

Airport Report for Chew Magna Parish Council meeting 7 March 2023

Net Zero Strategy

- 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 and it is due this month.

Appeal Court challenge by BAAN against Airport Expansion

- BAAN have applied to the Appeal Court to challenge Bristol Airport Expansion to 12mppa. BAAN successfully raised £14,000 through Crowd Funding.
- On 6 February the PCAA wrote to all Parish Councils requesting financial support to the PCAA to assist BAAN (see email at end of report)
- Wrington Parish Council have made a £3,000 donation to the PCAA to be used for BAAN's appeal and other Councils have pledged to support the PCAA once it is known whether the High Court Appeal will go ahead.
- **ITEM FOR DISCUSSION: Will CMPC make a donation or pledge monies to the PCAA once it is known that the Appeal is allowed?**

Planning application number 23/P/0176/AOC. Bristol Airport have applied to discharge Condition5 which limits the number of passengers to 12mppa.

Chew Magna Parish Council's 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 23/P/0176/AOC BAL have 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.
- Chew Magna Parish Council 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. Therefore, Chew Magna Parish Council strongly object to this planning application.

Email sent on 6 February from PCAA to CMPC requesting financial support

Dear Colleague

PCAA supporting Bristol Airport Action Network (BAAN) in the Appeal Court

As you are no doubt aware, 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 were unable to be a partner with BAAN in the Judicial Review as we had used up all our resources in the previous challenge to the Inspectors.

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.

The PCAA are now working closely with and fully supporting BAAN in taking Bristol Airport to the Appeal Court.

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. We 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.

If you are able to help as a community, please send a cheque made payable to the Parish Councils Airport Association to the Secretary of the PCAA Judith Hoskin.

Thank You.

Yours sincerely

Louise Leeder (Chair of PCAA 22-23)