

Acquiring Authority's Response to Objections

Objection reference	Objector (and plot number(s) if relevant)	Issues raised in Objection Letter							
		Prematurity of Order due to planning position	Prematurity of Order due to COVID-19 impacts	Environmental impacts	Contrary to planning policy	Impacts on common land	Traffic impacts	Impacts on local residents regarding access	Specific additional objection(s)
OBJ1 S*	Hawthorn Leisure (Mantle) Limited (represented by CMS) Plots 3, 4, 5, 6, 7 and 8	X	X						X
OBJ2 S*	The Trustees of the Sir J V Wills Will Trust (represented by Sworders) Plots 1 and 2	X	X	X	X				X
OBJ3 NS*	Tracy Harding	X	X	X		X	X		X
OBJ4 S*	North Somerset Council as local highway authority		X						X

* S- Statutory Objector
NS- Non-Statutory Objector

Objection reference	Objector (and plot number(s) if relevant)	Issues raised in Objection Letter							
		Prematurity of Order due to planning position	Prematurity of Order due to COVID-19 impacts	Environmental impacts	Contrary to planning policy	Impacts on common land	Traffic impacts	Impacts on local residents regarding access	Specific additional objection(s)
	(represented by Burges Salmon) Plots 5, 6, 7, 10, 11, 12, 13, 22								
OBJ5 NS*	Congresbury Parish Council	X		X	X	X		X	
OBJ6 NS*	Parish Councils Airport Association	X		X	X	X		X	
OBJ7 NS*	Chew Magna Parish Council	X				X		X	
OBJ8 NS*	Backwell Parish Council	X	X	X	X			X	
OBJ9 NS*	Sir John and Lady Beringer	X			X		X		
OBJ10 NS*	Tim Hollins	X							

Objection reference	Objector (and plot number(s) if relevant)	Issues raised in Objection Letter							
		Prematurity of Order due to planning position	Prematurity of Order due to COVID-19 impacts	Environmental impacts	Contrary to planning policy	Impacts on common land	Traffic impacts	Impacts on local residents regarding access	Specific additional objection(s)
OBJ11 NS*	Colin and Christine Turton	X		X			X		
OBJ12 NS*	Elizabeth Porter	X			X				
OBJ13 NS*	Iwona Judkowska	X							
OBJ14 NS*	Andy Connell	X							
OBJ15 NS*	Jill Jones	X		X					
OBJ16 NS*	Kate Bird	X	X	X			X		
OBJ17 NS*	Yvonne Kempster	X							X
OBJ18	Rosa Richards	X	X	X			X		

Objection reference	Objector (and plot number(s) if relevant)	Issues raised in Objection Letter							
		Prematurity of Order due to planning position	Prematurity of Order due to COVID-19 impacts	Environmental impacts	Contrary to planning policy	Impacts on common land	Traffic impacts	Impacts on local residents regarding access	Specific additional objection(s)
NS*									
OBJ19 NS*	Sustainable Clevedon	X	X	X					
OBJ20 NS*	Stop Bristol Airport Expansion	X							
OBJ21 NS*	M F Hutchison	X							
OBJ22 NS*	Cleeve Parish Council	X						X	
OBJ23 NS*	Jonathan Hoey	X							
OBJ24 NS*	T Gould	X							
OBJ25 NS*	Heather Fuller	X	X	X					X

Objection reference	Objector (and plot number(s) if relevant)	Issues raised in Objection Letter							
		Prematurity of Order due to planning position	Prematurity of Order due to COVID-19 impacts	Environmental impacts	Contrary to planning policy	Impacts on common land	Traffic impacts	Impacts on local residents regarding access	Specific additional objection(s)
OBJ26 NS*	Trevor Mitchell	X							
OBJ27 NS*	Nicky Connell	X		X			X		
OBJ28 NS*	Nicholas & Jill Higgins	X							
OBJ29 NS*	David Bignell	X	X	X					
OBJ30 NS*	Gilly Riddington	X		X					
OBJ31 NS*	J A T Pays			X					
OBJ32 NS*	Torin Menzies	X							

1. PREMATURITY OF THE ORDER AS APPLICATION REFUSED/ PLANNING APPEAL NOT YET DETERMINED

1.1 The objections express concern that the Acquiring Authority does not yet have an implementable planning permission to justify use of its compulsory purchase powers, and that confirming the Order ahead of the grant of planning permission could distort the appeal process or pre-determine the outcome of the appeal. In addition, the objections note that the Order covers highway works which are subject to a draft Section 106 Agreement, which will be examined as part of the appeal process and may change.

1.1.1 **RESPONSE:** *The Acquiring Authority is not seeking to pre-determine the outcome of the Appeal and, as explained in section 10.5 of the Statement of Reasons, the Acquiring Authority asked that the Planning Appeal and any public inquiry into the Order be conjoined. This would allow the outcome of the Planning Appeal to be known to the decision-maker of the Order. As is set out in the letter from the Department for Transport dated 29 February 2021, the Planning Appeal and the Order will be considered at the same inquiry. The Order will not, therefore, be considered ahead of the Planning Appeal. The Planning Inspectorate is coordinating both the Planning Appeal inquiry and the Order inquiry and the Acquiring Authority is confident that the Planning Inspectorate will follow due process to ensure that a decision is not made on the Order prior to a decision being made on the Planning Appeal. The decision on the Order would therefore not pre-empt the decision on the Planning Appeal.*

1.1.2 *It is, of course, correct that the Acquiring Authority does not yet have an implementable planning permission, since this is subject to the Planning Appeal process and, as above, the Acquiring Authority asked that the two inquiries be conjoined so that any decision on the Order can be taken in the light of the decision on the Planning Appeal. However as demonstrated in the Acquiring Authority's Statement of Case submitted as part of the Planning Appeal, the Scheme accords with the NPPF, local planning policy and national aviation policy and there are no other material considerations which weigh significantly against the Scheme. The Scheme would give rise to substantial local and regional benefits which are material considerations that weigh significantly in favour of granting consent. This same conclusion was reached by Council officers in recommending approval of the Application. The revised passenger forecasts referred to in paragraphs 5.7 to 5.9 above and the Environmental Statement Addendum submitted to the Council on 30 November 2020 as part of the Planning Appeal documentation have not changed this conclusion.*

1.1.3 *The Acquiring Authority refers to paragraph 15 of the CPO Guidance. This states:*

'Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise.'

1.1.4 *Also set out in section 6.7 of the Statement of Reasons is confirmation that the heads of terms for the Section 106 Agreement were agreed with Council officers. The discussions on this agreement are continuing as part of the Planning Appeal process. Since the Planning Appeal process will be completed in advance of the decision on the Order, any decision on the Order would not be made before the discussions on the Section 106 Agreement have concluded.*

1.2 The assumptions on which the Application was predicated will need to be reviewed and potentially reassessed (i.e. passenger forecasts).

1.2.1 **RESPONSE:** *The assumptions relating to growth forecasts have been updated. BAL submitted an Environmental Statement Addendum to North Somerset Council on the 30 November 2020 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, together with other supplementary information. This supplementary information included an updated Passenger Traffic Forecast. North Somerset Council consulted on these documents and all responses will be sent to the Planning Inspectorate as part of the planning appeal process.*

1.3 There is no information about when the Highway Works will be carried out, and there is the potential for property to be blighted until a decision is made to implement the Order (which is potentially 5 years away).

1.3.1 **RESPONSE:** *As set out in section 5.9 of the Statement of Case the Order Land will be acquired and the Highway Works commenced within three years of confirmation of the Order. The Acquiring Authority considers that new accesses being delivered and the enhancements to Downside Road will be an improvement for neighbouring properties and does not consider that there is any statutory blight in this situation.*

2. PREMATURITY OF THE ORDER DUE TO COVID-19 IMPACTS

2.1 It is improbable that passenger demand will reach the existing 10 mppa cap next year, or that it would grow by a further 20% within the following 5 years (i.e. to 12 mppa by 2025).

2.1.1 **RESPONSE:** *The assumptions relating to growth forecasts have been updated as part of the Planning Appeal. BAL submitted an Environmental Statement Addendum to North Somerset Council on 30 November 2020 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, together with other supplementary information. This supplementary information included an updated Passenger Traffic Forecast which identified three different growth cases. The Core Case forecasts that 10 mppa will be reached in 2024 and 12 mppa by 2030. In consequence, there remains an acute need for the Scheme and, therefore, the Highways Works.*

2.2 If the Airport follows IATA projections, it is likely that passenger numbers would not return to pre-COVID levels until 2025, so previously forecast growth to 12 mppa would not be reached until early 2030s. Therefore, there is a failure to demonstrate a compelling case to acquire the Order Land at this stage.

2.2.1 **RESPONSE:** *In 2019, Bristol Airport handled 8.96 mppa. IATA project that 2019 levels would return by around 2024 with recovery in the short-haul markets likely to be faster. As explained above, the assumptions relating to growth forecasts have been updated and BAL submitted an Environmental Statement Addendum to North Somerset Council on 30 November 2020, together with other supplementary information. This supplementary information included an updated Passenger Traffic Forecast which identified three different growth cases. The Core Case forecasts that 10 mppa will be reached in 2024. Under the Faster Growth Case, 10 mppa would be reached in 2022 and in the Slow Growth Case, 10 mppa would be reached in 2028. In each of the growth cases, the Highway Works need to be delivered within three years of the Order being confirmed.*

2.3 Redundancies are being made at the airport due to COVID-19, so the creation of jobs benefit BAL claims the expansion will bring is disputed. There is always a lot of hype about the number of jobs that airport expansion will create, but in fact the sector has been automating as much as it can and the number of jobs is lower than it was in 2007, whilst the number of passengers has risen significantly. Expanding the Airport won't tackle unemployment or bring more money to the UK.

- 2.3.1 **RESPONSE:** *There have been redundancies at the airport due to Covid-19. The redundancies seen at present are a short term reaction to a significant loss in demand unrelated to any change in the underlying desire or need to travel and the consequent need to reduce costs and preserve liquidity. As demand returns, we would expect employment levels to recover. As part of the Planning Appeal, BAL submitted an Economic Impact Assessment Addendum to North Somerset Council on 30 November 2020. This takes into account the potential impacts arising from the COVID-19 pandemic as well as productivity gains, and assesses likely job generation through to 12 mppa.*
- 2.3.2 *The Economic Impact Assessment Addendum estimates that at 2030 (with a passenger throughput of 12 mppa), the economic footprint of Bristol Airport within North Somerset will increase by £50 million (in Gross Value Added (GVA) terms), supporting approximately 530 additional jobs (430 Full-time Equivalent (FTEs)). When wider benefits are also included, this is likely to increase to £70 million (in GVA terms) and around 710 additional jobs (570 FTEs). The economic footprint of Bristol Airport within the West of England will increase by £100 million (in GVA terms), supporting around 1,220 additional jobs (1,040 FTEs). When wider benefits are also included, this is anticipated to increase to £220 million (in GVA terms) and around 2,460 additional jobs (2,040 FTEs). The economic footprint of Bristol Airport within the South West region and South Wales will increase by £150 million (in GVA terms), supporting circa 2,120 additional jobs (1,750 FTEs). When wider benefits are also included, this is anticipated to increase to £430 million (in GVA terms) and around 5,560 additional jobs (4,470 FTEs).*
- 2.3.3 *The Economic Impact Assessment also assesses the potential impact of displacement on economic growth. Displacement considers the potential impacts from passengers that cannot travel via Bristol Airport transferring to other airports in the South West and South Wales to undertake their journeys if the proposed development did not go ahead. The inclusion of displacement represents a worst case assessment. Taking into account displacement, the growth projections for North Somerset and the West of England do not change. The economic footprint of Bristol Airport within the West of England will increase by £100 million (in GVA terms), supporting around 1,220 additional jobs (1,040 FTEs). When wider benefits are also included, this is anticipated to increase to £220 million (in GVA terms) and around 2,460 additional jobs (2,040 FTEs). The economic footprint of Bristol Airport within the South West region and South Wales will increase by £110 million (in GVA terms), supporting circa 1,530 additional jobs (1,260 FTEs). When wider benefits are also included, this is anticipated to increase to £310 million (in GVA terms) and around 4,000 additional jobs (3,210 FTEs).*
- 2.3.4 *On the basis of the findings of Economic Impact Assessment Addendum, the Environmental Statement Addendum concludes that positive effects on employment and GVA benefits during the operation of the Scheme would be significant.*
- 2.3.5 *As detailed within the draft Heads of Terms, it is also proposed that BAL submit a Skills and Employment Plan to the Council for approval within 6 months of commencement of development. This will include: a Construction Phase Local Labour Agreement and Action Plan; an 'Achieve Programme' to deliver employment and skills interventions and a programme of activities with education providers; an 'Operational Phase Education Programme' which requires the Owner to engage with the education sector from primary level through to university and develop opportunities for young people and adults to access employment at the Airport and; a 'Monitoring Programme' which sets out the agreed key performance indicators against which the implementation of the SEP will be monitored.*

2.4 It would be more beneficial to the UK economy to promote home market attractions so people spend their money at home.

2.4.1 **RESPONSE:** *The proposed growth of Bristol Airport will support inbound tourism within the South West. As explained above, the Economic Impact Assessment Addendum identifies that at 2030 and 12 mppa, Bristol Airport is estimated to support £350 million GVA for tourism.*

2.4.2 *The report also concludes that when considering outbound tourism, UK resident passengers will, in the great majority of cases, still fly if Bristol Airport were not available to them and, as a consequence, any loss of consumer expenditure in the domestic economy from these outbound travellers would occur with or without Bristol Airport. Furthermore, outbound travel from the UK directly supports significant GVA and employment in the domestic economy as travellers buy goods and services before they leave the country. These include services such as travel agencies and tour operators, travel insurance, currency exchange or travel to and accommodation at or near UK airports and goods such as clothes, toiletries and cosmetics, or sports and leisure equipment. In addition, the ability to travel and experience other countries and cultures is an extremely important part of life for many people, while for others the ability to visit family and friends in other parts of the world is vitally important. Access to air travel is a key component in making cities and regions 'liveable' places for people. Having access to an airport with a good range of services attracts people to live and work in an area, supporting population growth and economic activity. There are also potential gains to be considered, The UK imports holiday services from other countries whilst at the same time exports services (e.g. advanced engineering). It could be argued that countries are making the most productive use of their resources and that outbound tourism is, ultimately, another form of trade enabling a comparative advantage and greater overall prosperity.*

2.4.3 *The Economic Impact Assessment Addendum has been undertaken in the context of the UK Government's policy position in relation to outbound tourism. The Aviation Policy Framework ¹states that "the evidence available to us does not show that a decrease in the number of UK residents flying abroad for their holidays would have an overall benefit for the UK economy. UK residents made 57 million visits abroad in 2011 and spent £32 billion, 84% of which was spent by residents who travelled abroad by air. The Government believes that the chance to fly abroad also offers quality of life benefits including educational and skills development. Overall the Government believes continuing to make UK tourism more attractive is a better approach both for residents and attracting new visitors"*

2.5 There has been plenty of polling that suggests that business and employee behaviours have changed for good following the mass adoption of remote working and online conference calls. Business air travel only looks set to decrease.

2.5.1 **RESPONSE:** *The impact of the COVID-19 pandemic on business travel is included within the Economic Impact Assessment Addendum (November 2020). This states that whilst business travel will be affected by COVID-19 in the short term, in the longer term (with increasing globalisation and following the end of the COVID-19 pandemic) demand is expected to return. This is reflected in the updated Passenger Traffic Forecast.*

3. ENVIRONMENTAL IMPACTS OF THE SCHEME

3.1 There are concerns regarding noise and air quality and their impact on the health and well-being of local residents, especially children as Yatton has a large school in the centre of the village; the increase in greenhouse gas emissions exacerbating climate change, contravention of the Climate Change Act 2008 which imposes a duty to reduce carbon emissions and North Somerset Council has declared a climate emergency; eating up the green belt,

¹ HM Government (2013) Aviation Policy Framework. Available from <https://www.gov.uk/government/publications/aviation-policyframework> [Accessed October 2020].

including common land; impacts on habitats, hedgerows and drainage ditches; and increased urbanisation of the area through increased lighting and substituting green space for tarmac and concrete.

- 3.1.1 **RESPONSE:** *The environmental concerns raised by objectors appear to relate to the Scheme to increase the capacity of the Airport to 12 mppa rather than the Highway Works specifically. The Acquiring Authority has responded to these below both generally in relation to the Scheme, and more specifically for the Highway Works for which the Order Land is sought where relevant.*

Noise, Air Quality and Health

- 3.1.2 *The Environmental Statement Addendum demonstrates that the proposed expansion of Bristol Airport will not have significant effects on air quality, noise or health and that appropriate mitigation, previously agreed with NSC officers, has been proposed by BAL. This allowed Council officers to recommend approval of the Application in the Officer's Report to the Planning and Regulatory Committee of 10 February 2020. The highway improvement works will result in less queuing at the junction and this will lead to an overall improvement in air quality.*

Greenhouse Gas Emissions

- 3.1.3 *The greenhouse gas emissions arising from the Scheme would not be significant. The Environmental Statement Addendum concludes that emissions from aviation and non-aviation sources would not materially affect the ability of the UK to meet its carbon target for net zero by 2050, nor is it likely to affect the Council's carbon neutrality aim.*
- 3.1.4 *The proposals include a number of mitigation measures, part of which is the commitment to produce a Carbon and Climate Change Action Plan which will be aligned with BAL's 2019 Carbon Roadmap, setting out how Bristol Airport will be carbon neutral by 2025 and net zero by 2050. The Carbon Roadmap included a commitment in 2020 to offset all emissions from passenger journeys to and from the airport which has been implemented. It also references the Carbon Offsetting and Reduction Scheme (CORSA) which is a global agreement to address emissions from flights. The pilot phase of CORSA is due to commence in 2021.*

Green Belt

- 3.1.5 *The proposed Highways Works are located in the Green Belt. At paragraphs 145-146, the National Planning Policy Framework (NPPF) identifies that certain forms of development are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. The types of development listed as not being inappropriate include local transport infrastructure that can demonstrate a requirement for a Green Belt location.*
- 3.1.6 *In this context, the proposed highway improvements to the A38 constitute local transport infrastructure and will improve the highway network leading to the Airport and existing traffic conditions on the A38. Being located alongside/adjacent to an existing highway, the Highway Works would preserve openness and not conflict with the purposes of including land within the Green Belt. Furthermore, the area of undeveloped Green Belt and Common Land that would be lost as a result of the improvements would be negligible. BAL therefore considers that the proposed improvements to the A38 are not inappropriate development in the Green Belt. Importantly, this is the same conclusion that was reached by the Council officers in recommending approval of the Application.*

- 3.1.7 *Notwithstanding this, very special circumstances were set out in the Planning Statement (Section 5.3) accompanying the Application to justify this development in the Green Belt including: the need for the works; policy support for growth at Bristol Airport; the socio-economic benefits of expansion; and minor harm to the Green Belt.*
- 3.1.8 *In terms of the wider expansion proposals, the delivery of car parking and airside infrastructure improvements will also take place in the Green Belt. However, again, very special circumstances have been demonstrated to justify this development and these were accepted by Council officers in recommending approval of the Application.*

Impacts on habitats, hedgerows and drainage ditches

- 3.1.9 *A comprehensive ecological assessment was undertaken as part of the Environmental Impact Assessment submitted as part of the Application. This was reported on in the Biodiversity chapter of the Environmental Statement. The habitat identified at the location of the proposed A38 improvements include scattered scrub, hedgerows and broadleaved woodland. Detailed habitat surveys were undertaken. It was identified that bats were crossing the A38 in this location and proposed lighting levels will ensure that lighting at the A38/Downside Road junction will be no greater than current levels. Existing woodland within the quarry site adjacent to the A38/Downside Road junction will be managed and enhanced. The mitigation and enhancement measures were accepted by the Council's ecologist and Natural England.*
- 3.1.10 *With regards to drainage, this formed part of the comprehensive assessment undertaken as part of the Environmental Impact Assessment and reported on in the Surface Water and Flood Risk chapter in the Environmental Statement. The proposals include extensive measures to fully manage flood risk at the Airport fully meeting the requirements of the NPPF10 and current flood risk management best practice have been incorporated in the design. These will result in no off-site increase in flood risk. Furthermore, improvements to the A38's drainage system are included in the proposals, such as to provide a slight betterment over the existing drainage system.*

Increased urbanisation

- 3.1.11 *A total of six preliminary options were identified as part of the early design process and were subject to discussion with the Council. These are discussed in Chapter 3 (Alternatives) of the Environmental Statement submitted with the Application. These options considered different designs and how these would deliver the necessary improvements in highway capacity whilst reducing the need for additional land. The final design of the Highway Works represents a significant improvement to the A38 that will provide the necessary capacity to accommodate an additional 2 mppa, improving traffic movements, way finding legibility and road safety on the local road network surrounding Bristol Airport whilst minimising the impact on the adjacent land uses.*
- 3.2 The proposals will further damage the peace and devalue the use of Felton village hall due to the dual carriageway being in close proximity.
- 3.2.1 **RESPONSE:** *The closest part of the kerb line for the A38 is currently 17.5m from Felton village hall. Once the improvement works have been undertaken to the A38 West Lane junction, the kerb line will be 7.4m closer to the hall. The closest part of the road will therefore be 10.1m from the village hall. There will be no loss of parking at the village hall and, therefore, its use will not be devalued.*
- 3.2.2 *While the carriageway will be closer to the village hall after the Highway Works are complete, the overall environment will be improved compared with the existing baseline situation and reference cases. This is because congestion will be significantly reduced, rather than*

there being extensive queues in peak periods on the A38 southbound, which would be the case without the Highway Works improvement scheme.

3.2.3 Traffic surveys and junction capacity modelling show that the A38 southbound at Downside Road had modelled maximum queues in 2018 of around 75 vehicles in the PM peak which extends through the West Lane Junction, and may well also do this at other times of the day. This queuing is the reason a 'yellow-box' has already been provided by the Council at the junction. Without the Highway Works, the junction is predicted to operate over-capacity in AM, PM and inter-peaks in the future. Queues are expected to extend back to the West Lane junction and beyond the village hall in all three of these peaks.

3.2.4 With BAL's proposals and associated junction improvements, both the Downside Road and West Lane junctions with the A38 are predicted to operate within capacity without extensive queueing on the A38 or side roads. Any traffic queued at the signals will 'clear' during each green phase. As set out in section 6.3 of the Statement of Case the junctions will monitor traffic approaching the junctions and using Microprocessor Optimised Vehicle Actuation will adjust the timings to enhance traffic flow and reduce queuing. Furthermore, the proposed signal-controlled junction will make it much easier and safer to access West Lane (to gain access to the village hall car park) in the future. The reduced queuing at the junction will lead to overall air quality improvements.

4. SCHEME CONTRARY TO PLANNING POLICY

4.1 The Scheme is contrary to the Council's Core Strategy 2017 Policies CS1, CS3, CS4, CS6, CS10, CS23 and CS26.

4.1.1 **RESPONSE:** The proposed Highways Works, and the wider development of Bristol Airport to accommodate 12 mppa, are in accordance with the Development Plan. Compliance with the above policies is considered below.

Policy CS1

4.1.2 The proposed Highways Works and the wider development of Bristol Airport will not materially affect the ability of the Government to meet its climate change targets. Further, BAL will submit a Carbon and Climate Change Action Plan that will demonstrate the approaches by which it will minimise greenhouse gas emissions including a commitment to offset greenhouse gas emissions from all surface access journeys to and from the Airport. This Action Plan will align with BAL's Carbon Roadmap to become a 'net zero' airport by 2050 and be in accordance with Policy CS1.

Policy CS3

4.1.3 The Environmental Statement and Environmental Statement Addendum prepared as part of the Application and the Planning Appeal demonstrate that the environmental impacts of the Scheme, including the Highways Works, have been minimised and satisfactorily addressed. This was the same conclusion reached by Council officers in recommending approval of the Application.

- 4.1.4 *It should be noted that the Highway Works are likely to deliver environmental enhancements in terms of air quality associated with reducing queuing. Overall, the development is therefore in accordance with Policy CS3.*

Policy CS4

- 4.1.5 *The ES concludes that the Highways Works, and wider development of Bristol Airport, will not have significant effects on biodiversity. A comprehensive ecological assessment was undertaken as part of the Environmental Impact Assessment. The habitat identified at the location of the proposed A38 improvements include scattered scrub, hedgerows and broadleaved woodland. Detailed habitat surveys were undertaken. It was identified that bats were crossing the A38 in this location and proposed lighting levels will ensure that lighting at the A38/Downside Road junction will be no greater than current levels. Existing woodland within the quarry site adjacent to the A38/Downside Road junction will be managed and enhanced.*
- 4.1.6 *In accordance with the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (SPD), suitable mitigation has been identified to ensure that there would be no adverse effects on the integrity of the SAC associated with both the Highways Works and wider Scheme. On this basis, the Council's Habitats Regulations Assessment (HRA) concludes that, with the proposed mitigation, there would be no adverse effects on the integrity of the SAC. This conclusion has also been accepted by Natural England. Overall, the Officer's Report concludes that there will be a net biodiversity gain/ecological enhancement, in accordance with Policy CS4.*

Policy CS6

- 4.1.7 *This policy concerns amendments to the Green Belt boundary including at Bristol Airport. The proposed highways works, and indeed the wider development of Bristol Airport to accommodate 12 mppa, do not constitute an amendment to the Green Belt boundary, this being a matter for local plans.*
- 4.1.8 *As set out above, BAL considers that the Highways Works are not inappropriate development in the Green Belt. Nonetheless, very special circumstances have been demonstrated which justify this development, and other components of the Scheme, in the Green Belt.*

Policy CS10

- 4.1.9 *The Highways Works would deliver significant local capacity benefits and enhance safety, in full accordance with Policy CS10. More broadly, the Transport Assessment Addendum has demonstrated that the additional traffic generated by the development of Bristol Airport to accommodate 12 mppa would not prejudice highway safety or result in severe cumulative impacts on traffic congestion. Further, through the Section 106 Agreement Heads of Terms, BAL has committed to an ambitious and realistic public transport mode share target for passengers alongside an equally ambitious travel target for staff. As NSC officers agreed, this is in full compliance with the requirements of Policy CS10 to deliver better public transport services, mitigate against traffic congestion and reduce carbon emissions.*

Policy CS23

4.1.10 *The Environmental Statement and Environmental Statement Addendum demonstrate that the environmental, community and highways impacts of the Scheme, including the Highways Works, have been minimised and satisfactorily addressed; this is the same conclusion as that reached by Council officers in recommending approval of the planning application. The Scheme is therefore in full accordance with Policy CS23.*

Policy CS26

4.1.11 *In accordance with the requirements of Policy CS26, the human health effects of the Scheme, including the Highway Works, have been assessed as part of the Environmental Statement and the Environmental Statement Addendum, having appropriate regard to Health Impact Assessment methods. This has demonstrated that there would be no significant adverse effects on human health. A beneficial effect is, however, predicted as a result of job creation and local investment that will in-turn deliver long-term health benefits.*

4.2 The Scheme is contrary to Policy DM12 of the North Somerset Development Management Policies Site and Policies Plan 2016 and the NPPF relating to green belts.

4.2.1 **RESPONSE:** *As set out above, the Highway Works are located in the Green Belt. At paragraphs 145-146, the NPPF identifies that certain forms of development are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it. The types of development listed as not being inappropriate include local transport infrastructure that can demonstrate a requirement for a Green Belt location.*

4.2.2 *In this context, the Highway Works constitute local transport infrastructure and will improve the highway network leading to the Airport and existing traffic conditions on the A38. Being located alongside/adjacent to an existing highway, the Highway Works would preserve openness and not conflict with the purposes of including land within the Green Belt. BAL therefore considers that the Highway Works and enhancements to airside infrastructure are not inappropriate development. Importantly, this is the same conclusion as that reached by Council officers in recommending approval of the Application.*

4.2.3 *Notwithstanding this, in accordance with Policy DM12 and the NPPF, very special circumstances were set out in the Planning Statement (Section 5.3) accompanying the Application to justify this development in the Green Belt including: the need for the works; policy support for growth at Bristol Airport; the socio-economic benefits of expansion; and minor harm to the Green Belt.*

4.2.4 *In terms of the wider expansion proposals, the delivery of car parking and airside infrastructure improvements will also take place in the Green Belt. However, again, very special circumstances have been demonstrated to justify this development.*

4.2.5 *The very special circumstances were accepted by Council officers in recommending approval of the Application.*

4.2.6 *Overall, the works are in full accordance Policy DM12 and the NPPF.*

4.3 It is expected that matters relating to access to the airport will be addressed in the new North Somerset Local Plan and associated infrastructure transport plan presently being prepared. Pre-empting action by North Somerset is unlikely to be helpful in developing a co-ordinated transport plan for the Airport.

4.3.1 **RESPONSE:** *Bristol Airport consulted the Council before and during the process for the Application to grow the Airport to 12 mppa. This included the proposed Highways Works which were agreed with Council officers. The proposed Highway Works are designed to mitigate the impact of airport traffic through to 12 mppa. It does not prejudice future planning policy which will consider longer term proposals. Bristol Airport is engaging with the Council on the new Local Plan which is at an early stage of development. BAL are also engaging with the Council on their Major Road Network bid for the A38. It is understood that the scheme being promoted for the A38 MRN does not conflict with the proposed design of the Highway Works*

5. IMPACTS ON COMMON LAND

5.1 Plot 21 may still be common land, and until determined should be assumed to be common land. The provision of replacement land is necessary.

5.1.1 **RESPONSE:** *The Acquiring Authority agrees that there is uncertainty regarding the status of plot 21 and whether this remains part of Felton Common and has adopted a precautionary approach of including this in the Order as common land. Plot 21 is adjacent to the A38 highway and is in the ownership of Highways England. It is located to the west of the existing cattle grid on West Lane, separating it from the remainder, and vast majority of, Felton Common.*

5.1.2 *The Acquiring Authority has sought to clarify the status of plot 21 with the Council as the Commons Registration Authority for Felton Common, but due to the COVID-19 pandemic has been prevented from accessing the documents listed on the Felton Common Register to assess whether plot 21 in fact forms part of the Common and if so what rights may apply over it. The Council has now provided some of the documentation referred to on the Felton Common Register to allow BAL to confirm those rights which definitely do not apply. BAL is seeking to agree this list of rights with the Council in its role as the Commons Registration Authority. In addition, further documentation referred to on the Felton Commons Register is awaited from the Council.*

5.1.3 *Until the position regarding plot 21 is clear, the Acquiring Authority has adopted a precautionary approach and is treating plot 21 as common land. Through the Order the Acquiring Authority is seeking to discharge plot 21 from all rights, trusts and incidents under section 19(3) of the Acquisition of Land Act 1981.*

5.1.4 *Plot 21 is only 31 m², and is therefore below the 250 square yards threshold for the requirement to provide replacement land under section 19 of the Acquisition of Land Act 1981. In addition, the giving of exchange land is unnecessary, whether in the interests of any persons entitled to rights of common or other rights, or in the interests of the public due to the size and proximity of plot 21 to the A38 highway and the remainder of Felton Common. The Acquiring Authority has made an application to the Secretary of State to certify accordingly under section 19(1)(b) of the Acquisition of Land Act 1981. The Secretary of State has notified of his intention to issue the requested certificate and this intention was advertised accordingly. The period for representations or objections to be received in relation to the Secretary of State's intention to issue the requested certificate expired on 8 January 2021. No objections or representations were received and the Commons casework team confirmed on 2 March 2021 that the section 19 certificate can be issued if the decision is taken by the Secretary of State to confirm the Order.*

6. TRAFFIC IMPACTS OF THE SCHEME

6.1 Public highway improvements are already required along the A38 corridor and surrounding routes to accommodate existing vehicle movements, especially at peak times.

6.1.1 **RESPONSE:** *The Council is responsible for improvements to the local highway network. BAL has previously made improvements to the A38 Downside Road junction to accommodate changes in traffic resulting from the approved application to increase passenger numbers to 10 mppa.*

6.2 The proposed improvements do not adequately address accommodating a further 4 mppa.

6.2.1 **RESPONSE:** *BAL's Planning Application seeks approval for an increase in passenger numbers from 10 to 12 mppa, not an additional 4 mppa. The Transport Assessment submitted with the Planning Application (and subsequent Transport Assessment Addendum) clearly indicates that the increase in passenger numbers can be accommodated with a package of measures including increased public transport provision and local junction improvements. The Transport Assessment shows that the proposed improvements at the A38 Downside Road / West Lane junctions will deliver a significant reduction in queueing and are predicted to operate with a reserve capacity in the future allowing for both background traffic growth and airport growth to 12 mppa. Both the A38 Downside Road and the A38 West Lane junctions also include enhancements for pedestrians and cyclists. Bristol Airport consulted the Council before and during the process for the Application to grow the Airport to 12 mppa. This included the design for the proposed Highways Works which were agreed with Council officers on behalf of the Highway Authority.*

6.3 There are a lack of public transport links and there will be increased traffic flows through narrow rural roads.

6.3.1 **RESPONSE:** *The Transport Assessment Addendum submitted as part of the Planning Appeal documentation demonstrates that, with mitigation, the highways impacts of the Scheme will not be significant. There will be some increases in traffic across all roads approaching the Airport, the vast majority of which will be on strategic roads (i.e. signposted 'A' roads and motorways). BAL is also committed to investment in public transport services and other initiatives aimed at reducing any such increases. The proposed A38 junction improvements are designed to promote use of the strategic road network in gaining access to the Airport. Forecast increases in traffic on approach roads to the Airport likely to be used by Airport passengers are based on a series of robust growth assumptions (as agreed with Council officers) and have been assessed in the Environmental Statement submitted with the Application and subsequently, the Environmental Statement Addendum.*

6.3.2 *Six of the eighteen roads assessed are not 'A' roads (Brockley Lane, Downside Road, West Lane, Barrow Street, Barrow Lane, Hyatt's Wood Road). Of these, all but Downside Road and West Lane are predicted to have increases in traffic of less than 5% (predicted ranges are from 0% to 3.8%). Junction improvements are proposed at the West Lane and Downside Road junctions with the A38 to mitigate potential increases in traffic at these locations.*

6.3.3 *In addition, there is also a comprehensive package of measures in the Draft Heads of Terms for a Section 106 Agreement which were agreed with Council officers. This includes a new Public Transport Improvement Fund and Highway Improvement Fund for further improvements which may be identified in the future as part of the Traffic Monitoring Plan, and to bring forward improvements to public*

transport services and infrastructure at the Airport aimed at contributing towards modal shift to public transport services. It also includes new public transport services and the early delivery of a Public Transport Interchange.

- 6.4 The new exit of the Airport Tavern onto Downside Road will bring added danger to what is a high volume narrow road as large volumes of cars parking at the Tavern will use the new exit 24/7 entering the road at the same point as the traffic build up for the junction.
- 6.4.1 **RESPONSE:** *The Highway Works have been designed to improve overall access, capacity and safety, including in respect of the Airport Tavern.*
- 6.4.2 *The Downside Road approach to the A38 is currently a single lane with modelled queues (calibrated to 2018 surveys, as set out in the Transport Assessment) of between 12 and 19 vehicles (AM and PM peaks respectively). As part of the junction improvement works, Downside Road will be widened to provide a two-lane approach to the A38. Junction capacity modelling of the Scheme and associated junction improvements, indicates that the queuing will be reduced to around 6 vehicles maximum spread across the two lanes.*
- 6.4.3 *All traffic entering Downside Road from the A38 will continue to have to turn left from the northbound carriageway, with the right turn from the A38 Southbound continuing to be prohibited. A right turning lane on Downside Road into the Airport Tavern has been included in the proposed change to the Airport Tavern's vehicular access. This will allow vehicles to safely wait to turn across traffic traveling east along Downside Road towards the A38 without blocking through traffic on Downside Road. There is a level difference between Downside Road and the Airport Tavern's current car park. As a result, BAL proposes to build up the level of the car park to form the new junction to ensure this is not on a steep gradient. No cars will be permitted to park on the approaches to this access point. This will therefore require the remarking of this section of the car park, which will be undertaken in liaison with the existing owners in order to minimise any effects on the public highway.*
- 6.4.4 *These improvements will remove the current sub-optimal access situation where vehicles travelling southbound on the A38 turn across the northbound carriageway and associated footway immediately adjacent to the traffic signal junction to reach the Airport Tavern car park. This will also remove parked vehicles from the footway outside the Airport Tavern, which can interfere with pedestrian movements.*
- 6.5 The high volume of cars which hover and park temporarily around the airport entrance will move into lanes and laybys locally, including Downside Road and around the village hall and church; local people already suffer problems of illegal and roadside parking near the airport.
- 6.5.1 **RESPONSE:** *This is not directly related to the proposed Highway Works. It has been considered as part of the overall proposals for the Scheme. To address feedback from local communities concerning cars waiting in local villages and on rural roads, a free waiting area was provided in 2019 on-site for taxis alongside a free drop off facility for private vehicles. The commitment for an authorised waiting area and a free drop-off facility are included in the Draft Heads of Terms for a Section 106 Agreement which were agreed with Council officers. This also included a commitment to deliver a Parking Summit Action Plan; BAL would provide funding, resources and coordinate discussions with local parish councils and stakeholders, with the Council to lead on the implementation and delivery of Traffic Regulation Order (TRO) measures. This will have the effect of targeted parking restrictions in roads and laybys where impacts are harmful. BAL shall also contribute to fund a new, dedicated Council airport parking and enforcement officer over 5 years. In summary, BAL acknowledges the issue raised and has proposed appropriate mitigation.*

7. IMPACTS ON LOCAL RESIDENTS REGARDING ACCESS

7.1 Who will own the highway land on completion of the works? If the land is owned by BAL, it may be difficult for residents to sell their homes as access may be over land that can become a ransom strip.

7.1.1 **RESPONSE:** Any land which forms carriageway, footway or associated supporting infrastructure will be adopted as part of the public highway by the Council as the local highway authority with access continuing to be provided direct from properties onto the public highway. Any land outside of this area will be used by the Airport to facilitate the construction of the proposed junction improvements. Once the Highways Works have been completed, BAL undertakes to offer back land which is not required permanently to the original landowners, subject to BAL retaining any necessary rights relating, for example to diverted services and drainage, and subject to other terms being agreed, including as to compensation. Details of these plots where temporary works will be undertaken and possession handed back are set out in section 7.7 of the Statement of Case.

7.2 Concern for local residents who may have restrictions placed on them relating to access to their own properties due to the layout and vastness of the proposed works.

7.2.1 **RESPONSE:** Access to all existing properties bounding the A38 will be maintained as part of the junction improvements and, where necessary, provision has been made for turning lanes within the central ghost (marked) median strip. The existing vehicular route to Lilac Cottages remains part of the traffic signal-controlled junction which also includes Downside Road.

8. RESPONSES TO SPECIFIC OBJECTIONS RAISED

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
Hawthorn Leisure (Mantle) Limited- OBJ1 S*	8.1 Queries whether the Order has been made under the correct statutory powers and failure to consider alternatives to compulsory purchase/ the making of the Order.	8.1.1 As section 7 of the Statement of Reasons sets out, BAL is the relevant operator for the Airport, being the company responsible for management of the Airport. On being authorised to do so by the Secretary of State, under section 59 of the Airports Act 1986, BAL can acquire land compulsorily for any purpose connected with the performance of the airport operator's functions. The Scheme, and the Highway Works which form part of that Scheme, are necessary for the performance by BAL of its functions in ensuring the continued, effective operation of the Airport, by ensuring adequate access to the Airport. The Acquiring Authority is therefore confident that it has promoted the Order under the correct statutory powers.

* S- Statutory Objector
NS- Non-Statutory Objector

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
		<p>8.1.2 <i>The Acquiring Authority sought to take a proportionate approach to land acquisition and to acquire the minimum interests necessary to deliver the Highway Works. Some of the Order Land is required only for construction purposes, for example to provide working space to allow construction of the Highway Works. Some of that land may also need to be subject to permanent new rights, for example for diverted services or drainage rights.</i></p> <p>8.1.3 <i>The Acquiring Authority considered alternatives to the making of the Order through voluntary negotiations to acquire the necessary interests, considering the possibility of acquiring land temporarily or acquiring permanent rights over (rather than freehold interests in) those parts of the Order Land required only for construction purposes. However, for the reasons explained in section 7 of the Statement of Reasons, the Acquiring Authority remains of the view that it cannot rely on section 59(3) of the Airports Act 1986 to acquire new rights over land since the rights sought would be to enable off-airport highway mitigation works. The Highway Works are necessary for the delivery of the Scheme, but are not airport infrastructure so the Acquiring Authority does not consider that it could rely on section 44 of the Civil Aviation Act 1982 to ask the Secretary of State for Transport to make an additional compulsory purchase order to acquire permanent new rights for temporary construction areas required for the Highway Works.</i></p> <p>8.1.4 <i>Compulsory purchase powers do not currently allow for the temporary possession of land, since the relevant provisions of the Neighbourhood Planning Act 2017 are not yet in force. Negotiations to acquire land required for the Highway Works have been ongoing for some time, but these negotiations have not proved successful in allowing acquisition of all of the Order Land.</i></p> <p>8.1.5 <i>BAL remains committed to seek to acquire all interests by agreement, but in parallel has promoted the Order under the only powers available to it to deliver these necessary Highway Works for the Scheme. BAL undertakes to offer back land which is not required permanently to the original landowners, subject to BAL retaining any necessary rights relating, for example, to diverted services and drainage, and subject to other terms being agreed, including as to compensation. This includes plots 4 and 6 owned by this Objector and is set out in section 7.7 of the Statement of Case and section 7.7 of the Statement of Reasons.</i></p>

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
	8.2 Lack of funding for highway works.	8.2.1 <i>In line with previous highway improvements and infrastructure developments at the Airport (including the construction of the new administration building, multi-storey car park and fire station in 2018, as well as the previous A38 improvements undertaken as part of the 10 mppa planning permission), the funding for these Highway Works (including the land acquisition costs) will be provided by BAL as part of its capital projects programme. BAL does not expect to require external market funding nor further investment from its shareholders to allow delivery of the Highway Works. BAL has already acquired some of the land needed for the Scheme by agreement which demonstrates its commitment to date. Further details of capital expenditure is set out in section 12.2 of the Statement of Case.</i>
	8.3 Failure to negotiate.	<p>8.3.1 <i>BAL disputes the allegation that it has failed to use reasonable endeavours to negotiate with Hawthorn Leisure (Mantle) Limited (Hawthorn Leisure) (which was known under the previous company name of Newriver Retail (Mantle) Limited (NewRiver) until October 2019).</i></p> <p>8.3.2 <i>BAL's negotiations to acquire NewRiver's (as it then was) interest in the Airport Tavern (as required for the Highway Works) commenced in November 2017 with discussions taking place with Christopher Downes, the Portfolio Development Manager of New River REIT (UK) Ltd (being the parent company at the time of NewRiver).</i></p> <p>8.3.3 <i>In 2018, Christopher Downes introduced BAL to Mark Davies, who at the time was the Chief Financial Officer of New River REIT (UK) Ltd and Chairman of Pub REIT (UK) Limited (and is now the Chief Executive Officer of Hawthorn Leisure), David Shipton (who was the Corporate Strategy and Development Director of NewRiver) and Jamie Whitfield (Director of Development at NewRiver). In May 2018, NewRiver REIT (UK) Limited acquired Hawthorn Leisure, and David Shipton remained as BAL's contact in discussions regarding the Airport Tavern until Jamie Whitfield took over negotiations in August 2019.</i></p> <p>8.3.4 <i>Since the initial approach in 2017, BAL has sought to continue discussions through email, face to face and telephone meetings, including making a number of offers to acquire the interest. As recently as January 2021, BAL has continued to seek to acquire Hawthorn Mantle's interest. Despite continued discussions, however, it has not so far been possible to conclude any agreement for acquisition. As a result, in</i></p>

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
		<p><i>order to ensure that the expansion of the Airport can proceed within the timescales envisaged for the Highway Works, it is necessary for BAL to continue to progress the Order to acquire this interest, and the other remaining interests but remains willing to seek to acquire all interests by agreement.</i></p>
	<p>8.4 Residual land post CPO commercially unviable.</p>	<p>8.4.1 <i>Much of the land required is only required temporarily – see plots 4 and 6. The combination of the returned land and that unaffected by the proposal is such that BAL does not consider that the remaining land owned by Hawthorn Leisure after confirmation of the Order and implementation of the Highways Works would be commercially unviable. The retained land includes the totality of the public house with an improved access via Downside Road.</i></p>
<p>The Trustees of the Sir J V Wills Will Trust- OBJ2 S*</p>	<p>8.5 Plot 1 is not justified for acquisition.</p>	<p>8.5.1 <i>The design of the proposed improvements to the A38 / Downside Road junction includes the widening of the carriageway of the A38 and a section of Downside Road, along with the provision of a shared cycle track and surface water drainage works. These elements will be located within plot 2.</i></p> <p>8.5.2 <i>Within plot 1 there are old quarry workings which BAL has not yet been able to survey. The final extent and stability of these workings are therefore unknown. The proposed location for the surface water drainage works is alongside these workings, so a safe area for the contractor to undertake the drainage works needs to be provided in plot 1. It is also possible that the sides of the quarry are unstable which will require BAL to undertake additional works within or around the quarry. In that case, without the land in plot 1, the contractor would be unable to complete the surface water drainage works or the improvements to the A38 Downside Road junction.</i></p> <p>8.5.3 <i>As part of the proposals, BAL will undertake measures to ensure continued use of plot 1 as a bat habitat through reinforcement works as part of the Integrated/ Embedded Landscape, Visual and Ecology Mitigation Masterplan (which was submitted as part of the Planning Application and subsequently updated in the Regulation 25 submission (October 2019)</i></p>
	<p>8.6 Inconsistent approaches made by BAL to acquire land</p>	<p>8.6.1 <i>A number of offers have been made by, or on behalf of, BAL to the Trustees of the Sir J V Wills Will Trust (SJWT), and as would be expected in commercial</i></p>

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
	which have frustrated ability to reach agreement.	<p><i>negotiations, these offers have evolved over time as further information has come to light.</i></p> <p>8.6.2 <i>BAL continues to seek to acquire the necessary interests from SJWT by agreement, but if this is not possible, a disagreement over compensation is not a matter that should prevent confirmation of the Order. If agreement cannot be reached in due course and the Order is confirmed and powers implemented, then SJWT would have the option of pursuing a claim through the Upper Tribunal (Lands Chamber).</i></p>
Tracey Harding- OBJ3 NS*	8.7 No motorway/ rail links to serve the proposed expansion.	8.7.1 <i>This is not directly related to the proposed Highway Works. The Transport Assessment Addendum submitted as part of the Appeal documentation concludes that, with mitigation, there will be no significant impact in highway terms.</i>
North Somerset Council- OBJ4 S*	8.8 In relation to land owned by Highways England, the Council is not aware that this has been transferred to the Council.	8.8.1 <i>The land owned by Highways England was de-trunked under the Exeter- Leeds Trunk road (Sidcot Lane (A371) Winscombe to Bristol City Boundary Bedminster Down) (Detrunking) Order 1977 but no formal land transfer took place and the title has not been updated. Unfortunately, it has not been possible to obtain a copy of the detrunking order and accompanying plan, but a copy of the Schedule to the London Gazette dated 24 March 1977 is available. The Schedule confirms that "the length of the Exeter-Leeds Trunk Road (A.38) between its junction with Sidcot Lane (A.371), Winscombe and the Bristol City Boundary, Bedminster Down shall cease to be a trunk road and shall become a principal road"... "and the responsibility for that length shall be transferred from the Secretary of State to the County Council of Avon and the County Council of Somerset". The Acquiring Authority has sought to confirm the extent of the land transferred and whether this included the Order Land as well as the highway forming part of the trunk road, but are unable to do so without sight of the plan accompanying the detrunking order. As set out in their letter of objection, the Council do not consider that the land has been transferred to them. The Order is therefore essential for these plots to allow acquisition of the necessary interests by BAL to provide certainty of ownership to allow the Highway Works to proceed.</i>

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
	<p>8.9 Land needed for the A38 Major Road Network (MRN) scheme is included within the CPO. Works to the A38 in the vicinity of the Airport are being progressed as part of the wider A38 MRN scheme. The CPO would compromise those works.</p>	<p>8.9.1 <i>Recent further engagement with the Council has confirmed that the scheme being promoted for the A38 MRN does not conflict with the proposed design of the Highway Works. The Highway Works and the associated Order would therefore not compromise the Council's proposed A38 MRN scheme.</i></p> <p>8.9.2 <i>In addition, the Council has not yet submitted its outline business case to the Department for Transport to secure funding for the proposed A38 MRN scheme, and so the timescales for delivery of this scheme remain unclear at present.</i></p>
<p>Yvonne Kempster- OBJ17 NS*</p>	<p>8.10 Disputes creation of local jobs</p>	<p>8.10.1 <i>BAL submitted an Economic Impact Assessment Addendum to the Council on 30 November 2020 as part of the Appeal documentation. This takes into account the potential impact arising from the COVID-19 pandemic and assesses likely job generation through to 12 mppa. This estimates that at 2030 (with a passenger throughput of 12 mppa), the economic footprint of Bristol Airport within North Somerset will increase by £50 million (in Gross Value Added (GVA) terms), supporting approximately 530 additional jobs (430 Full-time Equivalents (FTEs). The Draft Heads of Terms for the Section 106 Agreement which were agreed with Council officers includes a commitment for a Skills and Employment Plan which will be aimed at achieving the delivery of employment opportunities for residents of North Somerset and adjoining areas.</i></p>
	<p>8.11 Call for overnight accommodation in the area will be hit due to more airport accommodation</p>	<p>8.11.1 <i>The proposals for the Scheme to grow the Airport to 12 mppa do not include any additional hotel accommodation and in consequence, there would be no adverse impacts on accommodation providers. On the contrary, it is expected that increasing the capacity of the Airport to accommodate 12 mppa will, in-turn, increase demand for overnight accommodation in the area.</i></p>
	<p>8.12 Concern regarding fuel dumping</p>	<p>8.12.1 <i>This comment does not appear to relate to the Order specifically. However, fuel dumping by aircraft is an extremely rare event and only used for emergency situations when an aircraft needs to return to an airport shortly after take-off. It is not related to the proposals for the Scheme to grow the Airport to 12 mppa.</i></p>

Objector Name/ Reference	Issue Raised	Acquiring Authority's Response
Heather Fuller- OBJ25 NS*	8.13 One house- nearly 100 years old- is under threat of compulsory purchase to make way for staff parking. Within the garden there are four oak trees of 129 years old, plus a badger's sett and lesser horseshoe bats in the cellar. This will all go if the Airport gets its way.	<p>8.13.1 <i>There may be some confusion regarding the extent of the Order Land as there are no houses included within the Order Land. In addition, there will be no staff parking on the Order Land; the Order Land is required for delivery of the Highway Works.</i></p> <p>8.13.2 <i>In undertaking the Acquiring Authority's assessments for the completion of its Environmental Statement submitted as part of the Application, the Acquiring Authority is not aware of the four oak trees, badger's sett or horseshoe bats referred to in the objection letter.</i></p>