



Representation to the Examination in Public of South Gloucestershire Council's Proposed Core Strategy

Legality

Paul D. Lee, 1 May 2012, v1.3

Introduction

This part of the representation looks at the Legislation and Planning Framework. There are concerns that the proper process has not been followed, and SFA would like to provide evidence of the breaches of legislation that may have occurred.

There are three sections in this part, one for each of Legislation, Policies and Guidance.

Note

With regard to legislation, it is important to note that often one act may amend, repeal or override another, or an act may require an order to be made for its commencement. Therefore care must be taken to use the current, in force version of the legislation. We have made our best efforts to do this.

UK statute is available on the government's website (<http://www.legislation.gov.uk>), but there is often a delay in amending the various acts. However a list of pending changes is normally shown, and this enables the derivation of the currently in force version. Lawtel (<http://www.lawtel.com>) provides direct access to the in force statute but requires a subscription to be paid.

Legislation

This section looks at the Planning Legislation which governs how the Core Strategy is created.

Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents>

Section 18

This section of the Act creates a legal requirement for the production and adoption of a “Statement of Community Involvement” (SCI).

SFA believes this has been done, but questions whether it has been complied with. There seems little point in producing an SCI if it is not adhered to.

Section 19

This section of the Act creates a legal requirement, that when developing a Core Strategy, a planning authority must:

- comply with their Statement of Community Involvement;
- have regard to the national policies and guidance (PPS, PPG etc.);
- have regard to the South West Regional Spatial Strategy (SWRSS);
- carry out an appraisal of the sustainability of the options.

SFA would like to question whether this section has been complied with.

Section 20

This section of the Act makes it a legal requirement for a Core Strategy to be submitted for independent examination (Examination in Public, EiP). This should be done when it is believed to be legally compliant and sound. The purpose of EiP is to verify that a Core Strategy is both legally compliant and sound.

SFA would like to question whether it is legally compliant or sound.

Section 39

This section of the Act creates a legal requirement for a Core Strategy to be developed with the objective of contributing to the achievement of sustainable development.

SFA would like to question whether the plans for Filton Airfield are sustainable.

Planning Act 2008

<http://www.legislation.gov.uk/ukpga/2008/29/contents>

Section 180

This section makes changes to the Planning and Compulsory Purchase Act 2004, which should therefore be read in conjunction with the Planning Act 2008.

The Local Government Act 2000

<http://www.legislation.gov.uk/ukpga/2000/22/contents>

Section 49

This section allows the Secretary of State to specify the principles by which planning authorities must conduct themselves.

Section 50

This section allows the Secretary of State to issue a model Code of Conduct in connection with Section 49.

Section 51

This section creates a legal requirement for planning authorities to adopt any Code of Conduct the Secretary of State issues under Section 50.

Section 52

This section creates a legal requirement for planning authorities to comply with any Code of Conduct they adopt under Section 51.

SFA would like to question whether the appropriate code of conduct – as specified by the Local Authorities (Model Code of Conduct) Order 2007 – has been complied with.

The Local Authorities (Model Code of Conduct) Order 2007

<http://www.legislation.gov.uk/uksi/2007/1159/contents/made>

Using the powers of the Local Government Act 2000 (Section 50), this statutory instrument defines the Code of Conduct expected from members of a planning authority. In the same Act, Sections 51 and 52 require planning authorities to adopt and comply with this Code of Conduct.

A breach of this Code of Conduct is, therefore, also a breach of the Local Government Act 2000, Section 52.

The Code of Conduct is contained in Schedule 1 to this Order. Some of the more pertinent sections are as follows:

Schedule 1 Section 3(2)(d)

(2) You must not—

...

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

SFA would like to question whether this section has been breached.

Evidence comes from a number of Freedom of Information (FOI) documents which have been obtained, including the following:

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_11.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_14.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_16.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_18.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_21.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_21A.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_22.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_25.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_26.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_29.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_YRK_FOI_16.pdf

Schedule 1 Section 5

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

SFA would like to question whether this section has been breached.

For brevity, rather than present details of every possible breach, we provide a small selection of just five examples. We will refer to these five examples from numerous places in this document. In each case, a thorough review of the available evidence may result in many more examples.

Example 1

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_16.pdf

In particular:

We would also suggest that <x of BAE> or <y of BAE> keeps a very close ongoing dialogue with <A of SGC> in the next few months as she will be close to the members and should be able to provide early advice.

Example 2

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_29.pdf

In particular:

You may have already picked this up. At our full Council on Wednesday (19th) a question and motion will be raised by Cllr Ian Scott (Labour) in relation to Filton Airfield. I've attached the information that is in the public domain. <A> and I have been advising <SGC Chief Executive> on framing the necessary responses and please be assured this is all in hand. Can talk a bit more when we meet later today.

Example 3

There is evidence to suggest that a decision had been taken on Filton Airfield prior to consultation taking place, even though the public were told no decision had been taken. For example, the following documents:

http://www.savefiltonairfield.org/eipdocs/SGC_MINUTES_19_OCT_2011.pdf

(19 October 2011)

It would be wrong to take a decision at this stage which would be premature prior to the close of the consultation process – Councillor Brian Allinson

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_14.pdf

(28 July 2011)

BAE's discussions with SGC confirm the Council's willingness to accept this...

Example 4

In the following documents, it appears that a steer is given to a report by the very authority that would later be required to consider it in an impartial manner:

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_21.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_21A.pdf

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_22.pdf

Later, the same authority described the report as “unvalidated”:

http://www.savefiltonairfield.org/eipdocs/SGC_MINUTES_19_OCT_2011.pdf

Councillor Monk spoke of his concern that if the report by BAE was flawed then the consultation process based on the report must also be flawed.

Councillor John Calway asked for the Chief Executive to clarify the situation with the BAE report.

The Chief Executive advised that the report commissioned by BAE was on the Council’s website as it was appropriate for it to be placed there. However, the Council was in the process of validating the report and had not confirmed or validated the report as correct or complete.

Later in the same minutes the following question was asked:

Does the Leader of the Council accept the Chief Executive’s advice at the last Filton Airfield public meeting that South Gloucestershire Council does not have the internal expertise to evaluate BAE Systems’ ‘Filton Airfield Aviation Options Report’ on the viability of the airfield? ...

The answer included the following:

I agree with the view expressed by the Chief Executive that the Council does not have the internal expertise to evaluate all elements of the BAE Systems Aviation Report – a report that this Administration asked BAE to commission.

SFA would like to ask how an authority can possibly consider it does not have the expertise to evaluate a report when it has helped to write it?

Example 5

Having decided that it did not “have the internal expertise to evaluate all elements of the BAE Systems Aviation Report”, SGC decided it was necessary to appoint an external company to conduct an independent review. A company called York Aviation was chosen to do this.

Despite the clear need for independence, SGC appears to have chosen a company which had a conflict of interests. In addition, SGC then appears to have steered the final report.

Evidence can be found in the following document:

http://www.savefiltonairfield.org/eipdocs/SGC_YRK_FOI_16.pdf

In an Email timed at 12:15, 24 November 2011, SGC appear to provide replacement wording for York Aviation’s report.

York Aviation replied to these suggestions in an Email timed at 13:56 on 24 November 2011. This Email included the following statement:

I have re-worked the conclusions in the light of your comments although I have sometimes modified the wording or changed the sequence. It may be stating the obvious, but I think it’s important to note that we are more than happy to accept suggested wording – but obviously only where we believe it is accurately reflective of our professional opinion based on the analysis we have done.

Revised wording from SGC is used in the final report, replacing York Aviation’s original wording. How can this report be considered independent?

Further details can be found in the “FOI Evidence” part of our representation, under the section “Correspondence between SGC and York Aviation”.

Schedule 1 Section 6

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(3).

SFA would like to question whether this section has been breached. Evidence includes, but is not limited to, examples 1, 2, 3, 4 and 5 above.

The Relevant Authorities (General Principles) Order 2001

<http://www.legislation.gov.uk/ukxi/2001/1401/schedule/made>

This order mandates ten general principles with which relevant authorities should comply.

Failure to comply with these General Principles may also amount to a breach of Section 52 of the Local Government Act 2000, via Schedule 1 Section 5 of the Local Authorities (Model Code of Conduct) Order 2007.

The ten principles are provided in the Schedule. SFA has concerns about most of them:

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Is building 8000 homes on and around the airfield, at the expense of a valuable asset, acting in the public interest?

SFA would like to question whether this principle has been breached. Evidence includes, but is not limited to, examples 1, 2, 3, 4 and 5 above.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

SFA would like to question whether this principle has been breached. Evidence includes, but is not limited to, examples 1, 2, 3, 4 and 5 above.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

SFA would like to ask why voting on Filton Airfield has always followed party lines. Especially since it appears some Councillors have made written plans opposing the closure. SFA would like to ask if a whip system is used.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

SFA would like to question whether this principle has been breached. Evidence includes, but is not limited to, examples 1, 2, 3, 4 and 5 above.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

SFA would like to ask if these principles have been complied with.

Defence Acts 1842 – 1935

Incredibly, these acts appear to be the legislation by which much of the airfield land was acquired. In the mid-1940s when there was a need to extend the runway at Filton for the Brabazon aircraft, the government at the time had to acquire the land in order to build it.

Initially it was suggested that acquisition was done through a new Act, but in the end, in 1946, it appears as though existing legislation was used. On 3 March 1946, the cabinet discussed the matter at 10 Downing Street. They considered how the land would be acquired. The conclusions of that meeting are available at the following location:

http://www.savefiltonairfield.org/eipdocs/46_03_18_CABINET_MEETING.pdf

On page 209 of this document is the following:

The Minister of Supply and of Aircraft Production pointed out that, as work on the runway must begin at once, he must proceed under the powers contained in the Defence Acts, 1842 to 1935, which had been conferred on him by the Ministry of Supply Act, 1939, and had been made available for purposes such as the present by the Supplies and Services (Transitional Powers) Act, 1945.

There was general agreement that the land required for the runway should be acquired under the powers contained in the Defence Acts. It was, however, desirable to avoid introducing fresh legislation to authorise the acquisition of additional land for developing the Filton site as the main Bristol airport. The Minister of Supply and of Aircraft Production should consult with the Minister of Health and the Minister of Civil Aviation with a view to ensuring that the powers required for this purpose were taken in the Civil Aviation Bill and, if necessary, in the Acquisition of Land (Authorisation Procedure) Bill.

It would appear that some of the Defence Acts 1842-1935 deal with the release of acquired land. For example the Defence of the Realm (Acquisition of Land) Act 1916.

It is vital that the legislation by which the land was acquired, including any covenants affecting the land are scrutinized in detail. Without this evidence, the Core Strategy cannot be robust and would be vulnerable to Judicial Review. What would happen if errors were discovered once the houses were built?

Policies

Delivering Sustainable Development (PPS1)

<http://www.savefiltonairfield.org/eipdocs/PPS1.pdf>

The Planning and Compulsory Purchase Act 2004, Section 19 requires Core Strategies to be developed with due regard to the policies and guidance set out by the Secretary of State. PPS1 is such a policy. In addition, the Planning and Compulsory Purchase Act 2004, Section 39 requires Core Strategies to be developed with the aim of contributing to the achievement of sustainable development. Much of PPS1 is pertinent to this:

PPS1 Paragraph 1

Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone. But poor planning can result in a legacy for current and future generations of run-down town centres, unsafe and dilapidated housing, crime and disorder, and the loss of our finest countryside to development.

Will the road infrastructure be able to cope with the 8000 new homes planned to be built on and around the airfield site? How can it be that the main motivation for the plan appears to be desire to make the most of selling off this asset? Why is the local community being left to "pick up the pieces" despite it being clear that this is not what they want?

PPS1 Paragraph 13

Key Principles:

...

(vi) Community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. In developing the vision for their areas, planning authorities should ensure that communities are able to contribute to ideas about how that vision can be achieved, have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies, and to be involved in development proposals.

The majority view from the community seems to be that everything should be done to keep the airfield operational. In the last round of consultation on the airfield, around 75% of the submissions were against the plans. Of the remainder, 19% only wanted housing on the airfield because they felt it would remove the need for housing on “their patch” – such as Thornbury and Yate.

What is the point in having endless guidance and legislation (such as the Localism Act) which states the community should be involved in decisions, when it seems to be the case that the community is constantly being ignored?

PPS1 Paragraph 40

Planning shapes the places where people work and live. The planning system operates in the public interest to ensure the development and use of land results in better places for people to live, the delivery of development where communities need it, as well as the protection and enhancement of the natural and historic environment and the countryside. The outcomes from planning affect everyone, and everyone must therefore have the opportunity to play a role in delivering effective and inclusive planning. Community involvement is vitally important to planning and the achievement of sustainable development.

This emphasises the same point. The community should be involved in planning. There is considerable opposition to the plans. Why is this being ignored? Why does the issue not even appear on Bristol City Council’s (BCC) website? The boundary between SGC and BCC is immediately South of the Airfield, and so the plans will have a significant impact on BCC residents. Why is BCC not involved? How can it be that SGC councillors, representing areas miles away, get a say, but councillors representing areas immediately next door do not have a say at all? Surely this cannot be right?

PPS1 Paragraph 41

One of the principles of sustainable development is to involve the community in developing the vision for its area. Communities should be asked to offer ideas about what that vision should be, and how it can be achieved. Where there are external constraints that may impact on the vision and future development of the area (for example, those that may arise from planning policies set at the regional or national level) these should be made clear from the outset. Local communities should be given the opportunity to participate fully in the process for drawing up specific plans or policies and to be consulted on proposals for development. Local authorities, through their community strategies and local development documents, and town and parish councils, through parish plans, should play a key role in developing full and active community involvement in their areas.

Surely this has been ignored?

PPS 1 Paragraph 43

Community involvement in planning should not be a reactive, tick-box, process. It should enable the local community to say what sort of place they want to live in at a stage when this can make a difference. Effective community involvement requires an approach which

- tells communities about emerging policies and proposals in good time;
- enables communities to put forward ideas and suggestions and participate in developing proposals and options. It is not sufficient to invite them to simply comment once these have been worked-up;
- consults on formal proposals;
- ensures that consultation takes place in locations that are widely accessible;
- provides and seeks feedback.

Evidence suggests that the decision to redevelop Filton Airfield had already been taken ahead of completion of Consultation. Examples 1, 2, 3 and 4 (above) provide evidence.

Example 6

http://www.savefiltonairfield.org/eipdocs/SGC_BAE_FOI_11.pdf

(8 July 2011)

The outcome is to prepare an initial draft concept statement that shows how Filton Airfield can be delivered as a strategic development site in the context of the FAPS. The aim would be to have this available to the inspector for the Core Strategy EiP.

SFA believes the consultations were tick box exercises.

Local Spatial Planning (PPS12)

<http://www.savefiltonairfield.org/eipdocs/PPS12.pdf>

The Planning and Compulsory Purchase Act 2004, Section 19 requires Core Strategies to be developed with due regard to the policies and guidance set out by the Secretary of State. Much of PPS12 is pertinent, in particular, PPS12 Section 4, which deals with the Core Strategy.

Section 4 Paragraph 17

Many issues critical to spatial planning do not respect local planning authority boundaries. Housing markets and commuting catchments often cover larger areas, which makes planning an individual district in isolation a difficult task, even where the Regional Spatial Strategy gives a strong steer. Critical discussions on infrastructure capacity and planning may be more effectively and efficiently carried out over a larger area than a single local planning authority area. Joint working between local planning authorities can address these issues properly, and also make the best use of scarce skills and capacity in different authorities. The production of one core strategy instead of two or more may save resources. Joint working also resonates with approaches to sub-regional working as set out in the Sub-national review and supports the development and implementation of Multi Area Agreements.

With the boundary between SGC and BCC along the Southern perimeter of the airfield, surely SGC and BCC should have addressed Filton Airfield together? The airfield site is immediately to the North of the boundary and is in SGC's area. However, most of the residents that will be affected live immediately to the South of the airfield in BCC's area. Meanwhile, the Brabazon Hangar lies wholly within BCC's area. Surely BCC and their residents should have been fully involved? Isn't this, after all, what the planning inspector requested?

http://www.savefiltonairfield.org/eipdocs/PTE110207_PI_LETTER_15_08_11.pdf

(15 August 2011)

I would also want to be confident that the approach to the use of the Airfield is one with which accords with the City Council's strategic objectives for Bristol.

SFA carried out an FOI request to BCC to establish what discussions took place with respect to the airfield. There were hardly any. In fact there was only a short flurry in mid-September 2011 discussing a motion to oppose the plans. The matter does not even appear on BCC's website.

http://www.savefiltonairfield.org/eipdocs/BCC_FOI_01.pdf

PPS12 Section 4 Paragraph 36

Core strategies must be justifiable: they must be:

- * founded on a robust and credible evidence base; and
- * the most appropriate strategy when considered against the reasonable alternatives.

Have alternatives been developed? To what extent?

http://www.savefiltonairfield.org/eipdocs/PTE110288_AVIATION_REVIEW.pdf

The York Aviation report, on page 21 states:

It is outside the brief for this report to undertake an economic impact assessment of the aviation activity at Filton...

Surely this ought to be a key part of a credible evidence base when closing an airfield?

PPS12 Section 4 Paragraph 38

The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process. There is no point in inventing alternatives if they are not realistic. Being able to demonstrate that the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of an easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy.

SFA has seen no such demonstration, or consideration against reasonable alternatives.

Transport (PPG13)

<http://www.savefiltonairfield.org/eipdocs/PPG13.pdf>

The Planning and Compulsory Purchase Act 2004, Section 19 requires Core Strategies to be developed with due regard to the policies and guidance set out by the Secretary of State. PPG13 is such guidance and contains guidance for the treatment of airfields. A number of sections within Annex B, Planning for Transport, are worth highlighting:

PPG13 Annex B, Paragraph 5

Local planning authorities will need to consider:

...

2. the role of small airports and airfields in serving business, recreational, training and emergency services needs. As demand for commercial air transport grows, this General Aviation may find access to larger airports increasingly restricted. General Aviation operators will therefore have to look to smaller airfields to provide facilities. In formulating their plan policies and proposals, and in determining planning applications, local authorities should take account of the economic, environmental, and social impacts of general aviation on local and regional economies

SFA would like to ask why PPG13 is not being followed.

General Aviation (GA) includes pilot training, leisure flying, helicopters and business aviation. Bristol Airport (Lulsgate) has been designated the main regional airport for the South West, and it seems very likely that General Aviation (GA) may well be forced out of there as spare capacity is taken up for Airline travel. If Filton were to close, Bristol could be left without a GA facility. This in turn could affect inward investment. This is a view that appears to be shared by some within the National Government.

http://www.savefiltonairfield.org/eipdocs/DFT_FOI_05.pdf

(1 December 2011)

GA activity may, conceivably, be priced out of Bristol. This in turn, in a doomsday scenario, might discourage regional investment in the area from those multinational corporations that are attracted to business centres with rapid (aviation) transport links to Europe and beyond.

PPG13 Annex B, Paragraph 6

Local planning authorities should consult the Department for Environment, Transport and the Regions' Airports Policy Division on draft development plan policies and proposals relating to airports and airfields. In consultation with the Airports Policy Division, local authorities should:

1. identify and where appropriate protect sites and surface access routes, both existing and potential (including disused sites), which could help to enhance aviation infrastructure serving the regional and local area
2. avoid development at or close to an airport or airfield which is incompatible with any existing or potential aviation operations

Amongst others, the Department of Transport (DfT) and the Department for Business, Innovation and Skills (BIS), were asked for clarification on policy regarding Filton Airfield.

The DfT position appears to have been that Consultation on a revision of Aviation policy was taking place on the policy and no draft of the new policy was available. Nonetheless, DfT policy was made clear in an Email dated 21 November 2011.

http://www.savefiltonairfield.org/eipdocs/DFT_FOI_06.pdf

Further to my previous correspondence, I have now received a response from DfT in addition to the BIS position already provided.

Please see below DfT's policy position:

...

Decisions on the future use of any closed airfield will be a matter for the relevant land owner and the local council, as the local planning authority. In reaching decisions on any related planning applications, local authorities are required to take account of local and national policies.

SFA would like to request an explanation of the comment on Page 6, paragraphs 19,20 of:

http://www.savefiltonairfield.org/eipdocs/PTE110288_AVIATION_REVIEW.pdf

(December 2011)

In line with the requirement at Annex B to PPG 13 the Council has notified the Airports Policy Division, the Department for Transport and the Department of Environment, Food & Rural Affairs at all stages of the Core Strategy's production, including:

....

No comments have been received in response.

The Future of Air Transport (2003)

http://www.savefiltonairfield.org/eipdocs/FUTURE_OF_AIR_TRANSPORT_2003.pdf

This white paper was written in 2003 by the Department for Transport (DFT). The current government is in the process of consulting on a replacement for this policy, but to date no replacement exists. This document therefore provides the only guide to national policy on aviation. Several sections are worth highlighting.

Page 7, Foreword

Air travel is essential to the United Kingdom's economy and to our continued prosperity. In the last 30 years there has been a five-fold increase in air travel. ...

Our starting point is that we must make best use of existing airport capacity. We have concluded against proposals to build new airports at a number of locations. In every case we considered the consequences would be severe and better options are available.

We want to encourage growth at regional airports, and we have concluded that increased capacity is needed at a number of airports across the country, including some new runway capacity, more terminal capacity and support facilities.

Page 9, Executive Summary

Air travel has increased five-fold over the past 30 years, and demand is projected to be between two and three times current levels by 2030. Some of our major airports are already close to capacity, so failure to allow for increased capacity could have serious economic consequences, both at national and at regional level. That must be balanced by the need to have regard to the environmental consequences of air travel. The Government believes that simply building more and more capacity to meet demand is not a sustainable way forward. Instead, a balanced approach is required which:

...

* minimises the need for airport development in new locations by making best use of existing capacity where possible;

Page 101, Paragraph 10.1

The South West is the largest of the English regions. Its size and population distribution mean it is difficult for any one airport to serve the whole region. As a result, the region contains several airports, many of them serving a distinct geographical area or commercial role, supporting air services which are of considerable importance to the regional economy. ...

Page 101, Paragraph 10.2

As the region's airports grow, however, there are likely to be considerable opportunities to attract inward investment and inbound business travellers, and also predominantly leisure-orientated traffic (foreign and domestic tourists), for whom the travel times by alternative surface modes are a significant constraint. ...

Page 102, Paragraph 10.6

We believe there is significant potential for growth at existing airports in the South West of England and that this will generate substantial economic benefits to the region. ...

Page 102, Paragraph 10.7

The main potential for growth in the South West will be at Bristol Airport. Having due regard to the environmental impacts that would accompany its expansion, we support its development to around 12 mppa, to include a runway extension and new terminal south of the existing runway when these are required. ...

Page 105, Paragraph 10.30

Filton and Gloucester Airports play an important local role in respect of business aviation, We fully support the continuation of these roles. ...

SFA believes that if passenger air travel takes up all the capacity at Bristol, the closure of Filton would result in Bristol being without a general aviation and business airport. As has been shown, this is a view shared by some with the DfT.

The Future Development of Air Transport in the United Kingdom: The South West (2002)

http://www.savefiltonairfield.org/eipdocs/FUTURE_OF_AIR_TRANSPORT_SW_2002.pdf

This document was part of the consultation for the "Future of Air Transport" 2003 White Paper. It was published in July 2002. A few key paragraphs are worth highlighting.

Section 2.5.2

In the South West, Bristol has seen the largest increase in ATMs (up 65% over the decade) as a result of growth in the number and frequency of services operated.

(An ATM is an Air Transport Movement – a landing or take off).

Section 7.4.34

Consultation on general policies for GA was set out in the recent consultation paper, “The Future of Aviation”. Whilst this document and the analysis that supports it does not focus on GA, it is worth noting that a number of smaller airfields in the region do have an important role to play. Principally, these are Filton, which is an important base for business aviation and the manufacture and freighting of Airbus parts and Gloucester, which has recreational and business aviation and a GA maintenance base.

South West Regional Spatial Strategy

<http://www.savefiltonairfield.org/eipdocs/SWRSS.pdf>

The Planning and Compulsory Purchase Act 2004, Section 19 requires Core Strategies to be developed with due regard to the appropriate Regional Spatial Strategy (RSS), which in this case is the South West Regional Spatial Strategy (SWRSS). Section 24 mandates Core Strategies must generally comply with the RSS. The following sections are worth highlighting:

SWRSS 5.4.13

The Aviation White Paper, published at the end of 2003, establishes the national policy framework. This supports the development of Bristol as the main regional airport but also supports improved access and development at the region’s other airports. No new airports are proposed. Overall, the region’s airports are forecast to grow from 4.5 million passengers per annum in 2000 to almost 20 million passengers per annum by 2030. The region’s Air Strategy proposes:

- Developing the role of existing airports in the region, especially Bristol, Exeter and Bournemouth. The role of other airports, for example Newquay and Plymouth, is also recognised as important
- Development of air links to and from the region to meet the needs of the economy and reduce the impact of peripherality
- The protection of air links from the far west of the region to London Heathrow/Gatwick (if necessary by the use of Public Service Orders)
- A direct uninterrupted rail link to Heathrow to connect to the country’s international hub airport
- Improved surface access to airports delivered in the most sustainable way
- Developing the role of South West airports to support the growth of tourist visits to the region

SWRSS 5.4.14

The South West airports also provide for general aviation which supports the regional economy. The needs of general aviation should be taken into account in future decisions regarding airport capacity in the region.

SWRSS TR9

Airports within the region should meet an increasing proportion of regional demand for air travel to reduce 'leakage' to other regions and the London airports, with the expected growth met by developing the major existing airports in the region – Bristol, Exeter and Bournemouth. Other airports will satisfy important local markets, for example Newquay, Plymouth and Staverton (Gloucester). Plymouth/Newquay should continue to provide business links to international hubs and London while facilitating tourist visits into the region. Local authorities, airport operators and other agencies will provide improvements to aviation facilities and access to airports (including public transport) in the region to meet future development requirements.

Other Relevant Documents

SGC: Statement of Community Involvement

http://www.savefiltonairfield.org/eipdocs/PTE080288_SCI.pdf

http://www.savefiltonairfield.org/eipdocs/PTE080289_SCI_NOTE.pdf

The SGC Statement of Community Involvement (SGC SCI) is a requirement of the Planning and Compulsory Purchase Act 2004. (2004 c.5 s.18, 2004 c.5 s.19). A few paragraphs are worth highlighting:

SGC SCI Paragraph 1.2

The main objective of the SCI is to set out a strategy in plain English that aims to ensure that as many people as possible are made aware, as early as possible, of clearly set-out proposals so that they are given the opportunity to comment, have their views taken into account and therefore to influence outcomes. This SCI sets out how the Council will involve local people in the preparation of Development Plan Documents and Supplementary Planning Documents (see Section 3) and in determining planning applications (see Section 4).

SGC SCI Paragraph 1.3

The Council views community involvement as a continual learning exercise so that the processes and techniques that we use can be improved and enhanced over time. In order to be truly effective, we view community involvement as needing to be:

- Open
- Transparent
- Involving of people
- Empowering of people

SGC SCI Paragraph 2.3

The 2004 Planning Act sets out enhanced processes of consultation and encourages a more inclusive and comprehensive approach to community involvement. This has several benefits including improved decision making, greater ownership by the local community of policies and plans that will shape the future of the area and speedier decisions, as issues can be resolved at an earlier stage.

SGC SCI Paragraph 3.35

Responses made during consultation stages will be considered and the results used to inform decisions and/or shape the documents, alongside government legislation, regulations and national policy. Reports will be prepared at the end of statutory consultation periods on how views have been considered and documents changed in light of community involvement. These will summarise the representations received, officer comments with recommended changes and reasons for these.

SGC SCI Paragraph 3.36

Not everyone will support proposals emerging in the Local Development Framework, or have their views accepted by the Council. Some issues cannot be influenced, as there may be national or regional policies that the Local Development Framework must keep to. For other matters there may be scope to take on board changes and amendments that are suggested by the community. We are committed to giving people the opportunity to make their views known and to have them considered. This information will be used to inform decisions alongside other comments we receive, government guidance and/or policies and our evidence base. By involving people from the outset we hope to balance competing needs and reach a consensus. We will be clear from the outset of all community involvement activities, about their scope and possible influence, to avoid raising unrealistic expectations.

SFA believes that the majority of the community would like the airfield to remain operational. This appears to be acknowledged:

http://www.savefiltonairfield.org/eipdocs/SGC_MINUTES_19_OCT_2011.pdf

Council also notes the groundswell of public opinion that the Airfield is an integral unique asset to the economic wellbeing of South Gloucestershire's own world centre of excellence in aerospace, supporting high-value skilled engineering jobs.

http://www.savefiltonairfield.org/eipdocs/PTE110288_AVIATION_REVIEW.pdf

Appendix 1, Paragraph 10:

Over 70% of respondents are against the closure of Filton Airfield.

Given the view of the community, SFA believes that alternative proposals should have been looked at in detail. SFA questions whether the SCI has been complied with.

The Code of Conduct (Guide for Members)

<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/filedownload,16126,en.pdf>

Guidance on the Code of Conduct is published in this document. The guide re-iterates the ten general principles members are expected to comply with, and indicates that a failure to act in accordance with them may be regarded as bringing the member's office or authority into disrepute as stated in Paragraph 5 of the Code of Conduct.

The Planning System: General Principles

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147396.pdf>

This document provides a simple overview of the planning system. It provides a good grounding in the general principles and terminology.

Standards for England: Predetermination or Bias

<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Topicguides/PredispositionPredeterminationorBias/>

The issues of predisposition, predetermination and bias often come up during planning matters. This document aims to provide guidance on what is acceptable and what is not.