



28 September 2020

Department for Environment, Food and Rural Affairs
c/o Common Land Casework Team
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Our ref:
JCB1/CHC1/381408.8
Your ref:

Dear Common Land Casework Team

The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 Application for certificate under Section 19 of the Acquisition of Land Act 1981

1. Introduction

- 1.1 On 15 September 2020 Bristol Airport Limited (**BAL**) made the Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 (the **Order**). The objection period for the Order expires on 16 October 2020 and the Order has today been submitted to the Secretary of State for Transport to request its confirmation.
- 1.2 The Order includes land at plot 21 which *may* form part of Felton Hill Common Land (CL9).
- 1.3 As a result, this is BAL's application to request a certificate from the Secretary of State for Environment, Food and Rural Affairs under section 19 of the Acquisition of Land Act 1981.

2. Land forming part of Felton Hill Common (CL9)

- 2.1 Plot 21 is described in the Order schedule (provided at **Enclosure 1**) as being '31 square metres of common land comprising grassed verge and footway on the corner of Bridgwater Road A38 and West Lane', and is identified on the Order map (**Enclosure 2**).
- 2.2 Provided as **Enclosure 3** is a map identifying the extent of Felton Hill Common Land as a whole, with the extent of plot 21 marked.
- 2.3 Plot 21 falls within and on the western boundary of the Felton Hill Common Land area. The total area of this plot is approximately 31 m². It is adjacent to the current A38 highway and is in the ownership of Highways England Company Limited. There is some uncertainty as to whether this land is in fact Common Land given its ownership and its location to the west of the existing cattle grid on West Lane (which separates it from the vast majority of the remainder of Felton Hill Common). It is believed that there may be an error in the mapping identifying this plot as common land.
- 2.4 We have been liaising with North Somerset Council to establish the extent of any rights of common which may exist over plot 21, and indeed whether plot 21 is in fact still part of Felton Hill Common. Our initial discussions with North Somerset Council have resulted in the plan provided

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at **Enclosure 4** being provided to us, which identifies a change to the scheme dated 10 September 1968 but the mapping records not updated. We suspect that the area coloured in blue to the north of the delineated commons area is the same area as plot 21, and that this land may have been removed from the register in 1968. However we are awaiting clarification from North Somerset Council of the same. Unfortunately due to the current Coronavirus pandemic, their access to deeds packets is very constrained, and they have confirmed that we are not able to access the premises to view the deed ourselves either.

2.5 In any event, we are not aware of any rights of commoners being exercised over plot 21 currently (nor expressly provided for in the register), given its close proximity to the highway.

2.6 We propose to update the Secretary of State once we have received further information from North Somerset Council. This application is made on a precautionary basis which may be withdrawn in the event that the land no longer forms part of Felton Hill Common.

3. Purpose of acquisition

3.1 The Order was made by BAL to support BAL's planned increase in the permitted passenger cap at the Bristol Airport from 10 million passengers per annum (**mppa**) to 12 mppa, which is the subject of an appeal against the refusal of planning application (reference 18/P/5118/OUT) (the **Application**). The Application includes a number of new infrastructure components 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**).

3.2 Plot 21 is required to allow the construction of a new footway to be provided north of the West Lane junction and to widen the A38 between the main Bristol Airport access road and West Lane to accommodate the additional traffic. In addition the plot will be used to divert existing buried statutory services, as well as to erect street lighting as part of the Highway Works.

3.3 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.

3.4 No exchange land is to be provided.

4. Request for a certificate

4.1 The extent of the land which may form part of Felton Hill Common included within plot 21 of the Order does not exceed 250 square yards in extent and is needed for the widening /drainage of existing highway in accordance with section 19(1)(b) of the Acquisition of Land Act 1981. 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.

4.2 As a result it is not considered that the Order should be subject to special parliamentary procedure, and the Secretary of State is asked to certify accordingly under section 19(1) of the Acquisition of Land Act 1981 that the provisions of section 19(1)(b) apply.

If you have any queries regarding the request for a certificate or need any further information, please do not hesitate to contact Charlotte Coulson on the above contact details.

Yours faithfully



Womble Bond Dickinson (UK) LLP

Enclosures

1. Order Schedule
2. Order Map
3. Felton Hill Common Land Map
4. Plan provided by North Somerset Council referring to a scheme dated 10 September 1968

Key:

- CPO Plot 21
- Registered Common Land - Felton Hill

Notes:

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

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

Coords: 351,642 165,408

Scheme Name:
A38 Land Referencing

Drawing Name:
Common Land Information Plan

Drawing No: 194590_PLN_INFO_314.1_B

Rev	Date	Description
-	21.09.2020	First Issue
A	25.09.2020	Removing Common Land from plot
A	28.09.2020	Adding Common Land to the plot

Drawn:	PR/LM/JP
Approved:	OK
Sheet No:	1 of 1
Sheet Size:	A3



Inset Plan Scale: 1:1,000
0 20 40 Meters

Site Plan 0 150 300 600 900 1,200 1,500 Metres Scale: 1:5000

Drawing Location: C:\Users\Jowita.Pietrzynska\Documents\194590_PLN_INFO_314.1_CommonLand.mxd

This is the plan referred to in the Scheme made by the Long Ashton Rural District Council on the 10th day of September 1968 under Section 9 of the Commons Act 1899 for amending the Scheme for regulating Felton Common approved by the Minister of Land and Natural Resources on 3rd. November 1965.



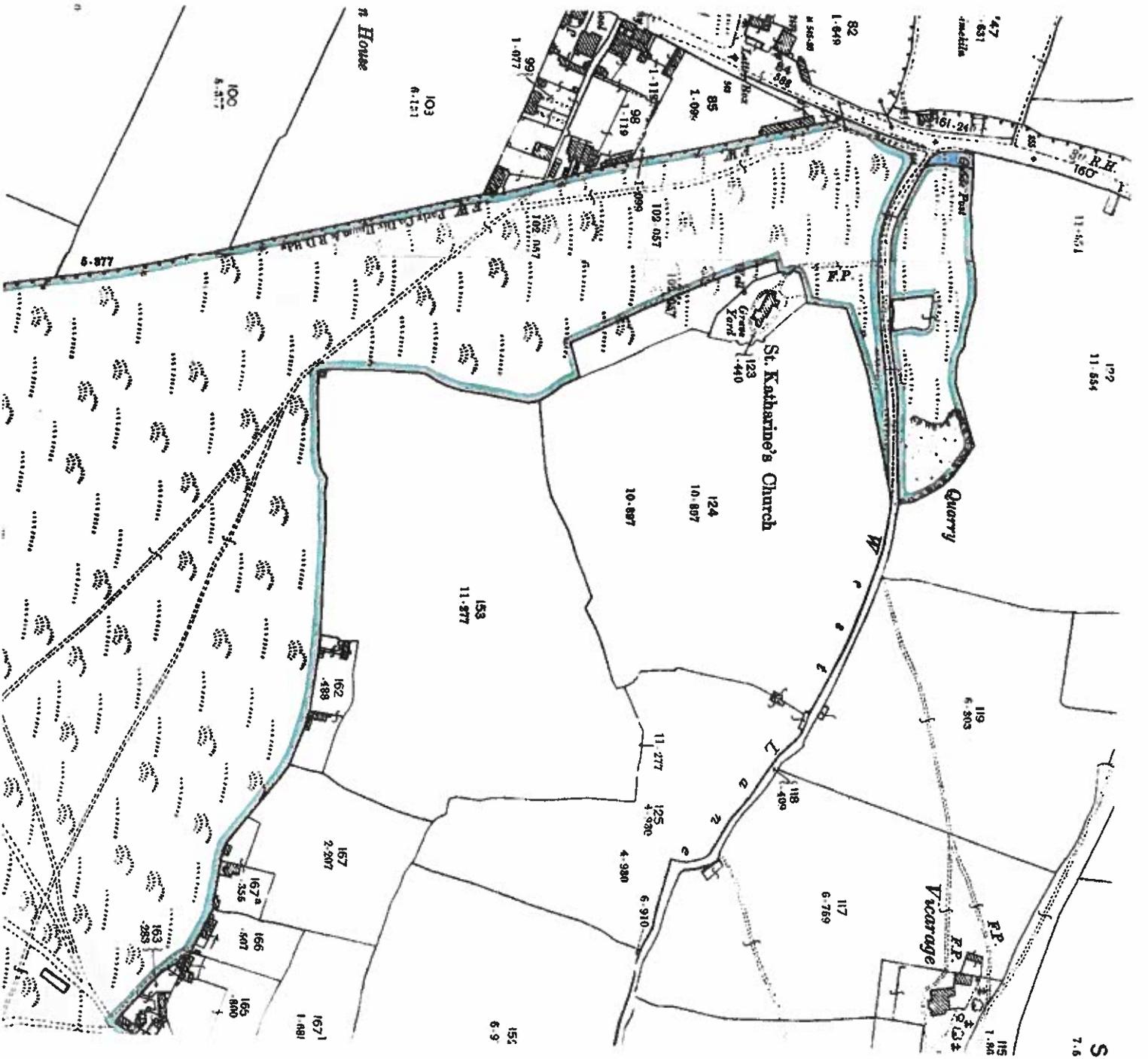
The Common Seal of the Long Ashton Rural District Council was hereto affixed in the presence of :—

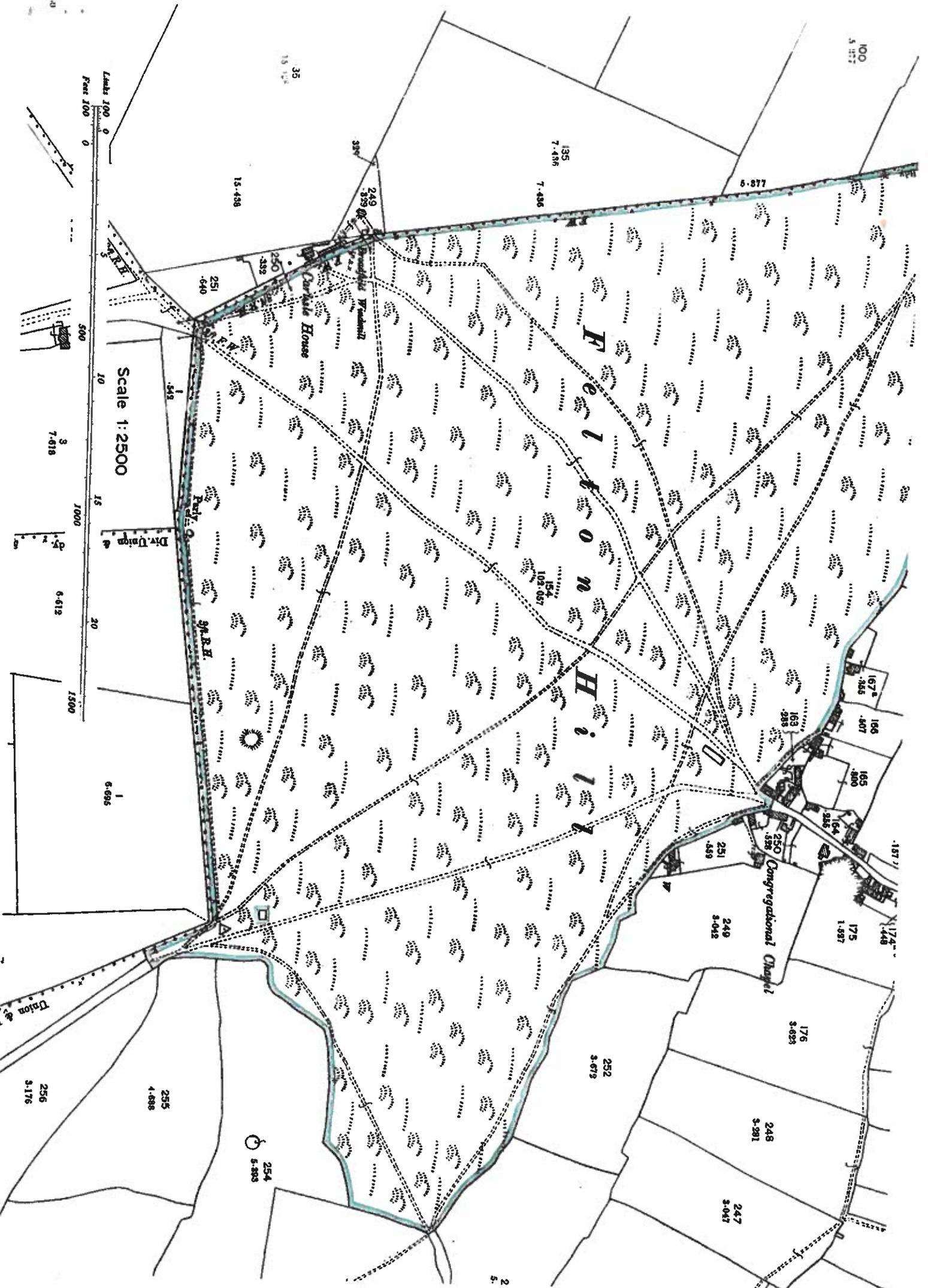
S. J. Bacon

Chairman

[Signature]

Clerk of the Council





Scale 1:2500

Div. Union

Carriage House

Congregational Church

Fulton Highway

Feet 100

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