

Airport Report for Chew Magna Parish Council for 7 February 2023

Report from Parish Council Airport Association on 2 February 2023

BAAN's High Court Appeal

- BAAN lost the Judicial Review in the High Court to prevent Bristol Airport expanding to 12mppa. BAAN now intends to apply to the Court of Appeal to overturn the decision of the High Court.
- The PCAA are now working closely with and fully supporting BAAN in taking Bristol Airport to the Appeal Court.
- It is important to note that it will be impossible for North Somerset Council to become carbon neutral if expansion of the airport to 12mppa is allowed. It is also impossible to predict the outcome of the Appeal BUT I believe that it is very important that we as communities fully support BAAN both practically and financially.
- On 18/7/22 Mr Justice Holgate ruled that the Governments' Net Zero Strategy breached its obligations under Section 13 and 14 of the Climate Change Act 2008. The government has been ordered to produce a new one within 8 months. The Government initially appealed this decision but has subsequently dropped it and the new Net Zero Strategy should be published in March 23. This may be helpful to BAAN's challenge to Bristol Airport in the Appeal Court.
- BAAN aim to raise £14,000 initially although this will only be a small proportion of the monies required. Wrington Parish Council have made a £3,000 donation to the PCAA to be used for BAAN's appeal. **The PCAA ask Parish and Town Councils especially those who have declared a Climate Emergency to consider whether they are able to support the PCAA to support BAAN.**

Planning matters

Planning application number 23/P/0176/AOC. To discharge Condition5 which limits the number of passengers to 12mppa

The following objection has been sent to NSC and it is requested that members of the PCAA send similar ones:

Parish Councils Airport Association Objection to Planning Application 23/P/0176/AOC by Bristol Airport Limited

- On 2 February 2022, the Planning Inspectorate granted Bristol Airport Limited ("BAL") planning permission for the expansion of its operations to 12 mppa and related matters (planning application reference 18/P/5118/OUT).
- The planning permission is subject to 39 conditions. Condition 12 provides that the passenger throughput at Bristol Airport shall not exceed 10 million passengers in any 12-month period from 1st January to 31st

December (or other agreed twelve-month period) unless an application to the Secretary of State to designate Bristol Airport as a fully coordinated airport is submitted.

- BAL applied for fully coordinated slot allocation in November 2019, withdrew the application in 2020 and resubmitted it in June 2022, when it was supported by a detailed capacity analysis prepared by Mott MacDonald. The application has not yet been decided by the DfT, a point acknowledged by BAL in paragraph 1.3 of this planning application.
- Condition 5 of the planning permission provides that the total passenger throughput shall not exceed 12 mppa in any calendar year. It also contains requirements for BAL's compliance with this condition. They include details of how total passenger numbers are to be established and steps to ensure that the limit of 12 mppa is not exceeded.
- In January 2023, BAL applied to North Somerset Council for the discharge of condition 5. It now takes the view, in paragraph 1.2 of the application, that the slot coordination process, rather than compliance with the requirements of condition 5, will ensure that the airport does not exceed the throughput limit of 12 mppa. In paragraph 3.1, BAL explains that this is to be achieved by identifying and declaring its operating constraints for each flight season (summer and winter) including the annual passenger throughput, traffic movements and night flight movements.
- The slot allocation process is predicated on BAL's input. BAL is under no duty to include, in its declaration of operating constraints, the throughput ceiling of 12 mppa or the ATM and night flight caps. By its very nature, the slot allocation process does not impose a constraint on BAL's requirements but will seek to accommodate them.
- The PCAA take the view that a declaration of operating constraints as part of the slot allocation process is no substitute for an enforceable planning condition not to exceed 12 mppa. In the absence of condition 5, BAL could, within, its discretion, declare an operating constraint in excess of 12 mppa. 8. For the reasons set out in paragraphs 1 to 7 above, the PCAA object to this planning application.

Noise

- Noise complaints for 2022 (YTD as the data has about a month lag) are at 405, compared to 146 in 2021. Day noise complaints dominate, followed by night noise. No real conclusions (or actions?) were drawn by BAL from this.
- BAL need to submit a revised noise action plan by Sept 2023 (to be published in Feb 2024). Of the 19 actions in the current NAP 14 are complete, 4 are on track and 1 is outstanding (A/C fee differentials). Progress on these is reported in the Annual Monitoring Report. There will be an opportunity for public participation / feedback for the new NAP in Q2 2023.

Parking and Green Belt:

Enquiries have been made to NSC as to whether enforcement is being carried out in relation to off-site Airport parking.

- Planning legislation allows for the temporary use of land for up to 28 days in each calendar year even if an enforcement notice is in place on the land.
- NSC are reviewing the Local Plan policy on airport related parking. Draft policy DP19 in North Somerset Local Plan 2038 Consultation Draft Preferred Options relates to airport related car parking.
- NSC report *'No decision has been made not to proceed with an Article 4 Direction. We are currently awaiting the outcome of the appeal inquiry relating to the proposed park and ride (airport parking) at Hewish. The whole approach to airport parking, including off-airport parking, was examined at the inquiry. Once the decision has been reached on this we will look again at the next steps with regard to a possible Article 4 Direction.'*