

Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum

Planning Proof of Evidence

Alexander Melling

Section 78 Town and Country Planning Act 1990 Appeal by Bristol Airport Limited Relating to Bristol Airport, North Side Road

AND

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

Planning Inspectorate Reference: APP/D0121/W/20/3259234

North Somerset Council Reference: 18/P/5118/OUT

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1. Introduction

1.1 Qualifications and Experience

- 1.1.1 This Proof of Evidence is prepared by Alexander Melling. I am an Associate Director at Wood Group UK Limited (Wood), a multi-disciplinary engineering and environmental consultancy. I have approximately 13 years' planning experience.
- 1.1.2 I hold a BA (Hons) Degree in Geography from the University of Manchester and a MSc in Spatial Planning from University College London. I am a Chartered Member of the Royal Town Planning Institute (RTPI).
- 1.1.3 Having previously held the positions of Planning Officer and Senior Planning Officer at Sevenoaks District Council, I joined Wood as a Consultant in May 2008. I subsequently gained promotion to Senior Consultant in April 2011, Principal Consultant in January 2014 and Associate Director in May 2017. During my career at Wood, I have advised public and private sector clients on a range of planning-related matters including the preparation and submission of planning applications, planning policy and environmental assessment and appraisal.
- 1.1.4 I have provided planning support to Bristol Airport Limited (BAL) for over 10 years. This has included the preparation and submission of planning applications for additional car parking, the discharge of conditions and advice on ongoing operational developments.
- 1.1.5 Wood was appointed by BAL in February 2018 to manage the preparation and submission of the planning application, including Environmental Impact Assessment (EIA), for the development of Bristol Airport to accommodate 12 million passengers per annum (mppa) (planning application reference 18/P/5118/OUT). In this matter, I was the Wood project manager and my core responsibilities included pre-application consultation, the preparation of the Planning Statement¹, co-ordination of the Environmental Statement (ES)², submission of the planning application in December 2018 and, subsequently, the provision of post-submission support to BAL.
- 1.1.6 Between July 2019 and July 2020, I acted as BAL's Planning Manager on a secondment basis. In this capacity, my principal responsibilities included the ongoing management of planning application

¹ CD 2.3: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Planning Statement (December 2018).

² CD 2.5.1 to CD 2.5.49: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (December 2018).

18/P/5118/OUT, advising on ongoing operational development and representing BAL at relevant external stakeholder meetings.

- 1.1.7 Following refusal of planning application 18/P/5118/OUT in March 2020, I have now been instructed by BAL to act as expert witness on planning matters for the Section 78 appeal and The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020³. In this capacity, I have contributed to the Appellant's Statement of Case⁴ and the Environmental Statement Addendum (ESA)⁵.

1.2 Scope of Evidence

- 1.2.1 This Proof of Evidence relates to an appeal, made by BAL pursuant to Section 78 of the Town and Country Planning Act 1990⁶, against the decision of North Somerset Council (NSC) ('NSC') on 19 March 2020 to refuse planning application reference 18/P/5118/OUT for the development of Bristol Airport to accommodate 12 mppa (the Appeal Proposal).
- 1.2.2 My evidence concerns the detailed planning matters relating to the Appeal Proposal, including Green Belt, with a focus on the main issues for the appeal set out in the Case Management Conference (CMC) Summary Note⁷, the reasons for refusal cited in NSC's Decision Notice⁸ and other relevant issues raised by third parties. I consider the need for the Appeal Proposal and its benefits, conformity with the Development Plan⁹ and the material considerations relevant to the determination of the Appeal Proposal.
- 1.2.3 In **Table 1.1**, I have set out where in my evidence the reasons for refusal and the main issues for the appeal are considered.

³ CP 001: The Bristol Airport Limited (Land at A38 And Downside Road) Compulsory Purchase Order 2020.

⁴ CD 2.18: BAL (2020) Full Statement of Case (September 2020).

⁵ CD 2.19 to CD 2.20.6: Wood (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement Addendum (November 2020).

⁶ CD 5.1: Town and Country Planning Act 1990. Available from <https://www.legislation.gov.uk/ukpga/1990/8/contents> [Accessed May 2021].

⁷ The Planning Inspectorate (2021) Case Management Conference (8 March 2021) Summary Note.

⁸ CD 2.17: NSC (2020) Notice of Decision – Application 18/P/5118/OUT (19 March 2020).

⁹ The adopted Development Plan comprises: CD 5.6: North Somerset Core Strategy (adopted 2017); CD 5.4: Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and CD 5.26: Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).

Table 1.1 Response to NSC's Reasons for Refusal and the Main Issues for the Appeal

Topic	Reason(s) for Refusal	Main Issue(s) for the Appeal	Proof Section(s)
Surface Access	Reason 1 Reason 4 Reason 5	Issue a) Issue b) Issue c)	4.2 and 5
Air Quality	Reason 2	Issue a) Issue d)	4.3
Noise	Reason 1 Reason 2	Issue a) Issue e)	4.4
Climate Change	Reason 3	Issue a) Issue f)	4.5
Benefits of the Appeal Proposal	Reason 1	Issue a) Issue g)	3.5, 4.6, 6.2 and 8
Green Belt	Reason 4	Issue b)	5
Planning Balance	Reason 1	Issue a)	8

- 1.2.4 In preparing my evidence, I have taken into account (inter alia): the documents submitted with the planning application including the ES and subsequent submissions^{10,11} made by BAL to NSC pursuant to Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)¹²; the Officers' Report¹³ on the planning application; BAL's Statement of Case¹⁴; the Statements of Common Ground (SoCG)¹⁵; and the ESA. I have also drawn upon the supplementary Green Belt assessment presented at **Appendix A** to my Proof of Evidence and the technical note concerning ecological mitigation at **Appendix B**. I conclude my evidence by setting out my professional judgement on the overall planning balance.
- 1.2.5 **Appendix C** to my Proof provides additional evidence in respect of The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order.
- 1.2.6 My evidence does not include a description of the application site, planning history or Appeal Proposal. These elements are described in detail in the Planning Statement¹⁶, have been agreed with NSC in the SoCG (Part 1) and are therefore not repeated here.

¹⁰ CD 3.4.1 to CD 3.4.13: BAL Response to Formal Request for Further Information Under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (18 April 2019).

¹¹ CD 3.6.1 to CD 3.8: BAL Response to Formal Request for Further Information Under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (30 October 2019).

¹² CD 5.5: The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/571). Available from <https://www.legislation.gov.uk/uksi/2017/571/contents/made> [Accessed May 2021].

¹³ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT.

¹⁴ CD 2.18: BAL (2020) Full Statement of Case (September 2020).

¹⁵ CD 12.1 and CD 12.2: Statements of Common Ground Parts 1 and 2.

¹⁶ See CD 2.3: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Planning Statement (December 2018) – Sections 2 and 3.

1.3 Summary of Evidence

- 1.3.1 I begin my evidence by explaining how increasing the capacity of Bristol Airport to accommodate 12 mppa will enable BAL to make best use of the existing airport runway, responding directly to the Government's national aviation policy and wider economic objectives. I then establish that the requirement to accommodate forecast passenger demand, and the substantial social, economic and environmental benefits that the growth of Bristol Airport will deliver, represent a compelling need case for the Appeal Proposal.
- 1.3.2 The evidence presented by BAL's witnesses demonstrates that the growth of Bristol Airport, and the benefits this delivers, can be achieved whilst ensuring that adverse impacts on the environment and local communities are appropriately addressed through the proposed draft planning conditions contained at **Appendix D** to my Proof of Evidence and the Section 106 Agreement Heads of Terms for planning obligations¹⁷. In my evidence, I also set out the very special circumstances which I believe justify the development of additional car parking in the Green Belt. On this basis, my evidence concludes that the Appeal Proposal is, therefore, in accordance with the Development Plan for North Somerset and the National Planning Policy Framework (NPPF)¹⁸ and that there are no other material considerations which indicate that planning permission should be refused.
- 1.3.3 Overall, my evidence shows that the benefits of the Appeal Proposal outweigh the adverse impacts of increasing the capacity of Bristol Airport to handle 12 mppa, that the Appeal Proposal is sustainable development and that the appeal should, respectfully, be allowed.

1.4 North Somerset Council's Decision

- 1.4.1 The planning application for the Appeal Proposal was submitted by BAL to NSC in December 2018 and included considerable technical evidence assessing both the benefits and adverse effects of the proposed development. NSC appointed specialist external consultants to review the technical aspects of the submission. Their review informed NSC officers' full and careful consideration of the proposals, which resulted in two requests for further information made by NSC under Regulation 25 of the EIA Regulations. BAL provided considered and detailed responses to the requests for further information in April and October 2019 respectively. BAL also reached full agreement with

¹⁷ See CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, Appendix 3.

¹⁸ CD 5.8: Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework (February 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf [Accessed May 2021].

officers on acceptable planning conditions and proposed Heads of Terms for a Section 106 Agreement prior to determination of the application.

- 1.4.2 The Officers' Report thoroughly examined all of the planning issues for the Appeal Proposal and recommended approval of the planning application. Contrary to their officers' recommendation, on 10 February 2020 NSC Members resolved that the planning application should be refused and this decision was ratified on 18 March 2020.
- 1.4.3 In relation to the decision to refuse the planning application, I would like to draw attention to two points being, first, that certain legal advice appears to have been given privately (i.e. not through officers) to Members in the days leading up to the decision, and second, that the Members' decision to refuse permission was taken without seeking specialist evidence on the very technical issues on which they refused planning permission contrary to the recommendation of officers and the expert evidence before them.
- 1.4.4 In relation to the first point, I understand that a legal Opinion¹⁹ dated 4 February 2020, and drafted by Counsel on behalf of the Parish Councils Airport Association (PCAA) and the Bristol Airport Action Network Coordinating Committee (BAAN CC), was sent directly to Members of the Council prior to the first Planning and Regulatory Committee meeting on 10 February. The Opinion sought to explain that Members would lawfully be entitled to refuse the application notwithstanding the recommendation for approval contained in the Officers' Report. The Opinion also provided suggested reasons for refusal on key issues concerning greenhouse gas (GHG) emissions, biodiversity and the Green Belt. Finally, the Opinion raised certain matters where it was said that NSC may be vulnerable to judicial review should Members resolve to approve the application.
- 1.4.5 Critically, the Opinion was not sent directly to BAL or, as far as I am aware, to NSC officers in the first instance, although I do understand that they obtained a copy shortly before the Committee meeting and it was mentioned in an Update Sheet to the Officers' Report. Sending this Opinion directly to Members, rather than to the Council, and the lateness of its submission meant that there was no adequate opportunity for BAL, or indeed NSC's officers, to properly consider the Opinion and to provide a response to it prior to the first meeting of the Planning and Regulatory Committee. It was in this, somewhat unsatisfactory, context that Members resolved to reject the advice of their own officers and the recommendation of the Officers' Report to approve planning permission. Whilst I accept that there was a second meeting of the Planning and Regulatory

¹⁹ CD 19.11: Estelle Dehon, Cornerstone Barristers (2020) Opinion Concerning a Planning Application for the Expansion of Bristol Airport (4 February 2020).

Committee, this was clearly to approve the detailed reasons for refusal that officers had been asked to draft for the decision that had, in principle, already been taken.

1.4.6 Turning to NSC's specific reasons for refusal, these were contrary to officers' clear advice on technical issues (having taken advice from external expert consultants) and the evidence in the material submitted with the planning application (including BAL's response to NSC's Regulation 25 requests for further information). As can be seen from NSC's Statement of Case, the reasons for refusal are now said to relate to highly technical issues related to economic benefits and environmental impact assessment, and yet Members did not have this, or any technical evidence before them, at the point at which they chose to reject the technical advice of their own officers, external experts and the application material submitted by BAL.

1.4.7 In all of the circumstances, NSC's decision to refuse the planning application appears to be unreasonable.

1.5 Statement of Truth

1.5.1 The evidence which I have prepared and provide in this Proof of Evidence is true and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. Policy Context

2.1 Introduction

- 2.1.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)²⁰ require that the appeal is determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 2.1.2 A detailed analysis of the Development Plan policies relevant to the Appeal Proposal and other material considerations is presented in Section 4 of the Planning Statement; the SoCG (Part 1) also sets out the policy position as agreed between BAL and NSC. To avoid duplication, this section of my Proof of Evidence comprises of a short summary of the relevant Development Plan and national planning policy context; other policy, strategy and guidance documents that are pertinent to the Appeal Proposal are also considered including national aviation policy. The purpose of this summary is to establish the broad planning policy framework for decisions in respect of development at Bristol Airport. My conclusions and planning balance are provided in **Section 8** where I demonstrate that the Appeal Proposal is in accordance with the Development Plan and the NPPF and that there are no other material considerations which indicate that planning permission should be refused.

2.2 The Development Plan

- 2.2.1 The adopted Development Plan for the Appeal Proposal comprises of the: North Somerset Core Strategy (adopted 2017); Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and the Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018)²¹. NSC is currently preparing a new Local Plan; however, at the time of writing this is not at an advanced stage and, therefore, I consider that it should be given little weight in this appeal. On this basis, I do not consider it further in my evidence.
- 2.2.2 Vision 1 of the Core Strategy (page 15) sets out that "*The future planning of...Bristol Airport will be guided by the need to balance the advantages of economic growth with the need to control the impacts on those who live nearby and on the natural environment.*" Priority Objective 3 (page 20),

²⁰ CD 5.2: Planning and Compulsory Purchase Act 2004. Available from <https://www.legislation.gov.uk/ukpga/2004/5/contents> [Accessed May 2021].

²¹ The Sites and Policies Plan Part 2 identifies detailed allocations. It does not include a specific allocation in respect of Bristol Airport and is therefore not considered further in my evidence.

meanwhile, supports and promotes major employers in North Somerset, including Bristol Airport, to ensure continued employment security and economic prosperity.

2.2.3 Policy CS23 and Policy DM50 are the principal Development Plan policies relating to the Appeal Proposal. Policy CS23 states:

"Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure."

2.2.4 Policy DM50 focuses on development within the Green Belt inset at Bristol Airport. It states:

"Development within the Green Belt inset at Lulsgate as shown on the Proposals Map will be permitted provided that:

- *it is required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods;*
- *environmental impacts such as emissions are minimised, and there is no unacceptable noise impact;*
- *it is suitably sited, designed and landscaped so as not to harm the surrounding landscape; and*
- *appropriate provision is made for surface access to the airport, 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."*

2.2.5 The Development Plan proposals map²² defines an inset that excludes the northern side of Bristol Airport's operational area from the Green Belt. Core Strategy Policy CS6 sets out that amendments to the Green Belt boundary at Bristol Airport will only be considered once long-term development needs have been identified and exceptional circumstances demonstrated. The supporting text to Policy DM50 (page 117 of the Sites and Policies Plan Part 1) states that outside the inset, Green Belt policy applies and that it is for the developer (in this case BAL) to demonstrate 'very special circumstances' that outweigh the harm to the Green Belt and any other harm.

2.2.6 Other relevant Development Plan policies, including those specifically referenced in NSC's reasons for refusal, are listed in the SoCG (Part 1). They provide further detailed policy on matters including climate change, environmental impacts, transport and supporting economic growth. I have not

²² CD5.27: North Somerset Policies Map.

summarised these policies in this section but instead refer to them as appropriate later in my evidence.

- 2.2.7 Overall, the Development Plan recognises the benefits of economic growth and the role that Bristol Airport can play in supporting this policy objective. The policies of the Development Plan require that the impacts of the Appeal Proposal on surrounding communities and the environment must be mitigated to an acceptable level and that these impacts should be balanced against the benefits of increasing the capacity of Bristol Airport to accommodate 12 mppa.

2.3 National Planning Policy Framework

- 2.3.1 The NPPF (at paragraph 10) establishes a presumption in favour of sustainable development. Sustainable development is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 of the NPPF sets out that the planning system has three overarching objectives for achieving sustainable development:

- *“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

- 2.3.2 Paragraph 11 states that the presumption in favour of sustainable development is taken to mean (in respect of decisions on planning applications):

“c) approving development proposals that accord with an up-to-date development plan without delay;
or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 2.3.3 The NPPF does not contain specific policy on airport-related development (beyond policy concerning General Aviation); however, it establishes the importance of economic growth and sets out the weight that should be attached to it. At paragraph 80, it states:
- "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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential decisions should help create the conditions in which businesses can invest, expand and adapt."*
- 2.3.4 With specific regard to transport, paragraph 104 (e) sets out that planning policies should *"provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy"*.
- 2.3.5 Regarding Green Belts, the NPPF establishes at paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF sets out at paragraph 143 that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 of the NPPF requires that, when considering any planning application, *"local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.
- 2.3.6 The NPPF includes a range of other, topic-specific policies that are relevant to the Appeal Proposal. These are set out in the SoCG (Part 1) and are therefore not repeated here but instead are referenced, as appropriate, in later sections of my evidence.

- 2.3.7 Overall, the NPPF establishes the significant weight that should be afforded to the economic benefits of the Appeal Proposal when balancing the positive and adverse impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa. If the Appeal Proposal is sustainable development, it should be granted planning permission without delay.

2.4 National Aviation Policy

- 2.4.1 UK policy on aviation is contained in the following documents: Aviation Policy Framework (APF) (March 2013)²³; Beyond the Horizon - The Future of UK Aviation: Making Best Use of Existing Runways (June 2018)²⁴ (hereafter referred to as 'MBU'); and the Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England (June 2018) (ANPS)²⁵.
- 2.4.2 Following a Call for Evidence in July 2017²⁶ and consultation in April 2018²⁷, in December 2018 the Government published its Green Paper, Aviation Strategy 2050: The Future of UK Aviation ('Aviation 2050')²⁸. This sets out the Government's draft aviation policy and was subject to a six-month consultation period which ended in June 2019. At the time of writing, the Government's final Aviation Strategy has not yet been published and, therefore, MBU and the APF, alongside the ANPS, remain the extant national aviation policy for the appeal.
- 2.4.3 The APF, ANPS and MBU establish the Government's policy of airports such as Bristol making best use of their existing runway capacity as part of a balanced approach to aviation growth. MBU also makes clear that carbon emissions are to be considered at a national level and the emerging position in relation to the Sixth Carbon Budget and the UK Emissions Trading Scheme (UK ETS) / the Carbon Offset Scheme for International Aviation (CORSIA) is that this is to be achieved through

²³ CD 6.1: HM Government (2013) The Aviation Policy Framework (March 2013). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf [Accessed May 2021].

²⁴ CD 6.4: HM Government (2018) Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf [Accessed May 2021].

²⁵ CD 6.9: Department for Transport (2018) Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England (June 2018), Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714108/airports-nps-new-runway-capacity-and-infrastructure-at-airports-in-the-south-east-of-england-print-version.pdf [Accessed May 2021].

²⁶ CD 6.10: HM Government (2017) Beyond the Horizon: The Future of UK Aviation – A Call for Evidence on a New Strategy (July 2017). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/636625/aviation-strategy-call-for-evidence.pdf [Accessed May 2021].

²⁷ CD 6.3: HM Government (2018) Beyond the Horizon – The Future of UK Aviation: Next Steps Towards an Aviation Strategy, HM Government (April 2018) Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698247/next-steps-towards-an-aviation-strategy.pdf [Accessed May 2021].

²⁸ CD 6.5: HM Government (2018) Aviation Strategy 2050: The Future of UK Aviation (December 2018). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769696/aviation-2050-print.pdf [Accessed May 2021].

a carbon traded mechanism. The Government's national aviation policy is an important part of the policy context for the Appeal Proposal and I discuss this further in **Section 3.2**.

2.5 Other Policy, Strategy and Guidance Documents

2.5.1 In my evidence, I refer to a number of other policy, strategy and guidance documents. These include (but are not limited to):

- **Aviation:** Beyond the Horizon: The Future of UK Aviation (July 2017), the Airports Commission Final Report (July 2015)²⁹ and Aviation 2050 (December 2018);
- **Socio-economics:** Industrial Strategy: Building a Britain Fit for the Future (2017)³⁰, Transport Investment Strategy: Moving Britain Ahead (2017)³¹, National Infrastructure Strategy (November 2020)³², Build Back Better: Our Plan for Growth (2021)³³, The West of England Local Industrial Strategy (July 2019)³⁴ and the North Somerset Economic Plan 2020-2025 (September 2020)³⁵;
- **Transport:** The West of England Joint Local Transport Plan 4 2020-2036 (March 2020) (JLTP4)³⁶;
- **Noise:** Noise Policy Statement for England (2010) (NPSE)³⁷;

²⁹ CD 6.11: Airports Commission (2015) Airports Commission Final Report (July 2015). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/440316/airports-commission-final-report.pdf [Accessed May 2021].

³⁰ CD 11.4: HM Government (2017) Industrial Strategy: Building a Britain fit for the future (November 2017). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf [Accessed May 2021].

³¹ CD 11.39: Department for Transport (2017) Transport Investment Strategy: Moving Britain Ahead (July 2017). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885742/transport-investment-strategy-print-version.pdf [Accessed June 2021].

³² CD 11.35: HM Treasury (2020) The National Infrastructure Strategy (November 2020). Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938051/NIS_final_print.pdf [Accessed June 2021].

³³ CD 11.10: HM Treasury (2021) Build Back Better: Our Plan for Growth (March 2021). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/969275/PfG_Final_print_Plan_for_Growth_Print.pdf [Accessed June 2021].

³⁴ CD 11.7: HM Government (2019) The West of England Local Industrial Strategy (July 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818989/1907_VERSION_West_of_England_Interactive_SINGLE_PAGES.pdf [Accessed May 2021].

³⁵ CD 11.15: NSC (2020) North Somerset Economic Plan 2020-2025 (September 2020). Available from <https://innorthsomerset.co.uk/wp-content/uploads/2020/10/North-Somerset-Economic-Plan.pdf> [Accessed May 2021].

³⁶ CD 7.5: Travelwest (2020) Joint Local Transport Plan 4 2020-2036 (March 2020). Available from <https://travelwest.info/app/uploads/2020/05/JLTP4-Adopted-Joint-Local-Transport-Plan-4.pdf> [Accessed May 2021].

³⁷ CD 10.4: Defra (2010) Noise Policy Statement for England (March 2010). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf [Accessed May 2021].

- **Air quality:** The Air Quality Strategy (2011)³⁸ and Clean Air Strategy (2019)³⁹;
- **Climate change:** The Government's proposals for its Sixth Carbon Budget⁴⁰;
- **Ecology:** Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (SPD) (January 2018)⁴¹.

2.6 Summary

2.6.1 My review of the policy context for the Appeal Proposal has established that:

- the Development Plan recognises the importance of Bristol Airport to North Somerset's economy and prosperity. It establishes that the benefits of increasing the capacity of Bristol Airport to accommodate 12 mppa must be weighed against the adverse impacts of development on surrounding communities, surface access infrastructure and the environment and that adverse impacts should be satisfactorily resolved;
- Development Plan policy and the NPPF confirm that 'very special circumstances' must be demonstrated to justify inappropriate development in the Green Belt;
- the NPPF establishes a presumption in favour of sustainable development, sets out that significant weight should be placed on the need to support economic growth and productivity and makes clear that planning policies should provide for large scale transport facilities to enable them to contribute to the wider economy;
- in its national aviation policy, the Government has confirmed its support for airports beyond Heathrow making best use of their existing runways, subject to the balanced consideration of economic and environmental impacts; and
- MBU makes clear that carbon emissions are to be considered at a national level and the emerging position in relation to the Sixth Carbon Budget and the UK ETS / CORSIA is that this is to be achieved through a carbon traded mechanism.

³⁸ CD 8.2.1: Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland – Volume 1. Available from <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-1> [Accessed May 2021].

³⁹ CD 8.7: Defra (2019) Clean Air Strategy 2019. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf [Accessed May 2021].

⁴⁰ CD 9.38: The Carbon Budget Order 2021. Available from <https://www.legislation.gov.uk/ukdsi/2021/9780348222616/contents> [Accessed June 2021].

⁴¹ CD 5.17: NSC (2018) North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (Adopted January 2018). Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/NSC%20and%20Mendip%20Bats%20SAC%20guidance%20-%20supplementary%20planning%20document.pdf> [Accessed May 2021].

2.6.2 Overall, the broad planning policy framework for the Appeal Proposal requires the careful balancing of the need for, and benefits of, the Appeal Proposal, against the adverse impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa. At the same time, the adverse impacts of the Appeal Proposal on local communities and the environment should be minimised and benefits maximised. It is in the context of this framework that I assess the planning issues arising from the Appeal Proposal in the remaining sections of my evidence.

3. Need for the Appeal Proposal and Benefits

3.1 Introduction

3.1.1 This section of my Proof of Evidence establishes the compelling need for the Appeal Proposal and the benefits of allowing Bristol Airport to grow to 12 mppa. This includes:

- the Government's economic objectives and the levelling-up agenda;
- the strong national aviation policy support for the growth of regional airports and making the best use of existing runways, which underpins the Government's wider economic policy objectives;
- forecast passenger demand that ought to be met at Bristol Airport; and
- the substantial social, economic and environmental benefits associated with the development of Bristol Airport to accommodate 12 mppa.

3.2 UK Government Economic Objectives and the Levelling-up Agenda

3.2.1 The UK Government's policy objectives for economic growth, increased productivity and global connectivity underpin the need for investment in infrastructure, including at the UK's regional airports. Infrastructure investment is also a key component of the Government's strategy for economic recovery from the COVID-19 pandemic, increased trade following the UK's departure from the European Union (EU) and levelling-up economic growth across the UK's regions.

3.2.2 The Government's Industrial Strategy stresses the importance of infrastructure delivery and connectivity to the UK's economic prosperity and the need for infrastructure investment to drive growth across all of the UK's regions. At page 128, it states:

"Infrastructure is the essential underpinning of our lives and work, and having modern and accessible infrastructure throughout the country is essential to our future growth and prosperity... We must make sure our infrastructure choices not only provide the basics for the economy, they must actively support our long-term productivity, providing greater certainty and clear strategic direction. Our investment decisions need to be more geographically balanced and include more local voices. We can improve how we link up people and markets to attract investment, and we must be more forward-looking in respect of significant global economic trends... We will create a new high speed rail network that connects people to jobs and opportunities, regenerate our stations and airports, and

progressively upgrade our road network...Providing the right infrastructure in the right places boosts the earning power of people, communities and our businesses".

3.2.3 The Government's economic objectives and the important role of infrastructure including aviation in achieving them has been recently confirmed in the Government's Build Back Better plan for economic recovery from the COVID-19 pandemic and the National Infrastructure Strategy.

3.2.4 Build Back Better sets out a vision to deliver economic recovery built on three pillars of investment: infrastructure, skills and innovation. In this context, it emphasises the importance of world class infrastructure in supporting economic growth; at page 31 it states:

"High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness. More than this, it is at the centre of our communities. Infrastructure helps connect people to each other, people to businesses, and businesses to markets, forming a foundation for economic activity and community prosperity. Well-developed transport networks allow businesses to grow and expand, enabling them to extend supply chains, deepen labour and product markets, collaborate, innovate and attract inward investment."

3.2.5 At page 94, Build Back Better confirms the Government's commitment to a 'Global Britain' as a key driver of growth and prosperity:

"The UK's prosperity is built on our integration into the global economic and financial system. An open economy, which permits the free flow of ideas, goods, services and data based on adherence to a mutually agreed set of rules and principles, will drive long-term prosperity and innovation. It provides UK consumers, businesses, producers, workers and investors with access to cheaper, better quality goods and services, offering greater choice, creating jobs and freeing up resources for innovation and investment at home. In 2019-20, new inward investment projects supported over 56,000 jobs across the UK...Openness to international markets ensures UK access to multiple diverse sources of supply for the goods and services we need, improving the resilience of our supply chains and benefitting prosperity."

3.2.6 Build Back Better also sets out the Government's objective to 'level up' the UK economy by supporting economic growth opportunities outside of London and the South East. At page 27, it states:

"We will tackle geographical disparities in key services and outcomes across the UK: improving health, education, skills, increasing jobs and growth, building stronger and safer communities and improving infrastructure and connectivity. We will focus on boosting regional productivity where it is lagging to improve job opportunities and wages".

3.2.7 The Government's economic policy recognises the specific role of global connectivity in supporting its objectives. For example, the 2017 Transport Investment Strategy states at paragraph 1.30:

"The Government is committed to building a truly global Britain: an outward-looking Britain that is open to business, that attracts quality investment from around the world and which builds successful trading relationships with partners old and new. In a globalised world, we must recognise that we are in competition. The ability to trade freely depends on the speed and reliability of the global connections made possible by our ports and airports. Our major cities compete with city clusters in other countries. And the quality of our infrastructure can be the difference between a company choosing to base its activity in Britain, or elsewhere".

3.2.8 At paragraph 4.48, the Strategy goes on to state:

"Investment in upgrading the infrastructure at and around our international gateways helps meet our national challenges by:

- *allowing for sustainable growth in traffic, enabling more international connections to be made and increasing the frequency and reliability of those connections*
- *making international journeys quicker and more straightforward, driving productivity*
- *creating better conditions for international trade by making imports and exports logistically easier and more reliable*
- *making the UK an attractive place from which to operate global businesses, which depend on connectivity with the rest of the world".*

3.2.9 The more recent 2020 National Infrastructure Strategy, meanwhile, sets out (on page 42) that:

"International connectivity is important for linking businesses to valuable markets, and to support trade and investment. The UK has the third largest aviation network in the world. Flights into UK hub airports connect the regions and nations of the UK to the world, enabling a more global Britain. Air connectivity also brings together the nations of the UK, and in 2019 over 19 million passengers flew on routes between England, Scotland, Wales and Northern Ireland."

3.2.10 Overall, investment in infrastructure including the UK's regional airports is critical to boosting the global competitiveness of the UK and levelling-up regional growth and this should be afforded significant weight. Below, I demonstrate that the Government's national aviation policy of support for airports such as Bristol making best use of their existing runways is key to realising these significant economic objectives.

3.3 National Aviation Policy

3.3.1 The Government's national aviation policy provides clear and unambiguous support for airports making best use of their runways, subject to the appropriate consideration, and balancing, of economic and environmental impacts. In this section, I consider further this national aviation policy context focusing in particular on the evolution of MBU and the critical interdependencies that exist between it and the UK's wider economic policy objectives outlined above. I then explain how increasing the capacity of Bristol Airport to accommodate 12 mppa aligns with the Government's aviation policy and contributes to the UK's economic ambitions.

Making Best Use and Supporting Regional Airports

3.3.2 Making best use of existing runways, including at regional airports, has been a central theme of successive Government aviation policy, linked to wider objectives for increased connectivity and economic growth. These important linkages between aviation, connectivity and the economy have recently been brought into even sharper focus following the UK's departure from the EU, the announcement of the Government's levelling-up agenda and the economic consequences of the COVID-19 pandemic. This means that, more than ever, substantial weight must be afforded to the Government's ambitions for aviation growth.

Air Transport White Paper

3.3.3 A balanced approach to aviation, making best use of existing capacity and support for regional airport growth is consistent with long-standing Government policy objectives that stretch back to the 2003 Air Transport White Paper⁴².

3.3.4 In December 2003, the Labour Government published the ATWP. The ATWP recognised the importance of air travel to national and regional economic prosperity and, as part of a 'balanced approach'⁴³, it identified the need to make best use of existing capacity in order to minimise the need for airport development in new locations, subject to environmental constraints.

3.3.5 The policy set out in the ATWP⁴⁴ also encouraged the growth of regional airports in order that the following benefits could be delivered:

- supporting national and regional economic growth;

⁴² CD 6.12: Department for Transport (2003) The Future of Air Transport (December 2003). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685595/6046.pdf [Accessed May 2021].

⁴³ See paragraph 2.18.

⁴⁴ See paragraph 4.35.

- relieving congestion at airports in the South East of England;
- reducing the need to travel long distances to/from airports; and
- providing passengers with greater choice.

The Aviation Policy Framework

3.3.6 The APF was published by the Coalition Government in March 2013, replacing the 2003 ATWP as Government policy on aviation. The APF has not been withdrawn or replaced and, therefore, remains extant Government policy. Recognising the importance of air travel to national and regional economic prosperity, the APF has maintained the balanced approach to aviation first set out in the ATWP. At paragraph 5, it states:

"The Government's primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise."

3.3.7 At paragraph 9, the APF goes on to make clear that a key objective of Government is to ensure that the UK has good air connectivity to support economic growth, stating *"One of our main objectives is to ensure that the UK's air links continue to make it one of the best connected countries in the world."*

3.3.8 Like the ATWP before it, the APF recognises the important economic role of regional airports specifically. It states (at paragraph 1.23) that they 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"*.

3.3.9 It is in this context of a balanced approach to aviation that the APF sets out at paragraphs 1.24 and 1.60 the Government's support for airports making best use of their existing runways.

The Airports Commission

3.3.10 The Airports Commission was established in 2012 to consider the UK's future airport capacity needs over the short, medium and long term. The Commission's Final Report recognised the importance of a thriving aviation sector to UK businesses and residents but identified that capacity constraints in the South East were starting to have negative impacts in terms of air fares, connectivity and unreliability that, in-turn, affected the UK's productivity and regional economic growth (see Section 3 of the Final Report).

3.3.11 Recognising that new capacity at Heathrow would not be delivered in the short to medium term, the Commission's Final Report set out (at paragraph 16.40) that *"It is imperative that the UK continues to grow its domestic and international connectivity in this period, and this will require the more intensive utilisation of existing airports other than Heathrow and Gatwick"*. In this regard, the Commission recommended (at paragraph 16.45 of its Final Report) that *"both national and local government recognise the crucial importance that regional airports will play in growing the nation's connectivity and economy in the coming decade, and takes this into account in future policy and planning decisions that pertain to those airports"*.

3.3.12 As I will highlight below, the Airports Commission's findings have been taken into account in MBU and the Government's emerging aviation policy.

Beyond the Horizon: The Future of UK Aviation

3.3.13 The Government is currently preparing a new Aviation Strategy that will set out the long-term direction for aviation policy to 2050 and beyond. The importance of aviation to economic growth and connectivity, making best use of existing runways and support for regional airports are all themes that have been consistently replayed by Government in its development of this emerging strategy.

3.3.14 In July 2017, the Government published its call for evidence, Beyond the Horizon: The Future of UK Aviation. Recognising the important role aviation plays in the economic success of the UK and global connectivity, it established the following aim (paragraph 2.2): *"To achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and of a global, outward-looking Britain."* To achieve this aim, Beyond the Horizon set out six objectives (paragraph 2.3), as follows:

- Help the aviation industry work for its customers;
- Ensure a safe and secure way to travel;
- Build a global and connected Britain;
- Encourage competitive markets;
- Support growth while tackling environmental impacts; and
- Develop innovation, technology and skills.

3.3.15 Reflecting the Airports Commission's recommendations, Beyond the Horizon confirmed the Government's support for the growth of airports outside the South East of England. At paragraph 7.19, it stated that the Government's declared preferred option for one new runway in the South

East (by 2030) *"will not open for at least 10 years and it is vital that the UK continues to grow its domestic and international connectivity in this period, which will require the more intensive use of existing airport capacity"*. In considering the approach to be taken for the expansion of regional airports specifically, the Government stated at paragraph 7.20 that they *"are aware that a number of airports have plans to invest further, allowing them to accommodate passenger growth over the next decade using their existing runways, which may need to be accompanied by applications to increase existing caps. The Government agrees with the Airport Commission's recommendation that there is a requirement for more intensive use of existing airport capacity and is minded to be supportive of all airports who wish to make best use of their existing runways"*.

3.3.16 The Government's Green Paper, Aviation 2050, builds on the call for evidence and the responses received to that consultation, alongside the Airports Commission's recommendations. At the outset (page 18), it makes clear the role the Government sees aviation playing in the society and the economy of the UK and the Government's support for aviation growth:

"Aviation has an important role to play in the future of our country. It is key to helping to build a global Britain that reaches out to the world. It underpins the competitiveness and global reach of our national and our regional economies. There are many challenges that aviation faces, such as meeting rising passenger demand while addressing environmental impacts, and making the most of new technologies. The government supports the growth of aviation, provided that this is done in a sustainable way."

3.3.17 It continues by highlighting at paragraph 1.8 aviation's economic contribution:

- *"Connectivity:*
 - ▶ *the UK is one of the best connected countries in the world with over 370 direct connections in over 100 countries*
- *Productivity:*
 - ▶ *aviation directly contributes at least £22 billion to the UK economy each year – with around £14 billion from air transport and £8 billion from aerospace, with the UK having the second largest aerospace industry in the world*
 - ▶ *the industries most associated with business travellers generate some of the largest contribution to the UK economy due to the high value of the industries they tend to work in*
- *Jobs:*

- ▶ *aviation is estimated to directly provide over 230,000 jobs and consists of around 4,500 businesses; this generates employment right across the country, especially in aircraft manufacture, aircraft maintenance and air freight*
- ▶ *the North West and South West each account for 12% of direct jobs provided by aviation and there are large concentrations of aviation businesses in the Midlands, Wales and Scotland*
- ▶ *airports themselves continue to be a major source of local employment and help to attract related industries in their area, generating employment beyond the proximity of other local industry and businesses*
- *Tourism:*
 - ▶ *there was both a record number of visits to the UK in 2017 and a record number of visits abroad by UK residents; the most frequent reason for visits to and from the UK is holidays*
 - ▶ *tourism contributed £68 billion to the UK economy in 2016*
 - ▶ *inbound tourism by air makes up 80% of foreign holiday spending".*

3.3.18

Importantly, Aviation 2050 signals the Government's intentions regarding its MBU policy in the future. At paragraph 3.11, the Government states that it "*believes that forecasted aviation demand up to 2030 can be met through a Northwest runway at Heathrow and by airports beyond Heathrow making best use of their existing runways subject to environmental issues being addressed*". Aviation 2050 also makes clear the Government's continued support for regional airports which it sees as playing an important role in rebalancing the UK economy, delivering regional economic growth and ensuring that the UK remains competitive following its departure from the EU. At paragraph 4.4, Aviation 2050 states that "*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... 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.*"

Airports National Policy Statement

3.3.19

The ANPS was published in June 2018. It provides the primary basis for decision making on development consent order (DCO) applications for nationally significant aviation-related development and, specifically, a north-west runway at Heathrow Airport. On 27 February 2020, the Court of Appeal ruled in *R (Plan B Earth) v Secretary of State for Transport* [2020] EWCA Civ 214 that the ANPS was unlawful. However, the Court of Appeal's decision was overturned by the

Supreme Court on 16 December 2020 ([2020] UKSC 52). The ANPS is, therefore, in force and capable of being a material consideration.

3.3.20 Whilst the ANPS predominantly relates to a third runway at Heathrow Airport, it confirms the Government's support for other airports making best use of their existing runways. This is in recognition of the important economic role these airports play. The ANPS states at paragraph 2.9: *"The importance of aviation to the UK economy, and in particular the UK's hub status, has only increased following the country's decision to leave the European Union" and "[as] the UK develops its new trading relationships with the rest of the world, it will be essential that increased airport capacity is delivered"*.

3.3.21 Paragraph 2.16 adds:

"Without expansion, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism and foreign direct investment".

Making Best Use and the Government's Continued Support for Aviation

3.3.22 In its call for evidence for the new Aviation Strategy, the Government set out that an updated policy on making best use could not wait until the publication of the full Aviation Strategy because of recent strong growth in demand. MBU was therefore brought forward in June 2018 ahead of the Aviation Strategy and is, at the time of writing, the Government's most up-to-date policy position on airports other than Heathrow and, therefore, is the most relevant to the Appeal Proposal.

3.3.23 Reflecting the recommendations of the Airports Commission, MBU has confirmed that the Government is supportive of airports beyond Heathrow making best use of their existing runways, taking into account relevant economic and environmental considerations. In this context, it does not require the 'need' for airport growth to be established on a case-by-case basis but instead signals that demand should be met. MBU also sets out that decisions on airport expansion proposals should be taken by local planning authorities, although it distinguishes between how local and national impacts should be taken into account. On this matter, paragraph 1.9 of MBU sets out that *"for the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes"*. Paragraph 1.11 makes it clear in the context of carbon emissions that *"There are, however, some important environmental elements which should be considered at a national level"*.

3.3.24 Paragraphs 1.14-1.16 of MBU examined the implications of the policy for the UK's carbon commitments and that it had assessed 'carbon traded' and 'carbon capped' scenarios to examine

this. Paragraph 1.15 makes it clear that *“Under the carbon-traded scenario, UK aviation emissions could continue to grow provided that compensatory reductions are made elsewhere in the global economy. This could be facilitated by a carbon trading mechanism in which aviation emissions could be traded with other sectors”*. By contrast, paragraph 1.16 states that *“The carbon-capped scenario was developed to explore the case for expansion even in a future where aviation emissions were limited to the Committee on Climate Change’s (CCC) planning assumption of 37.5Mt of CO₂ in 2050.”*

3.3.25 The emerging position on the Sixth Carbon Budget and the UK ETS makes it clear that the national policy position is now moving towards carbon emissions from aviation being controlled as part of the UK carbon account on a ‘carbon traded’ basis which I discuss further in **Section 4.5**.

3.3.26 On the basis of the above, paragraph 1.29 sets out the MBU policy statement. This is reproduced below:

“Therefore, the Government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.”

3.3.27 Critically, MBU policy remains extant and the Government has not indicated that it is minded to review its position. On the contrary, recognising the critical role that aviation plays in ensuring connectivity and delivering economic growth, the Government has consistently reiterated its position on MBU and on its support for regional airports. For example, in the context of economic recovery from the COVID-19 pandemic, the Secretary of State for Transport’s Ministerial Statement dated 27 February 2020⁴⁵, stated:

“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.”

⁴⁵ CP005: The Secretary of State for Transport’s Ministerial Statement, 27 February 2020. Available from <https://questions-statements.parliament.uk/written-statements/detail/2020-02-27/HCWS135> [Accessed May 2021].

We want Britain to be the best place in the world to do business and as a government we are committed to investing in transport and wider infrastructure as part of levelling up economic opportunities across the country,...

We fully recognise the importance of the aviation sector for the whole of the UK economy. The UK's airports support connections to over 370 overseas destinations in more than 100 countries facilitating trade, investment and tourism. It facilitates £95.2 billion of UK's non-EU trade exports; contributes at least £14 billion directly to GDP; supports over half a million jobs and underpins the competitiveness and global reach of our national and our regional economies. Under our wider "making best use" policy, airports across the UK are already coming forward with ambitious proposals to invest in their infrastructure."

- 3.3.28 As Mr Brass points out in his evidence on socio-economics, this serves to reinforce the clear relationship between MBU and delivering improved economic performance, including at a regional level.

The weight to be afforded to national aviation policy

- 3.3.29 Overall, the Government's position on MBU and its support for regional airports is clear and, further, this policy is inextricably linked to, and underpins, the UK's wider economic priorities and objectives which I have described in **Section 3.2**. Given this, I contend that MBU and the APF should be afforded full and significant weight in this appeal.

How the Appeal Proposal Supports National Aviation Policy

- 3.3.30 The Appeal Proposal directly responds to, and is in accordance with, the Government's aviation policy set out in the APF and MBU and it will make an important contribution to the UK's wider economic objectives.
- 3.3.31 In accordance with the APF and MBU, the Appeal Proposal will make best use of the existing airport runway. It will maximise the use of current, and bring forward investment in new, infrastructure and services required to support the growth of Bristol Airport to handle 12 mppa and will provide sufficient capacity to meet forecast passenger demand (see **Section 3.4**). The Appeal Proposal also aligns with the Government's balanced approach to aviation growth. As I will demonstrate later in my evidence, the environmental impacts associated with the growth of Bristol Airport to 12 mppa have been appropriately considered and mitigated and are outweighed by the significant benefits of increasing the capacity of the airport. Further, in accordance with the APF specifically, the Appeal Proposal is accompanied by surface access proposals that will ensure easy and reliable

access for passengers, increase sustainable travel to and from the airport and minimise congestion and other local impacts.

- 3.3.32 Significantly, the Appeal Proposal is consistent with Government policy on supporting the growth of regional airports; allowing the Appeal Proposal will, in-turn, help to deliver the UK's wider economic objectives and priorities. The APF (at page 21) recognises the vital role Bristol Airport plays in the economic success of the South West region and this is also reflected in the Development Plan and sub-regional and local economic strategies (see **Section 3.5**). Allowing Bristol Airport to handle an additional 2 mppa will increase the range of destinations served by the airport and frequency of flights. Providing additional regional capacity will, in-turn, increase the South West's connectivity, delivering significant economic benefits. Importantly, this will help facilitate international trade and connectivity and will support the Government's levelling-up agenda, two of the UK's key economic priorities. It will also support regional and local economic recovery from the COVID-19 pandemic.
- 3.3.33 In summary, the Appeal Proposal is in accordance with the Government's national aviation policy. By making best use of the existing airport site, meeting passenger demand and facilitating regional economic growth and increased connectivity, I believe that it is exactly the type of development the Government had in mind when developing its MBU policy.

3.4 Meeting Passenger Demand

- 3.4.1 In this section, I provide a summary of Bristol Airport's forecast passenger demand as set out in the Forecast Report⁴⁶ prepared by York Aviation Limited (YAL). The forecasts indicate that underlying passenger demand at Bristol Airport remains strong and that throughput at the airport will still reach 12 mppa in the medium term, notwithstanding the effects of the COVID-19 pandemic on the aviation sector. I then go on to explain why there is a need to meet this demand at Bristol Airport.

Forecast Passenger Demand

- 3.4.2 In 2019, Bristol Airport handled 8.96 mppa⁴⁷, making it the fourth largest regional airport in the UK. At the time of the planning application, the forecasts prepared by BAL and independently verified

⁴⁶ CD 2.21: York Aviation Limited (2020) Passenger Traffic Forecasts for Bristol Airport to Inform the Proposed Development to 12 mppa (November 2020).

⁴⁷ Civil Aviation Authority (2020) Size of Reporting Airports. Available from https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2019_annual/Table_01_Size_of_UK_Airports.pdf [Accessed May 2021].

by Mott MacDonald⁴⁸ indicated that passenger demand would reach 10 mppa (the airport's current passenger cap) by 2021 and 12 mppa by 2026.

3.4.3 The onset of the global COVID-19 pandemic has significantly impacted the aviation sector and passenger throughput at Bristol Airport, like all other UK airports, has fallen. However, this decline is temporary and whilst there remains some uncertainty with respect to when throughput will return to pre-pandemic levels in the shorter term, I am confident that in the medium term passenger demand at Bristol Airport will still reach 12 mppa, albeit over a slightly longer timeframe than originally envisaged when the planning application was submitted to NSC. This is on the basis of:

- global passenger forecasts;
- the historic performance of Bristol Airport; and
- the updated passenger forecasts for Bristol Airport prepared by YAL.

Global passenger forecasts

3.4.4 Passenger forecasts prepared by the International Air Transport Association (IATA)⁴⁹ 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 projection⁵⁰. This serves to indicate that current passenger throughput at airports across the world is not a true reflection of the impact on underlying demand but is instead a direct result of the travel restrictions imposed following the COVID-19 pandemic.

3.4.5 Whilst relating to the global aviation sector, these industry forecasts indicate that the impact of the COVID-19 pandemic on passenger throughput at Bristol Airport will only be transitory and that, particularly as it is an airport that caters primarily for short haul services, demand at Bristol will return as travel restrictions ease.

The historic performance of Bristol Airport

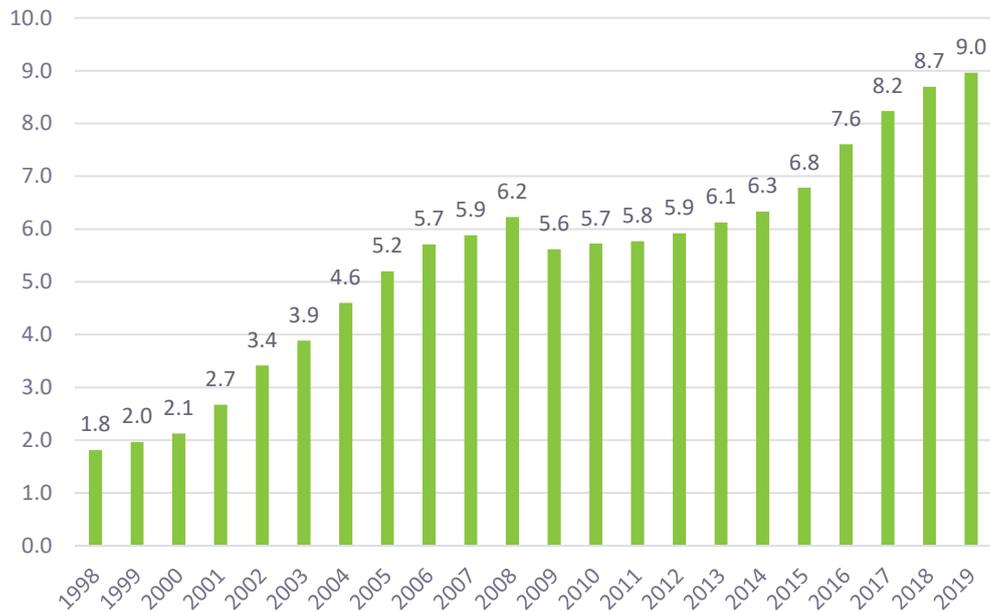
3.4.6 Between 1998 and 2019, passenger throughput at Bristol Airport grew year-on-year, with the exception of 2009, immediately following the Global Financial Crisis (see **Figure 3.1**).

⁴⁸ CD 2.4: Mott MacDonald (2018) Bristol Airport – Forecast Validation.

⁴⁹ CD 13.7: IATA (2020) Press Release: Recovery Delayed as International Travel Remains Locked Down. Available from <https://www.iata.org/en/pressroom/pr/2020-07-28-02/> [Accessed May 2021].

⁵⁰ CD 13.5: ACI (2020) <https://store.aci.aero/wp-content/uploads/2020/08/COVID19-4th-Economic-Impact-Advisory-Bulletin.pdf> [Accessed September 2020].

Figure 3.1 Passenger throughput at Bristol Airport 1998 to 2019 (millions)



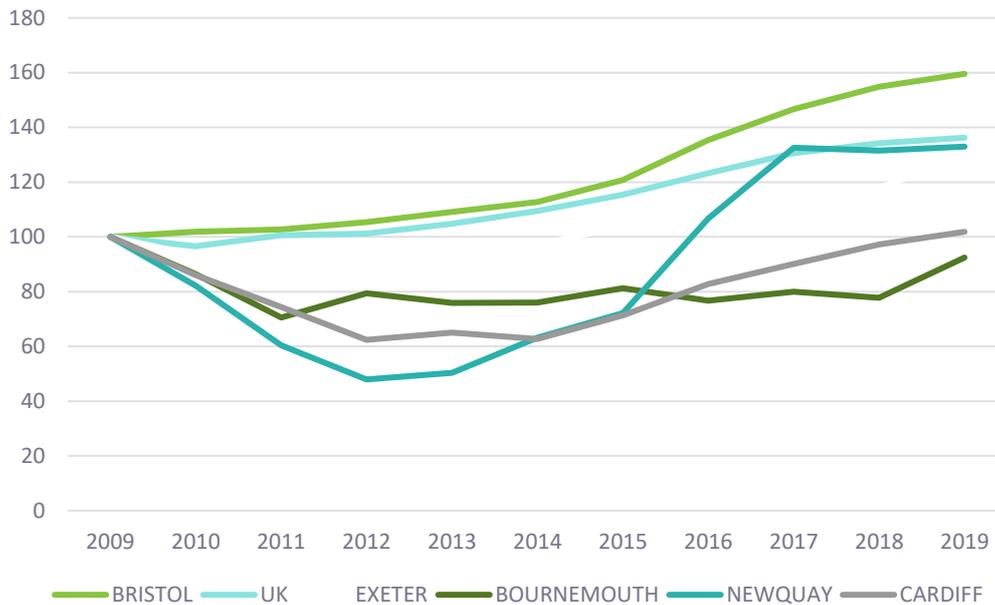
Source: Civil Aviation Authority (CAA) (2020) Airport Data 2019. Available from <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Airports/Datasets/UK-Airport-data/Airport-data-2019/> [Accessed May 2021].

3.4.7 The drivers of this increase in passenger demand are wide-ranging and include:

- population and economic growth;
- growth in airline activity, traffic and the introduction of new routes;
- the introduction of larger aircraft;
- increased business travel;
- increased tourism; and
- growth in passenger throughput outside of the summer peak.

3.4.8 As Mr Brass highlights in his evidence on forecasts, Bristol Airport has been one of the best performing regional airports in the UK over the last 20 years. The airport has outperformed the UK as a whole substantially and has also outperformed its regional competitors (see **Figure 3.2**). It is the view of Mr Brass that this trend is a reflection of a strong, relatively affluent catchment area and Bristol Airport's role as the significant airport in the South West region.

Figure 3.2 Passenger growth at Bristol Airport, its regional competitors and in the UK (Index: 2009 = 100)



Source: Brass J. (2021) Air Traffic Forecasts: James Brass Proof of Evidence.

- 3.4.9 In his evidence, Mr Brass explains that the historic drivers of increased passenger demand, including the strong economic performance of the West of England sub-region and population growth, will continue in the medium to long term and that the underlying market remains strong. Mr Brass also provides evidence to demonstrate that peoples' propensity to fly is unlikely to change substantially in the future. Furthermore, as Mr Brass points out in his evidence, Jet2's recent decision to establish a significant base at the airport is an indication of wider confidence in the market at Bristol.
- 3.4.10 Overall, the strong historic performance of Bristol Airport in terms of passenger throughput and the underlying local factors which support it, signal that the airport is in a strong position to recover from the COVID-19 pandemic. In my view, there is strong evidence to indicate that passenger demand will continue to grow in the future towards, and beyond, the airport's current passenger cap of 10 mppa.

Updated passenger forecasts for Bristol Airport

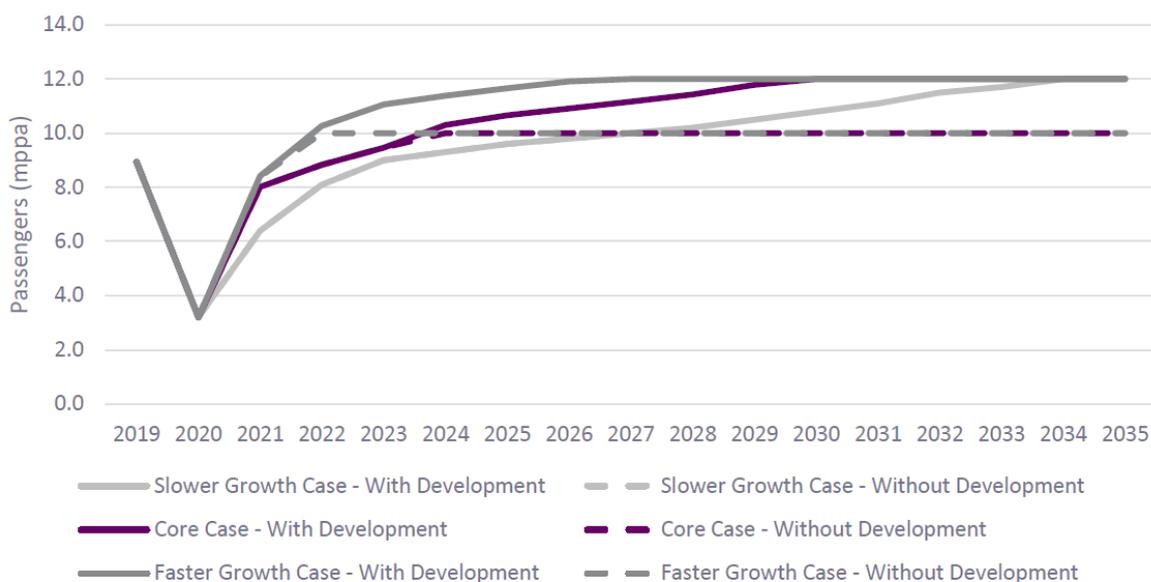
- 3.4.11 YAL has updated the passenger demand forecasts for the Appeal Proposal. The forecasts, which are the subject of Mr Brass's Proof of Evidence, confirm that demand at Bristol Airport will return as travel restrictions are lifted, passenger confidence returns, and the economy recovers from the COVID-19 pandemic. In consequence, the requirement to provide additional capacity at Bristol Airport to accommodate an additional 2 mppa remains.

3.4.12

YAL has used 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. Recognising that there remains some uncertainty in terms of the rate at which passenger demand will return, particularly in the short term, a range of different cases for future growth at Bristol Airport have been considered (see **Figure 3.3**). In summary, these cases are as follows:

- **Core Case:** This indicates that passenger demand at Bristol Airport will reach 10 mppa in around 2024, increasing to 12 mppa in 2030. According to Mr Brass, this forecast represents a balanced view of the future market and current risks;
- **Slower Growth Case:** This sees 10 mppa reached in 2027 and 12 mppa in 2034. According to Mr Brass, it represents a reasonable worse case in terms of the future growth of Bristol Airport being slower than expected, reflecting potentially slower than anticipated recovery from the COVID-19 pandemic, lower economic growth in the future and/or other adverse market conditions such as increased carbon costs; and
- **Faster Growth Case:** This sees Bristol Airport reach 10 mppa in 2022 and 12 mppa in 2027. According to Mr Brass, this represents a reasonable best case in terms of the future growth of the airport being faster than now expected, reflecting a more rapid bounce back from the COVID-19 pandemic and / or faster economic growth in the future. Hence, this case shows an accelerated point at which both 10 mppa and 12 mppa are reached.

Figure 3.3 Passenger demand forecasts by case to 12 mppa



Source: CD 2.21: York Aviation Limited (2020) Passenger Traffic Forecasts for Bristol Airport to Inform the Proposed Development to 12 mppa (November 2020).

3.4.13 Given the ongoing travel restrictions at the time of writing, it seems that the Faster Growth Case described above is less likely to be realised. Current restricted market performance is still consistent with the Core Case, however, which sees demand reaching 10 mppa in around 2024 and 12 mppa in 2030. The Slower Growth Case shows a more pessimistic scenario with economic growth and / or other factors such as carbon pricing causing demand to reach 10 mppa in 2028 and 12 mppa in only 2034. Regardless, the very short-term uncertainty caused by current travel restrictions in the UK and abroad has only a small bearing on when 12 mppa is reached.

3.4.14 Overall, YAL's forecasts indicate that, taking a longer-term view, the COVID-19 pandemic will have little impact on projected growth at Bristol Airport. Whilst the very short term impacts of COVID-19 are difficult to predict, travel restrictions will not remain in place and, as the economy recovers, growth will return to the longer term trends observed at Bristol Airport. In other words, 12 mppa is still forecast to be reached albeit over a slightly longer timeframe than originally anticipated at the time of the planning application. In my view, this small delay is immaterial to the decision on whether to allow the appeal as the additional capacity is still needed, although possibly over a slightly longer timescale. Indeed, this is the same conclusion as that reached by Inspectors in respect of the recent appeal concerning the expansion of London Stansted Airport where, at paragraph 30 of their decision⁵¹, they stated:

"It remained unclear throughout the Inquiry, despite extensive evidence, why the speed of growth should matter in considering the appeal. If it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime. The likely worst-case scenario assessed in the ES and ESA, and upon which the appeal is being considered, remains just that. Conversely, securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow at Stansted, secure long-term growth deals and expand route networks, potentially including long haul routes".

3.4.15 Importantly, Mr Brass demonstrates in his evidence that the updated passenger forecasts are in broad alignment with wider industry forecasts such as those produced by IATA and that uncertainty caused by the pandemic has been taken into account in the three growth cases. Mr Brass points to statements from airlines including easyJet, Ryanair, Jet2 and TUI reporting very large 'spikes' in bookings following the Prime Minister's announcement regarding the road map out of lockdown to

⁵¹ CD 6.13: The Planning Inspectorate (2021) Appeal Decision in Respect of London Stansted Airport, Essex by Michael Boniface MSc MRTPI, G D Jones BSc(Hons) DipTP MRTPI and Nick Palmer BA (Hons) BPI MRTPI (reference APP/C1570/W/20/3256619) – 26 May 2021.

demonstrate that the current travel restrictions are only artificially suppressing demand which, when released, will come back as the market returns.

- 3.4.16 YAL is an experienced traffic forecaster and I note from the SoCG (Part 2) that NSC, informed by its advisors, accepts the forecasts for Bristol Airport and the three growth cases described above. On this basis, I have no reason to question YAL's forecasts.
- 3.4.17 I note that the Department for Transport's (DfT) UK Aviation Forecasts⁵², which have informed MBU, do not identify substantial growth at Bristol Airport beyond its consented capacity. However, I also note that at paragraph 1.4 of its report, the DfT states that "*the forecasts should not be considered a cap on the development of individual airports*". As Mr Brass highlights in his evidence, the DfT in fact 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. He explains that this suggests a strong and growing market for Bristol Airport within its core catchment area, where its wide network of routes means it is the main provider of airport services.

Meeting Passenger Demand at Bristol Airport

- 3.4.18 The updated passenger forecasts produced by YAL have established that there is demand for additional capacity at Bristol Airport, notwithstanding the temporary impacts of the COVID-19 pandemic on the aviation sector. However, passenger throughput is currently limited to 10 mppa by the extant 2011 planning permission⁵³ and I contend that there is a need to lift this cap and accommodate the projected demand in order to meet the Government's national aviation policy and wider economic objectives and to clawback the historic leakage of passengers from London's airports.
- 3.4.19 BAL has decided to apply for development to allow an increase in capacity to 12 mppa, taking into account: forecast demand; the Government's policy objective of airports making best use of their runways; the need to provide the confidence airlines require to invest in the airport as well as certainty to other stakeholders; the capacity of a number of on-site facilities; the design capacity of the proposed A38 highways improvements; airspace capacity; and BAL's objective to maximise development within the airport's current operational boundary where possible.

⁵² CD 6.2: DfT (2017) UK Aviation Forecasts: Moving Britain Ahead (October 2017). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878705/uk-aviation-forecasts-2017.pdf [Accessed May 2021].

⁵³ CD 4.1b: NSC (2010) Decision Notice 09/P/1020/OT2.

- 3.4.20 It is a matter of Government policy set out in MBU and the APF that the forecast passenger demand at Bristol Airport should be met, subject to environmental considerations. As I have outlined above in **Section 3.3**, doing so will enable BAL to make best use of Bristol Airport's existing runway capacity whilst supporting the wider economic objectives and priorities for the UK. Conversely, constraining the capacity of Bristol Airport at 10 mppa would prevent BAL from making best use of the runway. This would be contrary to the APF and MBU and the Airports Commission's clear recommendation to Government that it is imperative for the UK to continue to grow its domestic and international connectivity through the more intensive utilisation of existing airports. It would also conflict with the Government's expectation that the growth of regional airports such as Bristol will provide a catalyst for regional economic development and connectivity.
- 3.4.21 Importantly, Bristol Airport is the most appropriate location to accommodate forecast demand. The airport provides by far the highest proportion of flights in the South West region and South Wales, not only because of its current capacity but also because of its catchment area. This was recognised in the ATWP which set out at paragraph 10.7 that:
- "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".*
- 3.4.22 In its Forecast Report, YAL has considered the extent to which passenger displacement would occur should Bristol Airport's capacity continue to be capped at 10 mppa. YAL's analysis shows that (on a worst-case basis) only around 28% of the 2 million passengers that could be displaced from Bristol Airport in 2030 would divert to other airports in the South West and South Wales, namely Cardiff, Exeter, Newquay and Bournemouth airports, subject to them having sufficient capacity. This reflects the fact that these other airports are all small regional airports with a limited offer in terms of the destinations they serve; they do not have the core catchment demand bases required to offer the range of services that Bristol Airport does and this is one of the reasons why Bristol has outperformed them historically. In this scenario, the majority of passengers are therefore likely to use airports outside of the South West and South Wales, reflecting the much broader range of services and destinations offered and the greater levels of frequency, or will choose not to fly.
- 3.4.23 In this context, the Appeal Proposal presents an opportunity to reduce the leakage of passengers to airports outside the region, lessening associated surface access emissions, clawing back economic benefits and, consistent with recommendations of the Airports Commission, reducing pressure on airports in the South East. This is the same conclusion as that reached by NSC's officers who, in

recommending approval of the application, stated that *"It is also in the interests of sustainable planning that sufficient regional airport capacity is provided to meet the projected passenger growth from those living within the South West and South Wales"*⁵⁴. Alternatively, in a situation which sees Bristol Airport's capacity constrained at 10 mppa, passengers would be much more likely to gravitate towards the London airports and Birmingham Airport for their travel needs, resulting in the displacement of economic benefits and increased emissions associated with surface access journeys.

3.4.24

Whilst the need to accommodate an additional 2 mppa has been established, current facilities at Bristol Airport are not capable of accommodating an increase in passenger numbers beyond the existing 10 mppa cap. In consequence, there is also a need to bring forward the built components of the Appeal Proposal in order to facilitate an increase in the capacity of the airport. The built components of the Appeal Proposal are described in Section 3.3 of the Planning Statement; in summary, they include:

- **Terminal extensions, piers and walkways:** Without increased capacity in the existing terminal, proposals to grow the passenger throughput towards 12 mppa will increasingly result in congestion, most noticeably at peak times of operation. In response, terminal extensions are proposed to both the west and south of the existing terminal, alongside the addition of canopies over the forecourt of the main terminal building. A new walkway to the east pier with circulation cores and one pre-board zone is also required. Together, these components will enhance the overall passenger experience.
- **Service yard:** A new and larger service yard is required for terminal retail, catering and operational partner deliveries and to manage waste produced across Bristol Airport.
- **Car parking:** Additional car parking is required to accommodate an increased demand for spaces. This will be provided through further multi-storey car parking in the north of the airport site, the year-round use of the existing seasonal car park located to the south of the airport site and an extension to the Silver Zone Car Park also to the south of the airport site. I discuss the need for car parking in more detail in **Section 5**.
- **Gyratory road:** To accommodate vehicle movements associated with the increase in passenger throughput and improve flows within Bristol Airport and onto the A38, a two lane, one-way system gyratory is required in the north of the airport site.

⁵⁴ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 18.

- **Airside infrastructure enhancements:** Airside infrastructure capacity is required to facilitate the efficient movement of aircraft and avoid delays. This infrastructure includes a new eastern taxiway link and taxiway widening and fillets.
- **Highway improvements:** The Appeal Proposal includes a significant improvement to the A38 between the main airport access roundabout and West Lane in order to accommodate the additional traffic generated by an extra 2 mppa and support better performance of the junction.

3.4.25 Accommodating an additional 2 mppa will also require some changes to the current operations of Bristol Airport. There will be a total of 75,340 annual commercial air transport movements at 12 mppa (2030 in the Core Case), an increase of 11,610 movements compared to forecast movements at 10 mppa (2030). Whilst the majority of flights will continue to occur in the day time (06:00 to 23:30), the demand for early morning and late evening movements in the summer period is expected to grow. In response, the Appeal Proposal seeks permission for an annual (over two consecutive seasons) cap of 4,000 night movements.

3.4.26 BAL is also seeking to align the operational restrictions on stands 38 and 39, which currently prevent the use of auxiliary power units (APUs) and allow for only tow on and push back, with those on stands 33-37. This will enable the use of APUs and allow for the use of aircraft engines for taxiing (as opposed to towing) between the hours of 06:00 and 23:00, enabling the full and efficient use of these stands and supporting a passenger throughput of 12 mppa.

3.4.27 In order to accurately reflect the operation of Bristol Airport at a passenger throughput of 12 mppa, it is also proposed that the existing operational boundary of the airport is revised as per drawing 17090-00-100-411⁵⁵. This will allow BAL permitted development rights within the operational airport boundary thereby ensuring that it is able to fully and effectively respond to the future operational needs of the airport in a timely manner, facilitating the continued, efficient operation of the airport.

3.5 Benefits of the Appeal Proposal

3.5.1 Increasing the capacity of Bristol Airport to accommodate 12 mppa will deliver important economic, social and environmental benefits that are aligned with the principles of sustainable development, the Government's national aviation policy and the UK's wider economic objectives.

⁵⁵ CD 1.36: Permitted Development Rights Reference Site Plan Rev 02.

Economic Benefits

- 3.5.2 Mr Brass highlights in his evidence on socio-economics that aviation makes a significant contribution to the UK economy and as I have demonstrated in **Section 3.3**, this is recognised by the Government in its national aviation policy. Wider economic policy contained in the Government's Industrial Strategy and Infrastructure Strategy also stresses the importance of infrastructure delivery and connectivity to the UK's economic prosperity.
- 3.5.3 Delivering increased capacity at Bristol Airport will create jobs and Gross Value Added (GVA) and support the South West's economic recovery from the COVID-19 pandemic. The connectivity afforded by increasing the capacity of Bristol Airport will, in-turn, support the Government's policy objective to 'level-up' regional growth by improving air connectivity and will enable more passengers to use an airport locally, giving rise to consumer benefits.
- 3.5.4 Bristol 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 region⁵⁶. Bristol Airport also has a wider role as a significant economic driver within North Somerset, the West of England sub-region, the South West region and South Wales.
- 3.5.5 The connectivity provided by the airport enables the flow of trade, investment, people and knowledge that is central to globally successful regions and it plays a vital role in supporting the tourism sector, providing easy access to overseas markets, notably Germany, Spain, the Irish Republic, Italy and France. In total, it is estimated that Bristol Airport generates circa £1.7 billion of GVA in the South West economy (as at 2018)⁵⁷.
- 3.5.6 The importance of Bristol Airport to the economies of North Somerset, the West of England sub-region and the South West is recognised in national aviation policy, the Development Plan and local economic strategies. For example, the APF (at page 21) sets out that "*Bristol Airport plays a vital role in the economic success of the South West region*" whilst the West of England Industrial Strategy⁵⁸ recognises (at page 45) that the airport "*provides strong international connectivity*". The priorities of the North Somerset Core Strategy (page 20) also include to "*Support and promote*

⁵⁶ CD 2.22: YAL (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment Addendum (November 2020).

⁵⁷ CD 2.22: YAL (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment Addendum (November 2020).

⁵⁸ CD 11.7: HM Government (2019) West of England Local Industrial Strategy (July 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818989/1907_VERSION_West_of_England_Interactive_SINGLE_PAGES.pdf [Accessed May 2021].

major employers in North Somerset, such as Bristol Airport and Royal Portbury Dock, to ensure continued employment security and economic prosperity”.

- 3.5.7 The economic importance of Bristol Airport is also recognised by businesses in the region and their representative bodies. Comments on the appeal, for example, have highlighted the benefits of the Appeal Proposal in terms of jobs (see, for example, Unite the Union⁵⁹), connectivity (Arcadis⁶⁰), trade (Bristol Chamber of Commerce and Initiative⁶¹), tourism (Destination Bristol⁶²), recovery from the COVID-19 pandemic (Constructing Excellence South West⁶³) and levelling-up regional growth (the CBI⁶⁴). This is in addition to those bodies who expressed their support to the original planning application on the basis of the economic benefits associated with increasing the capacity of Bristol Airport to 12 mppa, including the West of England Combined Authority, Sedgemoor District Council, South Gloucestershire Council, Business West and Federation of Small Businesses. These comments serve to demonstrate how allowing the appeal will deliver real benefits to businesses in the South West region.
- 3.5.8 The economic benefits of the Appeal Proposal have been assessed by YAL in its Economic Impact Assessment Addendum and this is the subject of Mr Brass’ evidence. In addition to employment and GVA benefits associated with construction, the Assessment has identified four broad types of benefit associated with the expansion of Bristol Airport:
- **Direct benefits:** employment and GVA supported by activities at the airport site;
 - **Indirect benefits:** employment and GVA supported in the supply chain to the direct activities;
 - **Induced benefits:** employment and GVA supported in the economy by the expenditure of wages and salaries earned in relation to the direct and indirect activities; and
 - **Wider, or catalytic benefits:** benefits associated with enhanced connectivity including business productivity, inbound tourism and provision of connectivity to businesses and to inbound travellers:

⁵⁹ CD 11.40: Unite (2021) Email from Tim Morris to Leanne Palmer (The Planning Inspectorate) re appeal reference APP/D0121/W/20/3259234 (18 February 2021).

⁶⁰ CD 11.41: Arcadis (2021) Letter from Richard Bonner to Leanne Palmer (The Planning Inspectorate) re appeal reference APP/D0121/W/20/3259234 (22 February 2021).

⁶¹ CD 11.45: Bristol Chamber of Commerce and Initiative (2021) Bristol Airport’s development plans: Updated comments from Bristol Chamber of Commerce & Initiative – part of Business West 22 February 2021.

⁶² CD 11.43: Destination Bristol (2021) Email from John Hirst to Leanne Palmer (The Planning Inspectorate) re appeal reference APP/D0121/W/20/3259234 (22 February 2021).

⁶³ CD 11.44: Constructing Excellence South West (2021) Letter from Andrew Carpenter to Leanne Palmer (The Planning Inspectorate) re appeal reference APP/D0121/W/20/3259234 (15 February 2021).

⁶⁴ CD 11.42: CBI (2021) Letter from Ben Rhodes to Leanne Palmer (The Planning Inspectorate) re appeal reference APP/D0121/W/20/3259234 (16 February 2021).

3.5.9 The Economic Impact Assessment Addendum estimates that the Appeal Proposal will:

- create 1,335 jobs and generate £57m GVA during construction;
- create an additional 825 direct jobs on-site once operational;
- create a total of 4,000 opportunities in the wider economy during operation, net of displacement;
- deliver benefits associated with enhanced productivity including improved access to international markets and supply chains;
- generate £310m GVA, taking the airport's total economic impact to £2.3 billion; and
- increase the inbound tourism impact in the South West and South Wales by £60m, supporting an additional 1,090 jobs.

3.5.10 In his evidence, Mr Brass concludes that these effects would be significant. He states (at paragraph 4.4.16 of his Proof of Evidence concerning socio-economics):

"Overall, I believe strongly that the impacts identified in the EclA Addendum clearly demonstrate that the Appeal Proposal represents a substantial economic opportunity for North Somerset, the West of England and South West region, providing significant net economic benefits. These impacts will support national and regional economic strategy, as set out in a range of Government policies, and it will support 'levelling up' in the UK. It also represents a private sector investment at a time when the UK requires economic stimulus to recover from COVID-19 and is moving into a world of new trading relationships following the UK's withdrawal from the EU, where connectivity to support new trading relationships will be particularly important".

3.5.11 Importantly, this is the same conclusion as that reached by NSC officers and their advisors in their recommendation to approve the planning application (albeit, this was based on the benefits reported in the Economic Impact Assessment⁶⁵ submitted with the planning application). At page 34, the Officers' Report stated:

"Whilst there is not consensus over the exact scale of economic benefit, it is clear that the proposals will have a substantial net economic impact for North Somerset and the wider sub-region."

3.5.12 The employment and economic benefits delivered as a result of the Appeal Proposal will, crucially, support the South West region's economic recovery from the COVID-19 pandemic, enhance vital

⁶⁵ CD 2.8: YAL (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment (November 2018).

international trade and transport links following the UK's withdrawal from the EU, and contribute to the Government's aspiration to 'level-up' regional growth. As Mr Brass states in his evidence (at paragraph 4.4.9):

"The wider economic impacts, driven by the airport's growing ability to act as a connector for the region, represent the strategic opportunity for the regional economy. Growing the airport and its connectivity is a key part in ensuring that the West of England and the wider region can achieve its wider economic goals, including being a world class, global location for business, and one of the UK's leading tourism regions. This type and scale of impact fits strongly with the Government's 'levelling up' agenda, enabling regions away from London and the South East to drive up productivity and 'bridge the gap'. It is important to note that this does mean boosting the region around the airport and not constraining others".

3.5.13 In addition to the employment and GVA benefits of the Appeal Proposal, the Economic Impact Assessment has identified a range of wider socio-economic benefits, including:

- **Surface access time and costs:** expansion will ensure that passengers do not have to travel to alternative airports;
- **Flight-time savings:** expansion will help to ensure that passengers can fly direct to their intended destination;
- **Air-fare savings:** expansion will help to ensure that passengers are able to utilise the low-cost airline offer available at Bristol Airport;
- **Government:** if passengers choose not to fly because they cannot fly from Bristol Airport (i.e. they would not switch to another airport), there is a cost to Government in terms of lost Air Passenger Duty revenue.

3.5.14 Granting planning permission for the Appeal Proposal now will also afford greater certainty to airlines and other investors in terms of their ability to grow at, and invest in, Bristol Airport. In sharp contrast, constraining Bristol Airport's capacity at 10 mppa would see economic activity lost to other airports outside of the South West and South Wales, act as a barrier to overseas investment in the region and potentially lead to a loss of jobs. This constrained scenario is considered in the Economic Impact Assessment Addendum which states (at paragraph 5.7):

"It should, however, be recognised that, particularly in the longer term, the impact of constraint at the airport may affect the way in which companies on site at the airport and airlines serving the airport behave, such that the airport's ability to support GVA and employment is eroded over and above the position set out in the future baseline. In particular, there must be a concern that stagnation at the

airport will erode its usefulness as a tool for business travellers, as airlines seek to maximise the revenue from individual slots by focussing on high volume, high margin leisure routes”.

- 3.5.15 The economic implications of constraining Bristol Airport’s capacity at 10 mppa would be contrary to paragraph 80 of the NPPF which sets out that significant weight should be afforded to supporting economic growth and productivity *“taking into account both local business needs and wider opportunities for development”* and paragraph 104 (e) which stipulates that planning policies should *“provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy”*. It would also be inconsistent with the priorities of the West of England Industrial Strategy relating to infrastructure delivery and increased connectivity and the North Somerset Economic Plan⁶⁶ which, for strategic sites including Bristol Airport, include to *“Protect jobs and deliver sustainable economic activity to benefit local employment, businesses and communities”*.

Social Benefits

- 3.5.16 Allowing Bristol Airport to grow by an additional 2 mppa will deliver important social benefits in terms of jobs and prosperity, regeneration and connectivity-related quality of life benefits.
- 3.5.17 The employment benefits associated with expanding Bristol Airport are outlined above and will deliver increased prosperity and associated health benefits; the ESA has concluded that these socio-economic and health effects will be significant. This is especially important in light of the ongoing economic impact of COVID-19 and aligns with the strategic priorities and actions of the North Somerset Economic Plan, which broadly seek to promote economic recovery from the pandemic. Without growth beyond 10 mppa, these employment benefits would not be realised and, further, there is a real risk that, over time, jobs at Bristol Airport, and potentially across the wider sub-region and South West, would actually be eroded.
- 3.5.18 Bristol 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 2018, Weston-super-Mare was estimated to account for around 13% of current on-site employment and South Bristol around 11%⁶⁷. The Appeal Proposal 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). This Plan will be specifically aimed at delivering employment opportunities for the

⁶⁶ CD 11.15: NSC (2020) North Somerset Economic Plan 2020-2025 (September 2020), page 4. Available from <https://innorthsomerset.co.uk/wp-content/uploads/2020/10/North-Somerset-Economic-Plan.pdf> [Accessed May 2021].

⁶⁷ CD 2.8: YAL (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment (November 2018).

people of North Somerset (with a focus on Weston-super-Mare) and South Bristol and will be supported by a financial contribution towards an employment fund. It will specifically align with the priority in the West of England Industrial Strategy (page 5) for inclusive growth and the strategic priority contained in the North Somerset Economic Plan (page 21) to *“Create work opportunities, training and upskilling support for those who have lost their jobs”*.

3.5.19 The Economic Impact Assessment Addendum highlights (at paragraph 3.88) the important social value Bristol Airport provides in catering for leisure travel demand and facilitating connectivity to friends and family for a broad spectrum of people. Indeed, the social benefit of travel is one of the main drivers of passenger demand at Bristol Airport with leisure passengers making up the largest proportion of travellers using the airport. In this context, the airport is an important quality of life factor in the South West region, making the region an attractive place to live and work and supporting long term prosperity. This aligns directly with the Government’s position in the APF (paragraph 1.16) that *“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”*.

3.5.20 Increasing the capacity of Bristol Airport will enhance these quality of life benefits by providing additional connectivity in terms of the destinations served by the airport and the frequency of flights and improving passenger experience. Conversely, constraining the growth of Bristol Airport at 10 mppa would deny people of the opportunity to use a local airport, leading many to travel to more distant airports and resulting in a strong social disbenefit.

Environmental Benefits

3.5.21 The adverse impacts associated with increasing the capacity of Bristol Airport to handle 12 mppa are limited and have been satisfactorily addressed through a combination of the mitigation measures embedded within the Appeal Proposal and a significant package of additional measures proposed by BAL. The Appeal Proposal will also deliver important environmental enhancements which I discuss later in this Proof of Evidence; in summary, these benefits relate to:

- **Ecology:** BAL’s ecological mitigation includes habitat creation at the airport site as well as off-site replacement habitat for lesser and greater horseshoe bats on woodland owned by BAL that will provide other ecological benefits;
- **Surface access:** improvements to the A38 will deliver significant local capacity benefits and enhance safety and BAL has additionally proposed a number of measures to reduce the adverse impacts of offsite car parking on local communities. BAL is also proposing a stretching

2.5% increase in passenger public transport mode share that will be delivered through a comprehensive package of deliverable, sustainable transport measures.

- **Noise:** BAL has proposed a number of measures to limit the noise impacts of the Appeal Proposal including an enhanced noise insulation scheme that goes beyond both the requirements of the APF and the recommendations contained in Aviation 2050. For some receptors, the Appeal Proposal will provide a benefit in terms of ground noise due to additional screening.
- **Climate change:** aligned with its Carbon Roadmap⁶⁸, BAL has sought to minimise GHG emissions and be an exemplar airport for sustainable aviation growth across the industry. BAL has now published its draft Carbon and Climate Change Action Plan (CCCAP)⁶⁹ which sets out how it will manage the carbon impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa and facilitate the transition of the airport to net zero by 2030.

3.6 Summary

3.6.1 In my professional opinion, there is a clear and compelling need for the Appeal Proposal:

- National aviation policy is clear in its support for airports making best use of their existing runways and this policy is closely related to, and is an important pillar of, the Government's wider economic objectives in terms of boosting the UK's global connectivity, levelling-up regional growth and supporting economic recovery from the global COVID-19 pandemic. Allowing Bristol Airport to grow by an additional 2 mppa responds directly to MBU and these wider economic objectives.
- Despite the short-term impacts of the COVID-19 pandemic on the aviation sector, passenger demand at Bristol Airport is still forecast to reach 12 mppa, albeit over a slightly longer timeframe than anticipated in the original planning application. There is a need to accommodate this demand in order to meet the Government's national aviation policy and wider economic objectives and to clawback the historic leakage of passengers from London's airports. As the main international gateway for the South West region and South East Wales, Bristol Airport is the most appropriate location to accommodate this forecast passenger demand.

⁶⁸ CD 9.10: BAL (2019) Becoming a Net Zero Airport: Our Roadmap to Reduce Carbon Emissions. Available from <https://www.bristolairport.co.uk/about-us/news-and-media/news-and-media-centre/2019/7/bristol-airport-carbon-roadmap> [Accessed May 2021].

⁶⁹ CD 9.48: Wood (2021) Bristol Airport Ltd Draft Carbon and Climate Change Action Plan (CCCAP).

- The Appeal Proposal will deliver significant economic and social benefits in terms of jobs, GVA and the wider benefits that increased connectivity affords. Importantly, increasing the capacity of Bristol Airport to accommodate 12 mppa will support national, regional and sub-regional economic growth and recovery from the COVID-19 pandemic. This aligns with the West of England Industrial Strategy and the North Somerset Economic Plan.
- The Appeal Proposal will deliver environmental enhancements in terms of ecology, transport and ground noise and will facilitate the transition of Bristol Airport to net zero.
- In a situation where the appeal is dismissed and Bristol Airport is unable to grow beyond its current passenger cap of 10 mppa, passengers would either not make trips at all or gravitate towards airports outside the South West region and South Wales, the significant economic benefits of expansion would not be realised and the existing benefits Bristol Airport provides are likely to be diminished. This would be contrary to national aviation policy and the NPPF.

4. Main Issues for the Appeal

4.1 Introduction

4.1.1 In this section of my Proof of Evidence, I consider the main issues for the appeal. I do this on a topic basis, taking into account the principal matters raised in NSC's reasons for refusal and the main issues for the appeal set out in the CMC Summary Note. Specifically, I consider the following matters:

- surface access;
- air quality;
- noise;
- climate change; and
- the benefits of the Appeal Proposal.

4.1.2 I deal with matters pertaining to the Green Belt separately in **Section 5** whilst my overall planning balance is presented in **Section 8**. I conclude that NSC's reasons for refusal are not valid nor based on any substantive evidence and that the Appeal Proposal is in accordance with those policies of the Development Plan and NPPF that relate to the matters listed above.

4.2 Surface Access

4.2.1 NSC's Reason 1 (in so far as it relates to transport) sets out that the Appeal Proposal would generate additional traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding Bristol Airport and on inadequate surface access infrastructure. Reason 5 relates specifically to public transport in which NSC concludes:

"The proposed public transport provision is inadequate and will not sufficiently reduce the reliance on the car to access the airport resulting in an unsustainable development contrary to the National Planning Policy Framework and policies CS1 and CS10 of the North Somerset Core Strategy 2017."

4.2.2 The effects of the Appeal Proposal upon sustainable transport objectives, the highway network, highway safety and parking provision are identified in the CMC Summary Note as Main Issue c) for the appeal.

4.2.3 I contend that NSC's conclusion in respect of both Reason 1 and Reason 5 was unreasonable. It was not based on any substantive evidence to counter the conclusions of the Transport Assessment

(TA)⁷⁰, ES and the Officers' Report that the transport impacts of the Appeal Proposal were acceptable nor in reaching its conclusion did NSC take proper account of the significant package of measures proposed by BAL to mitigate the transport impacts associated with an additional 2 mppa, deliver a stretching 2.5% increase in passenger public transport mode share and achieve a 30% share of staff travel by non-single occupant vehicle (SOV). These measures include (inter alia):

- a Highways Improvement Fund to address minor highway improvements works;
- measures to address the impacts associated with vehicles parking in unauthorised offsite areas on local communities including a financial contribution to local parking enforcement;
- more than £600,000 to fund public transport services;
- up to £500,000 to further integrate the airport services into the Metrobus network;
- an enhanced Weston Flyer service;
- a further £200,000 to support strategic coach services; and
- the introduction of new demand-responsive services.

4.2.4 It should be noted that I deal with matters relating to Reason 4 (car parking) in **Section 5** and, therefore, this is not repeated here.

Assessment Summary

Highway and traffic impacts

4.2.5 The highway and traffic impacts of the Appeal Proposal are considered in detail by Mr Witchalls in his Proof of Evidence. Mr Witchalls confirms that these impacts have been robustly assessed in the TA and its subsequent addendum (the TAA⁷¹) in accordance with an approach agreed with NSC officers that was subject to thorough scrutiny by the Council's expert advisors and Highways England.

4.2.6 The TA showed that, with the proposed improvements to the A38 between the main airport access road and West Lane, the highway network can satisfactorily accommodate an additional 2 mppa. Reflecting these findings, the ES (Chapter 6) concluded that there would be no significant effects in relation to severance, pedestrian and cyclist delay, amenity, fear and intimidation, and accidents and road safety as a result of the Appeal Proposal. The conclusions of the TA and ES were fully

⁷⁰ CD 2.9.1: Stantec (2018) Development of Bristol Airport to Accommodate 12 mppa: Transport Assessment (December 2018).

⁷¹ CD2.20.3: Stantec (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Transport Assessment Addendum (TAA) (November 2020).

accepted by NSC officers, Highways England and other neighbouring local planning authorities and no justification was given by NSC to substantiate a different conclusion in reaching its decision on the planning application.

- 4.2.7 The TAA and ESA include a revised assessment that takes account of the updated passenger growth forecasts prepared by YAL as well as a revised public transport mode share target of 17.5% (applied only to the 3.4 mppa uplift to 12 mppa on a conservative basis). The TAA confirms that the overall traffic impacts of the Appeal Proposal are similar to those identified in the TA and these results have been confirmed by Highways England⁷² as being acceptable.
- 4.2.8 Importantly, Mr Witchalls highlights in his evidence that both the TA and TAA are based on a reasonable worst-case traffic flow forecast. He additionally notes that 2019 CAA data indicates that over 22% of passenger surface access trips were made by public transport in 2019 and that, had a relative increase of 2.5% been applied to the CAA figure in the TAA (as opposed to BAL's current 15% target), then an even lower proportion of passengers travelling by private vehicle would have been identified. On this basis, Mr Witchalls concludes that the actual highways impacts of the Appeal Proposal are likely to be lower than predicted in the TA and TAA.
- 4.2.9 To further mitigate the impacts of the Appeal Proposal, and deliver additional enhancements where possible, the Section 106 Agreement Heads of Terms previously agreed with NSC officers and draft planning conditions (see **Appendix D**) contain additional highways commitments. These include, for example, a Highways Improvement Fund to address minor highway improvements.
- 4.2.10 Overall, the highways impacts of the Appeal Proposal will be mitigated. In concluding that the traffic impacts of the Appeal Proposal (and off airport car parking which I deal with in **Section 5**) would result in adverse environmental impacts, NSC did not provide any evidence to demonstrate that the findings of the TA and ES, as well as the advice of its officers and expert advisors, was incorrect.
- Sustainable travel**
- 4.2.11 BAL is proposing an ambitious and realistic public transport mode share target for passengers together with an equally ambitious travel target for staff. These targets were previously agreed with NSC officers and will ensure that the Appeal Proposal is sustainable.

⁷² CD 7.17: Highways England (2021) Letter from Rachel Sandy to Leanne Palmer (The planning Inspectorate) (08 February 2021). Available from https://planning.n-somerset.gov.uk/online-applications/files/A32D24CFC47DCF70F8D2833CC3DD12F5/pdf/18_P_5118_OUT-08_02_2021_HIGHWAYS_ENGLAND_S_REPRESENTATIONS-3012422.pdf [Accessed May 2021].

- 4.2.12 Through its current Airport Surface Access Strategy (ASAS)⁷³, BAL has invested well over £10 million in public transport services and infrastructure enhancements which have supported an increase in public transport patronage to 13.8% (as at 2019) against a 10 mppa target of 15%. Importantly, the 13.8% public transport mode share achieved in 2019 is based on BAL's independent reporting which only includes arrival and departure journeys on the main bus service (it does not take account of, for example, rail journeys into nearby stations followed by a taxi for the final leg of the journey or private mini-buses). As Mr Witchalls highlights in his evidence, based on 2019 CAA passenger survey data which is utilised by other UK airports to monitor mode share, the proportion of Bristol Airport passengers using public transport in 2019 was actually 22.3%. This represents the highest public transport use of the regional airports cited in the 2019 CAA data including Birmingham (20.7%), Manchester (20.7%) and Newcastle Airport (14.5%, based on 2017 CAA data), which are airports served by rail/light rail.
- 4.2.13 BAL is now proposing a stretching 2.5% increase in passenger public transport mode share (against a new baseline to be agreed with NSC based on the annual CAA survey) linked to a significant package of public transport measures; BAL is also proposing an equally ambitious sustainable travel target for staff. These measures include, for example, bus service improvements, a public transport improvement fund, publicity, interchange improvements and integration of services. BAL has additionally committed to bringing forward a new Public Transport Interchange (PTI) facility. In his evidence, Mr Witchalls has reviewed the effects of BAL's proposed public transport measures on mode share. He confirms that the proposed target is a realistic stretch target and that the suggested measures to achieve this are a good basis for proposals to be included in an updated ASAS.
- 4.2.14 NSC was, therefore, wrong to ignore the clear advice of its professional officers and the evidence before it in concluding in Reason 5 that the proposed public transport provision would be inadequate.

NSC and Third Party Comments

Highway and traffic impacts

- 4.2.15 In its Statement of Case⁷⁴, NSC now contends that the assessment contained in the TAA is deficient, citing technical concerns regarding several junctions. NSC also claims that both the A38/Bristol Airport Northern Roundabout and the A38/Barrow Lane junctions will, at 12 mppa, have an

⁷³ CD 7.4: BAL (2012) Bristol Airport Surface Access Strategy 2012 – 2016 (November 2012).

⁷⁴ NSC (2021) Statement of Case of North Somerset Council, paragraphs 134 to 135.

unacceptable impact on highway safety and the road network. This is in complete contrast to the position previously taken by NSC officers and their expert advisors when considering the original application. The scope of the assessment in the TA was agreed with NSC officers, their advisors (Jacobs) and Highways England officers and on the basis of this robust assessment, the Officers' Report concluded (at page 99):

"Overall, it is therefore concluded that the proposed development would not have an unacceptable effect in terms of vehicle trip numbers and impacts, subject to the mitigation outlined above. This accords with policy CS10 of the CS and DM24 of the DMP."

4.2.16 The PCAA and some interested parties have also raised issues relating to the highways impacts of the Appeal Proposal. In its Statement of Case⁷⁵, the PCAA erroneously describes Bristol Airport as the least accessible major airport in the UK, states that passenger growth would lead to a significant increase in congestion resulting in impacts on highways safety and argues that there is no realistic prospect of these problems being resolved.

4.2.17 The matters raised by NSC, the PCAA and interested parties are dealt with by Mr Witchalls in Section 9 of his Proof of Evidence. Having considered the issues raised, he concludes that:

- the traffic flow forecasts in the TAA are robust and the faster and slower growth cases described in **Section 3** do not indicate that uncertainty about the rate of growth will lead to materially different results;
- the junctions of concern identified in NSC's Statement of Case will continue to operate within capacity, except at the A38 / Downside Road junction, where improvements are proposed as part of the Appeal Proposal, and also at Junction 22 of the M5, where it has been agreed with Highways England that an upgrade will be delivered to prior 11 mppa being exceeded (to be secured by condition);
- there will be no significant adverse impacts on communities in terms of pedestrian delay and amenity, driver delay, severance, fear and intimidation or accidents and safety.

4.2.18 I have taken into account the professional opinion of Mr Witchalls on these matters in my assessment of policy compliance below.

⁷⁵ PCAA (2021) Parish Councils Airport Association Statement of Case (22 February 2021), paragraphs 26 to 27.

Sustainable travel

4.2.19 NSC claims that BAL's proposed public transport mode share target is not sufficiently ambitious. At paragraph 136 of its Statement of Case, NSC states:

"The Council's position is that the level of public transport provision in the Proposed Development is inadequate, does not take the opportunities to maximise sustainable transport solutions, does deliver a genuine choice of transport modes and will not sufficiently reduce the reliance on the car to access the Appeal Site, resulting in an unsustainable development".

4.2.20 In support of its position, NSC argues that the level of parking proposed is at a higher rate than the growth in passenger numbers⁷⁶ and that BAL's public transport mode share target is neither appropriate nor justified⁷⁷. This is again in stark contrast to the position of NSC's own professional officers at the time of the application's determination. The Officers' Report concluded that officers had no objection to BAL's public transport proposals (page 92), that the proposed passenger public transport mode target was realistic and challenging (page 90) and that the overall quantum of parking to be provided as part of the Appeal Proposal was appropriate (page 104) (I deal with this matter further in **Section 5**).

4.2.21 The PCAA erroneously claims that Bristol Airport has the worst public transport mode share split of any major airport in the UK due to BAL's reliance on income from car parking⁷⁸ and that BAL has not prepared an ASAS that addresses the need for strategic infrastructure such as mass transit⁷⁹. In its comments on the ESA, the PCAA⁸⁰ additionally asserts that BAL's sustainable travel targets are not appropriate. This is the same view as that held by Bristol XR Elders Group (XR Elders)⁸¹ and some other interested parties. The British Airline Pilots Association (BALPA)⁸², meanwhile, claims that BAL's staff travel targets are unachievable.

4.2.22 Mr Witchalls addresses these issues in Section 9 of his Proof of Evidence. His evidence confirms that:

- based on 2019 CAA data, BAL has developed public transport services that have already significantly reduced reliance on car trips;

⁷⁶ NSC (2021) Statement of Case of North Somerset Council, paragraph 134.

⁷⁷ NSC (2021) Statement of Case of North Somerset Council, paragraphs 136 to 137.

⁷⁸ PCAA (2021) Parish Councils Airport Association Statement of Case (22 February 2021), paragraph 29.

⁷⁹ PCAA (2021) Parish Councils Airport Association Statement of Case (22 February 2021), paragraph 27.

⁸⁰ CD 17.8: PCAA (2021) Submission to North Somerset Council by the Parish Councils Airport Association (January 2021), paragraph 4.1.1.3.

⁸¹ Bristol XR Elders Group (2021) Statement of Case for Bristol XR Elders Group, paragraph 2.6.

⁸² BALPA (2021) Statement of Case by: British Airline Pilots Association (BALPA), paragraph 2.3.4.

- BAL's proposed public transport mode share target is ambitious, particularly given that Bristol Airport already has a higher public transport mode share than similar regional airports, even exceeding that of both Manchester and Birmingham International airports; and
- BAL's package of sustainable transport measures is appropriate and capable of achieving the 2.5% increase in public transport use.

4.2.23 I have again taken into account this evidence in assessing the policy compliance of the Appeal Proposal below.

Policy Compliance

4.2.24 Taking into account the substantial body of evidence on transport matters contained in the TA, TAA, ES and ESA, the Officers' Report and in Mr Witchalls' Proof of Evidence, I consider that the Appeal Proposal is in accordance with Policies CS1, CS10 and CS23 of the Development Plan and, therefore, that NSC was wrong to determine that the application was contrary to these policies on transport grounds.

4.2.25 Development Plan Policy CS1 concerns climate change mitigation and adaptation and in this context, promotes sustainable transport solutions. Policy CS10 sets out that proposals which encourage an improved and integrated transport network and allow for a wide choice of modes of transport will be supported. It requires that transport schemes should (inter alia):

- *"enhance the facilities for pedestrians, including those with reduced mobility, and other users such as cyclists;*
- *deliver better local bus, rail and rapid transit services in partnership with operators;*
- *develop innovative and adaptable approaches to public transport in the rural areas of the district;*
- *improve road and personal safety and environmental conditions;*
- *reduce the adverse environmental impacts of transport and contribute towards carbon reduction;*
- *mitigate against increased traffic congestion;*
- *improve connectivity within and between major towns both within and beyond North Somerset".*

4.2.26 Policy CS23 (in so far as it relates to transport) requires that development proposals at Bristol Airport make adequate provision for surface access. Although not cited in NSC's reasons for refusal, Policy DM50 includes a similar requirement whilst Policy DM24 states that proposals will be permitted provided that they do not prejudice highway safety and that they will only be refused if

they would result in severe cumulative impacts on traffic congestion, are not accessible by non-car modes or cannot readily be integrated with public transport.

4.2.27 Section 9 of the NPPF sets out national planning policy on transport. At paragraph 109, the NPPF stipulates that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. At paragraph 103, the NPPF also promotes sustainable travel:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".

4.2.28 Both the APF and Aviation 2050 set out that all proposals for airport development must be accompanied by clear surface access proposals which demonstrate how they will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts. The JLTP4 is also a material consideration. It sets out that the West of England authorities will work with BAL to define and deliver a low carbon, accessible, integrated, and reliable transport network, for both staff and passengers. It states (at page 39) *"While ensuring affordable car parking is available for passengers for whom public transport is not an available or practical option, the demand for driving to the airport needs to be managed. The provision of infrastructure to cater for technological advances in electric and autonomous vehicles will be prioritised, supporting delivery of improved air quality, health, and meeting the challenge of the Climate Emergency."*

4.2.29 I consider the compliance of the Appeal Proposal with these policies in terms of highway and traffic impacts and sustainable travel below.

Highway and traffic impacts

4.2.30 The TAA confirms that surface access infrastructure is adequate and that there is sufficient capacity in the highway network to accommodate an additional 2 mppa. Where impacts have been identified, BAL has put forward appropriate measures to mitigate these including the proposed improvements to the A38. This is the same conclusion as that reached by NSC's own officers and its expert advisors on the original planning application. Importantly, as highlighted in Mr Witchalls' evidence, the TAA is based on reasonable worst-case traffic flows meaning that any adverse

impacts on the highway network identified in the TAA will likely be less. The evidence presented in the TAA and ESA also confirms that there will be no significant effects on highways safety as a result of the Appeal Proposal.

4.2.31 In accordance with Policy CS23 (and also Policy DM50), the Appeal Proposal has therefore made adequate provision in terms of highways capacity. The Appeal Proposal will also not result in severe cumulative impacts in terms of traffic congestion nor will it prejudice highway safety; this is a policy test set out in Policy DM24 and paragraph 109 of the NPPF.

4.2.32 In terms of highways and traffic impacts, it is my view that the Appeal Proposal is, therefore, in accordance with Development Plan Policy CS23, as well as Policy DM50 and Policy DM24, and the NPPF.

Sustainable travel

4.2.33 At 22.3% (as at 2019), Bristol Airport has the highest public transport mode share of the regional airports cited in the 2019 CAA data; this is despite the fact that the airport does not benefit from a direct rail connection. BAL is now proposing a further, stretching 2.5% increase in passenger public transport mode share that will be delivered through a comprehensive package of deliverable, sustainable transport measures. The Appeal Proposal is, therefore, supported by clear surface access proposals that will promote sustainable transport solutions and provide for a wide choice of modes of transport that will promote public transport use by passengers and help to minimise impacts on the highway network.

4.2.34 In terms of the specific requirements of Development Plan Policy CS10, the Appeal Proposal will:

- through the proposed A38 highway improvement scheme, enhance facilities for pedestrians and cyclists;
- deliver a significant package of public transport measures that will deliver better local bus services in partnership with operators;
- through BAL's proposals for demand-responsive services, develop innovative and adaptable approaches to public transport in the rural areas;
- improve road and personal safety and environmental conditions including through the proposed A38 highway improvement scheme and Highway Improvement Fund;
- encourage sustainable travel, reducing the adverse environmental impacts of transport and contributing towards carbon reduction;

- mitigate against increased traffic congestion, as demonstrated in the TAA; and
- improve connectivity within and between major towns both within and beyond North Somerset including Clevedon, Weston-super-Mare, Bristol and Bath.

4.2.35 On this basis, I conclude that the Appeal Proposal is in accordance with Policy CS1 and Policy CS10 as well as Policy CS11, paragraph 103 of the NPPF and national aviation policy; it is also consistent with the JLTP4. Crucially, the second test set out in Policy DM24 (that proposals will only be refused where they are not accessible by non-car modes or cannot readily be integrated with public transport) does not apply.

4.3 Air Quality

4.3.1 In NSC's Reason 2 (in so far as it relates to air quality), the Council concluded that impacts on air quality associated with the increase in aircraft movements would have a significant adverse impact on the health and well-being of residents in local communities such that the Appeal Proposal would be contrary to Development Plan Policies CS3, CS23 and CS26. The effect of air quality associated with the proposed development on health and quality of life is also identified as Main Issue d) for the appeal.

4.3.2 I argue that NSC was wrong in citing air quality impacts as a reason to refuse planning permission in Reason 2. This decision was unjustified, not based on any evidence and was contrary to the clear conclusions of the ES and Officers' Report that concentrations of pollutants in the vicinity of Bristol Airport will remain comfortably within the Air Quality Objective (AQO) limits and that the air quality impacts of the Appeal Proposal will not be unacceptable. Moreover, BAL has proposed a range of mitigation measures to reduce the air quality impacts associated with an additional 2 mppa.

Assessment Summary

4.3.3 The impacts of the Appeal Proposal on air quality are covered by Mr Peirce in his Proof of Evidence; the effects of emissions to air on human health are further dealt with by Mr Pyper. The evidence of both Mr Peirce and Mr Pyper confirms that the assessments of air quality and health presented in the ES and ESA are robust and consistent with relevant policy and legislation.

4.3.4 The air quality assessment presented in Chapter 8 of the ES identified that all concentrations of pollutants would remain comfortably within the AQO limits established in the Air Quality Standards Regulations 2010⁸³. The assessment indicated that the highest annual mean nitrogen dioxide (NO₂)

⁸³ CD 8.3: The Air Quality Standards Regulations 2010 (as amended). Available from <https://www.legislation.gov.uk/uksi/2010/1001/contents/made> [Accessed May 2021].

concentrations would be experienced along the A38 between West Lane and the airport roundabout and whilst adverse impacts at seven receptors in this location would be, at most, of moderate significance, NO₂ concentrations would remain within the AQO limits. The assessment found that annual mean concentrations of particulate matter (PM₁₀ and PM_{2.5}) would continue to be well within the AQOs; concentrations of PM_{2.5} would also be below the World Health Organization (WHO) guideline level⁸⁴ at all relevant locations except at four receptors close to the A38 (which already exceed the WHO guideline level). On this basis, the Officers' Report concluded (at page 83) that: "*all receptors comply with acceptable levels*".

4.3.5 The ESA (Chapter 7) includes an updated assessment of the impacts of the Appeal Proposal on air quality to take into account (inter alia) the updated forecast information produced by YAL. As Mr Peirce notes in his Proof of Evidence, the ESA shows that, in fact, air quality will be appreciably better than was presented in the ES; the ESA has predicted that the Appeal Proposal will result in no "moderate" impacts, "slight" impacts at just fourteen receptors, and "negligible" impacts at all other modelled receptors. On this basis, the updated health assessment presented in Chapter 9 of the ESA has concluded that air quality effects on the general population and on vulnerable communities will not be significant. A range of measures will also be implemented by BAL to mitigate the air quality impacts associated with an additional 2 mppa including commitments to prepare a Construction Environmental Management Plan (CEMP), Ultra Low Emissions Strategy and Air Quality Action Plan and deliver an ambitious, stretching passenger public transport mode share target.

NSC and Third Party Comments

4.3.6 At paragraphs 72 to 83 of its Statement of Case, NSC makes a number of claims relating to the air quality assessments presented in the ES and ESA. The claims concern:

- an alleged failure to reduce the air quality impacts of Bristol Airport;
- the effect of uncertainty in the air traffic forecasts on the assessment of air quality impacts;
- the alleged absence of an assessment of ultrafine particles (UFP); and
- the need to consider the cumulative effects of noise and air quality on local communities.

⁸⁴ CD 8.1: WHO (2006) Air Quality Guidelines: Global Update. Available from <https://www.euro.who.int/en/health-topics/environment-and-health/air-quality/publications/pre2009/air-quality-guidelines.-global-update-2005.-particulate-matter,-ozone,-nitrogen-dioxide-and-sulfur-dioxide> [Accessed May 2021].

- 4.3.7 The impacts of the Appeal Proposal on air quality in a general sense is also an issue raised by the PCAA and some interested parties. The PCAA⁸⁵ contends, questionably, that air quality must be retained at the baseline level reported in 2017.
- 4.3.8 The issues raised by NSC and third parties are comprehensively addressed by Mr Peirce in Section 5 of his Proof of Evidence. Having carefully considered these matters, Mr Peirce concludes that:
- the air quality impacts of the Appeal Proposal are small and are not significant, in accordance with widely accepted criteria;
 - overall air quality will remain at acceptable levels even with the Appeal Proposal and concentrations of all assessed pollutants are lower in the 12 mppa 2030 scenario than in 2017 at all modelled receptors, except at a small number of receptors representing eleven properties near the airport;
 - the air quality assessment is robust and uncertainty about aircraft fleet forecasts and the year at which 12 mppa will be reached will not change the material conclusions of the assessment;
 - the air quality assessment addresses the pollutants agreed at the scoping stage with NSC, but also provides an indication of the likely impacts of UFPs; and
 - the Appeal Proposal includes embedded mitigation to reduce the air quality impact of the development, and additional mitigation will be committed to by BAL.
- 4.3.9 Issues raised by NSC and third parties concerning the health effects of emissions to air associated with the Appeal Proposal have been considered by Mr Pyper. He explains that there will be no significant air quality-related effects on health and well-being as a result of the Appeal Proposal.
- 4.3.10 Taking the evidence of Mr Peirce and Mr Pyper into account, I consider the compliance of the Appeal Proposal with national and local policy below.

Policy Compliance

- 4.3.11 Having appraised myself of the air quality and health assessments presented in the ES and ESA and the evidence of Mr Peirce and Mr Pyper, it is my view that the Appeal Proposal is in accordance with Policies CS3, CS23 and CS26 of the Development Plan. NSC was, therefore, wrong to determine in Reason 2 that the application was contrary to these policies on grounds relating to air quality.

⁸⁵ CD 17.8: PCAA (2021) Submission to North Somerset Council by the Parish Councils Airport Association (January 2021), paragraph 8.2.2.

- 4.3.12 Policy CS3 stipulates that development which, on its own or cumulatively, would result in (inter alia) air pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation. Policy CS23, meanwhile, requires proposals for development at Bristol Airport to demonstrate the satisfactory resolution of environmental issues.
- 4.3.13 The NPPF seeks to ensure that the air quality impacts of proposals are identified and, where necessary, mitigated in order to ensure compliance with national air quality standards. The NPPF states (at paragraph 181) that "*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas*". Paragraph 181 goes on to say that "*Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.*"
- 4.3.14 The APF seeks to improve international standards to reduce emissions from aircraft and vehicles, and for Government to work with airports and local authorities to improve air quality⁸⁶. Aviation 2050 also discusses air quality and at paragraph 3.127 proposes the following measures:
- improving the monitoring of air pollution, including UFPs, in order to improve understanding of aviation's impact on local air quality;
 - ensuring comprehensive information on aviation-related air quality issues is made available to better inform interested parties;
 - requiring all major airports to develop air quality plans to manage emissions within local air quality targets;
 - validation of air quality monitoring to ensure consistent and robust monitoring standards that enable the identification of long-term trends; and
 - supporting industry in the development of cleaner fuels to reduce the air quality impacts of aviation fuels.
- 4.3.15 The ESA has clearly established that the air quality impacts of the Appeal Proposal will not be significant and that all concentrations of pollutants will remain comfortably within the AQO limits. The level of emissions arising from the Appeal Proposal are, therefore, clearly 'acceptable' such that

⁸⁶ CD 6.1: HM Government (2013) The Aviation Policy Framework (March 2013), paragraph 3.48.

it is in accordance with Policy CS3 and Policy CS23 of the Development Plan. Indeed, this is the same conclusion as that reached by NSC officers in recommending approval of the original planning application, even based on the higher levels of concentrations modelled in the ES. The Appeal Proposal will also sustain current compliance with all relevant limit values and objectives, in accordance with paragraph 181 of the NPPF.

4.3.16 Turning specifically to the compliance of the Appeal Proposal with Policy CS26, in its Statement of Case (paragraphs 72, 73 and 76), NSC contends that:

"BAL's case fails to address the broader national and local policy agenda of needing to reduce the impact of the airport on air quality... [T]he Proposed Development will not contribute to improving the health and well-being of the local population... contrary to Policy CS26 of the CS... The Proposed Development will result in an increase in emissions of NO2 and particulate matter... As a result, the Proposed Development does not contribute to improving the health and well-being of the local population as required by the Development Plan; rather it increases the risk of harm to health and well-being of that population. Accordingly, the Proposed Development is not in accordance with Policy CS26 of the CS."

4.3.17 In support of its position, NSC refers to the National Clean Air Strategy, stating that the assessment of any large-scale and long-term project such as the Appeal Proposal should take the Strategy's commitment to a tightening of air quality policy at a national level into account. In this context, NSC claims that the Appeal Proposal fails to deliver solutions to minimise emissions to air and that it does not contribute to the delivery of improvements in air quality against 'ambitious targets'. To comply with this policy position, NSC argues at paragraph 78 of its Statement of Case that:

- *"BAL must identify and adopt ambitious targets for a reduction in emissions...; and*
- *"BAL must produce a detailed scheme of mitigation and assessment thereof in which it demonstrates that all reasonably practicable "innovative solutions and incentives" and mitigation will be brought forward with the aim of delivering a situation where, if planning permission is granted for the Proposed Development, emissions are not increased when compared to the position if planning permission for the Proposed Development were refused."*

4.3.18 NSC's interpretation of its own Development Plan policy and national policy on air quality is simply wrong. Policy CS26 principally concerns wider measures to promote health and well-being such as the provision of healthcare facilities and services that are not relevant to the Appeal Proposal. The policy does not provide detailed guidance pertaining to how the health impacts of development proposals should be considered in determining planning applications, beyond the requirement for

some proposals to be accompanied by a health impact assessment (HIA) which assesses how they will contribute to improving the health and well-being of the local population (which has been complied with in this case), nor does it stipulate that development proposals should deliver an improvement in air quality.

4.3.19 There is also no express requirement elsewhere in the Development Plan, in the NPPF or in national aviation policy for development proposals to improve baseline air quality conditions. As Mr Pyper points out in his evidence (paragraph 5.2.26), in making this statement NSC *"is being very selective in singling out a single adverse effect as the sole basis for this policy test. It is also an adverse effect that has been shown to be not significant. If this approach is taken consistently every development would fail this policy test."* This is the same view as that taken by Mr Peirce in his evidence.

4.3.20 Paragraph 170(e) of the NPPF does state that *"Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information"* whilst paragraph 181 of the NPPF sets out that *"Opportunities to improve air quality or mitigate impacts should be identified"*. However, as Inspectors stated in their decision (paragraph 61) relating to the recent Stansted Airport planning appeal *"While the Framework seeks to improve air quality where possible, it recognises that it will not be possible for all development to improve air quality"*. Nonetheless, in accordance with the NPPF, a range of mitigation measures are proposed by BAL to mitigate the air quality impacts of the Appeal Proposal. Mr Peirce also makes an important point that, given the nature of aviation, mitigation is required at the national and international level and in this regard, BAL is a member of Sustainable Aviation, which brings the UK aviation industry together to work with national government and international organisations to improve the environmental performance of the industry including in respect of air quality.

4.3.21 Mr Peirce explains in his evidence that NSC is also wrong in its assertion that the Appeal Proposal is not compliant with the Clean Air Strategy. Mr Peirce highlights that the Appeal Proposal is consistent with current policy on particulate pollution including the Clean Air Strategy's target to reduce the number of people living in locations above the WHO guideline level. He adds that it is not possible or appropriate to try to determine the appeal against policy that may or may not be adopted in future and I agree with his conclusion.

4.3.22 In summary, Development Plan policy requires that the air quality impacts of proposals are mitigated to an acceptable level and that environmental issues are satisfactorily resolved. The NPPF requires proposals to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. These are the key policy tests relevant to the Appeal Proposal and, in both cases, they have very clearly been satisfied. Taking into account the evidence

presented by Mr Peirce and Mr Pyper, it is my view that the Appeal Proposal is, therefore, in accordance with Development Plan Policies CS3, CS23 and CS26 and paragraphs 170(e) and 181 of the NPPF.

4.4 Noise

- 4.4.1 Reasons 1 and 2 of the Decision Notice reference the noise impacts of the Appeal Proposal. In Reason 1, NSC alleges that growth beyond 10 mppa would generate additional noise, resulting in adverse impacts on local communities which it claims is contrary to Policy CS23 of the Development Plan. In Reason 2, meanwhile, NSC has concluded that the impacts on noise associated with the increase in aircraft movements, and in particular the proposed lifting of seasonal restrictions on night flights, would have a significant adverse impact on the health and well-being of residents in local communities and that the Appeal Proposal would not, therefore, be in accordance with Development Plan Policies CS3, CS23 and CS26. The effect of noise associated with the proposed development on health and quality of life is also identified as Main Issue e) for the appeal.
- 4.4.2 Chapter 7 of the ES assessed noise generated by aircraft flights (air noise) and aircraft activities on the ground (ground noise) based on modelling of the 2017 baseline, at 10 mppa (without the Appeal Proposal) and at 12 mppa (with the Appeal Proposal) and this was taken into account in the health assessment in Chapter 16. The noise and health assessments were subsequently updated as part of the ESA (Chapters 6 and 9 respectively) to take into account (inter alia) the updated forecast information produced by YAL. Mr Williams deals with the noise impacts of the Appeal Proposal in his Proof of Evidence whilst impacts on human health associated with noise are further considered by Mr Pyper. Mr Williams confirms that the methodology adopted for the noise assessment is robust, is in accordance with the NPSE and uses established methodologies that had been accepted by NSC officers.
- 4.4.3 The ES, upon which NSC's decision was based, established that the air and ground noise impacts arising from the increase in aircraft movements would not be significant and that there would be no serious adverse effects on the health and well-being of residents in local communities. NSC's own officers came to the same conclusion in recommending approval of the planning application. In my opinion, NSC's decision to refuse the planning application on matters relating to noise did not properly reflect this evidence nor the substantial package of measures proposed by BAL to mitigate aircraft noise.

4.4.4 It should be noted that the ES also assessed the impacts of construction and road traffic noise from the Appeal Proposal; the assessment of road traffic noise was subsequently updated in the ESA. In the case of both sources of noise, effects would not be significant and on this basis, officers raised no objections in their determination of the planning application. NSC has confirmed this position in the SoCG (Part 2) and, therefore, I do not consider further these noise sources in my evidence.

Air noise

4.4.5 The ES concluded that the air noise impacts of the Appeal Proposal would not result in significant effects on the health of local communities, a conclusion supported by NSC officers. As Mr Williams describes in Section 4 of his Proof of Evidence, the findings of the updated air noise assessment in the ESA are similar to those of the ES, although the absolute air noise impacts at night are actually now forecast to be lower than originally predicted in the ES. The updated air noise assessment has also concluded that the effect of faster or slower growth to 12 mppa was likely to similarly affect the 10 mppa and 12 mppa scenarios and that this would not affect the conclusions of the ESA in terms of the significance of the Appeal Proposal's noise impacts.

4.4.6 The air noise assessment presented in the ESA has identified that only circa 10 residential properties will experience average daytime air noise levels above the Significant Observed Adverse Effect Level (SOAEL) of 63 dB $L_{Aeq,16h}$ in 2030, at both the existing 10 mppa cap and at 12 mppa, which is actually a reduction in the number of properties compared to the 2017 baseline (20 properties). Mr Williams explains that daytime noise levels would remain broadly similar with or without the Appeal Proposal as the increase in flights would be offset by a higher proportion of quieter aircraft; changes in noise level are forecast to be less than 1 dB for all assessed receptors and below the significance threshold adopted in the assessment. Similarly, the number of people highly annoyed by aircraft noise in 2030 is forecast to increase from 600 to 700 due to the development. For context, this is still a reduction compared to the 2017 baseline (750).

4.4.7 The number of properties predicted to experience average night-time air noise levels above the SOAEL of 55 dB $L_{Aeq,8h}$ in 2030 at 12 mppa is around 250 properties (a reduction on that reported in the original ES which reflects fewer forecast night flights). Whilst this is an increase of 150 dwellings compared to without development, Mr Williams highlights that the changes in noise level due to the Appeal Proposal will be less than 1 dB for all assessed receptors and below the significance threshold adopted in the assessment; the number of dwellings exposed to significant absolute noise levels of at least once per night would be the same with or without the Appeal Proposal. In terms of the number of people forecast to be highly sleep disturbed by aircraft noise, this is forecast to increase from 400 at 10 mppa (2030) to 500 at 12 mppa.

- 4.4.8 Importantly, Mr Williams highlights in his Proof of Evidence that BAL has proposed a range of measures to limit the air noise impacts of the Appeal Proposal. Supported by a revised Noise Control Scheme and building on existing controls, these measures (to be secured by way of condition) include:
- a reduction in the 57 dB $L_{Aeq,16h}$ daytime air noise contour area limit from its current value of 12.4 km² to 11.5 km²;
 - a reduction in the number of night flights allowed during the 'shoulder periods' (23.00 to 23.30 and 06.00 to 07.00 hours) from 10,500 flights to 9,500 flights;
 - a new night noise contour limit whereby from 2030, the area enclosed by the 55dB $L_{Aeq,8hr}$ night-time noise contour shall not exceed 6.8km²;
 - acceptance of a new 1 dB QC banding night control scheme as proposed by NSC with the retention of the seasonal budgets as per today;
 - the phasing out of a QC 10% borrow and/or carry over as previously agreed with NSC; and
 - the banning of QC2 and above rated aircraft for the period 23.30 to 06.00.
- 4.4.9 BAL has agreed with NSC to other measures to mitigate the noise impacts associated with increased aircraft movements. These measures include an enhanced noise insulation scheme including an increase in the value of grants available to residents and the inclusion of properties within the 55 dB $L_{Aeq,8h}$ air noise contour area which exceeds the minimum policy requirement set out in paragraph 3.39 of the APF of 63 dB $L_{Aeq,16h}$.
- 4.4.10 Overall, Mr Williams concludes that the Appeal Proposal will not result in significant air noise effects. In his Proof of Evidence on health, Mr Pyper also finds the change in noise level associated with the Appeal Proposal to be negligible for the general population and minor adverse for vulnerable groups. He acknowledges that there will be a small change in health-related risk factors for a small minority of the population but that in public health terms this is not significant.

Ground noise

- 4.4.11 The ground noise assessment presented in Chapter 7 of the ES concluded that the Appeal Proposal would not result in significant effects and this was accepted by officers in recommending approval of the planning application. An updated assessment of ground noise is presented in the ESA which confirms this conclusion.

- 4.4.12 The ESA has identified that one property would experience a daytime ground noise level above the SOAEL of 60 dB $L_{Aeq,16h}$ in 2030 without development beyond 10 mppa and that this will increase to two properties at 12 mppa. The ESA concludes that the changes in ground noise levels are negligible and, therefore, are not significant. In fact, as Mr Williams highlights in his evidence, for the majority of dwellings above the Lowest Observed Adverse Effect Level (LOAEL), and in particular those to the north of Bristol Airport, the Appeal Proposal is expected to provide a benefit in terms of ground noise due to the additional screening provided by the proposed infrastructure (which includes a 5m high faceted acoustic barrier along the far eastern apron). For almost all dwellings which do not benefit from screening, the Appeal Proposal is predicted to result in an increase in noise level of around 1 dB, with no dwellings experiencing an increase of greater than 2 dB.
- 4.4.13 Measures are proposed by BAL to control and mitigate the impacts of the Appeal Proposal on ground noise. These measures include the proposed enhanced noise insulation scheme and the implementation of a Ground Noise Management Strategy that will identify actions to further minimise the levels and impacts of ground noise at Bristol Airport.

NSC and Third Party Comments

- 4.4.14 In its Statement of Case (paragraphs 47 to 67), NSC has expanded on its reasons for refusal and the Council now raises a number of issues in relation to the adequacy of the air noise assessment (despite officers and NSC's expert advisors having previously regarded the assessment methodology adopted in the ES as being robust) and the effects of the Appeal Proposal on both air and ground noise. The issues raised by NSC principally relate to:
- technical matters including in respect of the metrics adopted in the ESA;
 - forecasting uncertainty in terms of when 12 mppa is expected to be reached and the assumed fleet mix;
 - the conclusions of the ESA in terms of the significance of effects, taking into account the potential impacts on health and quality of life and the number of properties exposed to the SOAEL at night;
 - the need to assess awakenings; and
 - assumptions relating to quieter aircraft.
- 4.4.15 The air noise impact of the Appeal Proposal on the health and well-being of local communities is also an issue that has been raised by the PCAA and some interested parties. In its Statement of Case (paragraphs 40 to 45), the PCAA contends that the noise effects have been 'underplayed' in

the ES and ESA, that the assessment methodology is flawed and that the controls proposed by BAL to manage air noise are not adequate.

4.4.16 The issues raised by NSC and the PCAA are addressed by Mr Williams in his evidence on noise matters and by Mr Pyper in respect of the associated health effects. In summary, Mr Williams concludes that:

- the air and ground noise assessments are robust and based on established standard practice whilst the metrics adopted in the assessments are consistent with Government policy;
- the air noise impacts of the Appeal Proposal are not significant. Whilst there will be increased noise levels at all of the properties above the SOAEL, this is less than 1 dB and is rated as negligible. Therefore, improving the sound insulation of the dwellings is a suitable mitigation to avoid the noise effects of being above the SOAEL;
- the adverse ground noise impacts of the Appeal Proposal are similarly not significant;
- when 12 mppa is reached will not materially change the conclusions of the assessment and in fact, if growth is slower than forecast in the Core Case (12 mppa by 2030), noise impacts are likely to be lower than that assessed in the ESA;
- uncertainties in terms of the future fleet mix at Bristol Airport will be addressed by the planning controls proposed by BAL.

4.4.17 Mr Pyper, meanwhile, maintains that there will not be significant noise-related effects on the health and well-being of local communities.

4.4.18 I have taken this evidence into account in my assessment of the policy compliance of the Appeal Proposal below.

Policy Compliance

4.4.19 On the basis of the air and ground noise assessments presented in the ES and ESA and the evidence of Mr Williams and Mr Pyper, I contend that the Appeal Proposal is in accordance with Policies CS3, CS23 and CS26 of the Development Plan. NSC's grounds for refusal of the planning application in terms of noise are unjustified and are not based on any sound evidence.

4.4.20 In **Section 4.3**, I have already provided a summary of the Development Plan policies cited in Reason 2 and, therefore, this is not repeated here. Whilst not cited by NSC in Reason 2, I note that Policy DM50 states that, in respect of development in the Green Belt inset at Bristol Airport, proposals will be permitted provided that (inter alia) there is no unacceptable noise impact.

4.4.21 Paragraph 170(e) of the NPPF sets out that development proposals should, wherever possible, help to improve local environmental conditions such as noise pollution. Paragraph 180 of the NPPF requires that proposals should *"Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise from giving rise to significant adverse impacts on health and quality of life; and Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.

4.4.22 The NPSE provides the framework for noise management decisions to be made that ensure noise levels do not place an unacceptable burden on society. The aims of the NPSE are to:

- *"Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development;*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development, and*
- *Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development."*

4.4.23 The National Planning Practice Guidance, Noise (PPGN)⁸⁷ advice is that noise above the SOAEL should be avoided using appropriate mitigation while taking into account the guiding principles of sustainable development. Where noise is between the LOAEL and SOAEL, the advice is to take all reasonable steps to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. Noise in this category is described as an observed adverse effect which is present and intrusive.

4.4.24 The APF (paragraph 3.12) sets out that the Government's overall objective on aviation noise is to *"limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry"*. With regard to airport development, it states (at paragraph 3.39):

"Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer

⁸⁷ CD 5.9: MHCLG (2019) Planning Practice Guidance (Noise). Available from <https://www.gov.uk/guidance/noise--2> [Accessed May 2021].

financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more."

4.4.25 Aviation 2050 sets out (at paragraph 3.122) that the Government proposes to extend the noise insulation policy threshold in the APF to 60 dB LAeq,16h.

4.4.26 In its Statement of Case (paragraph 38), NSC asserts that any growth in airport capacity which results in increased noise impacts does not accord with the APF. Referring to paragraph 3.3 of the APF, NSC states:

"The Council will contend that the Government expectation is that growth in airport capacity is not to be delivered via increased aviation noise impacts; rather growth is to be managed so that noise impacts are mitigated and reduced. Growth which is delivered via increased noise impacts is not then growth that accords with the APF".

4.4.27 NSC goes on to allege that the Appeal Proposal is contrary to Policies CS3 and CS23 of the Development Plan and paragraphs 170 and 180 of the NPPF.

4.4.28 NSC has fundamentally misinterpreted the Government's policy position on noise. Paragraph 3.3 of the APF states:

"We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements."

4.4.29 The APF does not, in any way, state that proposals for additional capacity should be refused if they would result in additional noise; that is why the APF refers to a need to balance noise impacts with positive economic impacts. It is also why, at paragraph 3.12, the APF requires operators to provide compensation where *"airport operators are considering developments which result in an increase in noise"*. In fact, BAL's proposal for an enhanced noise insulation scheme actually goes beyond both the requirements of the APF and the recommendations contained in Aviation 2050.

4.4.30 The ES and ESA have clearly established that the noise impacts arising from the growth of Bristol Airport, including from aircraft, will not be significant and that there will be no serious adverse effects on the health and well-being of residents in local communities. Whilst the number of properties predicted to experience average night-time air noise levels above the SOAEL will

increase, the changes in noise level would be less than 1 dB and below the significance threshold adopted in the ES and ESA. Similarly, although one additional property will experience a daytime ground noise level above the SOAEL, the changes in ground noise levels are small and, therefore, are not significant and this must be balanced against the dwellings that will experience a ground noise benefit as a direct result of the Appeal Proposal. Further, and based on the range of assessments in the ES and ESA, BAL has proposed a number of conditions and obligations that control noise effects to acceptable levels including a comprehensive enhanced noise insulation scheme that goes beyond both the requirements of the APF and the recommendations contained in Aviation 2050. Indeed, BAL is proposing a number of tighter controls, thereby sharing the benefits of expansion in accordance with paragraph 3.12 of the APF.

4.4.31 Accordingly, I consider that the Appeal Proposal is in accordance with Policy CS3, Policy CS23 and Policy CS26 of the Development Plan. By delivering improvements in noise and controlling and mitigating adverse impacts, the Appeal Proposal also accords with paragraph 180 of the NPPF, the NPSE and national aviation policy.

4.5 Climate Change

4.5.1 Reason 3 of NSC's Decision Notice concerns the GHG emissions associated with the Appeal Proposal. NSC concludes that:

"The scale of greenhouse gas emissions generated by the proposed increase in passenger numbers would not reduce carbon emissions and would not contribute to the transition to a low carbon future and would exacerbate climate change contrary to the National Planning Policy Framework, policy CS1 of the North Somerset Core Strategy 2017 and the duty in the Climate Change Act 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline".

4.5.2 The impact of the Appeal Proposal on GHG emissions and the ability of the UK to meet its climate change obligations is identified as Main Issue f) for the appeal.

4.5.3 The current UK-wide 2050 'carbon target' set by s.1(1) of the Climate Change Act 2008 ('CCA 2008')⁸⁸, as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019⁸⁹, is to reduce the net UK carbon account by at least 100% compared to 1990. This 'net zero' target did not include international aviation; however, the CCA 2008 does require that in setting five-yearly

⁸⁸ CD 9.2: Climate Change Act 2008. Available from <https://www.legislation.gov.uk/ukpga/2008/27/contents> [Accessed May 2021].

⁸⁹ CD 9.7: Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available from <https://www.legislation.gov.uk/ukdsi/2019/9780111187654> [Accessed May 2021].

'carbon budgets', the Government should 'take account' of international aviation. This has been done by reference to what is called the 'planning assumption' (also known as the 'aviation target' or 'headroom'), which is currently set at 37.5Mt CO₂ in 2050.

4.5.4 The 2020 Sixth Carbon Budget report⁹⁰ published by the Committee on Climate Change (CCC) recommended that international aviation should be brought into the carbon budget for 2033-2037 rather than being within an allowance, and that aviation should deliver greater carbon reductions to support the national net zero ambition. The CCC report considered a number of options for achieving 'net zero' emissions in 2050 and one of these options, the 'balanced pathway', identifies a figure of 23 MtCO₂e in 2050 for international, domestic and military aviation. On 20 April 2021, the UK Government⁹¹ announced its Sixth Carbon Budget and in doing so confirmed that it will include international aviation and shipping; at the same time, it announced a new target to reduce emissions by 78% compared to 1990 levels by 2035. Legislation has been drafted⁹² and is due to become law before the end of June 2021. If passed, the Sixth Carbon Budget (2033-2037) will be 965 MtCO₂e, including international aviation and shipping. It is important to note, however, that the budget of 965 MtCO₂e in the proposed Sixth Carbon Budget is not broken down by industry sector.

4.5.5 It is clear from the evidence that the Appeal Proposal will not affect the ability of the UK Government to meet its net zero target. It is also clear that, in coming to its decision to refuse the planning application on climate change grounds, NSC did not take proper account of MBU, misinterpreted the requirements of its own Development Plan and wrongly rejected the sound evidence presented in the ES, as well as the advice of its own officers, which confirmed that the GHG emissions arising from the Appeal Proposal would not be significant. NSC also failed to recognise BAL's ambition, as set out in its Carbon Roadmap, for Bristol Airport to become a 'net zero' airport and the commitment by BAL to prepare a CCCAP to deliver growth in accordance with this ambition.

Assessment Summary

4.5.6 The carbon impact of the Appeal Proposal is covered in detail by Mr Ösund-Ireland in his Proof of Evidence. He confirms that the assessment presented in the ESA is robust, that its conclusions can

⁹⁰ CD 9.34: CCC (2020) The Sixth Carbon Budget: The UK's Path to Net Zero (December 2020). Available from <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf> [Accessed May 2021].

⁹¹ Press release: UK enshrines new target in law to slash emissions by 78% by 2035. Available from <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035> [Accessed May 2021].

⁹² CD 9.38: The Carbon Budget Order 2021. Available from <https://www.legislation.gov.uk/ukdsi/2021/9780348222616> [Accessed June 2021].

be relied upon and that BAL can demonstrate material progress in reducing Bristol Airport's emissions.

- 4.5.7 The assessment presented in Chapter 17 of the ES established, based on a methodology agreed with NSC officers, that international aviation emissions associated with the addition of 2 mppa would represent only 0.28% of the 37.5 MtCO₂/annum 'planning assumption' adopted by the Government and that this would not materially affect the UK's carbon budgets. Accordingly, the ES concluded that aviation emissions associated with the Appeal Proposal would not be significant. This conclusion was accepted by NSC officers in recommending approval of the planning application. In fact, the assessment of emissions as reported in the ES, and on which the officer recommendation was based, contained an over-estimation of the carbon emissions from aviation; based on the passenger and traffic forecasts at that time, the estimated scale of emissions at 12 mppa was actually 0.18% of the 37.5 MtCO₂ headroom recommendation. This small error was subsequently corrected in the ESA.
- 4.5.8 The carbon assessment was updated in the ESA to reflect (inter alia) the updated forecasts produced by YAL and the introduction of the net zero target into the CCA 2008. This updated assessment identified that the international aviation emissions associated with an additional 2 mppa will contribute, in 2050, 0.17 – 0.20% of the planning assumption (depending on the emissions scenarios) and, moreover, that this proportional contribution will be similar to, or less than, the 2017 baseline. This updated assessment did not change the conclusion of the original ES that the scale of emissions associated with the Appeal Proposal will not be significant and that the Appeal Proposal will be unlikely to materially affect the ability of the UK to meet the 37.5 MtCO₂/annum planning assumption.
- 4.5.9 The carbon assessment contained in the ESA also considered, as a sensitivity test, the CCC's recommendation under its 'further ambition' scenario (as set out in a letter to the Secretary of State for Transport⁹³) that the 'planning assumption' should be reduced to 30MtCO₂/annum, recognising that this was not adopted policy. When measured against this recommendation, the ESA identified that the proportion of international aviation emissions associated with the Appeal Proposal would still be very small (between 0.21 – 0.25% of the 30MtCO₂/annum recommendation). In his Proof of Evidence, Mr Ösund-Ireland has extended this sensitivity analysis further to consider the CCC's most recent budget proposal figure of 23 MtCO₂e/annum by 2050 for international, domestic and

⁹³ CD 9.11: CCC (2019) Letter from Lord Deben to Rt Hon Grant Shapps MP dated 24 September 2019: International Aviation and Shipping and Net Zero. Available from <https://www.theccc.org.uk/wp-content/uploads/2019/09/Letter-from-Lord-Deben-to-Grant-Shapps-IAS.pdf> [Accessed May 2021].

military aviation used by the CCC in its 'balanced pathway' option to 'net zero'. This is discussed further below in respect of the Sixth Carbon Budget.

4.5.10 In terms of non-international aviation emissions (including emissions associated with airport buildings and ground operations, surface access; domestic aviation (Landing and Take-Off and Climb-Cruise-Descent) and construction), the ESA has calculated that, as a percentage of the Fifth Carbon Budget, the Appeal Proposal will contribute only:

- 0.0118 - 0.0143% when offsetting is not considered; and
- 0.0033 – 0.0034% when offsetting is considered.

4.5.11 On this basis, the ESA has concluded that the scale of non-international aviation GHG emissions arising from the Appeal Proposal will have a negligible effect on the ability of the UK to meet its carbon targets, and further, that the emissions will be unlikely to affect the ability of NSC to meet its carbon neutral area aim.

4.5.12 Importantly, this conclusion took account of Bristol Airport's Carbon Roadmap, which sets out how BAL will achieve its ambition for Bristol to be a net zero airport including becoming carbon neutral for direct emissions by 2025, and BAL's commitment to publish a CCCAP. BAL has now published its draft CCCAP. This includes BAL's carbon vision to be carbon neutral in 2021 for Scope 1 and 2 emissions, and to be carbon net zero for Scope 1 and 2 emissions by 2030, reducing emissions and using carbon removal technologies to balance off the residual. The draft CCCAP also includes a number of measures to influence the reduction of absolute Scope 3 emissions associated with passenger, staff and contractor transport to the airport. In fact, in 2020 BAL became the first UK airport operator to commit to offsetting Scope 3 emissions associated with surface access to the airport by passengers using road transport.

The Sixth Carbon Budget

4.5.13 As I have highlighted above, the UK Government has announced its Sixth Carbon Budget and in doing so confirmed that it will include international aviation and shipping; at the same time, it announced a new target to reduce emissions by 78% compared to 1990 levels by 2035. The CCC's 2020 Sixth Carbon Budget report has examined a 'balanced pathway' option that identifies a figure of 23 MtCO₂e in 2050 for international, domestic and military aviation, although this figure has not been included in the proposed Sixth Carbon Budget itself.

4.5.14 Mr Ösund-Ireland establishes in his Proof of Evidence that the inclusion of emissions from international aviation and shipping within the Sixth Carbon Budget is not a fundamental departure from the headroom approach of taking account of emissions from international aviation. He points

out that now international aviation is to be within the Sixth Carbon Budget, the concept of the 'planning assumption' becomes redundant as there is no longer a need to leave headroom for such emissions. In addition, the Government has not indicated that it has adopted all of the recommendations in the CCC's Sixth Carbon Budget Report and nor has it indicated that it will adopt a demand management policy to meet the budget for international aviation.

- 4.5.15 Mr Ösund-Ireland highlights that there are a range of mechanisms which the Government may choose to employ to ensure that its targets are achieved. Indeed, the Department for Business, Energy & Industrial Strategy (BEIS) press release⁹⁴ on the Sixth Carbon Budget states:

"...following the CCC's recommended budget level does not mean we are following their specific policy recommendations. Our published analysis is based on the government's own assumptions and does not, for example, assume the CCC's change in people's diet. Ahead of COP26, we will be setting out our own vision for net zero, and ambitious plans across key sectors of the economy to meet carbon budgets."

- 4.5.16 The Government is clearly not endorsing, for example, the 'balanced pathway' option and the level of demand management inherent in that approach. Furthermore, the 'balanced pathway' option was not the only 'future' scenario that the CCC considered; for example, it also looked at meeting the UK's net zero target with a 'widespread innovation' option that had much greater aviation growth.

- 4.5.17 Mr Ösund-Ireland explains that emissions from aircraft movements from flights departing from UK airports to either UK or European Economic Area (EEA) destinations are now included within the UK Emissions Trading Scheme (UK ETS) and that airline operators are also able to use offsets via the Carbon Offset Scheme for International Aviation (CORSIA) co-ordinated by the International Civil Aviation Organisation (ICAO). This leads Mr Ösund-Ireland to conclude that there are in fact already UK Government and international regulations and mechanisms in place to manage aviation emissions at a national level and to ensure that they can be limited to meet the UK's climate change objectives (i.e. carbon net zero). These mechanisms will mean airlines having to trade carbon permits and / or reduce their emissions through innovation, which is a matter for the market (the potential increased cost of carbon has been reflected in YAL's forecasts). This will also drive innovation and a move towards the CCC's 'wider innovation' option, rather than its 'balanced pathway' option (which has not been endorsed by Government in any event).

⁹⁴ See CD 9.37: <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035> [Accessed June 2021].

4.5.18 Notwithstanding the fact that the CCC's 'balanced pathway' has not been adopted as Government policy, in his Proof of Evidence, Mr Ösund-Ireland has extended the sensitivity analysis presented in the ESA to consider the figure of 23 MtCO₂e/annum by 2050 for international, domestic and military aviation used by the CCC in its 'balanced pathway' option to 'net zero'. Mr Ösund-Ireland calculates that emissions arising from the Appeal Proposal would constitute only 0.29 – 0.34% of the CCC's 23 MtCO₂e budget proposal in 2050. He also notes that by implementing its CCCAP, opportunities to achieve emissions reductions from aviation will also be considered by BAL including, for example, measures to accelerate the adoption of newer, more fuel-efficient and lower carbon aircraft.

NSC and Third Party Comments

4.5.19 At paragraph 86 of its Statement of Case, NSC alleges that BAL has not demonstrated that:

- *"(a) The Proposed Development is consistent with the planning assumption in "Beyond the Horizon" (also known as 'Making Best use of Existing Runways' ("MBU")) of 37.5MtCO₂ (which was adopted in advance of the adoption of the Net Zero 2050 target enshrined in s. 1 of the Climate Change Act 2008 ("CCA 2008"));*
- *(b) The Proposed Development is consistent with the 23MtCO₂ for aviation (before offsetting to zero) in the recommendations of the Climate Change Committee ("CCC") on the 6th Carbon Budget published on the 9th December 2020 (the first prepared in the light of the Net Zero 2050 target enshrined in s. 1 of the CCA 2008 as amended in 2019);*
- *(c) The Proposed Development can be permitted without prejudicing attainment of the Net Zero 2050 target enshrined in s.1 CAA 2008 (as amended) or making attainment of that target materially more difficult".*

4.5.20 NSC goes on to claim (at paragraphs 109 to 111) that the measures proposed by BAL to reduce the carbon impacts of an additional 2 mppa, including the proposed CCCAP, apply to a limited proportion of total carbon emissions associated with Bristol Airport, that they will not prevent an overall increase in carbon emissions and that uncertainty in terms of deliverability means that they should be afforded little weight. NSC's Statement of Case also suggests that the carbon assessment contained in the ESA is flawed as it does not include an assessment of the cumulative impacts of emissions arising from the Appeal Proposal in-combination with other airport proposals (paragraph 96) and that account has not been taken of non-CO₂ impacts (paragraph 108). BAAN CC, the PCAA and XR Elders have raised similar points in their respective Statements of Case, as have some interested parties in their comments on the appeal.

- 4.5.21 The issues raised by NSC and others are dealt with in detail in Mr Ösund-Ireland's Proof of Evidence. He explains that:
- airport and surface access emissions are subject to national and local and planning policy whereas emissions associated with aircraft movements are subject to national policy, regulations and controls;
 - BAL's draft CCCAP is robust and will ensure that the Appeal Proposal meets the requirements of the Development Plan and NPPF;
 - the assessment of aircraft-related emissions in the ESA is robust and may even be considered cautious in terms of future technology impacts on emissions;
 - non-CO₂ impacts of aviation are most appropriately addressed at a national level in the light of further research and international cooperation, noting that BAL acknowledges this is an issue that needs to be kept under review to ensure measures adopted to reduce carbon emissions do not result in increased non-CO₂ emissions/effects; and
 - overall, the Appeal Proposal would not prevent the UK from becoming carbon net zero in 2050.

Policy Compliance

- 4.5.22 Consistent with the evidence presented in the ESA and by Mr Ösund-Ireland in his Proof, and taking into account BAL's industry-leading commitments to minimise Bristol Airport's carbon emissions, I consider that: first, the development of Bristol Airport to accommodate 12 mppa will not affect the ability of the UK to meet its climate change obligations; and second, the Appeal Proposal is in accordance with Policy CS1 of the Development Plan and the NPPF.
- 4.5.23 At the outset, I would highlight that the statement by NSC in Reason 3 that "*the proposed increase in passenger numbers would not reduce carbon emissions*" is not a valid reason for refusal as nowhere in the Development Plan, NPPF or in national aviation policy is it stated that proposals that result in an increase in emissions should be refused. It is clear, however, that the carbon emissions from aviation need to be considered within the context of the legal and policy framework for managing such emissions to achieve the UK's 'net zero' target by 2050 at a national level. That framework includes the CCA 2008, successive carbon budgets, the new UK ETS and CORSIA, and also policy as set out in the APF and MBU. There is simply nothing in that framework which dictates that development must be refused unless it reduces carbon emissions; indeed, if there was, it is difficult to see how NSC would meet its own housing targets.

- 4.5.24 In this context, MBU confirms that changes to emissions arising from the Government's support of airports making best use of their existing runways is consistent with national carbon commitments. Paragraphs 1.14-1.16 of MBU examined the implications of this policy for the UK's carbon commitments and the Government has assessed 'carbon traded' and 'carbon capped' scenarios. Paragraph 1.15 makes it clear that *"Under the carbon-traded scenario, UK aviation emissions could continue to grow provided that compensatory reductions are made elsewhere in the global economy. This could be facilitated by a carbon trading mechanism in which aviation emissions could be traded with other sectors. ..."*. By contrast, paragraph 1.16 states that *"The carbon-capped scenario was developed to explore the case for expansion even in a future where aviation emissions were limited to the Committee on Climate Change's (CCC) planning assumption of 37.5Mt of CO₂ in 2050. ..."*
- 4.5.25 On this basis, it is clear that NSC failed to take proper account of MBU and that the emissions from the Appeal Proposal should not have been considered a proper reason to refuse planning permission.
- 4.5.26 NSC's view now is that, as MBU was brought forward prior to the amendment to the CCA 2008 in 2019, it is no longer a valid planning assumption. This leads NSC to the conclusion in its Statement of Case that the Government is likely to adopt the CCC's recommended 'demand management' approach to dealing with emissions from the aviation sector and that this will necessitate a national assessment of all airport expansion proposals in order for the Government to then select those that will come forward and utilise the carbon budget available and which can be offset. NSC states that BAL has not demonstrated that the Appeal Proposal would be selected by Government ahead of other schemes in this case; at paragraph 101 of its Statement of Case, NSC states:
- "Accordingly, it is premature to permit the Proposed Development to come forward since to do so will prejudice the ability of another airport or airports to expand consistent with Net Zero 2050 obligations, in circumstances where it has not been established that the Proposed Development is to be preferred as best representing sustainable development"*.
- 4.5.27 At paragraph 102, NSC goes on to state:
- "BAL has chosen to present its case in the present appeal on the basis of an assessment of benefits and impacts that assumes the full growth of 2 mppa. It has not demonstrated that the Government will or can allow this level of growth to occur consistent with the UK's climate change obligations. Further, BAL has not demonstrated that its scheme is justified if only a lower level of growth or indeed no growth is permitted by the Government"*.

4.5.28 The position taken by NSC and others is no more than speculation on what future aviation policy might be. Despite the amendment to the CAA 2008 to introduce the net zero target in 2019, the Government has expressly not changed its policy on airports making best use of their existing runways. Indeed, this is the same view as that held by Inspectors in their decision on the Stansted Airport appeal where at paragraph 18 they state:

"The in-principle support for making best use of existing runways provided by MBU is a recent expression of policy by the Government. It is given in full knowledge of UK commitments to combat climate change, having been published long after the Climate Change Act 2008 (CCA) and after the international Paris Agreement."

4.5.29 Further, as I have explained above, up to the end of the Fifth Carbon Budget, the 'planning assumption' applies and the ESA has demonstrated that emissions from the Appeal Proposal would represent a very small proportion of that headroom and would not, therefore, compromise the ability of the UK Government to meet its climate change obligations.

4.5.30 The inclusion of international aviation in the Sixth Carbon Budget does not fundamentally change this position. Emissions will be subject to the UK ETS and CORSIA and this legal and policy framework at the national level will ensure that the Government's climate change obligations are met and the Sixth Carbon Budget secured. I submit that significant weight should be afforded to this framework in determining whether the Appeal Proposal would prejudice the ability of the UK to meet its climate change obligations.

4.5.31 Even if the figure of 23 MtCO₂/annum by 2050 for international, domestic and military aviation used by the CCC in its 'balanced pathway' option to 'net zero' is considered as a comparator, the contribution of Bristol Airport would still be small and, as Mr Ösund-Ireland highlights in his evidence, the share of the airport's emissions as a proportion of the UK's international aviation emissions will be unlikely to increase. How these emissions are managed is, in any case, a matter for Government to determine through its national aviation policy and the carbon permits granted and traded under the UK ETS.

4.5.32 In consequence, it is clear to me that the Appeal Proposal will not jeopardise the ability of the UK Government to meet its 2050 net zero target, the Sixth Carbon Budget or the planned 2035 intermediate target. This is a similar conclusion to that reached by Inspectors in their decision concerning the expansion of Stansted Airport. In allowing the appeal, the Inspectors' decision states (at paragraph 94):

"Although UK statutory obligations under the CCA have been amended since the publication of MBU to bring all greenhouse gas emissions to net zero by 2050, with an additional target of a 78% reduction in carbon emissions by 2035 set to be introduced, MBU remains Government policy. Given all of the foregoing and bearing in mind that there are a range of wider options that the Government might employ to meet these new obligations and that aviation is just one sector contributing to greenhouse gas emissions to be considered, there is also good reason to conclude that the proposed development would not jeopardise UK obligations to reach net zero by 2050 or to achieve the planned 2035 intermediate target. On this basis, given the very small additional emissions forecast in relative terms, there is also no reason to expect that the Council's climate emergency resolution should be significantly undermined".

- 4.5.33 As Mr Ösund-Ireland highlights in his evidence, Bristol Airport's increase in emissions is well below that approved at Stansted which confirms his view that the increase in emissions from the Appeal Proposal would not be significant.
- 4.5.34 Development Plan Policy CS1 requires that development proposals (inter alia) *"demonstrate a commitment to reducing carbon emissions, including reducing energy demand through good design, and utilising renewable energy where feasible and viable"*. At paragraph 148, the NPPF sets out that *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*. I also note that in February 2019, NSC declared a Climate Emergency and has since published a Climate Emergency Strategy⁹⁵ and Action Plan⁹⁶ which set out a commitment for North Somerset to be carbon neutral by 2030.
- 4.5.35 In terms of non-international aviation emissions, the ESA has confirmed that the Appeal Proposal will have a negligible effect on the UK's carbon targets. Further, BAL has clearly set out, through its Carbon Roadmap and in its draft CCCAP, how it will achieve carbon neutrality and net zero; the CCCAP will be secured by condition and will be regularly monitored and updated. Indeed, in recommending approval of the planning application, officers stated that BAL had met the

⁹⁵ CD 9.12: NSC (2019) North Somerset Climate Emergency Strategy. Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/North%20Somerset%20climate%20emergency%20strategy%202019.pdf> [Accessed May 2021].

⁹⁶ CD 9.13: NSC (2019) North Somerset Climate Emergency Strategic Action Plan. Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/North%20Somerset%20climate%20emergency%20action%20plan.pdf> [Accessed May 2021].

requirements of Policy CS1 (and also Policy CS2) by way of its proposals for a CCCAP⁹⁷. In my view, BAL's targets represent a significant commitment and the draft CCCAP fully aligns with the objectives of Policy CS1 and the NPPF as well as NSC's Climate Emergency Strategy.

4.5.36 Overall, for international aviation emissions, the UK's legal and policy framework will ensure that the Government's climate change obligations are met. Non-international aviation emissions will be reduced through the implementation of the CCCAP, aligned with BAL's target for carbon neutrality and net zero and in accordance with the policy tests established in the Development Plan and NPPF. NSC's decision to refuse planning permission on grounds relating to climate change was not based on any evidence nor does it reflect the policy framework. I consider that the Appeal Proposal is in accordance with Development Plan Policy CS1, the NPPF and national aviation policy and that it will not affect the ability of the UK to meet its climate change commitments.

4.6 Benefits of the Appeal Proposal

4.6.1 NSC's Reason 1 sets out that *"The claimed economic benefits arising from the proposal would not outweigh the environmental harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017"*. The main issues for the appeal listed in the CMC Summary Note includes at point g): *"The extent to which the proposed development will deliver economic, social and/or other benefits"*.

Assessment Summary

4.6.2 Based on the evidence contained in the Economic Impact Assessment, Economic Impact Assessment Addendum, ESA and in Mr Brass's Proof of Evidence, I have already demonstrated in **Section 3** that the social and economic benefits of the Appeal Proposal, in terms of jobs, GVA and the wider positive impacts associated with increased connectivity, would be significant. In **Section 8**, meanwhile, I set out my overall planning balance and conclude that the benefits of the Appeal Proposal outweigh the adverse impacts of increasing the capacity of Bristol Airport to handle 12 mppa. I do not repeat these points here.

NSC and Third Party Comments

4.6.3 At paragraph 140 of its Statement of Case, NSC contends that *"that the economic benefits of the Proposed Development are overstated by BAL. The Proposed Development will not provide "significant" economic benefits as claimed by BAL. BAL's position is overstated in respect of three principal areas: productivity (business passenger) benefits, displacement impacts, and direct*

⁹⁷ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, pages 42 to 43.

employment impacts". The PCAA, as well as some interested parties, also claim that the economic benefits of the Appeal Proposal as assessed in the Economic Impact Assessment Addendum are exaggerated.

4.6.4 These issues are all addressed by Mr Brass in Section 5 of his Proof of Evidence on socio-economics where he discounts their validity and confirms that they fundamentally do not change the conclusions of the Economic Impact Assessment Addendum that the Appeal Proposal will have significant beneficial impacts on the North Somerset, West of England and South West and South Wales economies. In his evidence, Mr Brass also makes an important point in relation to the issues raised by NSC in its Statement of Case in that they contradict the position taken by NSC officers and its expert advisers on the planning application that the benefits of expansion would be significant.

Policy Compliance

4.6.5 Policy CS23 of the Development Plan requires that proposals for development at Bristol Airport demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure. 'Vision 1' of the Core Strategy sets out that *"The future planning of...Bristol Airport will be guided by the need to balance the advantages of economic growth with the need to control the impacts on those who live nearby and on the natural environment."* Priority Objective 3 supports major employers in North Somerset including Bristol Airport. In this context, Policy CS20 focuses on supporting a successful economy. Its objective is *"to provide at least 10,100 additional employment opportunities 2006–2026"*.

4.6.6 Paragraph 80 of the NPPF sets out that significant weight should be afforded to supporting economic growth and productivity and at paragraph 104 (e) that planning policies should make provision for large scale transport facilities to support their contribution to the wider economy.

4.6.7 In **Section 3**, I have already demonstrated how increasing the capacity of Bristol Airport to accommodate 12 mppa will support the achievement of the economic priorities established in the Development Plan, as well as those contained in the West of England Industrial Strategy and the North Somerset Economic Plan, and I have highlighted how the Appeal Proposal supports the Government's wider economic policy objectives. I have also set out the wider social benefits that will be delivered as a result of the Appeal Proposal. Drawing on the evidence of Mr Brass, I have explained that, in a situation where the appeal is dismissed and Bristol Airport is unable to grow beyond its current passenger cap of 10 mppa, passengers would either not make trips at all or gravitate towards airports outside the South West region and South Wales meaning that the

significant economic benefits of expansion would not be realised and the existing benefits Bristol Airport provides would likely be diminished.

- 4.6.8 Based on the evidence presented in the Economic Impact Assessment, Economic Impact Assessment Addendum, ESA and in Mr Brass' Proof, I am satisfied that the benefits of the Appeal Proposal will be significant; in accordance with paragraph 80 of the NPPF, these benefits should be afforded significant weight. In consequence, it is my judgement that the Appeal Proposal is in accordance with Development Plan Policy CS23 and the NPPF and is consistent with the objectives of the Government's national aviation policy and wider economic policies. I set out my planning balance in more detail in **Section 8**.

4.7 Summary

- 4.7.1 Having carefully considered the evidence, the Officers' Report and the issues raised by NSC and third parties, I conclude that Reasons 1, 2, 3 and 5 as cited in the Decision Notice are not valid. In citing these reasons for refusal, NSC's decision was not based on any substantive evidence and indeed, was contrary to the professional advice of officers and the detailed expert evidence presented by BAL. In all of the circumstances it was, therefore, unreasonable.
- 4.7.2 It is my judgement that the Appeal Proposal is in accordance with those policies of the Development Plan and NPPF that are related to these reasons for refusal and the associated main issues for the appeal. I now turn to my consideration of Reason 4 pertaining to Green Belt matters.

5. Green Belt

5.1 Introduction

5.1.1 In this section of my evidence, I deal with the development of additional car parking in the Green Belt in response to main issues b) and c) for the appeal and NSC's fourth reason for refusal:

"The proposed extension to the Silver Zone car park and the year round use of the seasonal car park constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt caused by reason of inappropriateness and any other harm including the encroachment of development on the countryside and loss of openness contrary to the National Planning Policy Framework and policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 2016."

5.1.2 I demonstrate that the proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park, whilst being inappropriate development in the Green Belt, will not result in substantial harm to openness and that 'very special circumstances' clearly outweigh any harm. These very special circumstances are:

- the need for additional car parking in the Green Belt to meet demand associated with an additional 2 mppa;
- the lack of alternative, available and suitable sites for parking outside the Green Belt; and
- the need for, and benefits of, the growth of Bristol Airport.

5.1.3 I deal with the issues raised by NSC and third parties on this matter in **Section 5.5**.

5.1.4 The proposed improvements to the A38 and enhancements to airside infrastructure are also components of the Appeal Proposal that would be located in the Green Belt; however, the Officers' Report (page 106) confirmed that these elements are not inappropriate development in the Green Belt and, further, they are not cited in NSC's reasons for refusal nor in NSC's Statement of Case. Notwithstanding this, NSC's planning witness now contends (in the SoCG Part 2) that these elements are inappropriate development in the Green Belt.

5.1.5 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 engineering operations and local transport infrastructure that can demonstrate a requirement for a Green Belt location.

- 5.1.6 When assessed against these criteria, the proposed improvements to the A38 constitute local transport infrastructure, are required to mitigate the traffic impacts associated with an additional 2 mppa and can only be located in the Green Belt. Being located alongside/adjacent to an existing highway, the scheme will preserve openness and not conflict with the purposes of including land within the Green Belt, the same conclusion as that reached by NSC officers. The proposed enhancements to airside infrastructure, meanwhile, would be 'engineering development' comprising of the laying of hardstanding only and will also not affect the openness of the Green Belt; again, this is the same conclusion as that reached by NSC officers. In consequence, I consider that both components, the proposed improvements to the A38 and enhancements to airside infrastructure, are not inappropriate development.
- 5.1.7 As the proposed improvements to the A38 and enhancements to airside infrastructure are not inappropriate development in the Green Belt, there is no requirement to demonstrate very special circumstances to justify the development of these components of the Appeal Proposal and on this basis, I do not consider them further in this section of my evidence. Notwithstanding my conclusion, it should be noted that very special circumstances were set out in the Planning Statement (Section 5.3) accompanying the planning 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.

5.2 Context

- 5.2.1 The Development Plan defines an inset that excludes land on the northern side of the airfield from the Green Belt; land to the south of the existing terminal building, including (inter alia) the runway and the existing Silver Zone long stay car parking area is within the Green Belt.
- 5.2.2 The detailed inset was first established through the North Somerset Replacement Local Plan (adopted March 2007)⁹⁸ in order to accommodate the development requirements of Bristol Airport at that time. In response, the majority of development required to facilitate the expansion of the airport to 10 mppa has been focused in the inset with very special circumstances having been accepted by NSC in respect of those components of the 10 mppa scheme that are necessarily located within the Green Belt.

⁹⁸ NSC (2008) North Somerset Replacement Local Plan. Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/SD17%20North%20Somerset%20Replacement%20Local%20plan.pdf> [Accessed May 2021].

- 5.2.3 The Green Belt inset was subsequently confirmed through the adoption of the North Somerset Core Strategy (2017) and Sites and Policies Plan Part 1 (2016). Core Strategy Policy CS6 sets out that amendments to the Green Belt boundary at Bristol Airport will only be considered once long-term development needs have been identified and exceptional circumstances demonstrated. The supporting text to Policy DM50, meanwhile, states that outside the inset, Green Belt policy applies and that it is for the developer (in this case BAL) to demonstrate 'very special circumstances' that outweigh the harm to the Green Belt and any other harm. Development Plan Policy DM12 also concerns development within the Green Belt and sets out that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in 'very special circumstances'.
- 5.2.4 The Appeal Proposal maximises further the development of the airport in the Green Belt inset. With respect to car parking, this includes a commitment to deliver the second multi-storey car park (MSCP2) consented under BAL's extant planning permission for growth to 10 mppa and a further multi-storey car park facility (MSCP3). However, a need has been identified for additional car parking in the Green Belt in the form of the year-round use of the existing seasonal car park and an extension to the Silver Zone Car Park.
- 5.2.5 The existing seasonal car park is located to the south of the fire training ground and comprises of 3,650 long-stay car parking spaces. Vehicles access the site via the A38 roundabout and report to the Silver Zone reception where cars are then valet parked. Currently, use of this car park is prohibited outside of the period 1 May to 31 October and BAL is seeking to remove this restriction to make best use of this facility and meet peak winter demand. The extension to the Silver Zone Car Park is proposed on agricultural land to the south of the existing seasonal car park and will provide an additional circa 2,700 spaces for year-round use, catering for the demand arising from an additional 2 mppa. Like the existing seasonal car park, cars will be valet parked by BAL staff from the existing central reception facility.
- 5.2.6 BAL proposes a phased delivery of this car parking. This would see MSCP2 (including the PTI) and the removal of restrictions on the existing seasonal car park brought forward as an initial phase of car parking provision, in parallel with significant, early investment in public transport (**Phase 1**). The proposed extension to the Silver Zone Car Park and the further multi-storey car parking (MSCP3) would then be implemented in **Phase 2**.
- 5.2.7 I will demonstrate that this phased approach to car parking is an appropriate, evidence-based solution that demonstrates BAL's commitment to development in the Green Belt inset, is aligned with the transport hierarchy proposed for the ASAS in the draft Section 106 Heads of Terms, tackles

the issues associated with unauthorised car parking in the Green Belt and on local streets and aligns with BAL's public transport targets.

5.3 Harm to the Green Belt

- 5.3.1 Taking into account the specific nature of the development proposed, its location in the context of the wider airport site and the mitigation to be delivered by BAL, it is my judgement that the proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park will result in only limited harm to the Green Belt. My conclusion is based on the landscape and visual impact assessment presented in the ES (Chapter 9) which I have revisited in preparing this evidence. Further to comments made by NSC in its Statement of Case on this matter, I have additionally prepared a supplementary assessment which is presented in the Technical Note at **Appendix A** to this Proof; this supplementary assessment has also informed my conclusion on this issue.
- 5.3.2 The supplementary assessment, which I have prepared with support from Mr Deanwood (a chartered town planner with significant Green Belt assessment experience) and Mr Furber (a chartered landscape architect), considers both the physical and visual dimensions of openness of the Green Belt. I have assessed, first, the contribution of the proposed car parking sites against the purposes of the Green Belt established in paragraph 134 of the NPPF and, second, the likely degree of harm to the Green Belt that would result from these components of the Appeal Proposal.
- 5.3.3 The seasonal car park is an existing car parking facility and the principle of car parking in this exact location has already been established and accepted. Whilst it is proposed that the area of parking be used year-round, the use of associated development (lighting and CCTV columns) will be minimal and, consistent with the current operation of the facility, cars will be valet parked to minimise landtake and activity levels. Further, the maturing landscape bund to the south of the site successfully screens close range views of the car park (from Winters Lane for example) whilst longer-range views are seen in the context of existing development at Bristol Airport.
- 5.3.4 Taking the above into account, I have concluded in **Appendix A** that this area makes only a limited contribution to the purposes of the Green Belt established in the NPPF and that the year-round use of the existing car park will have only a limited impact on the Green Belt. This is consistent with the Inspector in his report⁹⁹ concerning the examination of the Core Strategy, which stated (at paragraph 64) that car parking *"has relatively little effect on the essential openness or visual amenity*

⁹⁹ CD 15.2: Planning Inspectorate (2012) Report to North Somerset Council by Brian J Sims: Report on the Examination of the North Somerset Core Strategy Development Plan Document.

of the surrounding rural Green Belt, save from close viewpoints, when compared with the prominent built form of the terminal and associated structures within the present inset".

- 5.3.5 The proposed extension to the Silver Zone Car Park is situated adjacent to the existing seasonal car park and the development would consist of similar elements. Parking bays would be grassed and a proposed landscape perimeter bund will screen close range views; the adoption of a lighting strategy will prevent any upward lighting and minimise any light spillage in the same way as has been successfully implemented for the existing seasonal car park.
- 5.3.6 Again, I have assessed the function of the Green Belt in this location. I conclude that the land makes a contribution to the Green Belt, with its principal role being to prevent encroachment into the open countryside and that the proposed extension to the Silver Zone Car Park would result in moderate to limited harm to the Green Belt in the absence of any mitigation. However, there are opportunities for visual mitigation through landscaping of southern and western boundaries and I conclude that the introduction of this mitigation will reduce the harm to the Green Belt to limited.
- 5.3.7 The visual effects of both components of the Appeal Proposal will be limited and they will be mitigated through visual containment of short, medium and longer-distance views. This conclusion has included consideration of matters such as glint and glare and the intrusion of lighting.
- 5.3.8 Overall, I conclude that there will be only limited harm to the Green Belt as a result of the Appeal Proposal. In **Section 5.4** below, I demonstrate the very special circumstances that outweigh any harm to the openness of the Green Belt.

5.4 Very Special Circumstances

- 5.4.1 It is accepted that the year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park do constitute inappropriate development in the Green Belt. In consequence, and in accordance with the NPPF and Development Plan, 'very special circumstances' must be demonstrated to justify the development of these components of the Appeal Proposal in the Green Belt.
- 5.4.2 Neither the NPPF nor the Development Plan define what constitutes 'very special circumstances'. Notwithstanding this, it is important to note at the outset that similar very special circumstances to those which I contend justify the development of car parking in the Green Belt as part of the Appeal Proposal were previously accepted by NSC in its decisions to approve the development of Bristol Airport to accommodate 10 mppa and for car parking in the Green Belt. Moreover, many of these

very special circumstances were accepted by NSC officers in their recommendation to approve the Appeal Proposal itself.

Very Special Circumstance 1: The Need for Additional Car Parking in the Green Belt

5.4.3 BAL's parking solution forms part of a holistic and balanced approach to sustainable travel that seeks to promote public transport, whilst ensuring that there is sufficient on-site parking capacity to meet demand. Specifically, the need for additional car parking in the Green Belt is driven by the following factors:

- car parking demand associated with an additional 2 mppa;
- insufficient capacity for additional spaces in the Green Belt inset to meet in full the car parking demand and the consequences of not meeting the residual requirement;
- no suitable, off-site alternatives for car parking outside of the Green Belt;
- no suitable, alternative sites within the Green Belt and Bristol Airport's operational area, beyond the existing seasonal car park; and
- the opportunity to bring forward car parking on land contiguous to Bristol Airport's operational boundary to meet the residual requirement for car parking and the benefits this delivers in terms of low-cost parking provision and making efficient use of land.

Car parking demand

5.4.4 The Parking Demand Study Update (PDSU)¹⁰⁰ identifies that parking capacity at Bristol Airport in 2019 was circa 17,700 spaces and BAL also has extant consent for the construction of a further multi-storey car park (MSCP2) as part of its approved plans to expand the airport to serve 10 mppa. The PDSU has forecast that demand for parking during the peak summer months at 2030 (with a throughput of 12 mppa) would reach 22,200 spaces. This increase in demand is principally driven by passenger throughput and the propensity to travel by car, i.e. despite continued investment in public transport by BAL, it is expected that a proportion of the additional 2 mppa will travel by car. Allied to this, the PDSU also highlights that there is lack of regional and sub-regional public transport options. Indeed, the JLT4 provides evidence that transport investment in the sub-region and across the South West is less than half the expenditure that could be expected in other parts of the country.

¹⁰⁰ CD 2.23: Teneo Consulting (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: November 2020 Update to the Parking Demand Study.

- 5.4.5 Taking into account existing and consented car parking capacity at Bristol Airport and the forecast total demand for car parking at 12 mppa, the PDSU identifies a requirement for 4,200 additional car parking spaces during the peak summer months to accommodate an additional 2 mppa. Alongside the need to provide additional capacity to accommodate demand during the peak summer months, the PDSU also highlights that there has been an increase in winter demand with use (pre-COVID-19) reaching capacity in the winter peaks, particular at Christmas. One of the reasons for this is the closure of additional airport capacity provided by the existing seasonal car park. On this matter, the PDSU identifies that car parking demand during the winter peak is forecast to exceed capacity in March 2022 (in the Core Case).
- 5.4.6 In his evidence, Mr Witchalls has reviewed the findings of the PDSU. He confirms that the methodology adopted in the assessment is robust and identifies that, based on the worst-case traffic flows used in the TAA, there would be demand for an additional 1,471 spaces beyond that calculated in the PDSU (as Mr Witchalls' validation is based on worst-case traffic flows, the parking requirement he has identified is naturally higher than that reported in the PDSU). This demonstrates that, far from overproviding car parking to meet potential demand, BAL has set itself a tough capacity limit consistent with its public transport mode share target; this is entirely consistent with the approach of needing to demonstrate very special circumstances for development in the Green Belt.
- 5.4.7 Importantly, Mr Witchalls explains in his Proof of Evidence how the overall requirement for additional car parking at Bristol Airport to accommodate 12 mppa has been carefully calculated by taking into account BAL's commitment to increase public transport mode share by 2.5%. He confirms that BAL's car parking solution represents a balanced approach that will support the transport hierarchy underpinning BAL's proposals for its ASAS (as detailed in the draft Section 106 Agreement Heads of Terms) and ensure that additional parking provision does not undermine public transport use. In particular, Mr Witchalls points to the following features of BAL's car parking solution and ASAS proposals that will ensure parking demand associated with an increase in passenger throughput at Bristol Airport is minimised and that BAL's public transport targets are delivered:
- **Capacity limits:** whilst a total of 22,200 spaces would be provided at Bristol Airport, forecast demand in 2030 is expected to be as high as 30,200 car passengers in the month of August (including off-site demand). Mr Withcalls states that the limited provision of on-site car parking at Bristol Airport will help to promote public transport use.

- **Increase in public transport patronage:** in this evidence, Mr Witchalls has demonstrated that the proposed public transport improvements to be delivered as part of the ASAS will result in improved attractiveness of travel to Bristol Airport by public transport.
- **Multi-modal pricing review:** BAL currently proposes to carry out a multi-modal pricing review as part of the ASAS that will seek to further incentivise public transport use and, therefore, reduce the proportion of drop-off and taxi trips, as well as the need for parking at the airport.
- **Drop-off Zone charges:** alongside the multi-modal pricing review, BAL has committed to review its Drop-Off Zone charges to further discourage drop-off trips and drive a shift towards other (more sustainable) modes including public transport and long stay parking, in accordance with the transport hierarchy set out in the draft Section 106 Heads of Terms.

5.4.8 Mr Witchalls also highlights that BAL is currently proposing a monitor and manage approach to the delivery of car parking that will ensure the provision of additional capacity aligns with, and does not adversely affect, targets to increase public transport use. I discuss this monitor and manage approach further below.

5.4.9 I note that NSC's officers and their advisors confirmed that the methodology adopted in the Parking Demand Study (PDS)¹⁰¹ was robust¹⁰². On the basis of the evidence presented in the PDS, PDSU and in Mr Witchalls' Proof of Evidence, and taking into account the surface access measures contained in the draft Section 106 Heads of Terms, I am therefore satisfied that there is a proven requirement for 4,200 car parking spaces to serve an additional 2 mppa and, further, that this requirement takes full account of BAL's proposed public transport mode share target and the need to reduce drop-off and pick-up.

5.4.10 Development Plan Policy CS11 states that adequate parking must be provided and managed to meet the needs of anticipated users in usable spaces. The Appeal Proposal responds to the demand identified in the PDSU by making provision for an additional (net) 4,200 spaces.

Insufficient capacity in the Green Belt inset

5.4.11 BAL has already delivered a multi-storey car park to the north of the airport site (MSCP1) and will bring forward MSCP2 as an initial phase of further car parking. To maximise development in the Green Belt inset, a further multi-storey car park (referred to as MSCP3) is proposed adjacent to the current MSCP1 that will provide approximately 2,150 spaces; this equates to 1,500 net spaces as

¹⁰¹ CD 2.11: Teneo Consulting (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Parking Demand Study.

¹⁰² CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 102.

extensive surface parking is lost to construct the facility. The capacity of this facility takes into account existing and consented multi-storey car parking provision at the airport site and a careful analysis of the demand for premium long stay car parking; however, this facility will not meet the total car parking requirement and against the total projected requirement of 4,200 spaces, there is still a residual requirement for 2,700 spaces. It is therefore necessary to determine, first, whether there are any other opportunities to meet this residual requirement to the north of the airport site through further surface level car parking and/or additional multi-storey car parking.

- 5.4.12 In terms of further surface level car parking, I would contend that BAL has already sought to maximise development in the inset. Indeed, NSC officers agreed that there is currently no surplus space in the inset for additional surface car parking and on this matter, the Officers' Report stated (page 106) that "*The only way therefore to increase car parking capacity in the GBI is multi-storey parking, which is the subject of the proposed MSCP3*".
- 5.4.13 In developing its proposals, I am aware that BAL did consider further additional multi-storey/decked car parking on the northside of the airport and within the Green Belt inset but that this option was ultimately rejected. Consented and proposed multi-storey car parking already covers a substantial proportion of the inset area and landscape analysis of this option during the design-phase indicated that additional multi-storey/decked car parking beyond that associated with MSCP3 would result in the overdevelopment of the northside of the airport and substantial visual impacts on residential receptors along Downside Road. This is particularly the case given the topography of this area and the requirement for a gyratory to improve traffic flows within the airport site which significantly limits siting options. Further, accommodating additional multi-storey car parking would not be feasible given the need to retain traffic flows through the airport site.
- 5.4.14 On this basis, it is my judgement that there are no suitable opportunities to deliver additional surface level or multi-storey car parking in the Green Belt inset at Bristol Airport. This means that, even with the provision of a total of three multi-storey car parking facilities in the inset, there is insufficient capacity in this area to accommodate all of the parking demand associated with an additional 2 mppa. I note that this is the same conclusion as that reached by the Officers' Report which stated (at page 108) that "*BAL has demonstrated that the additional surface car parking (2,700 spaces) and year-round use of the current seasonal car park (3,650 spaces) cannot be delivered in the GBI*".
- 5.4.15 In consequence, there is a need to consider opportunities outside of the Green Belt inset to accommodate the residual requirement. A failure to make adequate provision outside of the inset would, critically, result in an increase in unauthorised off-site car parking and drop-off/pick-up.

Unauthorised off-site car parking

- 5.4.16 Unauthorised off-site car parking¹⁰³ within the Green Belt is a serious issue that causes harm to the Green Belt and adverse effects on the amenity of local communities and the environment; a 2019 count completed by BAL (based on photographs taken from a helicopter survey) estimated the level of unofficial car parks to be around 3,900 spaces, although this figure is expected to be higher. This issue was recognised in the Officers' Report which stated (at page 104) that "*The scale of unauthorised and unofficial off-airport car parking remains a significant planning issue*". Indeed, unauthorised car parking is currently being managed by NSC and other neighbouring authorities, and for which the Council has secured funding from the Ministry of Housing, Communities & Local Government to support targeted enforcement action¹⁰⁴.
- 5.4.17 In this context, should insufficient car parking capacity be provided at Bristol Airport to accommodate the demand associated with an additional 2 mppa, then the unmet demand would likely be met by off-site providers with consequential impacts on the Green Belt, the environment and local communities. Critically, further unauthorised car parking would also affect BAL's surface access ambitions in its ASAS, as without the ability to properly coordinate and manage car parking operations from a price and product perspective and secure associated improvements to public transport in accordance with planning policy and the APF, the unique position of BAL to promote sustainable surface access would be undermined. This view is consistent with a number of appeal decisions in relation to off-site car parking, as I highlight below.
- 5.4.18 In the case of Land at Rocks Lane, the Inspector highlighted, in dismissing the appeal¹⁰⁵, the material importance of BAL's ASAS stating that the need for car parking arising at Bristol Airport "*highlights the need to address demand through a planned, strategic approach to parking provision to ensure that it is located in the right place, and maximises opportunities for integration with the public transport network. That is what the ASAS and the adopted Development Plan aim to achieve*".
- 5.4.19 Similarly, in relation to an appeal against an enforcement notice issued by NSC at Birds Farm, Kingdown Road, Bristol, the Inspector stated¹⁰⁶:

¹⁰³ Unofficial car parking sites refers to off-site car parking sites that operate without express planning permission or lawful development certificates. In BAL's experience, some unofficial car parking operate under 28-day temporary permitted development rights but the vast majority are unauthorised and operate without the benefit of any planning permission.

¹⁰⁴ See <https://www.gov.uk/government/news/cash-boost-to-crackdown-on-illegal-building-on-nation-s-green-belt> [Accessed May 2021].

¹⁰⁵ CD 15.14: The Planning Inspectorate (2021) Appeal Decisions in Respect of Field in Rocks Lane, Felton, Somerset (references APP/D0121/C/17/3175493, APP/D0121/C/17/3175494 and APP/D0121/C/17/3175495) by Jessica Graham BA (Hons) PgDipL– 8 January 2018, paragraph 14.

¹⁰⁶ CD 15.5: The Planning Inspectorate (2021) Appeal Decisions in Respect of Birds Farm, Kingdown Road, Bristol by JP Roberts BSc(Hons) LLB(Hons) MRTPI (references APP/D0121/C/20/3250491 and APP/D0121/C/20/3250492) – 16 March 2021, paragraph 31.

"Airport parking needs to be provided in accordance with the strategic aims of the Council's policies and not, as here, in an uncoordinated ad hoc manner... following the implementation of the ASAS the proportion of passengers travelling to and from the airport by public transport was significantly higher than the initial trajectory, thus indicating that it was achieving its aim. That Inspector afforded the ASAS and development plan policies significant weight, and I see no reason to differ. The Bristol Airport Monitoring Report 2018 shows that the Bristol Airport commissioned express bus Flyer services had significant increases in patronage over 2017, and that investment made in public transport..."

5.4.20 In an appeal decision¹⁰⁷ relating to off-site car parking within the administrative area of Bristol City Council, meanwhile, the Inspector upheld the Council's enforcement notice stating:

"The aim at Bristol Airport is to increase the public transport proportion of passenger journeys to 15%. Part of this strategy is to control parking, with a key factor being the use of on-airport car parks in preference to off-airport car parks, where price can be controlled to influence modal transport choice. The provision of off-site third party car parks where price is not controlled will inevitably impact on the ability of the Airport to influence mode of transport choice, if the price control mechanism can be avoided. Off site operators are likely to be more competitive by having lower prices than at the airport, as is the case in relation to this appeal. This will clearly and directly undermine the aims of the Surface Access Strategy and cause considerable harm in terms of sustainability, conflicting with the general aims of the core strategy and The Framework to achieve sustainable development."

5.4.21 It is important to note that BAL has committed to a number of measures contained in the draft Section 106 Heads of Terms that are designed specifically to further mitigate the impacts of unauthorised car parking including a contribution to support resources for planning enforcement. Whilst increased enforcement by NSC is expected to reduce unauthorised off-site car parking, sufficient authorised car parking must also be provided on-site to balance need and ensure off-site enforcement remains effective and is not undermined.

Drop-off and pick-up

5.4.22 Drop-off and pick-up doubles the number of trips to/from Bristol Airport compared to parking on-site, generating more traffic movements and associated emissions. For this reason, it is at the bottom of BAL's transport hierarchy for a new ASAS. Short-term parking and waiting also occurs at the roadside, in lay-bys and other locations near to the airport which results in adverse impacts on highways safety and the amenity of local residents.

¹⁰⁷ CD 15.16: Planning Inspectorate (2013) Appeal Decision in Respect of 137 Parson Street, Bristol by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS (reference APP/Z0116/C/12/2183376) – 2 May 2013, paragraph 11.

- 5.4.23 In response to this issue, BAL has already increased charging at its drop-off car park in order to reduce demand for this product whilst the issue of on-street parking is being addressed by BAL and NSC through actions arising from a Parking Summit. BAL has also committed through the draft Section 106 Heads of Terms to review charges further in order to actively discourage drop-off and to support the implementation of local parking controls. Success in this area will result in a growth in demand for parking spaces on-site.
- 5.4.24 Conversely, a failure to provide adequate car parking to meet demand on-site is likely to result in an increase in this short-term parking both on-site and off-site, generating more vehicle trips and adverse effects on local communities and the environment.

No suitable offsite alternatives outside the Green Belt

- 5.4.25 As I describe in more detail below in respect of Very Special Circumstance 2, no alternative sites outside of the Green Belt have been identified by BAL or by NSC in the Officers' Report to accommodate the residual demand for 4,200 spaces. In consequence, it is necessary to consider opportunities within the Green Belt at, and adjacent to, Bristol Airport.

On-site opportunities within the Green Belt

- 5.4.26 As no further opportunities exist within the Green Belt inset and no suitable, off-site car parking options outside of the Green Belt have been identified, I now consider land within the current airport site, but also within the Green Belt.
- 5.4.27 Two on-site options in the Green Belt were identified and considered as part of the Parking Strategy¹⁰⁸; decked car parking southside and the year-round use of the existing seasonal car park.
- 5.4.28 Decked car parking in the southside of the airport would be located over the existing Silver Zone Car Park and be within the Green Belt. Due to the nature and scale of development in this location, landscape impacts and harm to the openness of the Green Belt would, in my opinion, be greater than a solution involving surface level car parking. Further, the construction costs involved would require the car park to be charged at a premium; BAL's experience, and that of other airports, suggests that premium parking is only acceptable if customers can then walk to the terminal, something that is not possible from the Silver Zone. On this basis, the option was rejected by BAL and I would concur with this conclusion.
- 5.4.29 The year-round use of the existing seasonal car park is included in the application scope. This will cater for the increased year-round demand for low-cost parking associated with an additional 2

¹⁰⁸ CD 2.12: Wood (2018) Parking Strategy: Final Report.

mppa, make best use of the existing car park facility and will have a limited impact on the openness of the Green Belt and the environment. However, as this is an existing facility that already caters for peak car parking demand during the summer months, it would not affect the residual requirement for 4,200 spaces identified in the PDSU. Instead, it will ensure that BAL is better able to serve demand outside the summer peaks.

5.4.30 No other suitable options within the airport site were identified in the Parking Strategy and I am satisfied that this remains the case.

Opportunities at Green Belt locations contiguous to the airport site

5.4.31 An extension to the Silver Zone Car Park is proposed in order to meet the residual requirement for spaces and the demand for low-cost parking. The Parking Strategy highlighted that this proposal:

- is well-located from an operational perspective, allowing car parking to the south of the airport site to be consolidated in one location;
- benefits from existing services and facilities associated with the Silver Zone Car Park including the Silver Zone Car Park Reception Building and associated shuttle bus services that transfer passengers to/from the terminal;
- is well-suited to block parking, where public access is not required and car parking spaces can be maximised thereby making the best use of the land without the need for significant additional built development and minimising the need for lighting;
- has good access to the A38 and terminal via the existing southern access road;
- can be readily integrated with wider surface access proposals and improvements associated with development of Bristol Airport to 12 mppa; and
- is not within/adjacent to national or local designated sites.

5.4.32 It is my opinion that this rationale is still correct and that the proposed extension to the Silver Zone Car Park is the most appropriate option for accommodating demand not met by further car parking in the Green Belt inset.

5.4.33 The proposed extension to the Silver Zone Car Park will provide circa 2,700 spaces, meeting in full the residual requirement. On this basis, the PDSU concludes that the construction of all car parking elements of the Appeal Proposal are therefore required to accommodate a passenger throughput of 12 mppa.

Meeting the demand for low-cost parking

- 5.4.34 Importantly, the extension to the Silver Zone Car Park, alongside the proposed year-round use of the existing seasonal car park, responds to the increased demand for low-cost parking, helping to further mitigate unauthorised off-site car parking.
- 5.4.35 The PDS and PDSU have established that there has been an increased demand for low-cost parking at Bristol Airport. This increase in demand is the result of a number of factors that are described in detail in the Planning Statement (Section 5.3), including:
- a historic preference and underlying demand for low-cost parking;
 - an increasing propensity for leisure passengers to use low-cost parking due to (inter alia) their length of stay and willingness to pay;
 - growth in passengers from catchments that are more distant from the airport and more likely to choose low-cost parking; and
 - growth in based aircraft (based aircraft are parked at the airport overnight) with passengers on the first wave-based aircrafts leaving early in the morning being more likely to drive and park than at other points during the day.
- 5.4.36 The Silver Zone Car Park at Bristol Airport caters specifically for this type of demand, providing a lower-cost, long stay parking product. Further multi-storey car parking would not meet this demand because of the level of charging required to make such investments commercially acceptable; in any case, there is insufficient space in the inset to deliver further multi-storey car parking whilst decked or multi-storey car parking to the south of the airport site would be likely to have a greater impact on the Green Belt. On this basis, the PDS and PDSU conclude that both the year-round use of the seasonal car park and the extension to the Silver Zone Car Park will better accommodate the specific demand for low-cost, long-stay parking during both the summer and winter peaks. This was accepted by NSC officers in their recommendation to approve the planning application¹⁰⁹ and is consistent with previous decisions where similar commercial considerations have been afforded significant weight (which I discuss further **Section 5.5**).
- 5.4.37 The increase in demand for low-cost parking is one of the reasons why passengers choose to use unauthorised off-site car parks, particularly during peak periods when there is limited capacity on-site at Bristol Airport. In this context, the provision of additional car parking, and low-cost car parking specifically, as part of the Appeal Proposal will (alongside the measures contained in a new

¹⁰⁹ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 108.

ASAS) ensure that BAL is better positioned to offer an attractive, alternative, low-cost product to unauthorised off-site providers.

An efficient use of land

- 5.4.38 The use of the existing seasonal car park is currently restricted by condition to between May and October each year. In my view, this is an inefficient use of space and resource. The principle of car parking in this exact location has already been established and accepted in the granting of consent, by NSC, for the seasonal car park and measures have been successfully implemented to mitigate associated environmental impacts including, in particular, the landscape bund to the south of this area which successfully screens the car park, minimising landscape and visual impacts and providing important ecological habitat. The year-round use of the car park will enable peak demand in the winter months to be met without the need for significant, additional built development and with negligible impacts on the environment.
- 5.4.39 Consistent with current operations, passengers utilising the proposed extension to the Silver Zone Car Park would have their cars valet parked. Under this arrangement, cars would be dropped-off at the existing Silver Zone Car Park Reception Building where they would then be parked by BAL staff. As public access would not be required and cars would be block-parked, the need for significant additional built development would be minimised whilst the number of cars that can be parked would be maximised. This arrangement is particularly suited to long stay car parking; block-parking would not be possible in a multi-storey car park.
- 5.4.40 It is my judgement that this operational arrangement represents an efficient use of land.

Phasing car parking delivery

- 5.4.41 BAL is currently proposing to deliver car parking in two phases, secured by way of a planning obligation:
- **Phase 1:** MSCP2 and removal of restrictions on the existing seasonal car park in parallel with the early delivery of public transport improvements;
 - **Phase 2:** the delivery of the extension to the Silver Zone Car Park and completion of MSCP3.
- 5.4.42 This phasing represents a change to the approach previously agreed with NSC officers which saw MSCP2 brought forward in the second phase and MSCP3 in a third phase. The revised phasing responds directly to the concerns expressed by NSC and some third parties regarding the need to bring forward MSCP2 in order to secure the early delivery of a PTI facility.

- 5.4.43 Importantly, BAL is currently considering releasing car parking in Phase 2 through a monitor and manage approach to anticipate demand for these facilities as it arises. Secured by a planning condition, such a monitor and manage approach would require BAL to keep parking demand under review with facilities being brought forward only when required, taking into account factors such as (inter alia): parking demand; parking capacity; off-site provision; and passenger throughput. At this stage, it is anticipated that the extension to the Silver Zone Car Park would be brought forward ahead of MSCP3 in Phase 2 as this facility will better meet the demand for low-cost, long-stay car parking, and ensure that BAL is better positioned to offer an alternative to unauthorised off-site providers.
- 5.4.44 Having carefully considered the evidence on parking demand presented in the PDS, PDSU and in Mr Witchalls' Proof of Evidence, I consider that BAL's proposed phasing represents a balanced and controlled approach to the delivery of additional car parking capacity at Bristol Airport for the three reasons I set out below.
- 5.4.45 First, bringing forward MSCP2 in Phase 1 is consistent with the PDSU which assumes that this facility would be delivered by 10 mppa (which is forecast to be reached by 2024 in the Core Case) and further demonstrates BAL's commitment to maximising development in the Green Belt inset. Importantly, this phase would see BAL bringing forward early investment in public transport measures and will secure delivery of the PTI facility (which forms part of MSCP2), in-turn encouraging sustainable travel. Similarly, the PDSU has identified that winter demand will exceed capacity before 10 mppa is reached, necessitating the early delivery of the year-round use of the existing seasonal car park. Importantly, the additional capacity provided by the seasonal car park in the winter months will help compensate for the temporary loss of spaces associated with the construction of MSCP2.
- 5.4.46 Second, a monitor and manage approach to the delivery of car parking in Phase 2 will ensure that the provision of additional capacity is fully aligned with demand and that it does not undermine the achievement of BAL's public transport mode share target and wider ASAS objectives. Whilst the overall requirement for additional car parking to accommodate an additional 2 mppa has been firmly established in the PDSU, and notwithstanding the benefits of BAL's proposed parking solution, the demand for car parking (and for specific products) may change over time as a result of, for example:
- shifting travel behaviours;

- technological innovation such as the increased use of electric vehicles and the introduction of autonomous vehicles which may reduce parking and/or favour a specific type of parking product;
- customer preference for specific parking products including premium parking, low-cost parking and drop-off;
- enforcement action taken by NSC on unauthorised off-site providers;
- the prevalence of on-street parking in local villages; and
- the introduction of off-site Park and Ride (P&R) facilities which may reduce the demand for on-site car parking.

5.4.47 In this context, a monitor and manage approach will allow BAL to respond flexibly to parking demand. This will, in-turn, ensure that:

- additional car parking is only brought forward when the demand for spaces arises;
- passenger travel to and from the airport is moved up the transport hierarchy;
- BAL's public transport mode share target is not undermined; and
- impacts associated with unauthorised off-site car parking and on-street car parking are mitigated.

5.4.48 BAL's proposed approach also responds well to the uncertainty caused by the COVID-19 pandemic in terms of when passenger throughput will reach 12 mppa.

5.4.49 Third, the delivery of the Silver Zone Car Park extension in the second phase prior to MSCP3 will better meet the demand for low-cost, long-stay car parking. As I have set out above, this will ensure that BAL is better positioned to offer an attractive, alternative, low-cost product to unauthorised off-site providers and the phasing is entirely consistent with the evidence presented in the PDS and PDSU. In any case, both components of Phase 2 (the Silver Zone Car Park extension and MSCP3) will ultimately be required to accommodate a passenger throughout of 12 mppa. From a Green Belt perspective, therefore, when in Phase 2 each facility is brought forward is irrelevant as the same limited harm to the Green Belt will still occur ultimately. On that basis, BAL should be able to phase delivery to meet demand for different types of parking product as it arises.

Very Special Circumstance 2: No Further Suitable and Available Sites for Car Parking Outside of the Green Belt

- 5.4.50 No suitable and available alternative sites outside of the Green Belt have been identified by either BAL in its Parking Strategy or by NSC in the Officers' Report to accommodate the residual demand for car parking that would be catered for by the proposed extension to the Silver Zone Car Park.
- 5.4.51 The Parking Strategy submitted with the planning application assessed car parking options, identified in agreement with NSC officers, to accommodate the parking demand associated with an additional 2 mppa. This assessment followed a sequential approach that considered opportunities outside the Green Belt (both on and off-site), as follows:
- Maximise the amount of car parking on the northern side of the airport, within the Green Belt inset, whilst taking into account other environmental impacts;
 - Explore the provision of car parking spaces at locations remote from the airport;
 - Maximise the level of car parking within the existing airport site; and
 - Explore the provision of car parking spaces in Green Belt locations contiguous to the airport.
- 5.4.52 As I have set out in respect of Very Special Circumstance 1 above, there are no further opportunities for surface level or multi-storey car parking in the inset or within the existing airport site (beyond the existing seasonal car park) which is the same conclusion as that reached in the Officers' Report. In this section, and in accordance with the hierarchy above, I consider further whether there are suitable and available opportunities at remote locations off-site, outside the Green Belt. In doing so, I demonstrate that the conclusions of the Parking Strategy and Officers' Report remain valid.

Parking Strategy sites

- 5.4.53 The Parking Strategy assessed a total of 25 off-site options for their potential to accommodate parking demand. The sites were assessed against a wide range of criteria to identify possible options for accommodating demand off-site which led to the identification of a short-list of 12 sites (including three sites in the Green Belt) that were taken forward for more detailed consideration. The analysis of these 12 shortlisted sites in the Parking Strategy identified a number of constraints that would affect their deliverability such as distance from Bristol Airport (which would affect passenger experience and may undermine uptake), the rural nature of the local road network (which means that the operational viability of these locations is marginal), anticipated high land prices, availability and the need for remediation.

5.4.54 In consequence, the Parking Strategy did not identify any suitable alternative sites to meet the residual requirement for spaces at strategic locations remote to Bristol Airport. NSC officers were also unable to identify any suitable sites and in this regard, the Officers' Report concluded (at page 111):

"The sequential approach rightly prioritised sites outside the Green Belt and officers are satisfied that there are presently no other reasonably available and suitable sites outside the Green Belt that would meet this need. The combination of additional parking provision and the absence of sites outside the Green Belt are considered to amount to very special circumstances and these clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal."

5.4.55 On the basis of the findings of the Parking Strategy and the review undertaken by NSC officers, I am confident that, at the time of the planning application's determination, there were no suitable and available sites for parking off-site.

Further sites

5.4.56 I am aware that since the Parking Strategy was undertaken, two further sites have been promoted by third parties as alternatives to the proposed extension to the Silver Zone Car Park and subject to planning applications submitted to NSC.

5.4.57 The first proposal concerns a 3,000 space P&R facility near Junction 21 of the M5 that was promoted by Mead Realisations (reference no. 19/P/0704/FUL). Whilst the application was withdrawn, the Officers' Report concerning the Appeal Proposal did consider the site (at page 110) but ultimately concluded that the proposal would not be in accordance with the Development Plan, noting in particular that it was not associated with over-night accommodation (and therefore conflicted with Policy DM30), would undermine BAL's ASAS, that the application site encroached significantly on land safeguarded for future improvement of the motorway junction and that the scheme had unresolved issues relating to impacts on ecology, archaeology and landscape. The proposal was, therefore, clearly not a realistic option to accommodate the residual parking demand associated with the Appeal Proposal and, therefore, I do not consider it further in my evidence.

5.4.58 The second proposal concerns land owned by J B Pearce Limited which is being promoted for the construction of a 3,101 space capacity P&R facility on land adjacent to Heathfield Park to the south of the A370 at Hewish (hereafter referred to as 'Heathfield Park') (reference no. 20/P/1438/FUL). I understand from the documentation submitted with the planning application for the scheme that the P&R facility is to be operated 24 hours a day, seven days a week; vehicles are to be valet parked

with between three and five buses operating hourly to/ from Bristol Airport. Sutherland Property & Legal Services Ltd (SPLS) is acting on behalf of J B Pearce Limited on this matter and is a Rule 6 party to this appeal.

5.4.59 In preparing my Proof of Evidence, I have considered the Heathfield Park proposal and I discuss this in detail in **Section 5.5**. In summary, based on the information available to me at the time of writing including concerns raised by NSC officers, Natural England and the Environment Agency, there seems to be significant uncertainty in terms of the demand for a P&R facility in the location proposed by the applicant, its potential impacts on the environment, highways and surface access and its compliance with the Development Plan. This leads me to conclude that there is considerable doubt as to whether the scheme will be granted planning permission and, in my opinion, there appears to be strong grounds to suggest that it should not be granted planning permission. In consequence, it is my judgement that the scheme is not a suitable and available option for meeting the residual demand for car parking and, further, that it is not a preferential alternative to the proposed extension to the Silver Zone Car Park.

5.4.60 Notwithstanding my judgement on the Heathfield Park proposal, whether the application is granted planning permission or not is a matter for NSC. I would note, however, that BAL's proposed parking solution does not preclude the delivery of an appropriately sited and managed P&R facility that aligns with, and contributes towards, BAL's ASAS. In fact, the monitor and manage approach currently proposed by BAL would take specific account of the capacity provided by authorised off-site P&R facilities in establishing whether there is sufficient demand to bring forward additional car parking at the Bristol Airport site.

Very Special Circumstance 3: Need for, and Benefits of, the Growth of Bristol Airport

5.4.61 The provision of additional parking is integral to the proposals for an expanded Bristol Airport and forms part of a strategy that makes best use of the existing airport site, in accordance with national aviation policy. I have established in relation to Very Special Circumstances 1 and 2 above why all of the required additional car parking cannot be provided in the Green Belt inset and that some of it should, most appropriately, be located on the proposed sites on the airport's south side. This car parking also plays an important role in meeting demand for low-cost car parking and, thereby, reducing demand to unauthorised car parks in the surrounding Green Belt and supporting a reduction in drop-off and pick-up. It is my judgement, therefore, that the need for, and benefits of, the Appeal Proposal amount to a very special circumstance that outweighs any harm to the openness of the Green Belt.

5.4.62 In **Section 3** of my evidence, I have articulated the need for, and benefits of, the Appeal Proposal. In summary, they include:

- **Strong national aviation policy support for the growth of regional airports and making the best use of existing runways, which underpins the Government's wider economic policy objectives:** allowing Bristol Airport to grow by an additional 2 mppa responds directly to MBU and the Government's wider economic objectives for increased connectivity and trade.
- **Forecast passenger demand that ought to be met at Bristol Airport:** despite the short-term impacts of the COVID-19 pandemic on the aviation sector, passenger demand at Bristol Airport is still forecast to reach 12 mppa. There is a need to accommodate this demand in order to meet the Government's national aviation policy and wider economic objectives and to clawback the historic leakage of passengers from London's airports.
- **The substantial social, economic and environmental benefits associated with the development of Bristol Airport to accommodate 12 mppa:** the Appeal Proposal will deliver significant economic and social benefits in terms of jobs, GVA and increased connectivity. Importantly, increasing the capacity of Bristol Airport to accommodate 12 mppa will support national, regional and sub-regional economic growth and recovery from the COVID-19 pandemic. The Appeal Proposal will also deliver important environmental enhancements including in respect of noise, surface access, ecology and carbon emissions.

5.4.63 The limited on-site car parking in the Green Belt is an important part of a comprehensive package of development proposals that are intended to deliver these benefits. The PDSU has clearly demonstrated that the growth of Bristol Airport to accommodate 12 mppa will generate an increased demand for car parking and the need for, and benefits of, the Appeal Proposal are clear.

5.4.64 Paragraph 80 of the NPPF establishes that "*Significant weight should be placed on the need to support economic growth and local business needs*". An additional 2 mppa will generate demand for further low-cost car parking and, as I have demonstrated above, an extension to the Silver Zone Car Park (alongside the year-round use of the existing seasonal car park) is the most appropriate option for accommodating this demand, a view that was also held by NSC officers. The provision of additional car parking will also help to ensure that Bristol Airport makes the best use of existing runway, in accordance with national aviation policy set out in the APF and MBU.

5.4.65 Consistent with the NPPF and national aviation policy, I consider that the need to meet this demand as part of the wider growth of Bristol Airport should be afforded significant weight.

5.5 NSC and Third Party Issues

5.5.1 Several issues have been raised by NSC and the Rule 6 parties on matters pertaining to the provision of additional car parking in the Green Belt. I have grouped these issues by theme in **Table 5.1** and deal with each in-turn below.

Table 5.1 Issues raised pertaining to the Green Belt

Issue	NSC	PCAA	XR Elders	BALPA	SPLS
Premature development in the Green Belt			✓		
Harm to the Green Belt	✓	✓	✓		
Need for additional car parking including low-cost car parking	✓	✓	✓		
Impact on public transport mode share	✓	✓	✓		
Phasing of car parking	✓	✓			
Further multi-storey car parking	✓	✓	✓		
Staff car parking				✓	
Alternative off-site car parking		✓			✓

Premature Development in the Green Belt

5.5.2 XR Elders asserts in its Statement of Case (paragraph 2.10) that the proposed development in the Green Belt is premature, claiming that BAL has not established the long terms development needs of Bristol Airport and the exceptional circumstances for further amendments to the Green Belt in accordance with the requirements of the Development Plan. XR Elders goes on to state at paragraph 6.6 that development in the Green Belt "*could be seen as a de-facto altering of the Green Belt boundary*", alleging that BAL's forecasts are overly optimistic and that this has not been considered as part of the plan making process which they claim is required by the NPPF.

5.5.3 I disagree with XR Elders for the following reasons:

- the NPPF is clear that prematurity is not a reason to justify refusal of planning permission in most cases and the Appeal Proposal does not fall within the definition of a premature application in the NPPF;
- XR Elders has misinterpreted Green Belt policy and there is no explicit Development Plan policy which restricts the development of Bristol Airport beyond its current cap of 10 mppa;

- in no way does the provision of additional car parking to the south of the airport site constitute a 'de-facto' amendment to the Green Belt boundary; and
- passenger demand at Bristol Airport is still forecast to reach 12 mppa, notwithstanding the impacts of the COVID-19 pandemic on the aviation sector, and in consequence, there remains a need to bring forward additional car parking in the Green Belt as part of the Appeal Proposal to meet demand associated with an additional 2 mppa.

5.5.4 At paragraph 49, the NPPF makes clear that *"in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

5.5.5 The Appeal Proposal is for a modest, albeit important, increase in the capacity of Bristol Airport to accommodate an additional 2 mppa. By making best use of the existing airport site, the vast majority of development associated with the Appeal Proposal, including the proposed extensions to the terminal building and MSCP3, would be located within the airport's existing operational boundary and only a relatively small area of undeveloped land in the Green Belt would be required, including for surface level car parking. Further, as has been demonstrated in the ES and ESA, the Appeal Proposal will not result in significant (adverse) cumulative effects. On this basis, criterion (a) of the NPPF above does not apply in this case. Turning to criterion (b), the new Local Plan is not at an advanced stage and, therefore, has little weight in this appeal. On this basis, I am led to conclude that the limited circumstances in which an application may be deemed premature do not apply in respect of the Appeal Proposal.

5.5.6 Turning to the issue of Green Belt policy, Policies CS6, CS23 and DM50 of the Development Plan to which XR Elders refers in its Statement of Case principally relate to the development of Bristol Airport to 10 mppa, bringing forward previous policy contained within the North Somerset Replacement Local Plan (Policy T/12). On this matter, the supporting text to Policy CS6¹¹⁰ states that *"The Replacement Local Plan created an inset in the Green Belt to accommodate the medium term expansion requirements of Bristol Airport. Further Green Belt amendment would be premature in*

¹¹⁰ CD 5.6: North Somerset Core Strategy (adopted 2017), paragraph 3.96.

advance of exceptional circumstances being demonstrated through evidence regarding future expansion and its land use implications". The supporting text to Policy CS23¹¹¹ sets out that "Additional development requiring consent beyond 2011 is expected to form the subject of an Area Action Plan (AAP) or other development plan document, such as a subject-based plan for aviation, refining detailed criteria inappropriate at Core Strategy scale" and at paragraph 3.297 that "In relation to future development beyond that which is identified in the Replacement Local Plan, the council will liaise with the Airport, to ensure that the timing of a future development plan document is co-ordinated with additions to the evidence base arising from review of the Airport Master Plan".

5.5.7 Notwithstanding NSC's expectation at the time of the Core Strategy's preparation that development of Bristol Airport beyond 10 mppa would be considered in a future development plan, nowhere in policy is this required. Indeed, the supporting text to Policy DM50¹¹² makes clear that the policy wording and inset *"are sufficient to deal with minor development that requires a further grant of planning permission. Outside the inset, Green Belt policy applies and it would be for the developer to demonstrate very special circumstances that outweigh the harm to the Green Belt and any other harm"*. This policy position is entirely consistent with long-standing national Green Belt policy which makes a clear distinction between the plan-making requirement that exceptional circumstances are required to amend Green Belts and the very special circumstances that must be demonstrated to justify inappropriate development in the Green Belt. The Officers' Report came to the same conclusion stating (at page 13) *"While the explanatory text to this policy supports the preparation of an Airport Action Plan to inform the growth of BA, it is not a requirement. The application is not therefore premature in the context of the development plan"*. It is therefore wholly incorrect to assert, as XR Elders has done in its Statement of Case, that the Appeal Proposal is premature because there is not more up-to-date Development Plan policy.

5.5.8 It is also a misinterpretation of Development Plan policy and the NPPF that further car parking in the Green Belt would constitute a 'de-facto' amendment to the Green Belt boundary. The Appeal Proposal will unequivocally not amend the Green Belt boundary. This a matter for local plans and there is nothing in the NPPF or Development Plan policy to suggest that the presence of Green Belts preclude development from taking place; Green Belts are not sacrosanct and this is exactly why there is a requirement to demonstrate very special circumstances in the NPPF and the Development Plan. Indeed, there already exists airport-related development within the Green Belt at the Bristol Airport site including the existing seasonal car park.

¹¹¹ CD 5.6: North Somerset Core Strategy (adopted 2017), paragraph 3.293.

¹¹² CD 5.4: Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016), page 117.

- 5.5.9 Turning to my final point in response to the issue of prematurity, I have confirmed in **Section 3** of my Proof of Evidence that passenger demand at Bristol Airport is still forecast to reach 12 mppa, notwithstanding the impact of the COVID-19 pandemic on the aviation sector; in short, YAL's forecasts are not overly optimistic as XR Elders claims. In consequence, there remains a need to bring forward additional car parking in the Green Belt to meet the demand for parking associated with this increase in passenger throughput.
- 5.5.10 Overall, I reject the assertion that development in the Green Belt is in any way premature.

Harm to the Green Belt

- 5.5.11 In its Statement of Case (paragraph 123), NSC alleges that the harm to the Green Belt arising from the Appeal Proposal has been underplayed by BAL and that "*The Proposed Development would result in BA sprawling further into the Green Belt and would conflict with the purposes of including land in the Green Belt to assist in safeguarding the countryside from encroachment.*" It is the view of XR Elders, meanwhile, that the proposed year-round use of the existing seasonal car park and the Silver Zone Car Park extension would have adverse impacts on dark skies and significantly affect the visual intrusiveness of the car park, in turn increasing the impact on the openness of the Green Belt and eroding its permanence¹¹³. The PCAA has also stated in its comments on the planning application that the harm to the openness of the Green Belt caused by the Appeal Proposal would be significant.
- 5.5.12 As I have highlighted in **Section 5.3** with reference to my supplementary assessment presented at **Appendix A**, both the proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park will, with mitigation, result in only limited harm to the Green Belt. There will be extremely localised opportunities for intervisibility of parked vehicles on either site and, further, this visibility will reduce, over time, from the growth of existing planting on the perimeter bund. A localised, high level of existing lighting is already present at the terminal building and at the aircraft stands and the lighting design strategy proposed by BAL will ensure that the limited amount of additional lighting required minimises light spill and contribution to sky glow as perceived from the surrounding Green Belt.
- 5.5.13 Taking this into account, and the fact that no alternative evidence has been presented by NSC, the PCAA or XR Elders to substantiate their claims, I maintain that there will not be substantial harm to the Green Belt arising from the Appeal Proposal.

¹¹³ Bristol XR Elders Group (2021) Statement of Case for Bristol XR Elders Group, paragraph 2.8.

The Need for Additional Car Parking including Low-cost Parking

- 5.5.14 In its Statement of Case (at paragraph 125), NSC claims that BAL has not demonstrated the need for additional low-cost parking in the Green Belt and that the overall level of parking provision does not align with passenger demand. This is despite NSC officers and its advisors having previously confirmed that the methodology underpinning the PDS is robust and them having also accepted the overall level of demand for parking including the need for additional low-cost parking in the Green Belt.
- 5.5.15 The PDSU has confirmed that there is an overall requirement to provide 4,200 additional car parking spaces to accommodate demand arising from the growth of Bristol Airport to 12 mppa; the requirement to provide additional spaces has been considered by Mr Witchalls in his Proof of Evidence and demonstrated not to be an overprovision. As I have established in respect of Very Special Circumstances 1 and 2, both MSCP3 and the extension to the Silver Zone Car Park are required to accommodate this demand and no suitable alternative sites in the inset, to the south of the airport site or at off-site locations outside the Green Belt, have been identified.
- 5.5.16 The Officers' Report was clear in accepting the need to provide these components of the Appeal Proposal. It stated (at page 104):
- "In summary, it is therefore considered that the proposed level of on-site car parking at the airport is the minimum required to meet the needs arising from the proposed increase in passenger numbers after the level of public transport use has increased".*
- 5.5.17 NSC has not provided any information or evidence to justify why it now considers that the level of parking provision does not align with passenger demand. In consequence, I fundamentally reject NSC's claim in this regard.
- 5.5.18 On the matter of need, XR Elders¹¹⁴ contends that there is no requirement to provide additional car parking to accommodate passenger growth at Bristol Airport due to, in the short term, the impact of the COVID-19 pandemic on the aviation sector, and in the medium to long term, due to technological advancements such as self-parking and autonomous vehicles.
- 5.5.19 The timing of when demand for car parking is likely to arise has been considered in the PDSU with reference to the growth cases identified in the Forecast Report. It concludes that neither the Faster Growth Case nor Slower Growth Case would affect the overall level of parking demand forecast, only the timing of when additional car parking capacity is required, commensurate with passenger growth. On this basis, I am satisfied that, despite the temporary impacts of the COVID-19

¹¹⁴ Bristol XR Elders Group (2021) Statement of Case for Bristol XR Elders Group, paragraphs 2.10 and 2.11.

pandemic on passenger throughput, there remains an underlying demand for additional car parking that needs to be met.

- 5.5.20 XR Elders is right to highlight that technological changes may affect future parking demand; however, if and when this is likely to occur and how it may affect demand is highly uncertain. XR Elders suggests that full autonomy (Level 5) is expected to be incorporated into most new vehicles by 2023. However, I would highlight that this is subject to a number of important factors including the successful testing of technology, customer demand, pricing and the passing of legislation to allow Level 5 cars on the road. In response in part to this uncertainty, a monitor and manage approach to the provision of additional car parking (as currently proposed by BAL) will ensure that additional parking does not come forward unless and until the demand arises and, importantly, will allow BAL to consider any technological changes which may impact demand and the type of car parking that is required as a result.
- 5.5.21 NSC additionally claims that BAL has not demonstrated how additional low-cost parking in the Green Belt would ameliorate the problem of unauthorised off-site parking. XR Elders also makes a related point, asserting that extant Development Plan policy and NSC's enforcement powers can adequately address unauthorised car parking.
- 5.5.22 Unauthorised off-site car parking is a serious issue that exists despite the extant policy provisions of the Development Plan (in particularly Policy DM30) and the enforcement activity of NSC. Should insufficient car parking capacity be provided on-site at Bristol Airport to accommodate the demand arising from a 2 mppa increase in throughput (after taking account of the increased public transport mode share target), then it is only reasonable to assume that a large proportion of this unmet demand would be met by unauthorised off-site providers given the propensity of passengers to park at Bristol Airport that exists despite significant investment by BAL in public transport. In this context, the proposed extension to the Silver Zone Car Park will, alongside the year-round use of the existing seasonal car park, have the benefit of meeting the specific demand for low-cost parking. This is particularly important in the context of unauthorised offsite car parking in the Green Belt as it is that section of the market that is particularly attracted to low-cost alternatives. Importantly, this same justification was accepted by officers in recommending approval of the planning application. The provision of additional car parking must, however, also be set within the wider context of BAL's commitments to further mitigate the impacts of unauthorised car parking which I have discussed in **Section 5.4**.
- 5.5.23 On this basis, I reject the claims made by NSC and XR Elders that the Appeal Proposal will not address the issues associated with unauthorised off-site provision.

Impacts on Public Transport Mode Share

- 5.5.24 NSC alleges in its Statement of Case (paragraph 125) that BAL has not demonstrated how the provision of additional, low-cost parking in the Green Belt is consistent with increasing public transport mode share. On a similar matter, the PCAA contends at paragraph 35 of its Statement of Case that the overall provision of car parking at Bristol Airport should be reduced to encourage more passengers to travel by public transport whilst XR Elders argues that the Appeal Proposal continues to promote travel by car on a “predict and provide basis” and that a detailed viability assessment has not been undertaken “to test the reasonableness of the current parking strategy and pricing, and options that could influence the modal split of journeys to the airport”¹¹⁵.
- 5.5.25 As I have explained in **Section 5.4**, the overall requirement for additional car parking at Bristol Airport to accommodate 12 mppa has been carefully calculated, taking into account BAL’s stretching commitment to increase public transport mode share by 2.5%. It represents a balanced approach to parking and the promotion of sustainable travel and on this basis, I am confident that the level of car parking proposed as part of the Appeal Proposal is consistent with BAL’s public transport mode share target. Regardless, as Mr Witchalls has demonstrated in his evidence, the public transport mode share target proposed by BAL is an ambitious target, especially given that Bristol Airport already has a much higher public transport mode share than similar regional airports.
- 5.5.26 In coming to its view on this matter, the PCAA has clearly failed to understand that there is not a simple, linear relationship between public transport mode share and car parking provision. Restricting the availability of onsite car parking would not automatically equate to a commensurate increase in public transport use due to the potential increase in unauthorised off-site car parking and drop-off/pick-up with associated adverse impacts on the environment and local communities.
- 5.5.27 Turning to the comments of XR Elders, I would contend that the PDS and PDSU do represent a comprehensive assessment of future parking demand. Indeed, NSC officers and their advisors previously confirmed that the methodology underpinning the PDS is robust. Further, BAL is proposing as part of its ASAS to undertake a pricing review and intends to deliver additional car parking as part of a monitor and manage approach. I am therefore unclear as to what an alternative, more robust approach to planning for car parking at the airport site might look like.
- 5.5.28 Overall, I do not consider that the level of car parking proposed as part of the Appeal Proposal, including provision in the Green Belt, does not align with measures to promote sustainable travel to and from the airport, as NSC, the PCAA and XR Elders allege.

¹¹⁵ Bristol XR Elders Group (2021) Statement of Case for Bristol XR Elders Group, paragraph 2.6.

Phasing of Car Parking

- 5.5.29 NSC contends that BAL has not demonstrated why car parking should be delivered in the Green Belt in advance of the delivery of car parking in the Green Belt inset. In a departure from the phasing previously agreed with officers, NSC is now proposing a planning condition requiring that MSCP3 is brought forward ahead of both the proposed year-round use of the existing seasonal car park and the extension of the Silver Zone Car Park. The PCAA has also raised concerns relating to the phasing of car parking. At paragraph 33 of its Statement of Case, the PCAA argues that BAL *"do not want to pay for the extra cost of a MSCP and want to expand cheap parking which maximises their profits"* and in paragraph 34 that *"For most businesses, customer car parking is ancillary to its main activities. For BAL, it is an integral part of the business, generating around one third of its revenue. This is the other main reason why BAL has a vested interest in maintaining and expanding the existing low-cost car parking arrangements"*. The PCAA continues, stating at paragraph 35 that *"the lowest cost options should not be explored first when there are viable options that BAL can use in the MSCP. BAL state that these are higher cost parking but BAL has complete control over the cost of this parking. There is no reason why BAL can't complete these MSCP, charge a fair price to meet the demand that says is there and increase the public transport modal split so these parking spaces are never needed"*. This is similar to comments made by the PCAA on the original planning application and the ESA where it erroneously claimed that BAL is motivated to increase car usage at the expense of public transport and argued that BAL should be required to bring forward MSCP2 and MSCP3.
- 5.5.30 BAL is proposing a change to the phasing of car parking previously agreed with NSC officers that would see MSCP2 and the year-round use of the existing seasonal car park brought forward in Phase 1 in parallel with the early delivery of public transport improvements; in consequence, BAL will bring forward additional car parking in the inset ahead of the delivery of further car parking in the Green Belt. BAL will then bring forward the extension to the Silver Zone Car Park and MSCP3 during Phase 2.
- 5.5.31 At this stage, it is anticipated that BAL's car parking proposals to the south of the airport site will be brought forward ahead of MSCP3 during Phase 2. Both the PDS and PDSU have identified that, whilst all components of the Appeal Proposal are necessary to meet forecast parking demand, given the differences between the types of car parking proposed from a product and likely customer cost perspective and the forecast availability of premium parking capacity, a low-cost parking option will better meet customer needs and benefit from greater levels of underlying demand, while also being better positioned to reduce the market share of unauthorised off-site

providers. The PDSU concludes that, for these reasons, low-cost car parking provision to the south of the airport is a more practical first step to develop additional parking capacity at the airport.

5.5.32 MSCP3 would not meet the specific demand for low-cost car parking. This is because of the significant cost of bringing forward such a facility that would necessitate charging a premium; indeed, to my knowledge, this is a similar pricing structure as that adopted at other UK airports where passengers are charged more for the convenience of parking close to the airport terminal. Further, a parking solution that does not accurately reflect passenger demand is likely to encourage unauthorised off-site provision and on-street parking to meet the demand for low-cost parking that cannot be met on the airport site. In any case, both components of Phase 2 (the extension to the Silver Zone Car Park and MSCP3) will ultimately be required to accommodate 12 mppa such that, from a Green Belt perspective, when in Phase 2 they are brought forward is irrelevant as, ultimately, the same limited harm to the Green Belt will occur.

5.5.33 The NPPF (at paragraph 80) establishes 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, and in this context, commercial considerations such as the nature of car parking demand is a material consideration in demonstrating 'very special circumstances' to justify car parking in the Green Belt. In this regard, commercial considerations were previously accepted by NSC as representing a very special circumstance to justify bringing forward the existing seasonal car park (application reference 16/P/1486/F). In that case, the Officers' Report¹¹⁶ (see **Appendix E** to this document) stated that it would be "*unrealistic... to suppose that any business would front load expensive infrastructure much larger and much sooner than is reasonably needed*". This view was upheld in the refusal of an application for Judicial Review challenging the Council's granting of consent in which the claimant contested that the decision had inappropriately taken into account BAL's pricing strategy. In refusing permission to proceed, Mr Justice Hickinbottom stated¹¹⁷: "*In concluding that there were very special circumstances in 2016, the Council was entitled to take into account the different economic trends and requirements then shown.*" In fact, in respect of this Appeal Proposal, NSC officers also came to the same conclusion¹¹⁸.

5.5.34 On this basis, I contend that BAL has clearly demonstrated why there is a need to bring forward car parking in the Green Belt ahead of MSCP3. Notwithstanding this, the delivery of car parking could be subject to BAL demonstrating, through a monitor and manage approach, that there is adequate

¹¹⁶ NSC (2016) Report to Planning and Regulatory Committee 14 September 2016 on 16/P/1486/F.

¹¹⁷ CD 15.1: Parking Operators Against Monopolies Limited versus North Somerset Council: Ref CO/6483/2016.

¹¹⁸ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 107.

demand for these facilities. This will further ensure that the right facility is brought forward at the right time to meet passenger demand.

Further Multi-storey Car Parking

5.5.35 At paragraph 125 of its Statement of Case, NSC claims that BAL has not demonstrated that car parking in the Green Belt inset has been maximised. Some objectors to the planning application including the PCAA have also suggested that BAL should look to bring forward further, additional multi-storey car parking in the inset as an alternative to the development of car parking in the Green Belt. In its Statement of Case (paragraph 2.14), XR Elders contends that further multi-storey car parking could be provided in the inset and that BAL has not undertaken a *“detailed viability study to support the commercial necessity of extending car parking in the Green Belt”*.

5.5.36 As I have set out in **Section 5.4** in respect of Very Special Circumstance 1, it is my judgement that, having delivered MSCP1, committed to delivering MSCP2 and in proposing MSCP3, BAL has maximised development in the Green Belt inset. I contend that further multi-storey parking to the north of the airport site would result in substantial visual impacts and, further, would not meet the forecast increased demand for low-cost car parking. Importantly, this is the same conclusion as that reached in the Officers' Report which stated (at page 108) that *“BAL has demonstrated that the additional surface car parking (2,700 spaces) and year-round use of the current seasonal car park (3,650 spaces) cannot be delivered in the GBI”*. In my view that conclusion is entirely correct.

Staff Car Parking

5.5.37 BALPA contends that BAL has not properly considered the matter of staff car parking. At paragraph 2.1.8 of its Statement of Case, BALPA states:

“[BAL] has not sought to justify the staff car parking in the Silver Zone, which at 1,000 spaces, takes up a significant proportion of the parking in the Green Belt. Nor has it sought to consider the alternative of transferring some or all of the staff parking to the north side of the airport (inset from the Green Belt) either in the existing surface parking or the MSCP. If it were to do so this would reduce the amount of surface car parking which would be required in the Green Belt. This omission undermines the Appellant's very special circumstances case”.

5.5.38 I disagree with BALPA's position. First, it should be noted that, as recognised in BALPA's Statement of Case, staff parking was moved from the north of the airport site to south in order to accommodate an extension to the Eastern Apron, as per BAL's extant consent for growth to 10 mppa, and a dedicated Staff Transport Hub has been completed for those staff using the bus to reach the north side. The location of staff car parking away from the terminal is also consistent with

other airports where, in many cases, staff parking is located off-site. In consequence, I consider that the location of staff parking is a matter that has already been considered by NSC in granting planning permission for the expansion of Bristol Airport to 10 mppa and, moreover, that there is no requirement, as BALPA assert, for BAL to justify staff car parking in the Silver Zone.

5.5.39 BALPA also contends that BAL has not considered an alternative of transferring some or all of the staff parking currently located in the Silver Zone Car Park to the north side of the airport site in order to reduce the amount of surface level car parking required in the Green Belt. At paragraph 2.1.10 of its Statement of Case, BALPA states:

"For much of the year there is spare capacity in the north side car parking. BALPA will provide evidence of the extent of use of the new MSCP in June and July 2018 and demonstrate that, even at this peak time, there were on average at midday during June and July 460 and 540 free spaces respectively. Evidence will also be presented to show that during peak periods in summer 2019, discounted prices were used to encourage use of the MSCP. This confirms the demand for low cost rather than premium parking at the airport. Given the lack of demand for 'premium' rate parking from an airport that has predominantly leisure rather than business passengers, it seems unlikely that the additional multi storey car park can be filled without discounting the price".

5.5.40 BALPA goes on to claim (at paragraph 2.1.9) that moving staff car parking to the north of the airport site would allow for these spaces to be more intensively utilised through block parking, creating an additional 400 spaces (total of 1,400 spaces) without the need for any further car parking in the Green Belt.

5.5.41 Whilst I would agree that there is increasing demand for low-cost parking, I do not concur with BALPA that its alternative proposal to move staff car parking northside is appropriate. BALPA's proposal does not reflect the findings of the PDSU which indicates that, at 12 mppa, all of the parking elements of the Appeal Proposal are required to accommodate growth to 12 mppa. On this basis, moving staff car parking to the north of the airport site would simply act to displace passenger parking in the inset that would then need to be accommodated to the south of the airport; even allowing for the additional 400 spaces that BALPA claims could be created through a block parking arrangement, this would not negate the need for the proposed extension to the Silver Zone Car Park. Further, BALPA's analysis of spare capacity is flawed as it has only considered average and not peak demand; it is the peak demand that must necessarily be accommodated by the Appeal Proposal to ensure that sufficient capacity is provided.

Alternative Off-site Car Parking

5.5.42 SPLS has submitted a planning application for a proposed 3,101 space capacity P&R facility on land adjacent to Heathfield Park to the south of the A370 at Hewish (the proposed P&R facility). SPLS is a Rule 6 party to the appeal and is acting on behalf of the site owner.

5.5.43 In its Statement of Case¹¹⁹, SPLS makes two overarching claims; first, that the findings of the Parking Strategy submitted with the application for the Appeal Proposal are flawed; and second, that the proposed P&R facility is a more suitable alternative to additional car parking in the Green Belt and that, on this basis, BAL cannot demonstrate the very special circumstances necessary to justify development in the Green Belt. I deal with these issues in-turn below, demonstrating that the Parking Strategy was not in any way inadequate and, further, that based on the available information to me, the proposed P&R facility does not represent a more suitable alternative to an extension to the Silver Zone Car Park.

Adequacy of the Parking Strategy

5.5.44 In its Statement of Case, SPLS agrees with the sequential test approach adopted in the Parking Strategy and the criteria applied to assess potential off-site options. Despite this, at paragraph 72 it then goes on to state:

"However, the findings of the Sequential Test are questionable. The Sequential Test has offered a cursory glance at other locations but does not explore their relative merits in any detail. The Sequential Test provided in chapter 5 of the Parking Strategy has been set to fail from the outset, so that the preferred options proposed by the airport become the only 'viable' option".

5.5.45 In my opinion, the assessment of off-site options contained in the Parking Strategy is proportionate, robust and was completed by experienced transport planners. I also note that the assessment of alternative sites in the Parking Strategy was considered by NSC officers during the determination of the planning application who, having consulted with neighbouring local planning authorities, corroborated the conclusions of the assessment that there were no suitable off-site options.

5.5.46 At the outset of its Statement of Case (paragraph 2), SPLS also claims that *"BAL were fully aware of the alternative site but dismissed it without further consideration"*. This is incorrect. To the best of my knowledge, at no point has SPLS or the site owner made any attempt to contact BAL to discuss its proposals.

¹¹⁹ SPLS (2021) Rule 6 Part Appeal Statement.

5.5.47 SPLS has not provided any further detail to substantiate its claims that the Parking Strategy is flawed, other than to undertake what it calls a 'rebalancing' of the assessment in an attempt to validate its belief that the proposed Heathfield Park site is a viable alternative. On this basis, I reject SPLS's assertion that the Parking Strategy is in any way deficient.

The proposed P&R facility

5.5.48 SPLS has undertaken an assessment of the Heathfield Park site using the methodology adopted in the Parking Strategy; this assessment is presented in its Statement of Case. Unsurprisingly, SPLS scores the site well against all of the assessment criteria leading to its conclusion that the proposed P&R facility is a viable alternative to an extension to the Silver Zone Car Park.

5.5.49 It is my professional opinion that, on the basis of the information available to me at the time of writing, the P&R facility promoted by SPLS is not a suitable and available alternative to the proposed extension to the Silver Zone Car Park. This on the basis of:

- a likely lack of demand for the P&R facility;
- potential adverse impacts on highways and on the achievement of BAL's public transport mode share targets;
- potential adverse environmental impacts, including in respect of flood risk, ecology, air and noise pollution and heritage;
- non-compliance with the policies of the Development Plan; and
- uncertainty regarding the deliverability of the facility.

5.5.50 I discuss each point in-turn below.

Demand for the proposed P&R facility

5.5.51 According to documentation submitted with the planning application, the proposed P&R facility is being promoted to both accommodate passenger growth at Bristol Airport up to the current permitted cap of 10 mppa (under permission 09/P/1020/OT2) and reduce 'uncontrolled' off-site car parking in the Green Belt (I understand that SPLS also represents some operators of these uncontrolled sites). However, SPLS is also promoting the site as an alternative to the proposed extension to the Silver Zone Car Park, presumably to accommodate the demand associated with increasing the capacity of Bristol Airport to 12 mppa. This leads me to question SPLS's justification for the scheme in the context of the Appeal Proposal.

- 5.5.52 The Planning Design and Access Statement (PDAS)¹²⁰ for the scheme claims that unmet parking demand at a passenger throughput of 10 mppa will equate to circa 8,000 spaces. It further states that BAL has not identified additional capacity to meet the need associated with growth to 10 mppa, a point repeated by SPLS in its Statement of Case (at paragraph 14). However, there is a fundamental issue with SPLS's logic. If the proposed P&R facility is being promoted to accommodate what SPLS sees as being unmet demand associated with growth to 10 mppa, then presumably the residual demand for 4,200 spaces associated with growth to 12 mppa remains and so, therefore, would the need to deliver the proposed extension to the Silver Zone Car Park. On that basis, I am unclear as to why SPLS is explicitly promoting the site as an alternative to the proposed extension to the Silver Zone Car Park.
- 5.5.53 Notwithstanding this fundamental issue, it is unclear to me precisely how the level of parking demand identified by SPLS has been calculated; indeed, I have not found evidence of SPLS having undertaken a detailed assessment of parking demand. The PDAS claims that, on the basis of BAL's reported on-site car parking capacity, further passenger growth to 10 mppa and with reference to a current 95% operating capacity, parking demand equates to circa 8,000 spaces. This is in stark contrast to the PDSU for the Appeal Proposal which identifies that, at 10 mppa, there would only be very limited unmet demand for additional capacity in the summer peak; this is on the basis of the delivery of MSCP2 as per BAL's extant planning permission. Even if the scheme is being promoted in part to reduce the demand for unauthorised off-site car parking, this would be very unlikely to equate to the 8,000 spaces identified by SPLS in its PDAS. Further, it should be noted that the 95% operating capacity referred to by SPLS, and upon which its demand forecast is apparently based, is the assumed maximum operational utilisation taken forward in the PDS and PDSU; it is not the actual, annual utilisation rate of the car parks at Bristol Airport (demand at Bristol Airport for parking fluctuates during the course of a year and generally peaks during the summer months and at some points over the winter). On this basis, I consider that SPLS has over-estimated the demand for additional car parking.
- 5.5.54 Based on the information currently available to me, I also hold some doubts in relation to SPLS's assumptions regarding the level of demand for a P&R facility in the location proposed. The application site is located a considerable distance from Bristol Airport (circa 14 km depending on the route taken by traffic). SPLS contends that this is not a weakness of the site due to its close proximity to Junction 21 of the M5 which, SPLS claims, means that it is well-placed to accommodate passengers from the South West and South Wales; in fact, SPLS alleges that for

¹²⁰ CD 15.6: SPLS (2020) Bristol Airport Car Parking at Heathfield Park: Planning Design and Access Statement (April 2020).

passengers coming from the South West that would normally use Junction 22, the journey time would be quicker whilst for other passengers there would be little impact on journey time.

5.5.55 I disagree with SPLS's analysis. The PDSU indicates (based on YAL's forecasts) that there will be a proportional growth in passengers arriving at Bristol Airport having travelled from the Eastern Corridor (stemming between Bristol and Reading). Passengers from this corridor would be unlikely to use Junction 21 of the M5. Further, the scheme's stated service headway is 20 minutes, which is greater than the industry standard for airport bus shuttle transfers of 8 to 10 minutes. In comparison, the Silver Zone Car Park is located on the airport site and offers better bus frequencies (at least 1 bus every 10 minutes). On this basis, setting prices at a similar level to the Silver Zone Car Park will not be attractive for passengers since the Silver Zone Car Park is more convenient both in terms of access to the site (passengers from the north of Bristol Airport would not have to effectively travel past the airport on the M5 geographically) and in terms of speed of transfer to the airport. It is my opinion that the facility would need to be priced considerably lower than the Silver Zone Car Park and, further, lower than unauthorised off-site car parks nearer to the airport in order to attract customers.

5.5.56 It is also important to note that Silver Zone pricing differs depending on length of stay and the time of the year, as well as how much in advance the booking is made from the date of the travel. In this context, BAL operates a pricing strategy which is responsive to levels of demand, thereby complimenting its ASAS; this would not be the case under SPLS's proposals. I return to this point below.

Traffic and transport

5.5.57 The PDAS sets out that the full Transport Assessment submitted to support the application for the proposed P&R facility demonstrates that there would be no material impacts on the A370. Further, the PDAS claims that the scheme would remove traffic from rural roads in the vicinity of Bristol Airport, including the A370 and A38, generating a benefit for local communities and the environment. In its Statement of Case (see, for example, paragraph 104) SPLS makes the same claim.

5.5.58 I am aware, however, that NSC's Highways & Transport officers¹²¹ have, on the basis of the information submitted with the application to-date, objected to the scheme. They raise several areas of concern, including in respect of the suitability of the proposed junction design from a highways safety perspective. I also note that both Congresbury Parish Council¹²² and Puxton Parish

¹²¹ CD 15.3: NSC (2021) Internal Memorandum From Highways & Transport; Place Directorate, 20/P/1438/FUL.

¹²² CD 15.4: Congresbury Parish Council (2021) Objection to Application 20/P/1438/FUL.

Council¹²³ have stated that the scheme would have unacceptable adverse impacts on the A370. I would further contend that, rather than removing traffic, the proposed P&R facility will in fact add additional traffic on to the road network; passengers will still need to travel by car to reach the P&R facility and will then use a bus to reach the airport site, generating additional movements. In this regard, I note that NSC officers have identified that there is a need for SPLS to assess the impact of these additional buses on the road network.

5.5.59 Critically, I am aware that officers have raised serious concerns regarding the potential impact of the scheme on BAL's ASAS and achievement of the associated public transport mode share target. Officers have stated that, at present, *"no information has been submitted to demonstrate no adverse impact on the Airport Surface Access Strategy delivery of a 15% public transport modal share by 10 mppa"* and that, without a significant Section 106 financial contribution to support the ASAS, *"there is a risk of over-supply of parking serving the Airport, which in turn may lead to parking price competition, and a detriment of local and strategic public transport support"*. I share these significant concerns.

5.5.60 National aviation policy set out in the APF and the emerging Aviation Strategy require that airport operators develop and implement sustainable surface access strategies. Section 3.67 of the Aviation Strategy states, for example, that *"All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts airports"*. JLTP4 also recognises the important role of the ASAS for Bristol Airport and sets out in Section 6 that *"We will work with Bristol Airport to define and deliver a low carbon, accessible, integrated, and reliable transport network, for both staff and passengers to access the airport when they need to"*.

5.5.61 Through its existing ASAS, BAL has contributed towards significant public transport enhancements, supporting an increase in public transport patronage. As part of its proposals for a 12 mppa capacity airport, BAL will bring forward a new, comprehensive ASAS to move passengers up the transport hierarchy, deliver a further increase in public transport modal share and lessen the opportunity for, and impact of, unauthorised off-site car parks. Additionally, BAL has committed to offsetting surface access emissions. Notwithstanding these measures, BAL recognises that there will still be a demand for low-cost parking and has made appropriate provision for this as part of the Appeal Proposal.

¹²³ CD 15.5: Puxton Parish Council (2021) Comments for Planning Application 20/P/1438/FUL.

5.5.62 Unlike BAL's balanced parking solution, proposals for the P&R facility have not been developed in this wider context; even if consent is granted and the scheme delivered, based on current proposals, BAL would have no control over when the facility would become operational, the pricing, management and promotion of the P&R facility nor service quality. Without the ability to properly manage car parking operations, the unique position of BAL to promote sustainable surface access in-line with the commitments and targets contained in its ASAS and the hierarchy of modes, and to work with NSC and the other West of England authorities to promote sustainable travel, would be undermined. My view on this matter is consistent with a number of appeal decisions concerning proposals for off-site car parking to which I have referred to in **Section 5.4**.

5.5.63 In his evidence, Mr Witchalls has also drawn the same conclusion. He states (at paragraph 9.7.27) that the applicant or its agent *"has not sought to discuss the potential implications of an off-site P&R facility on the proposed ASAS, and until this is understood, the proposals would be contrary to the managed and controlled approach to delivery to promoting more sustainable surface access to the airport"*.

5.5.64 On this basis, I would contend that the proposed P&R facility is, based on the information currently available, contrary to national aviation policy and the JLTP4.

Environmental impacts

5.5.65 According to the PDAS and the supporting Environmental Statement¹²⁴, adverse impacts associated with the proposed P&R facility in terms of ecology and flood risk have been appropriately mitigated whilst the proposal is judged as having a beneficial effect on local community health and well-being (linked to reductions in traffic congestion, emissions to air and noise) and highway safety. However, I note that a number of objections to the planning application have been made which concern the potential environmental impacts of the proposed scheme. These objections call into question the robustness of the environmental information submitted by SPLS with the planning application for the P&R facility as well as the scheme's sustainability. I have summarised the issues raised in these objectives below:

- **Flood risk:** A large part of the application site is within Flood Zone 3b and the Environment Agency¹²⁵ has objected to the application on this basis. Further, NSC's Flood Risk Management

¹²⁴ CD 15.7: SPLS (2021) Bristol Airport Car Parking at Heathfield Park: Environmental Statement (January 2021).

¹²⁵ CD 15.8: Environment Agency (2021) Letter from Richard Bull, Sustainable Places - Planning Advisor to North Somerset Council re application 20/P/1438/FUL (18 March 2021).

(Drainage) Team¹²⁶ has identified a need for additional details of the drainage strategy for the scheme.

- **Pollution:** NSC's Environmental Protection Officer¹²⁷ has stated that SPLS has failed to take account of NSC's Scoping Opinion as the submitted Environmental Statement does not include any assessment of the construction or operational effects of the scheme on pollution (including noise and artificial light), air quality (including dust), pollution control or contaminated land. Congresbury Parish Council has stated that the scheme would have a detrimental impact on residents of the adjacent Moorland Park Gypsy Caravan Site, as well as other adjoining properties.
- **Ecology:** Natural England¹²⁸ has stated that the scheme could have potential significant effects on the North Somerset and Mendip Bats SAC and Puxton Moor Site of Special Scientific Interest (SSSI). Without further information to determine the significance of these impacts and the scope for mitigation, Natural England states that it may need to object to the application. NSC's Natural Environment Officer¹²⁹, meanwhile, has recommended that the application is refused citing: a lack of information provided by the applicant to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations)¹³⁰ and the Wildlife and Countryside Act 1981 (as amended)¹³¹; non-compliance with local and national policy which seek no net loss of, or harm to, Habitats of Principal Importance and biodiversity in general; and an unacceptable loss (over 50% net) of biodiversity.
- **Heritage:** NSC's Senior Archaeologist¹³² has identified serious flaws in the Heritage Statement submitted with the planning application for the scheme such that, at this stage, it is not judged to have complied with NPPF or relevant Development Plan policy requirements on the historic environment.

5.5.66 I consider that these issues raise serious doubt as to whether the proposed P&R facility will be granted planning permission such that it cannot, at this time, be relied upon to meet the demand for car parking associated with the Appeal Proposal.

¹²⁶ CD 15.9: NSC (2021) Internal Memorandum From Flood Risk Management Team 20/P/1438/FUL.

¹²⁷ CD 15.10: NSC (2021) Internal Memorandum from Mrs Susan Thomas (Environmental Protection) 20/P/1438/FUL.

¹²⁸ CD 15.11: Natural England (2021) Letter from Alison Howell Lead Advisor, Sustainable Development Wessex Area Team to NSC re application 20/P/1438/FUL (25 March 2021).

¹²⁹ CD 15.12: NSC (2021) Internal Memorandum From Natural Environment Service Area 20/P/1438/FUL.

¹³⁰ The Conservation of Habitats and Species Regulations 2017 (as amended). Available from <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made> [Accessed May 2021].

¹³¹ Wildlife and Countryside Act 1981 (as amended). Available from <https://www.legislation.gov.uk/ukpga/1981/69/contents> [Accessed May 2021].

¹³² CD 15.3: NSC (2021) Internal Memorandum From Senior Archaeologist 20/P/1438/FUL.

Compliance with the Development Plan

- 5.5.67 Policy DM30 is the principal Development Plan policy relating to the proposed P&R facility. It stipulates that *“Outside of the Green Belt, airport-related car parking additional to that approved at Bristol Airport or acceptable under Policy DM50: Bristol Airport will only be permitted in association with existing overnight accommodation located on the same site, provided that the number of car parking spaces does not exceed three times the number of bedrooms”*. The policy's aim, as set out in the supporting text¹³³, is to *“appropriately manage the demand for travel by car by ensuring that the provision of car parks is balanced with the need to promote wider travel choices and to protect the Green Belt from off-airport car parking”*.
- 5.5.68 Fundamentally, as the proposed P&R facility is for airport-related car parking and does not include overnight accommodation, the scheme would not be in accordance with Policy DM30. Comments made by NSC officers and other parties on the planning application (summarised above) also raise some doubt in relation to the compliance of the proposed P&R facility with other aspects of the Development Plan, as well as the NPPF, including in respect of policy on flood risk, pollution, ecology, heritage, transport and highways safety.
- 5.5.69 On this basis, it is my judgement that the proposed P&R facility is not in accordance with the Development Plan and, therefore, there are strong planning reasons to believe that planning permission for the scheme will not be granted. This leaves considerable doubt as to whether the proposal is in fact deliverable.

Deliverability

- 5.5.70 As I have set out above, based on the current proposals for the P&R facility, BAL would have no control over the delivery or operation of the P&R facility. There is no guarantee that planning permission for the scheme will be granted or, indeed, whether and/or when it will be implemented. Factors such as the construction of the facility, purchase of electric buses, the delivery of any associated junction improvements and necessary contributions towards BAL's ASAS and other mitigation will add significant time and cost constraints to the scheme, which could result in delay or even render the scheme undeliverable.
- 5.5.71 Should delivery of the facility be delayed or not come forward at all, then the propensity for passengers to use unauthorised car parks would increase when compared to a parking solution that includes an extension to the Silver Zone Car Park, which is tested, deliverable and would be operated by BAL. Even if the scheme is granted planning consent and implemented, lower than

¹³³ CD 5.4: Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016), page 71.

forecast numbers of passengers would be likely to use the P&R facility due to a combination of distance from the airport and pricing. Should this be the case, then there would also be an increase in the use of unauthorised car parks.

5.5.72 I also note that NSC officers have raised concerns relating to the absence of detailed proposals to appoint a suitable bus operator. Further, whilst SPLS states at paragraph 7 of its Statement of Case that the site owner has operated off airport parking for many years across a range of sites using agricultural permitted development rights, I would contend that the scale and nature of the proposed P&R facility is very different; this would be a specialist operation, requiring experience and qualifications; the valet operation at Bristol Airport is highly technical and is consistently provided at a high customer service level due to a specialist team of ground transportation operators. This, together with the fact that neither SPLS nor the site owner has sought to discuss its proposals with BAL, leads me to question whether the deliverability of the proposed P&R facility has been robustly considered by SPLS.

Summary

5.5.73 Overall, there is considerable uncertainty with regard to the deliverability of the proposed P&R facility and there is a significant risk of the scheme undermining BAL's ASAS. As a result, I do not consider that, at this stage, the proposal can be relied upon to accommodate the additional, residual demand for parking associated with the growth of Bristol Airport to accommodate 12 mppa.

5.5.74 In stark contrast, the proposed extension to the Silver Zone Car Park is part of a wider, balanced approach to the provision of car parking at Bristol Airport. The effects of the proposed car park have been robustly assessed and the facility can be delivered without causing significant environmental impacts. In consequence, I believe that the proposed further extension to the Silver Zone Car Park remains the most appropriate option for meeting the residual demand for car parking associated with the Appeal Proposal.

5.5.75 Notwithstanding my judgement, as I have set out in **Section 5.4**, the monitor and manage approach currently proposed by BAL would take specific account of the capacity provided by authorised off-site P&R facilities in establishing whether there is sufficient demand to bring forward additional car parking at the Bristol Airport site. In this way, the Appeal Proposal does not preclude a suitable, deliverable off-site P&R facility from coming forward.

5.6 Summary

- 5.6.1 In developing its proposals for the expansion of Bristol Airport to accommodate 12 mppa, I maintain that BAL has sought to maximise development in the Green Belt inset; however, there is a demonstrable need for some components of the Appeal Proposal to be located beyond the inset and within the Green Belt. These components include (inter alia) the proposed year-round use of the existing seasonal car park and an extension to the Silver Zone Car Park.
- 5.6.2 I accept that the development of additional car parking in the Green Belt is inappropriate development but, as I have demonstrated in **Section 5.3**, this development would result in only limited harm to the Green Belt. Having carefully considered the issues raised by NSC and other parties, I also consider that there are compelling, evidence-based very special circumstances that outweigh any harm to the Green Belt caused as a result of these components of the Appeal Proposal. I note that similar very special circumstances were accepted by NSC officers in recommending approval of the planning application and are consistent with previous decisions taken by NSC relating to airport car parking in the Green Belt that have subsequently been upheld in the Courts¹³⁴.
- 5.6.3 Notwithstanding the limited harm to the Green Belt and these very special circumstances, BAL is currently proposing a monitor and manage approach to the delivery of additional car parking. In consequence, the development of car parking in the Green Belt, and the associated harm this causes, will only occur when there is sufficient demand for spaces.
- 5.6.4 In conclusion, it is my opinion that in accordance with national planning policy contained in the NPPF and Policy DM12 and Policy DM50 of the Development Plan, BAL has clearly demonstrated the very special circumstances that outweigh the harm to the Green Belt and any other harm caused by the Appeal Proposal. I contend that NSC was, therefore, wrong to refuse the planning application on grounds relating to the Green Belt and that in coming to this decision, it did not take full account of these very special circumstances, the evidence before it nor the clear recommendations of its officers.

¹³⁴ CD 15.1: Parking Operators Against Monopolies Limited versus North Somerset Council: Ref CO/6483/2016.

6. Other Issues Raised by Third Parties

6.1 Introduction

- 6.1.1 In this section of my Proof of Evidence, I deal with those planning issues that do not form part of NSC's reasons for refusal but which have been raised in the Statements of Case of NSC and third parties and/or in representations on the ESA and appeal. I have grouped these issues by theme in **Table 6.1** and deal with each in-turn below.
- 6.1.2 In **Section 6.6**, I briefly consider the remaining planning matters considered in the ES and by NSC in determining the planning application. These matters are also not identified as reasons for refusal in the Decision Notice; BAL understands that NSC is satisfied that the associated impacts are acceptable and, where relevant, appropriately mitigated.

Table 6.1 Other planning matters raised by NSC and third parties

Issue	NSC	PCAA	XR Elders	BAAN CC	Other interested parties
The need for the Appeal Proposal	✓	✓	✓	✓	✓
Landscape and visual impacts		✓	✓		✓
Ecological impacts		✓			✓
Impairment of residential amenity		✓			✓

6.2 Need for the Appeal Proposal

- 6.2.1 In **Section 3**, I have established the compelling need for the Appeal Proposal including the benefits of allowing Bristol Airport to grow to 12 mppa. In the Statements of Case of NSC and the third parties, as well as in representations on the appeal, this need case has been questioned on the basis of:
- YAL's passenger forecasts being overly optimistic;
 - the availability of capacity at other airports;
 - incompatibility of the Appeal Proposal with the Government's carbon commitments;
 - the economic benefits of expansion being overstated; and
 - prematurity of the application.

6.2.2 Overall, I do not consider that these issues in any way affect the need for the Appeal Proposal.

Passenger forecasts

6.2.3 XR Elders, the PCAA and some interested parties claim that YAL's passenger forecasts are overly optimistic. They cite, in particular, the impact of the COVID-19 pandemic on the aviation sector and the wider economy and an expected decline in the propensity to fly as a result of the climate change emergency as being reasons why Bristol Airport's passenger throughput will reach 12 mppa later than has been forecast by YAL, or not at all.

6.2.4 These matters are comprehensively addressed by Mr Brass in **Section 4** of his forecast evidence. He maintains that the fundamental factors driving the future growth of Bristol Airport remain, that the impact of the COVID-19 pandemic is temporary and that, ultimately, passenger demand will still reach 12 mppa, albeit over a slightly longer timeframe than anticipated in the original planning application.

6.2.5 Importantly, YAL's forecasts have specifically considered the impacts of COVID-19 and climate change in identifying the three growth cases which I have described in **Section 3.4**. I would also highlight that NSC has confirmed in its Statement of Case (paragraph 30) and in the SoCG (Part 2) that it and its expert advisers are in agreement on the broad timescales for growth to 12 mppa.

6.2.6 Overall, there remains a need for the Appeal Proposal to accommodate forecast passenger demand at Bristol Airport to 12 mppa despite the impact of the COVID-19 pandemic on the aviation sector and the effect of climate change on propensity to fly.

Available capacity at other airports

6.2.7 At paragraph 22 of its Statement of Case, the PCAA contends that Bristol Airport should not be able to expand because other airports have available capacity.

6.2.8 In **Section 3** of this Proof of Evidence, I highlight that it is a matter of Government policy set out in MBU and the APF that the forecast passenger demand arising at Bristol Airport should be met at the airport, subject to environmental considerations; doing so will enable BAL to make best use of Bristol Airport's existing runway capacity whilst supporting the wider economic objectives and priorities for the UK. As the main international gateway for the South West region and South East Wales, Bristol Airport is also the most appropriate location to accommodate forecast passenger demand. YAL has demonstrated in its Forecast Report that were Bristol Airport's capacity to be constrained at 10 mppa, then passengers would be much more likely to gravitate towards the London airports and Birmingham Airport for their travel needs, resulting in some displacement of economic benefits and increased emissions associated with surface access journeys.

- 6.2.9 In his evidence on forecasts, Mr Brass raises a fundamental point that artificially constraining demand at Bristol Airport, as the PCAA proposes, would advocate intervening in the market to stifle competition, contrary to UK Government policy, and further, that alternative airports are not an option that a significant proportion of passengers want to use. Mr Brass also highlights that the PCAA's position on this issue would run contrary to its arguments that expansion is not required because there will not be sufficient demand.
- 6.2.10 The PCAA's stance that Bristol Airport's capacity should be artificially constrained given the availability of capacity at other airports is, therefore, completely misconceived.

Compatibility of the Appeal Proposal with UK Government climate change commitments

- 6.2.11 The PCAA, BAAN CC and XR Elders contend that allowing the growth of Bristol Airport to 12 mppa would be incompatible with the Government's climate change commitments. In its Statement of Case (paragraph 60), the PCAA argues that *"As Government aviation and climate policy predates the UK's net zero commitment, and the Government has said the forthcoming aviation consultation will reflect increased ambition, significant weight should be given to the CCC's recommendations for the sector have claimed that national aviation growth will be constrained in order to ensure that the UK Government meets its climate change obligations, including the declaration of a climate emergency and the commitment for net zero by 2050"*. BAAN CC makes a similar point whilst NSC also asserts that the Government is likely to adopt the CCC's recommended 'demand management' approach to dealing with emissions from the aviation sector.
- 6.2.12 I have already considered this matter in **Section 4.5**, drawing on the evidence of Mr Ösund-Ireland and taking into account the Government's Sixth Carbon Budget announcement. In summary, whilst the Budget may result in a slower rate of growth, it does not fundamentally prevent the growth of Bristol Airport to 12 mppa. Mr Ösund-Ireland and also Mr Brass highlight that emissions arising from aviation is a matter for national policy which is moving towards carbon emissions from aviation being controlled as part of the UK carbon account on a 'carbon traded' basis, rather than the implementation of demand management.
- 6.2.13 As I have set out in **Section 3** of this Proof of Evidence, MBU policy remains extant notwithstanding the Sixth Carbon Budget and, in fact, the Government has consistently reiterated its position on airports making best use of their runways as well as its support for regional airports.

Economic benefits of the Appeal Proposal

- 6.2.14 NSC and the PCAA, as well as some interested parties, claim that the economic benefits of the Appeal Proposal, as assessed in the Economic Impact Assessment Addendum, have been overstated.
- 6.2.15 This issue is addressed by Mr Brass in Section 5 of his Proof of Evidence on socio-economics and is summarised in **Section 4.6** of my evidence. In short, Mr Brass confirms that the Appeal Proposal will have significant beneficial impacts on the North Somerset, West of England and South West and South Wales economies.
- 6.2.16 I have established in **Section 3** of this Proof of Evidence that national aviation policy on making best use of existing airport capacity is closely related to, and is an important pillar of, the Government's wider economic objectives in terms of boosting the UK's global connectivity, levelling-up regional growth and supporting economic recovery from the global COVID-19 pandemic. Allowing Bristol Airport to grow by an additional 2 mppa responds directly to MBU and these wider economic objectives and, in my opinion, this should be afforded significant weight.

Prematurity

- 6.2.17 In Section 6 of its Statement of Case, XR Elders sets out its argument that the Appeal Proposal is premature. It contends that first, BAL has not established the long-term development needs of Bristol Airport (in reference to the supporting text to Development Plan Policies CS26 and DM50), and second, that passenger growth will be much slower than forecast by YAL, or that it may not occur at all. In its comments on the planning application, the PCAA made a similar claim.
- 6.2.18 I have already dealt with the matter of prematurity in this Proof of Evidence in terms of both forecast passenger demand (see **Section 3.4**) and the policy requirements of the Development Plan (see **Section 5.5**). I have established, with reference to paragraph 49 of the NPPF, the Officers' Report and YAL's passenger forecasts, that the Appeal Proposal is not, in any way, premature.

6.3 Landscape and Visual Impacts

- 6.3.1 Chapter 9 of the ES considers the effects of the Appeal Proposal on landscape and visual amenity based on the findings of a Landscape and Visual Impact Assessment (LVIA) undertaken in accordance with a methodology agreed with NSC.
- 6.3.2 In terms of landscape, the LVIA concluded that there will be no significant effects as a result of the Appeal Proposal. This takes into account the mitigation proposed in the integrated/embedded

landscape, visual and ecology mitigation masterplan¹³⁵ which comprises of measures such as new tree planting, replacement hedgerow and the creation of a perimeter bund around the western, southern and eastern boundary of the proposed extension to the Silver Zone Car Park. In recommending approval of the planning application, NSC officers agreed that, taking into account the mitigation proposed by BAL, impacts on landscape character would be modest¹³⁶. NSC's position has been confirmed in the SoCG (Part 2).

6.3.3 Negative visual effects of moderate significance were only identified for a single receptor and for a short-term period whilst mitigation planting developed. NSC officers concluded that these impacts would be acceptable¹³⁷ and, again, this position is confirmed in the SoCG.

6.3.4 In its Statement of Case (at paragraph 2.8), XR Elders refers specifically to impacts on the Mendip Hills Area of Outstanding Natural Beauty (AONB) associated with the proposed year-round use of the existing seasonal car park and the further extension to the Silver Zone Car Park due to lighting and the visual intrusiveness of the car parks. Comments by some interested parties have also raised a similar issue.

6.3.5 The LVIA considered this matter, assessing the potential impacts of the Appeal Proposal, including in respect of lighting, upon the 12 special qualities of the AONB that are set out in its Management Plan. It identified that the Appeal Proposal would only result in negligible impacts on the AONB. This is because Bristol Airport is, and will continue to be, rarely visible; only a small proportion of flight paths are and will continue to be routed over the AONB and only a small proportion of traffic associated with the operation of the airport passes through the AONB.

6.3.6 On this basis, I consider that the Appeal Proposal is acceptable in landscape and visual terms and that it accords with relevant Development Plan policy including Policies CS5, DM10 and DM11 and the NPPF.

6.4 Ecology

6.4.1 Chapter 11 of the ES presents the assessment of the Appeal Proposal in respect of biodiversity. It concludes that the construction and operation of the development will result in only negligible and not significant adverse effects on all receptor groups scoped into the assessment.

6.4.2 The ES has identified the potential for the year-round use of the existing seasonal Silver Zone Car Park extension, the proposed further extension to the Silver Zone Car Park and improvements to

¹³⁵ CD 1.38: 40506-Bri075c Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan.

¹³⁶ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 145.

¹³⁷ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 145.

the A38 to affect greater and lesser horseshoe bats which are interest features of the North Somerset and Mendip Bats SAC. Whilst these areas are not within the SAC itself, the proposals will result in the loss of circa 3.7 hectares (ha) of horseshoe bat foraging habitat associated with the Silver Zone Car Park extension together with the loss of a small area (0.16ha) of woodland edge habitat at the A38 highway improvement land.

6.4.3 Following the approach set out in the North Somerset and Mendip Bats SAC Guidance on Development: SPD, suitable mitigation has been identified to ensure that there would be no adverse effects on the integrity of the SAC. This mitigation, to be secured by planning condition, includes habitat creation at the airport site as well as off-site replacement habitat for lesser and greater horseshoe bats on woodland owned by BAL that will provide other ecological benefits (e.g. for dormouse, other bat species, birds, amphibians, reptiles, woodland flora, and invertebrates). On this basis, NSC's Habitats Regulations Assessment (HRA)¹³⁸ concluded that, with the proposed mitigation, there would be no adverse effects on the integrity of the SAC. Importantly, this conclusion was accepted by Natural England¹³⁹.

6.4.4 In its Statement of Case, the PCAA contends that BAL's proposals for additional car parking to the south of the airport site would be incompatible with Policy CS4 of the Development Plan concerning biodiversity. The PCAA's main complaint is that the off-site replacement habitat for lesser and greater horseshoe bats identified by BAL is compensation and not mitigation (in the context of the requirements of the Habitats Regulations and associated case law and that its deliverability has not been proven. The PCAA sets out at paragraph 5(b) of its Statement of Case that: "*The approach that has been taken by Natural England and NSC in relation to the North Somerset and Mendip Bats SAC was fundamentally flawed because it does not follow current case law in relation to Appropriate Assessment*"; it goes on to argue that "*a full appropriate assessment needs to be carried out*". The PCAA made similar comments on the planning application and the ESA where it stated that no assessment of the replacement land identified by BAL had been undertaken in order to validate the delivery of a net biodiversity gain. Other interested parties have raised similar concerns in respect of the impacts of the Appeal Proposal on the SAC and the deliverability of the mitigation proposed by BAL.

¹³⁸ CD 4.15: NSC (2019) North Somerset Council Habitats Regulation Assessment. Available from https://planning.n-somerset.gov.uk/online-applications/files/6D394A92B6D10E7D3CFD3ABC654F80F9/pdf/18_P_5118_OUT-HABITAT_REGULATIONS_ASSESSMENT_-2850829.pdf [Accessed May 2021].

¹³⁹ CD 19.13: Natural England (2019) Letter from Amana Grundy to NSC re 18/P/5118/OUT (28 November 2019). Available from https://planning.n-somerset.gov.uk/online-applications/files/88E6860B6A6469C19B307B17BFA0D224/pdf/18_P_5118_OUT-28_11_2019_-_NATURAL_ENGLAND_RESPONSE-2871120.pdf [Accessed May 2021].

- 6.4.5 This specific matter is addressed by Mr Johns in his Technical Note at **Appendix B** to this Proof of Evidence. He confirms that, in accordance with relevant case law, mitigation was not considered in the HRA screening of likely significant effects to enable a full appropriate assessment to be undertaken of the Appeal Proposal's effects on the integrity of the SAC, and to ensure that any necessary mitigation to avoid adverse effects on integrity can be properly secured. On this basis, the HRA has been undertaken in full accordance with the Habitats Regulations and case law. Mr Johns also confirms that the replacement habitat can be treated as mitigation and not compensation.
- 6.4.6 Turning to the issue of deliverability, Mr Johns confirms that a detailed assessment of the replacement land was undertaken prior to submission of the planning application. Consistent with the Mendip Bats SAC Guidance on Development: SPD, this included a habitat assessment and consideration of whether the proposed management would result in suitable horseshoe bat habitat being provided. It concluded that sufficient replacement habitat can be provided and that the full area of woodland acquired by BAL is not required to achieve this. If the full area of woodland owned by BAL is included in the proposed management, an excess or net gain in suitable habitat will be delivered. Mr Johns notes that the mitigation proposed by BAL, and taken into account in the HRA, is deliverable in that it has previously been tested and proven to be effective. Mr Johns concludes, therefore, that there is sufficient certainty to guarantee beyond reasonable scientific doubt that there will be no adverse effect on the integrity of the SAC.
- 6.4.7 Interested parties have stated that the Appeal Proposal will result in unacceptable impacts on wider biodiversity in both the immediate vicinity of Bristol Airport and beyond, including associated designated nature conservation sites. However, a comprehensive ecological impact assessment was undertaken as part of the ES and, as I note above, this has confirmed that the Appeal Proposal will not result in significant negative effects on biodiversity; in actual fact, the mitigation measures proposed by BAL will deliver a number of biodiversity enhancements. Importantly, this conclusion has been accepted by NSC and Natural England and ecology was not a reason for refusal of the planning application. In the SoCG (Part 2), NSC has confirmed that *"the scale and type of the proposed ecological enhancement together with on-going management complies with the relevant requirements and policies. Replacement habitat and enhancement measures are proposed and once these are secured, the proposals will comply with the NPPF and policies CS4 and DM8. With the enhancement proposed net biodiversity gain can and will be achieved via appropriate management measures which are to be secured by condition and planning obligation"*.
- 6.4.8 Overall, with the proposed mitigation, the Appeal Proposal will not have likely significant effects on biodiversity, including no adverse effects on the integrity of the North Somerset and Mendip Bats

SAC. Further, the Appeal Proposal includes a range of enhancement measures that will generate positive ecological effects. The Appeal Proposal is, therefore, in accordance with the relevant policies of the Development Plan on matters relating to biodiversity including Policy CS4 (as cited by the PCAA in its Statement of Case) and the NPPF.

6.5 Residential Amenity

- 6.5.1 At paragraphs 61 to 65 of its Statement of Case, the PCAA contends that the operation of Bristol Airport has substantial, adverse impacts on the amenity of local communities in terms of, first, anti-social behaviour (including 'rat runs', parking on local streets and laybys, speeding on country lanes, litter and derelict properties near the airport) and, second, tranquillity (in terms of aircraft noise and emissions to air). Similar issues have been raised in some comments on the ESA and by interested parties. The PCAA erroneously claims that BAL has not taken effective measures to address this 'anti-social behaviour' associated with Bristol Airport's operations.
- 6.5.2 Whilst BAL acknowledges that the operation of the airport does result in some of the issues identified by the PCAA and other parties, the assertion that BAL has not sought to address them is simply incorrect.
- 6.5.3 Through the existing Bristol Airport Environmental Improvement Fund, BAL makes grants to community groups most affected by Bristol Airport's operations. Since 2012, over £1 million has been granted to projects in the local area; the projects funded by the scheme have included road safety improvements (such as pedestrian crossings and vehicle activated speed restriction signs) and windows improvements. In the draft Section 106 Heads of Terms, BAL has committed to bringing forward a new Environmental and Amenity Improvement Fund to address unforeseen adverse environmental impacts or adverse impacts on the amenity of the local community arising from the Appeal Proposal. BAL will contribute £100,000 to the Fund on an annual basis for 10 years.
- 6.5.4 BAL is also already taking measures to address the issue of on-street parking and waiting in laybys through actions arising from the Parking Summit. This has included the opening, in 2019, of an authorised waiting area for taxis, combined with a free-of-charge drop off facility for all vehicles. As I have described elsewhere in this Proof of Evidence, BAL has committed to further measures to tackle directly these issues in the draft Section 106 Heads of Terms. These measures include an ongoing commitment to deliver the Parking Summit Action Plan, the implementation and delivery of Traffic Regulation Order (TRO) measures and funding of £225,000 towards a new dedicated NSC airport parking and enforcement officer over 5 years.

- 6.5.5 The impact of aircraft noise and emissions to air on local communities is comprehensively dealt with in the ESA and the Proofs of Evidence of Mr Williams, Mr Peirce and Mr Pyper. As I have summarised in **Section 4** of this Proof, the increase in aircraft movements associated with the Appeal Proposal would categorically not have a significant adverse effect on health and well-being.
- 6.5.6 Through its Noise Action Plan, BAL already works with airlines and communities to control the disruptive effects of noise and it is now proposing a substantial package of measures to mitigate aircraft noise associated with the growth of Bristol Airport, including an enhanced noise insulation scheme providing nearly £2m in grants to local residents. BAL also monitors emissions to air in the vicinity of Bristol Airport and measures will be implemented to mitigate the air quality impacts associated with an additional 2 mppa, including a commitment to prepare and implement an Air Quality Action Plan.
- 6.5.7 Overall, the Appeal Proposal is therefore in accordance with those policies of the Development Plan and NPPF that relate to amenity.

6.6 Other Planning Matters

Vibration

- 6.6.1 Chapter 7 of the ES has assessed vibration from the Appeal Proposal and concluded that there would be no significant effects arising from construction or air traffic. This conclusion was accepted by NSC officers.

Land Quality

- 6.6.2 Chapter 10 of the ES contains the assessment of the Appeal Proposal in respect of land quality. It concludes that the risk of contamination affecting sensitive receptors is low and significant effects on land quality are not predicted. Neither Public Health England¹⁴⁰ nor the Officers' Report reached a different conclusion and NSC has confirmed in the SoCG (Part 2) that this matter that can be satisfactorily addressed by way of condition.
- 6.6.3 The Appeal Proposal will result in the loss of best and most versatile (BMV) agricultural land in order to accommodate the proposed extension to the Silver Zone Car Park. The Officers' Report recognised that sound planning reasons have been demonstrated for allowing additional parking within and contiguous with the airport. It highlighted that the loss of BMV represents only 0.01%

¹⁴⁰ CD 19.12: Public Health England (2019) Letter from Public Health England to NSC ref 18/P/5118/OUT (1 February 2019). Available from https://planning.n-somerset.gov.uk/online-applications/files/B1AD01025B2C50AF0754A69B73F65F26/pdf/18_P_5118_OUT-01_02_2019_-_COMMENTS_FROM_PUBLIC_HEALTH_ENGLAND-2774426.pdf

of all BMV agricultural land in North Somerset and stated (at page 123) that the loss of this quantum of BMV land is *"not so substantial as to warrant refusal of the application"*.

- 6.6.4 On this basis, I consider that the Appeal Proposal is, therefore, in accordance Development Plan policy and the NPPF relating to agricultural land and land quality.

Water

- 6.6.5 The surface water and flood risk assessment contained in Chapter 12 of the ES concludes that, with mitigation, the Appeal Proposal will not increase flood risk to offsite receptors and that it will protect water quantity and quality. Taking into account the implementation of measures to be contained within the CEMP as well as other embedded mitigation, the ES also concludes that groundwater effects will be minor/negligible and not significant. In the SoCG (Part 2), NSC has confirmed that the conclusions of the ES in respect of water are robust.
- 6.6.6 The Officers' Report notes (at page 123) that there were no objections from NSC's Flood Management Team, the Environment Agency, North Somerset Levels Internal Drainage Board, Bristol Water or Wessex Water to the application. Similarly, Public Health England did not raise any objection in respect of this matter.
- 6.6.7 On this basis, I do not consider that the Appeal Proposal would result in significant adverse effects on water. The Appeal Proposal is, therefore, in accordance Development Plan policy and the NPPF relating to water.

Historic Environment

- 6.6.8 Chapter 14 of the ES has assessed the effects of the Appeal Proposal on the historic environment. It highlights that, as much of the construction involved in delivery of the Appeal Proposal will take place within the existing built footprint of Bristol Airport, there is limited potential for direct impacts on heritage assets. The assessment does identify that the development of the proposed extension to the Silver Zone Car Park has the potential to affect the setting of Long barrow 350m southwest of Cornerpool Farm Scheduled Monument. However, to mitigate any adverse effects on this designated monument, a landscaped bund will be created to provide a natural screen for the Scheduled Monument that will minimise effects on the setting of this feature.

6.6.9 On this basis, the Officers' Report concluded (at page 124) that the Appeal Proposal would have no harm on any heritage assets and NSC has confirmed this position in the SoCG (Part 2). This is the same conclusion reached by Historic England¹⁴¹ when consulted on the application.

6.7 Summary

6.7.1 Overall, I do not consider that any of the other issues raised by NSC and third parties, as well as in the representations on the appeal, amount to reasons to dismiss the appeal. In determining their reasons for refusal, Members of NSC also did not consider that these matters properly amounted to reasons to refuse the planning application and did not specify them as such when issuing the Decision Notice.

¹⁴¹ CD 19.14: Historic England (2019) Letter from Hugh Beamish to NSC (18 March 2019). Available from https://planning.n-somerset.gov.uk/online-applications/files/09CF39C95BCF77C0B0CE2C9AAF417265/pdf/18_P_5118_OUT-18_03_2019_-_HISTORIC_ENGLAND_RESPONSE-2786738.pdf [Accessed May 2021].

7. Conditions and Obligations

7.1 Conditions

7.1.1 During the application process, draft planning conditions were agreed with NSC's planning officers as part of the officers' recommendation for approval of the application in advance of consideration of the application by NSC's Planning and Regulatory Committee. These draft planning conditions can be found appended to the Officers' Report to the Planning and Regulatory Committee dated February 2019. The proposed planning conditions and the reasons for them had been agreed in principle between BAL and NSC's planning officers on behalf of NSC.

7.1.2 Substantive proposed amendments to the draft planning conditions were circulated by NSC to all parties on 18 May 2021. BAL has reviewed the proposed amendments to consider whether NSC's updated condition wording is acceptable, or whether revisions are required in order to best secure that the Appeal Proposal is acceptable in planning terms. BAL has considered NSC's amended planning conditions in light of paragraph 55 of the NPPF, which states that "*planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*" BAL's comments on the appropriateness of the conditions, in light of these tests, are contained in the table at **Appendix D** of my Proof of Evidence.

7.1.3 **Appendix D** of my Proof of Evidence, sets out a table detailing:

- the proposed planning conditions as originally agreed with NSC's planning officers;
- NSC's amended planning conditions as circulated on 18 May 2021;
- BAL's comments on NSC's amended planning conditions; and
- BAL's proposed alternative planning conditions, where relevant.

7.1.4 BAL's proposed alternative planning conditions at **Appendix D** are a material factor I have taken into account when assessing the Appeal Proposal in my Proof of Evidence. I am informed that the same approach has been taken by my fellow witnesses appearing for BAL. It is my opinion that BAL's proposed alternative conditions at **Appendix D** provide the best mechanism through which the Appeal Proposal can be made acceptable in accordance with paragraphs 54 and 55 of the NPPF.

- 7.1.5 I am informed that BAL is willing to engage further with NSC and all Rule 6 parties so that, as far as is possible, a single set of proposed conditions can be agreed during the course of the inquiry.

7.2 Section 106 Agreement

- 7.2.1 Section 106 Heads of Terms for planning obligations relating to surface access, air and ground noise, air quality, environmental amenity and employment and skills were agreed with NSC officers prior to the determination of the planning application for the Appeal Proposal. These are presented in Appendix 3 of the Officers' Report and Appendix 3 to BAL's Draft Statement of Common Ground that was submitted with the appeal. I have referred to the mitigation that the proposed obligations would secure at relevant sections of my evidence, as have BAL's other expert witnesses in their respective Proofs.
- 7.2.2 At the time of writing, BAL is continuing to engage with NSC on the form and content of the draft Section 106 Agreement. At this stage, BAL is proposing only limited changes to the Heads of Terms previously agreed with officers, chiefly to reflect BAL's revised proposals for the phasing of car parking (including the delivery of a PTI facility), as I have described in **Section 5** of my evidence. The delivery of car parking in accordance with this phasing would be linked to a monitor and manage approach that would, if adopted, be secured by way of planning condition.

8. Planning Balance and Conclusion

8.1 Introduction

- 8.1.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 establish that this appeal must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.1.2 In this section, I set out my evidence on the overall planning balance. In undertaking this balancing exercise, I assess the extent to which the Appeal Proposal is in accordance with the policies of the Development Plan before turning to other material considerations including the consistency of the Appeal Proposal with the NPPF and national aviation policy and the need for, and benefits of, increasing the capacity of Bristol Airport to accommodate 12 mppa. My assessment has regard to the ES, ESA and other documents related to the planning application, the measures proposed by BAL to mitigate the adverse impacts of the Appeal Proposal and the evidence provided by BAL's other expert witnesses.
- 8.1.3 I conclude that the Appeal Proposal is in accordance with the Development Plan, the NPPF and national aviation policy including the Government's MBU policy, that it is sustainable development and that there are no other relevant material considerations which weigh significantly against the development. In fact, I find that increasing the capacity of Bristol Airport to accommodate 12 mppa will give rise to substantial benefits which are material considerations that weigh significantly in favour of granting consent. This same conclusion was reached by NSC officers in recommending approval of the planning application.

8.2 Accordance of the Appeal Proposal with the Development Plan

- 8.2.1 In assessing the extent to which the Appeal Proposal is in accordance with the Development Plan, I have carefully considered NSC's reasons for refusal and the main issues for the appeal identified in the CMC Summary Note.

Reason 1

- 8.2.2 The economic benefits of the Appeal Proposal, including increased connectivity, the creation of 4,000 employment opportunities and the generation of £310 million GVA, will be significant and will take Bristol Airport's total economic impact to £2.3 billion. The employment and economic benefits delivered as a result of the Appeal Proposal will, crucially, support the South West region's economic recovery from the COVID-19 pandemic, enhance vital international trade and transport

links following the UK's withdrawal from the EU, and contribute to the Government's objective to 'level-up' regional growth.

- 8.2.3 The Appeal Proposal will also deliver important social benefits in terms of increased prosperity and quality of life benefits. It will support the regeneration of deprived communities including through BAL's commitment to bring forward a Skills and Employment Plan and will facilitate connectivity for a broad spectrum of people, making the South West region an attractive place to live and work.
- 8.2.4 The environmental impacts of the Appeal Proposal have been thoroughly assessed in the ES and ESA and a significant package of mitigation and enhancement measures is proposed by BAL. This mitigation package includes measures such as a new Environmental and Amenity Improvement Fund, providing over £600,000 for community projects in the area to mitigate impacts associated with the airport's operations, onsite and offsite habitat improvement, a circa £2m enhanced noise insulation scheme and a comprehensive package of surface access measures to enhance the A38 and increase passenger public transport mode share. Importantly, the Appeal Proposal will also facilitate the transition of Bristol Airport to become a carbon net zero airport by 2030.
- 8.2.5 Taking the mitigation proposed by BAL into account, the ES and ESA demonstrate that all environmental issues, including the impact of growth on surrounding communities and surface access infrastructure, have been minimised, and, therefore, satisfactorily addressed. This is the same conclusion as that reached by NSC officers and relevant statutory consultees; the Officers' Report stated (at page 146): *"The expected environmental outcomes from the proposed development including those related to surface access; highway works; parking delivery and enforcement; air and ground noise; air quality; community and employment are also considered to be acceptable subject to mitigation proposed through the recommended conditions and S106 agreement"*.
- 8.2.6 Reason 1 is, therefore, not a valid reason to refuse the planning application. On balance, the adverse effects associated with the Appeal Proposal will not be unacceptable and, overall, the Appeal Proposal accords with Policy CS23, as well as Policy DM50, of the Development Plan.

Reason 2

- 8.2.7 The ESA has clearly established that the air quality impacts of the Appeal Proposal will not be significant, that all concentrations of pollutants will remain comfortably within the AQO limits and that current compliance with all relevant limit values and objectives will be sustained. A range of measures will be implemented to mitigate the air quality impacts associated with an additional 2 mppa which is in addition to, and alongside, wider measures being taken by the aviation industry to reduce emissions from aircraft.

- 8.2.8 The Appeal Proposal will also not result in significant adverse noise impacts. Whilst the number of properties predicted to experience average night-time air noise levels above the SOAEL will increase, the changes in noise level will be small and not significant. Further, for some receptors, the Appeal Proposal will provide a benefit in terms of ground noise due to additional screening. BAL has also proposed a number of measures to limit and mitigate the noise impacts of the Appeal Proposal including an enhanced noise insulation scheme that goes beyond both the requirements of the APF and the recommendations contained in Aviation 2050.
- 8.2.9 Taking into account the findings of the air quality and noise assessments, the health assessment presented in the ESA has confirmed that the Appeal Proposal will not cause significant adverse health impacts. It is also important to balance the limited and localised adverse impacts of the Appeal Proposal on health and well-being with the significant health benefits that will be created by increasing the capacity of Bristol Airport to accommodate 12 mppa in terms of, in particular, the creation of jobs.
- 8.2.10 Overall, I contend that the conclusion of NSC in Reason 2 was unjustified. The air quality and noise impacts of the Appeal Proposal will not result in significant adverse health impacts and, further, the Appeal Proposal will deliver significant health benefits. On this basis, I conclude that the Appeal Proposal is in accordance with Policies CS3, CS23 and CS26 of the Development Plan.

Reason 3

- 8.2.11 Increasing the capacity of Bristol Airport to accommodate 12 mppa will not materially affect the ability of the Government to meet its 'net zero' carbon target for 2050. MBU remains extant and the introduction of the net zero target in 2019 has not changed this position, nor will the inclusion of emissions from international aviation and shipping within the Sixth Carbon Budget. How these emissions are managed is a matter for Government to determine through its national aviation policy and there are a range of legal and policy mechanisms available to it to ensure that its targets and budgets are achieved. These include, in particular, the UK ETS and the UN's CORSIA system. The ESA has established that emissions arising from the Appeal Proposal will, in any case, be very small in the context of the current planning assumption of 37.5 MtCO₂/annum. Even if the figure of 23 MtCO₂/annum by 2050 for international, domestic and military aviation used by the CCC in its 'balanced pathway' option to 'net zero'¹⁴² is considered as a comparator, this would still be the case.

¹⁴² CD 9.34: CCC (2020) The Sixth Carbon Budget: The UK's Path to Net Zero (December 2020). Available from <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf> [Accessed May 2021].

- 8.2.12 Aligned with its Carbon Roadmap, BAL has sought to minimise GHG emissions and be an exemplar airport for sustainable aviation growth across the industry. BAL has now published its draft CCCAP which sets out how it will manage the carbon impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa and facilitate the transition of the airport to net zero by 2030.
- 8.2.13 NSC's decision to refuse planning permission on grounds including climate change did not reflect the clear policy position of Government, the evidence before it nor BAL's commitments. I consider that the Appeal Proposal will not affect the ability of the UK to meet its climate change obligations and that the Appeal Proposal is in accordance with Development Plan Policy CS1.

Reason 4

- 8.2.14 In developing its proposals for the expansion of Bristol Airport to handle 12 mppa, BAL has sought to maximise development in the Green Belt inset; however, there is a demonstrable need to bring forward the proposed year-round use of the existing seasonal car park and an extension to the Silver Zone Car Park. These components of the Appeal Proposal are inappropriate development in the Green Belt.
- 8.2.15 Both car parking proposals will result in only limited harm to the Green Belt and the following very special circumstances outweigh any harm to the Green Belt:
- the need for additional car parking in the Green Belt to meet demand associated with an additional 2 mppa;;
 - the lack of alternative, available and suitable sites for parking outside the Green Belt; and
 - the need for, and benefits of, the growth of Bristol Airport.
- 8.2.16 Notwithstanding the limited harm to the Green Belt that would be caused by the Appeal Proposal and these very special circumstances, BAL is currently proposing a monitor and manage approach to the delivery of additional car parking beyond MSCP2 and the proposed year-round use of the existing seasonal car park. This would mean that the development of car parking in the Green Belt, and the associated harm this causes, will only occur when there is sufficient demand for additional spaces.
- 8.2.17 Overall, it is my judgement that very special circumstances which outweigh any harm to the Green Belt caused by BAL's car parking proposals have been demonstrated and that the Appeal Proposal is, therefore, in accordance with Policy DM12, as well as Policy DM50, of the Development Plan.

Reason 5

- 8.2.18 The TAA has confirmed that, even on a reasonable worst-case basis, the additional traffic generated by the Appeal Proposal will not prejudice highway safety or result in severe cumulative impacts on traffic congestion; on the contrary, the proposed A38 highway improvements will deliver significant local capacity benefits and enhance safety. Appropriate provision has also been made to mitigate wider impacts on the highway network and directly address concerns expressed by local communities.
- 8.2.19 Bristol Airport has the highest public transport mode share of any regional airport cited in the 2019 CAA data and BAL is now proposing a further, stretching 2.5% increase in public transport mode share. This target will be delivered through a comprehensive package of deliverable, sustainable transport measures.
- 8.2.20 On this basis, I conclude that the Appeal Proposal is in accordance with Development Plan Policies CS1, CS10 and CS23, as well as Policy DM54 and Policy CS11.

Other Matters

- 8.2.21 In **Section 6** of my Proof of Evidence, I have considered a range of other planning matters. These matters include: landscape and visual impacts; ecology; residential amenity; water quality; vibration; land quality; and the historic environment.
- 8.2.22 It is my judgement that these matters do not amount to a basis to dismiss the appeal and in NSC's determination of the planning application it also did not consider that these matters properly amounted to reasons to refuse planning permission. I therefore conclude that the Appeal Proposal is in accordance with those policies of the Development Plan that relate to these other planning matters.

Conclusion

- 8.2.23 I can conclude that all of the matters raised in NSC's reasons for refusal, and the main issues for the appeal, have been satisfactorily addressed and that the Appeal Proposal is in accordance with the Development Plan. Importantly, any delay to the growth of Bristol Airport as a result of the COVID-19 pandemic or other factors will not materially affect the impact of increasing the airport's capacity. The Appeal Proposal should therefore be approved unless material considerations indicate otherwise.

8.3 Other Material Considerations

National Planning Policy Framework

- 8.3.1 In my consideration of NSC's reasons for refusal, the main issues for the appeal and other planning matters, I have determined that the Appeal Proposal does not conflict with any policies of the NPPF.
- 8.3.2 Paragraph 10 of the NPPF establishes a presumption in favour of sustainable development. Determining whether the Appeal Proposal is sustainable development requires consideration of three interdependent objectives; economic, social and environmental, as defined in paragraph 8 of the NPPF. I assess the Appeal Proposal against each objective below.

Economic

- 8.3.3 The NPPF defines the Government's economic objective as being *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"*.
- 8.3.4 The Appeal Proposal will deliver substantial economic benefits in terms of jobs, GVA and increased connectivity. In accordance with paragraph 80 of the NPPF, these benefits should be afforded significant weight in the planning balance. The Appeal Proposal therefore meets the economic objective of the NPPF.

Social

- 8.3.5 The Government's social objective for planning is *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"*.
- 8.3.6 Increasing the capacity of Bristol Airport will deliver social benefits in terms of jobs and prosperity, regeneration and connectivity-related quality of life benefits. The Appeal Proposal will not result in significant adverse effects on health and well-being. Overall, the Appeal Proposal supports the Government's social objective.

Environmental

- 8.3.7 The NPPF establishes the Government's objective for the environmental strand of sustainable development as being *"to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"*.
- 8.3.8 The adverse environmental impacts that weigh against the Appeal Proposal are limited and have been satisfactorily addressed through a combination of the mitigation measures embedded within the Appeal Proposal and the significant package of additional measures proposed by BAL. Further, the Appeal Proposal will deliver environmental enhancements in terms of ecology, transport and ground noise and will facilitate the transition of Bristol Airport to net zero. On balance, the Appeal Proposal is therefore consistent with the Government's environmental objective.

Conclusion

- 8.3.9 Overall, I conclude that the Appeal Proposal supports the Government's economic, social and environmental objectives and that it is sustainable development. In accordance with the presumption in favour of sustainable development, the Appeal Proposal should therefore be granted planning permission.

National Aviation Policy

- 8.3.10 National aviation policy set out in the APF and MBU is clear in its support for airports such as Bristol making best use of their existing capacity. This policy is inextricably linked to, and underpins, the UK Government's wider economic priorities and objectives and following the UK's departure from the EU, the announcement of the Government's levelling-up agenda and the economic consequences of the COVID-19 pandemic, substantial weight must, more than ever, be afforded to the Government's ambitions for aviation growth in the planning balance.
- 8.3.11 The Appeal Proposal directly responds to, and is in accordance with, the Government's aviation policy set out in the APF and MBU. Increasing the capacity of Bristol Airport, and the associated investment in infrastructure and services, will make best use of the existing airport runway as part of a balanced approach to growth that has appropriately mitigated the adverse impacts of the development.

The Need for and Benefits of the Appeal Proposal

8.3.12 Despite the short-term impacts of the COVID-19 pandemic on the aviation sector, passenger demand at Bristol Airport is still forecast to reach 12 mppa, albeit over a slightly longer timeframe than anticipated in the original planning application. In **Section 3** of my evidence, I have established that there is a compelling need for the Appeal Proposal. In summary, the Appeal Proposal will:

- accommodate forecast passenger demand in order to meet the Government's national aviation policy of MBU and wider economic objectives and clawback the historic leakage of passengers from London's airports;
- deliver substantial social and economic benefits, supporting national, regional and sub-regional economic growth and recovery from the COVID-19 pandemic. This aligns with the West of England Industrial Strategy and the North Somerset Economic Plan;
- help meet the UK's global ambitions for increased international connectivity and trade following the UK's departure from the EU;
- ensure adverse impacts on the environment and local communities are minimised and securing, where possible, enhancements.

8.3.13 Should Bristol Airport's capacity be constrained at 10 mppa, passengers would either not make trips at all or gravitate towards airports outside the South West region and South Wales, the significant economic benefits of expansion would not be realised and the existing benefits Bristol Airport provides are likely to be diminished. This would be contrary to national aviation policy and the NPPF.

Other Material Considerations

8.3.14 In my evidence, I have examined the other material considerations relevant to the Appeal Proposal including the UK Government's net zero target. My assessment is that these other material considerations do not amount to reasons to refuse planning permission for the Appeal Proposal.

8.4 Conclusion

8.4.1 The Appeal Proposal is in accordance with the Development Plan and national planning policy and there are no other material considerations which indicate that planning permission should be refused. Importantly, the Appeal Proposal will make best use of Bristol Airport's existing runway,

delivering the UK Government's national aviation policy and wider economic objectives. I give this significant weight in the planning balance.

- 8.4.2 The Appeal Proposal is sustainable development. Increasing the capacity of Bristol Airport to accommodate 12 mppa will deliver substantial, material benefits in terms of jobs, prosperity and increased connectivity. In accordance with the NPPF, I also afford these benefits significant weight in the planning balance.
- 8.4.3 The evidence presented by BAL's witnesses demonstrates that the growth of Bristol Airport, and the benefits this delivers, can be achieved whilst ensuring that adverse impacts on the environment and local communities are appropriately minimised and mitigated. All matters raised in NSC's reasons for refusal have been satisfactorily addressed by BAL and any residual adverse impacts deserve limited weight.
- 8.4.4 In refusing planning permission, NSC did not provide any proper justification for reaching a different conclusion to, and departing from, the balanced and well-reasoned advice of its own officers. In all of the circumstances, NSC's decision was unreasonable.
- 8.4.5 Overall, it is my judgement that the need for, and significant benefits of, the Appeal Proposal outweigh the limited adverse impacts associated with increasing the capacity of Bristol Airport to serve 12 mppa. Respectfully, I therefore invite the Inspectors to allow the appeal.

Appendix A

Green Belt Assessment of Land to the South of Bristol Airport

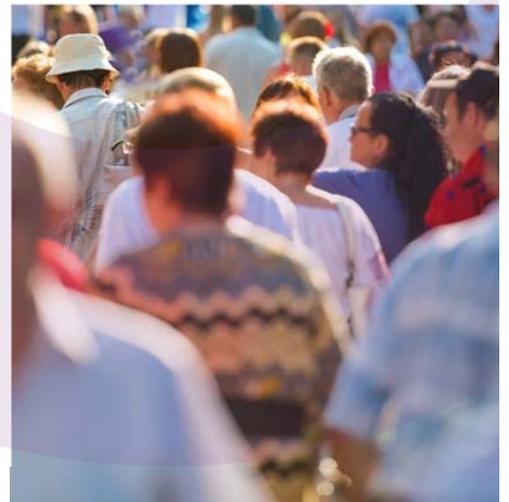
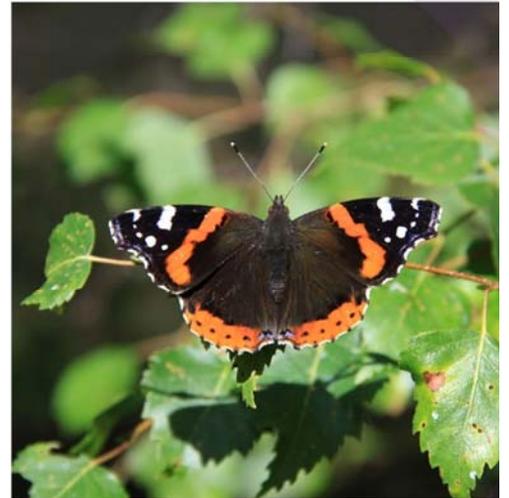




Bristol Airport Limited

Technical Note

Green Belt Assessment of Land
to the South of Bristol Airport



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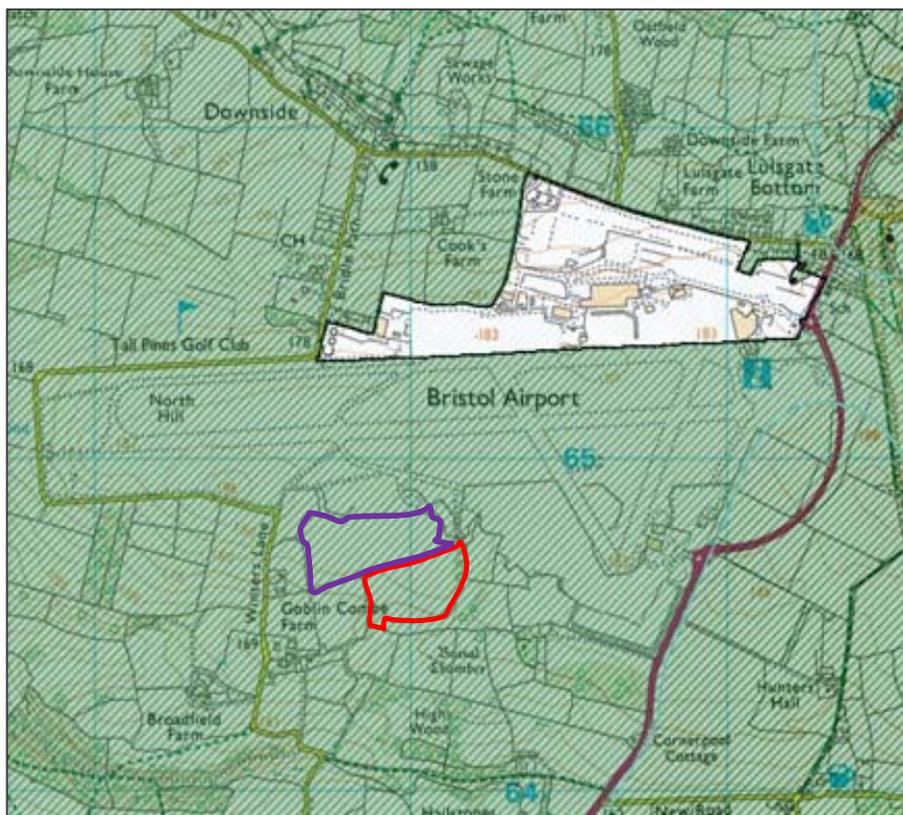
1. Introduction

- 1.1.1 This Technical Note sets out an assessment of the form and function of the Green Belt immediately to the south of Bristol Airport and the likely effects on the Green Belt of Bristol Airport Limited's (BAL) proposals for the development of Bristol Airport to accommodate 12 million passengers per annum (the Appeal Proposal). The assessment considers, specifically, two components of the Appeal Proposal: the proposed year-round use of the existing Silver Zone Car Park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; and the proposed extension to the Silver Zone Car Park to provide approximately 2,700 spaces (Phase 2). Both car parking proposals are to be located in the Green Belt to the south of the Bristol Airport site.
- 1.1.2 The Technical Note has been prepared following comments made by North Somerset Council (NSC) in its Statement of Case concerning the harm to the Green Belt that may be caused by these two components of the Appeal Proposal. An assessment of the Green Belt was not previously undertaken BAL, nor was one requested by NSC officers during the determination of the planning application, as it was considered that the proposed development would quite clearly result in only limited harm to the Green Belt.
- 1.1.3 In order to ensure that the Green Belt assessment has fully taken account of visual openness matters, a field survey was undertaken in April 2021 that comprised access to the Silver Zone Phase 1 and 2 car parks to assess views out and an appraisal of views back towards the Silver Zone Phase 1 and 2 car parks from publicly accessible locations in the surrounding landscape. The field survey was informed by the Landscape & Visual Impact Assessment (LVIA) prepared for the application under consideration (18/P/5118/OUT), referred to as the '2018 LVIA', and also the LVIA submitted as part of application 16/P/1486/F for the now constructed Silver Zone Phase 1 Car Park (the '2016 LVIA').
- 1.1.4 The existing seasonal Silver Zone Car Park, which is proposed to be used year-round, is outlined in purple on **Figure 1.1** (the Phase 1 Car Park). The location of the proposed Silver Zone Car Park is outlined in red on **Figure 1.1** (the Phase 2 Car Park). **Figure 1.2** illustrates the location of the Silver Zone Car Park in relation to the Green Belt which, apart from the land to the north of the airport, covers the Bristol Airport site.
- 1.1.5 Additional development at Bristol Airport, including car parking and ancillary buildings, has been previously granted under Very Special Circumstances, although Green Belt boundaries have not been amended as part of the Development Plan.

Figure 1.1 Location of the Phase 1 Car Park (purple line) and Phase 2 Car Park (red line)



Figure 1.2 The Green Belt in relation to Bristol Airport (with Silver Zone Phase 1 [purple] and Phase 2 [red] Car Park Extension Boundaries)



2. Green Belt Policy

2.1 National Green Belt Policy

2.1.1 The National Planning Policy Framework (NPPF) was updated in July 2018 and revised further in February 2019. The NPPF (2019) states the following in relation to Green Belts:

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- a) To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns from merging into one another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land." (NPPF, 2019 – para 133 & 134).*

2.1.2 There is a common public misconception that Green Belt land is 'sacrosanct' and that once designated it should never be developed. However, this has never been the case in legislative or policy terms. The NPPF states that in respect of proposals affecting the Green Belt:

"143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

2.1.3 Paragraphs 145 and 146 of the NPPF set out the kinds of development considered to constitute appropriate development in the Green Belt.

2.1.4 If permission for development in the Green Belt is considered, National Planning Policy Guidance (2019) states that:

"Identifying the scope for compensatory improvements is likely to require early engagement with landowners and other interest groups, once the areas of land necessary for release have been identified. Consideration will need to be given to:

- land ownership, in relation to both land that is proposed to be released for development and that which may be most suitable for compensatory improvements for which contributions may be sought;*
- the scope of works that would be needed to implement the identified improvements, such as new public rights of way, land remediation, natural capital enhancement or habitat creation and enhancement, and their implications for deliverability;*

- *the appropriate use of conditions, section 106 obligations and the Community Infrastructure Levy, to secure the improvements where possible. Section 106 agreements could be used to secure long-term maintenance of sites.” (NPPG, Paragraph: 003 Reference ID: 64-003-20190722)*

2.1.5 Whilst Green Belts contain areas of landscape and nature conservation value (noted in the NPPF at para. 141), these are subject to specific policies of their own, and the NPPF (para. 133) notes the two ‘essential characteristics’ of Green Belts as being their ‘openness and their permanence’. Permanence is a planning consideration rather than a physical one. Nevertheless, it is recognised that there are benefits in using other features as Green Belt boundaries, where these are clearly defined on the ground and perform a physical and/or visual role in separating town and countryside. Although Green Belts might contain land which is of high quality and possibly recognised as a valued landscape, and land designated as being of nature conservation value, its purpose is not to protect such features but to keep land permanently open.

2.2 Local Green Belt Policy

2.2.1 The adopted Development Plan for the Appeal Proposal comprises of the: North Somerset Core Strategy (adopted 2017); Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018). .

2.2.2 Policy CS6 of the Development Plan concerns the approach to the Green Belt in North Somerset including in respect of Bristol Airport (at para3.96), as follows:

CS6: North Somerset’s Green Belt Within North Somerset the boundaries of the Bristol – Bath Green Belt will remain unchanged during the plan period. Further amendments to the Green Belt at Bristol Airport will only be considered once long term development needs have been identified and exceptional circumstances demonstrated.

3.96 The Replacement Local Plan created an inset in the Green Belt to accommodate the medium term expansion requirements of Bristol Airport. Further Green Belt amendment would be premature in advance of exceptional circumstances being demonstrated through evidence regarding future expansion and its land use implications.

2.2.3 The supporting text to Policy DM50, meanwhile, states that outside the inset, Green Belt policy applies and that it is for the developer (in this case BAL) to demonstrate ‘very special circumstances’ that outweigh the harm to the Green Belt and any other harm.

2.2.4 Policy DM30 concerns provisions for off-airport car parking and includes the following text as part of the policy justification: *“The Policy aim includes protecting the Green Belt from off-airport car parking. This aim is mainly achieved through Green Belt status itself, which precludes inappropriate development. Numerous appeal decisions have established that car parking is inappropriate development in the Green Belt, which should not be approved except in very special circumstances.”*

3. Assessment of Contribution to Green Belt Purposes

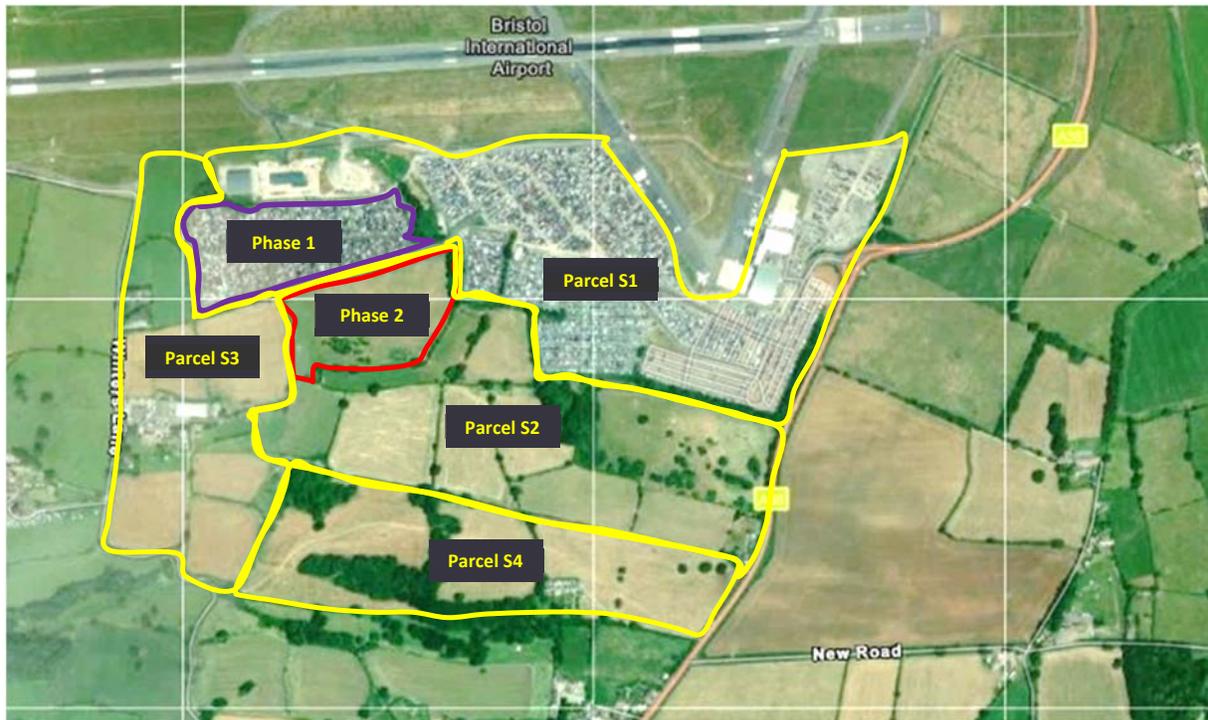
3.1 Methodology

3.1.1 The following analysis sets out an assessment of the contribution of the land immediately to the south of Bristol Airport to the five Green Belt purposes established in the NPPF. Individual Green Belt parcels comprising land to the south of the airport are defined specifically for this assessment: S1, S2, S3 and S4, as illustrated on **Figure 3.1**. Consideration of these wider parcels provides context to the proposed development sites thereby enabling a balanced assessment of the form and function of the Green Belt in this location.

3.1.2 The parcels comprise broadly contiguous areas of land (i.e. existing car parking [S1], land immediately to the south of the Airport [S2] land west of Winters Lane[S3] and land at Goblin Combe [S4]) and have been identified using well defined physical features:

- Roads and rights of way of various scales, from rough tracks through to primary roads;
- A river, stream, ridge, car park, playground or other physical feature (such as a woodland edge);
- An ownership boundary marked by physical features such as a hedgerow or a fence line; and
- In the absence of any physical features to follow on the ground, parcels have been defined by a straight line between two permanent physical features.

Figure 3.1 Overview of Green Belt Parcels to the South of Bristol Airport



3.1.3 **Table 3.1** sets out how the Green Belt was assessed, by purpose and guide question. There is no prescribed methodology for undertaking Green Belt assessments. The methodology is derived from that used in Green Belt reviews undertaken elsewhere¹. None of the judgements on the contribution of a parcel to Green Belt purposes are numerically scored or weighted. **Table 3.2** and **Table 3.3** set out the definitions used to assist the application of these judgements,

Table 3.1 The Assessment of Individual Green Belt Purposes

Purpose & Guide Question	Grading
<p>To check the unrestricted sprawl of large built-up areas <i>What is the role of the parcel in preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?</i></p>	<p>Professional judgement applied in light of the guide question which is applied in respect of individual purposes and overall to determine: Significant Contribution or Contribution or Limited Contribution or No Contribution</p>
<p>To prevent neighbouring towns from merging into one another <i>What is the role of the parcel in preventing the merger of settlements which might occur through a reduction in the distance between them?</i></p>	
<p>To assist in safeguarding the countryside from encroachment <i>What is the role of the parcel in maintaining a sense of openness, particularly in light of proximity to a settlement edge?</i></p>	
<p>To preserve the setting and special character of historic towns <i>What is the role of the parcel in respect of the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?</i></p>	
<p>Overall Assessment of Contribution to Green Belt Purposes <i>In light of the judgements made on individual purposes, what is the overall contribution of the parcel to the Green Belt?</i></p>	

Table 3.2 Definition of Green Belt Purposes

<p>To check the unrestricted sprawl of large built-up areas</p>	<p>Sprawl – spread out over a large area in an untidy or irregular way (Oxford Dictionary online). Built-up areas – in the context of this study this is Bristol Airport terminal area and Felton</p>
<p>To prevent neighbouring towns merging into one another</p>	<p>Merging – this can be by way of general sprawl (above) or; Ribbon development – the building of houses along a main road, especially one leading out of a town or village (Oxford Dictionary Online). This includes historical patterns of, or current pressures for, the spread of all forms of development along movement corridors, particularly major roads.</p>
<p>To assist in safeguarding the countryside from encroachment</p>	<p>Encroachment – a gradual advance beyond usual or acceptable limits (Oxford Dictionary online). The countryside – open land with an absence of built development and urbanising influences and characterised by rural land uses including agriculture and forestry.</p>

¹ See for example Waverley Borough Council, Stevenage District Council, Staffordshire Moorlands District Council, Wyre Forest District Council

	Openness – the degree of built development or other urbanising elements along with degree of enclosure created by topography and/or vegetation.
To preserve the setting and special character of historic towns	Historic town – settlement or place with historic features identified in local policy or through conservation area or other historic designation(s). In the context of this study this is Felton, and its relationship with Felton Common.
To assist in regeneration	Where development in open countryside is likely to render previously developed land in particular vicinity unattractive to develop. Note: this is typically a generalised purpose which is difficult to determine on the ground.

3.1.4 Table 3.3 sets out the criteria used to help guide professional judgement on the degree of visual and physical openness of each parcel.

Table 3.3 Criteria used in the Assessment of Visual and Physical Openness

Visual Openness	High	Clear, middle and long-distance views across the land.
	Mixed	Partially enclosed (e.g. by landform, vegetation or built form) but with views in/out.
	Low	Surrounded by vegetation and/or built form with limited or no views in or out.
Physical Openness	High	No built form or very limited urbanising influences.
	Mixed	Some built form, but not a defining feature.
	Low	Existing development and urban influences a prominent, defining element.

3.2 Results of the Green Belt Assessment of Purposes

Parcel S1: Land to the south of Bristol Airport Runway



Parcel S1: Defined as land immediately to the south of the runway and taxiing areas, comprising airport ancillary uses to the east and north west and car parking across the remainder of the parcel. Green Belt remains washed over the parcel. There are a limited range of short, medium and longer distance views into the parcel.

Physical openness: Low, reflecting the development of the Green Belt for car parking and airport ancillary uses.

Visual openness: Low to moderate, reflecting the generally low-rise character of the built development and the predominant car parking use of the majority of the parcel, screened along much of its southern border.

Purpose & Guide Question	Contribution to Green Belt Purposes / Analysis
<p>To check the unrestricted sprawl of large built-up areas</p> <p><i>What is the role of the parcel in preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?</i></p>	<p>No Contribution</p> <p>The land is not adjacent to, or part of, a large built-up area and is bounded by clearly defined features (bundling and substantial border vegetation).</p>
<p>To prevent neighbouring towns from merging into one another</p> <p><i>What is the role of the parcel in preventing the merger of settlements which might occur through a reduction in the distance between them?</i></p>	<p>No Contribution</p> <p>The land is not situated between towns.</p>
<p>To assist in safeguarding the countryside from encroachment</p> <p><i>What is the role of the parcel in maintaining a sense of openness, particularly in light of proximity to a settlement edge?</i></p>	<p>Limited Contribution</p> <p>The land, as part of the wider Green Belt in this location, helps to maintain openness through preventing further intensification of existing development which can erode that quality.</p>
	No Contribution

<p>To preserve the setting and special character of historic towns</p> <p><i>What is the role of the parcel in respect of the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?</i></p>	<p>The land has no relationship with an historic town or settlement.</p>
<p>Overall Assessment of Contribution to Green Belt Purposes</p>	<p>Limited Contribution</p> <p>The land adjoins open countryside to the south west of Bristol. Whilst the parcel is developed with a mix of permanent and less permanent structures and uses, it nevertheless retains a degree of openness. Green Belt designation limits further incremental change through intensification of use.</p>

Parcel S2: Land to the south of the Airport, between Goblin Coombe Farm and the A38



Parcel S2: Land between Goblin Coombe Farm and the A38, adjoining and to the south of Bristol Airport. Sloping north to south over 10m, the land comprises predominantly pasture within irregular fields which are subdivided by intermittent hedgerows and isolated hedgerow trees. There is evidence of emerging scrub woodland to the north of the parcel. Built development is limited to a strip immediately adjacent to the A38 and the land is part of a wider expanse of open countryside to the south of Bristol Airport. There is a well-vegetated bund which forms the southern boundary of the Airport and provides clear functional and visual separation.

Physical openness: High, reflecting open countryside character, with limited built development (immediately adjacent to the A38).

Visual openness: Low to moderate, reflecting the presence of some long- and middle-distance views across the parcel from Winters Lane and glimpsed views from the A38.

Purpose & Guide Question	Contribution to Green Belt Purposes / Analysis
<p>To check the unrestricted sprawl of large built-up areas</p> <p><i>What is the role of the parcel in preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?</i></p>	<p>Limited Contribution</p> <p>The land is not adjacent to a large built-up area, but its northern extent is adjacent to development associated with Bristol Airport (washed over by Green Belt), and as such helps (in combination with other parcels in this location), to contain such development.</p>
<p>To prevent neighbouring towns from merging into one another</p> <p><i>What is the role of the parcel in preventing the merger of settlements which might occur through a reduction in the distance between them?</i></p>	<p>No Contribution</p> <p>The land is not situated between towns.</p>
<p>To assist in safeguarding the countryside from encroachment</p> <p><i>What is the role of the parcel in maintaining a sense of openness, particularly in light of proximity to a settlement edge?</i></p>	<p>Contribution</p> <p>The land, as part of the wider Green Belt in this location, helps to maintain openness through preventing incremental development which can erode that quality.</p>
<p>To preserve the setting and special character of historic towns</p> <p><i>What is the role of the parcel in respect of the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?</i></p>	<p>No Contribution</p> <p>The land has no relationship with an historic town or settlement.</p>
<p>Overall Assessment of Contribution to Green Belt Purposes</p>	<p>Contribution</p> <p>The land is part of open countryside to the south west of Bristol. The principal function of open countryside is maintained through Green Belt designation, limiting the intrusion of built development either associated with existing development or at isolated locations.</p>

Parcel S3: Land to the east of Winters Lane



Parcel S3: Land between Winters Lane, adjoining and to the south of Bristol Airport. Sloping north to south over 30m, the land comprises predominantly pasture within irregular fields which are subdivided by intermittent hedgerows and isolated hedgerow trees. Development is limited to Goblin Coombe Farm and an isolated property off Winters Lane. The land is part of a wider expanse of open countryside to the south of Bristol Airport.

Physical openness: High, reflecting open countryside character, with limited built development.

Visual openness: Moderate to high, reflecting the presence of long- and middle-distance views across the parcel from Winters Lane.

Purpose & Guide Question	Contribution to Green Belt Purposes / Analysis
<p>To check the unrestricted sprawl of large built-up areas</p> <p><i>What is the role of the parcel in preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?</i></p>	<p>Limited Contribution</p> <p>The land is not adjacent to a large built-up area, but its northern extent is adjacent to development associated with Bristol Airport (washed over by Green Belt), and as such helps (in combination with other parcels in this location), to contain such development.</p>
<p>To prevent neighbouring towns from merging into one another</p> <p><i>What is the role of the parcel in preventing the merger of settlements which might occur through a reduction in the distance between them?</i></p>	<p>No Contribution</p> <p>The land is not situated between towns.</p>
<p>To assist in safeguarding the countryside from encroachment</p> <p><i>What is the role of the parcel in maintaining a sense of openness, particularly in light of proximity to a settlement edge?</i></p>	<p>Contribution</p> <p>The land, as part of the wider Green Belt in this location, helps to maintain openness through preventing incremental development which can erode that quality.</p>
<p>To preserve the setting and special character of historic towns</p>	<p>No Contribution</p>

<p><i>What is the role of the parcel in respect of the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?</i></p>	<p>The land has no relationship with an historic town or settlement.</p>
<p>Overall Assessment of Contribution to Green Belt Purposes</p>	<p>Contribution</p> <p>The land is part of open countryside to the south west of Bristol. The principal function of open countryside is maintained through Green Belt designation, limiting the intrusion of built development either associated with existing development or at isolated locations.</p>

Parcel S4: Land to the West of the A38



<p>Parcel S4: Land to the west of the A38. The land comprises predominantly pasture within irregular fields which are subdivided by intermittent hedgerows, isolated hedgerow trees and irregular blocks of dense woodland. Built development is limited to properties off the access road which forms the southern boundary of the parcel. The land is part of a wider expanse of open countryside to the south of Bristol Airport.</p> <p>Physical openness: High, reflecting open countryside character, with limited built development.</p> <p>Visual openness: Moderate, reflecting views from a footpath forming the southern boundary and glimpsed views from the A38.</p>	
<p>Purpose & Guide Question</p>	<p>Contribution to Green Belt Purposes / Analysis</p>
<p>To check the unrestricted sprawl of large built-up areas</p> <p><i>What is the role of the parcel in preventing the extension of an existing development into open land beyond established limits, in light of the presence of significant boundaries?</i></p>	<p>No Contribution</p> <p>The land is not adjacent to a large built-up area.</p>
	<p>No Contribution</p>

<p>To prevent neighbouring towns from merging into one another</p> <p><i>What is the role of the parcel in preventing the merger of settlements which might occur through a reduction in the distance between them?</i></p>	<p>The land is not situated between towns.</p>
<p>To assist in safeguarding the countryside from encroachment</p> <p><i>What is the role of the parcel in maintaining a sense of openness, particularly in light of proximity to a settlement edge?</i></p>	<p>Contribution</p> <p>The land, as part of the wider Green Belt in this location, helps to maintain openness through preventing incremental development which can erode that quality.</p>
<p>To preserve the setting and special character of historic towns</p> <p><i>What is the role of the parcel in respect of the proximity to, and degree of intervisibility with, the core (such as a Conservation Area) of an historic town or settlement?</i></p>	<p>No Contribution</p> <p>The land has no relationship with an historic town or settlement.</p>
<p>Overall Assessment of Contribution to Green Belt Purposes</p>	<p>Contribution</p> <p>The land is part of open countryside to the south west of Bristol. The principal function of open countryside is maintained through Green Belt designation, limiting the intrusion of built development either associated with existing development or at isolated locations.</p>



4. Determination of the Likely Degree of Harm to the Openness of the Green Belt

4.1 Background

- 4.1.1 The likely effect of a development on openness depends upon the character and siting of a development. In light of recent legal challenges², it has been concluded that openness has both a physical and a visual dimension, and that both need to be considered together in judging the likely effect of a development on the openness of the Green Belt.
- 4.1.2 There is no prescribed methodology for the determination of the degree of harm to openness and permanence to the Green Belt which is likely to result from a specific development.
- 4.1.3 Planning Practice Guidance (2019) offers advice on the determination of the likely effects through consideration of physical and visual openness.

What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

4.2 Site Assessment Methodology: Judgement of the Likely Effects of Development on the Green Belt

- 4.2.1 The assessment of the two sites (i.e. the proposed Silver Zone Phase 1 Car Park and the Phase 2 Car Park) has been undertaken through a combination of desk-based analysis and fieldwork. Desk-based analysis draws on the strategic assessment of Green Belt purposes and inspection of Ordnance Survey maps and aerial photography to determine the broad character of the site and helps form initial judgements on the likely effects of development on openness and permanence.

² **Physical and Visual Openness of the Green Belt:** An inspector dealing with an appeal against the refusal of permission for a single dwelling in the Green Belt in Hertfordshire has helpfully summarised the relevant court case law as follows: “*The clear conceptual distinction between openness and visual impact, in Timmins v Gedling BC [2014] EWDC 654 (Admin), was found to be incorrect in the Court of Appeal judgement in Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466. This judgement confirmed that the openness of the Green Belt has a spatial (physical) aspect as well as a visual aspect and assessing openness was found not to be limited to measuring the volume of the existing and proposed structures on the site. Many factors were found to be relevant and could include how built-up the Green Belt was currently and how built-up it would be if the proposed development went ahead.*” “*Such an approach on openness of the Green Belt was further confirmed in the Court of Appeal Judgement, Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd [2018] EWCA Civ 489 which indicated that when a development was likely to have visual effects within the Green Belt, the decision-maker was required to consider how those effects bore on the question of whether the development would preserve the openness of the Green Belt.*” See also **Appendix A** below.

- 4.2.2 As with the assessment of Green Belt purposes, there is no methodology defined in planning guidance. The proforma (derived from existing Green Belt Reviews³) in **Table 4.1** is used to summarise, in the light of the assessment of Green Belt purposes, the likely effect of the proposed development on the Green Belt and the potential for mitigation.

Table 4.1 Evaluation Template Relating to Site Development

Evaluation Question	Assessment
What is the nature and extent of the harm to the Green Belt arising from site development?	Narrative stating the likely degree of harm to the Green Belt as: significant, moderate or limited (and combinations thereof), reflecting the meeting of Green Belt purposes of the site and the strategic parcel(s) affected, the likely impact of development on the openness and permanence of the site and surrounding Green Belt, along with the consideration of traffic generation and the duration of development.
To what extent could the impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent?	Narrative reflecting opportunities and proposals to employ measures such as landscaping to mitigate the immediate impacts of development on openness and permanence.
Can a Green Belt boundary around the site be defined clearly, using physical features that are readily recognisable and likely to be permanent?	Narrative based on the site-specific context, reflecting existing boundary quality and openness.
If this site were to be developed would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by the site's development?	Narrative, reflecting the relationship of the site with its wider Green Belt context, including consideration of the likely effect on visual openness.
Overall Conclusions on the Likely Effects on the Green Belt of Site Development	Narrative based on the above assessment.

- 4.2.3 **Table 4.2** sets out the criteria used to help guide professional judgement on the degree of visual and physical openness of land proposed for development as well as the quality of the boundaries which define the site.

Table 4.2 Criteria used in the Assessment of Visual and Physical Openness and Boundary Quality

Visual Openness	High	Clear, middle and long-distance views across the land.
	Mixed	Partially enclosed (e.g. by landform, vegetation or built form) but with views in/out.
	Low	Surrounded by vegetation and/or built form with limited or no views in or out.
	High	No built form or very limited urbanising influences.

³ See for example Waverley Borough Council, Wyre Forest District Council

Physical Openness	Mixed	Some built form, but not a defining feature.
	Low	Existing development and urban influences a prominent, defining element.
Quality of Boundaries (permanence)	Strong	Prominent physical features (roads, railways, buildings/urban edge).
	Moderate	Less robust physical features (paths/tracks, watercourses, woodlands, hedgerows).
	Weak	No definable boundary on the ground.

4.2.4 The likely degree of harm to the Green Belt arising from its development is summarised by a five-point scale and assessment criteria set out in **Table 4.3**, reflecting the application of professional judgement in the light of the likely effects of development on Green Belt purposes, its openness (visual and physical) and permanence (i.e. the quality of boundaries which currently contain development or might do so).

Table 4.3 Degree of Harm to the Green Belt arising from Development and Assessment Criteria

Degree of Harm to the Green Belt	Assessment Criteria
Significant	Clear adverse effects of development on physical and/or visual openness and permanence which is unlikely to be able to be successfully mitigated.
Moderate to Significant	Adverse effects of development on physical and/or visual openness and permanence with potential opportunities for mitigation.
Moderate	Mixed effects of development on physical and/or visual openness and permanence with opportunities for mitigation.
Moderate to Limited	Some effects of development on physical and/or visual openness or permanence, with clear opportunities for mitigation.
Limited	No discernible effect of development on physical and/or visual openness and permanence.

4.3 Mitigation of Harm to the Green Belt and Enhancement of Beneficial Use

4.3.1 The degree of harm which is likely to arise as a result of development can, in principle, be mitigated to some degree through, for example, detailed site masterplanning proposals such as boundary planting/screening which would interrupt immediate views of development from various viewpoints. To assist with judgements on these matters, analysis contained within the Landscape & Visual Assessment (LVA) (2016) for the now constructed Silver Zone Phase 1 Car Park (planning application reference 16/P/1486/F) and the Landscape & Visual Impact Assessment (LVIA) undertaken in 2018 as part of the Environmental Statement (ES) for the 12 mmpa application has been used (see **Section 4.4** below).

4.3.2 More widely, the NPPF (2019, para. 138) requires the consideration of the wider effects of development and the opportunities for enhancement as follows:

"Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land."

- 4.3.3 The requirements of the NPPF are expanded in Planning Practice Guidance (July 2019) which sets out the following advice:

How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?

"Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- *new or enhanced green infrastructure;*
- *woodland planting;*
- *landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *improvements to biodiversity, habitat connectivity and natural capital;*
- *new or enhanced walking and cycle routes; and*
- *improved access to new, enhanced or existing recreational and playing field provision.*

(Paragraph: 002 Reference ID: 64-002-20190722, Revision date: 22 07 2019)

- 4.3.4 In respect of Green Belt loss to site development, mitigation should be centred on the enhancement of adjoining Green Belt land such that its form and function is strengthened, in turn helping to compensate for the loss of openness (physical and visual) to development (and more widely urbanisation).
- 4.3.5 Part of the judgement of the degree of harm associated with development is the likely effect on the functioning of the wider Green Belt through, for example, the breaching of a strong boundary feature such as a road or river which in turn might compromise the role of Green Belt in containing further development.
- 4.3.6 Enhancement of the beneficial use of adjacent Green Belt land can strengthen its role in preserving a sense of physical (and perhaps visual) openness, through reinforcing landscape elements such as tree and hedgerow belts, the management of open grassland and opening land to informal access of various kinds.
- 4.3.7 In defining harm to remaining Green Belt land, loss of openness is the principal consideration, such as through the breaching of a physical barrier, increased containment, or severance from adjoining Green Belt. Such direct harm can be mitigated to some degree. Examples of mitigation include:
- Strengthening of boundary features using hedgerow and tree planting.
 - Creation of boundary features using hedgerows, woodland belts and bunding.
 - Use of sustainable drainage features to define/enhance the separation between urban areas and countryside.

4.4 Site Appraisal of Landscape Elements and Visual Openness

Introduction

- 4.4.1 In order to ensure that the Green Belt assessment fully took account of visual openness matters, a further field survey was undertaken in April 2021 that comprised access to the Silver Zone Phase 1 and 2 car parks to assess views out and an appraisal of views back towards the Silver Zone Phase 1 and 2 car parks from publicly accessible locations in the surrounding landscape.
- 4.4.2 The field survey was informed by the LVIA prepared for the application under consideration (18/P/5118/OUT) referred to as the '2018 LVIA' and also the LVIA submitted as part of application 16/P/1486/F for the now constructed Silver Zone Phase 1 car park (the '2016 LVIA').

Landscape and Visual Context of the Silver Zone Phase 1 Car Park

- 4.4.3 The Silver Zone Phase 1 Car Park currently operates on a seasonal basis (May to October) as an overflow to the main Silver Zone permanent car park to the east. The Silver Zone Phase 1 Car Park is contained to the east and part of the northern boundary by existing planting. An earth bund ~2m high with planting has been constructed along the western and southern boundary of the Silver Zone Phase 1 Car Park (see Landscape Strategy Plan at **Appendix B**).
- 4.4.4 The Silver Zone Phase 1 Car Park lies to the south of established airport buildings, runway and associated infrastructure which is located on ground that is ~2-3m higher than the Silver Zone Phase 1 Car Park (see Photos 1 and 2 – **Appendix B**). The eastern boundary of the Silver Zone Phase 1 Car Park is defined by a mature belt of trees and access roads connecting to the permanent Silver Zone Car Park are located at the northern and southern corners of the eastern boundary (see Photo 3 – **Appendix B**). The land across the Silver Zone Phase 1 Car Park typically falls gently from north to south with a slightly steeper gradient up to ~1:20 at the north-western end. Landform and planting, and to a lesser extent occasional built form, combine to restrict intervisibility between the Silver Zone Phase 1 Car Park and the airport to the north and east.
- 4.4.5 The western boundary of the Silver Zone Phase 1 Car Park is contained by a bund and a mature hedgerow with trees runs parallel to the southern and central part of the western boundary. A pastoral field gently rises to Winters Lane and the roadside hedgerow that flanks Winters Lane is visible on the skyline in front of the perimeter fence to the Airport runway (see Photo 4 – **Appendix B**). Intervisibility between the Silver Zone Phase 1 Car Park and Green Belt land to the west is localised, noting that the photo is taken from the top of the bund along the southern boundary of the Silver Zone Phase 1 Car Park so that the camera is elevated ~3.5m above the ground level of the adjoining car park.
- 4.4.6 The southern boundary of the Silver Zone Phase 1 Car Park is contained by a ~2m high perimeter bund with recent tree and shrub planting (see Photo 5 – **Appendix B**). The landform restricts views south, out of the car park to the wider Green Belt, with the Mendip Hills AONB beyond the Green Belt forming the distant horizon, approximately 5-7km to the south.
- 4.4.7 Temporary lighting columns are powered by generators and are raised in height with a telescopic pole fitting when the Silver Zone Phase 1 parking area is in use during the peak season of May to October (see Photo 6 – **Appendix B**). The proposal is to replace the temporary lighting with permanent lighting columns at a similar height and design to the lighting columns within the permanent Silver Zone parking area to the east (see Photo 7 – **Appendix B**).

Landscape and Visual Context of the Silver Zone Phase 2 Car Park

- 4.4.8 The proposed Silver Zone Phase 2 Car Park site is currently an open pastoral field, grazed by cattle and containing patches of scrub. The land falls gently from north to south with an ~8m level change from the highest point near the northeast corner of the field to the lowest point near the southwest corner of the field.
- 4.4.9 The Silver Zone Phase 2 Car Park site to the north east is bounded by a belt of mature trees that lie adjacent to the existing Silver Zone Car Park (see Photo 8 – **Appendix B**). The south-eastern boundary of the Silver Zone Phase 2 Car Park is defined by a native field boundary hedge with occasional trees. The field boundary to the west is delineated by a native hedgerow (see Photo 9 – **Appendix B**). The southern boundary of the Silver Zone Phase 2 Car Park comprises a mature hedgerow with occasional mature trees (see Photo 10 – **Appendix B**).

Wider Visibility of the Silver Zone Phase 1 and Phase 2 Car Parks within the Green Belt

- 4.4.10 A Zone of Theoretical Visibility (ZTV) of the Silver Zone Phase 1 Car Park was produced as part of the 2016 LVIA (see **Appendix D** below)⁴. The absence of roadside hedgerows, tree belts, individual trees and scattered buildings from the ZTV model produces a pattern of theoretical visibility that is more extensive than reality and requires verification in the field. Furthermore, the majority of the land within the ZTV is private farmland where any changes as a result of the development could not be perceived either by members of the public and/or residents in private dwellings.
- 4.4.11 Photography from the top of the bund along the southern boundary of the Silver Zone Phase 1 Car Park overlooking the proposed Phase 2 car park extension was undertaken in April 2021. The camera was located on a tripod ~3.5m above the level of the adjoining land where vehicles would be parked. It is noted that the land within the proposed Silver Zone Phase 2 Car Park extension site slopes away to the south and is bounded by mature hedgerows, which in combination with a proposed perimeter earthwork bund would further restrict visibility of vehicles from the closest parts of the Green Belt landscape.
- 4.4.12 The bund provided an elevated vantage point at the junction of the Silver Zone Phase 1 and 2 car parks, to identify potential locations where views back towards the parked vehicles could be available from within the Green Belt. The observations were made in mid-Spring, with sparse emerging leaf cover, indicating that intervisibility would be further restricted during the peak season airport use when intervening planting is in full leaf and the seasonal Phase 1 car park would be in use.
- 4.4.13 Potential visual receptors were identified from the site analysis where intervisibility with the Silver Zone Phase 1 and Phase 2 car parking could occur. These are:
- Residents of 3 No. properties off Winters Lane (Highfield, Springfields and Goblin Coombe Farm);
 - Road users along Winters Lane;
 - Users of the public rights of way network - West and North of Redhill;
 - Residents of properties around Hailstones Farm and the A38; and
 - Users of open access land and public rights of way within the Mendip Hills Area of Outstanding Natural Beauty (AONB) from elevated land, set beyond the boundary of the Green Belt.

⁴ The 2016 ZTV just focussed on the Phase 1 Silver Zone car park extension, A ZTV was produced for the 2018 LVIA which focussed on the difference between the 10mppa and 12mppa schemes which included all development and not just the car parks.

- 4.4.14 Where public access was available, the receptors identified above were assessed in the field and photography was obtained from a representative selection of vantage points (see **Appendix E**). Other views relevant to the Silver Zone Phase 1 and Phase 2 car parks and obtained in winter as part of the 2016 LVIA are included in **Appendix F**.

Residential visual receptors off Winters Lane

- 4.4.15 The 2018 LVIA⁵ concluded that there would be a negligible magnitude of change and states:

'In summary, residential visual receptors at three properties have some potential to sustain small scale changes in a portion of their existing views from the proposed Silver Zone car park extension (Phase 2) with a grasscrete surface and 2m high perimeter bunding. Available views will be partly screened and framed and will be within the context of existing car parking being a readily visible component of the views. At Operation Phase Years 1 and 15 it is assessed that these high sensitivity visual receptors will sustain a magnitude of change that will be negligible and that the level of effect will be minor which will be not significant. By Operation Phase Year 15 the full establishment of the proposed mitigation planting on the perimeter bund will serve to reinforce the negligible magnitude of change.

Road users along Winters Lane

- 4.4.16 Visibility of the Silver Zone Phase 1 and Phase 2 car parks would typically be fully restricted by intervening landform, planting and buildings. Outward views from the majority of Winters Lane would be fully screened by roadside hedgerows, even in winter. A localised view is available near a right-angle bend on Winters Lane to the south of the airport runway (see Photo A – **Appendix B**). The principal change in this fleeting view as a result of the Silver Zone Phase 1 and Phase 2 proposals would be from seasonal to year-round parking on the Phase 1 car park, noting that growth of planting on the existing bund along the western boundary of the Phase 1 car park would increasingly filter views over time. The Silver Zone Phase 2 Car Park extension at this location would be visible beyond the Silver Zone Phase 1 Car Park, representing a minor extension in the proportion of the view occupied by parked vehicles. Views of parked vehicles would become increasingly restricted by the growth of planting on bund along the southern edge of the Silver Zone Phase 1 Car Park. The southern boundary of the Silver Zone Phase 2 Car Park would be contained by an existing mature hedgerow, reinforced by additional planting along a new bund and seen against a backdrop of mature woodland planting.
- 4.4.17 For road users travelling north, there would also be a fleeting view from Winters Lane towards the airport to the west of Hailstones Farm (see Photo B – **Appendix B** and Viewpoint 12 – **Appendix C**). Airport buildings to the south of the runway are visible on the horizon, whilst the intervening landform, hedgerows and trees restrict views of the Silver Zone Phase 1 Car Park. The surface of the proposed Silver Zone Phase 2 Car Park, to the south, is screened by intervening tree cover.

Public Right of Way network – West and North of Redhill

- 4.4.18 The public rights of way network was reviewed in the field (see Photo C – **Appendix E** and Viewpoint 13 – **Appendix F**). Views were largely fully restricted by intervening planting, comprising woodland and mature hedgerows, noting that restricted glimpses of the perimeter bund of the Silver Zone Phase 1 Car Park above intervening vegetation would not include parked vehicles on either the Silver Zone Phase 1 or Phase 2 car parks.
- 4.4.19 The 2018 LVIA⁶ concludes no change and no effect, stating:

⁵ Table 9G.18 of Appendix 9G of the LVIA Chapter 9 of the Environmental Statement - 18/P/5118/OUT

⁶ Table 9G.37 – Appendix 9G of the LVIA Chapter 9 of the Environmental Statement - 18/P/5118/OUT

Given that the closest existing component: the Silver Zone car park extension (Phase 1) is screened, it is unlikely that the proposed Silver Zone car park extension (Phase 2) will be visible nor that any much more distant built components of the Proposed Development in the central and northern areas will be visible.

In summary, as at Operation Phase Years 1 and 15 there will be minimal potential for any changes to the views available to high sensitivity recreational visual receptors using the north and west of Redhill (Network C) network of PRowS, the magnitude of change will be no change and the level of effect will be none.

Properties around Hailstones Farm and the A38;

4.4.20 The April 2021 field survey indicated limited opportunity for intervisibility with the upper floors of a cluster of dwellings on Ashford Road near the A38 being visible from an isolated location on the bund to the southern boundary of the Silver Zone Phase 1 Car Park. Heavily restricted views back towards the airport were recorded from the A38, noting heavily filtered views of airport buildings on the skyline were available; however, both the Silver Zone Phase 1 and Phase 2 car parks were screened by intervening tree cover (see Photo D – **Appendix B** and Viewpoint 11 - **Appendix C**).

4.4.21 The 2018 LVIA⁷ concludes a negligible magnitude of change and minor effect, stating:

'In summary, it is highly likely that a combination of topography, extensive intervening tree cover and perimeter bunding around the southern boundary of Bristol Airport will screen all views of the Proposed Development, as it does for the existing and permitted development in the southern and northern areas. As most of the properties are sited within the ZTV for the Proposed Development, it is not possible to confidently assess that there will be no changes to baseline views. It is therefore assessed for these high sensitivity visual receptors the magnitude of change will be negligible and the level of effect will be minor. Visual effects will be not significant at Operation Phase Years 1 and 15.'

Long range views from elevated land within the Mendip Hills AONB

4.4.22 LVIA Viewpoints 15, 16, 17 and 18 within the Mendip Hills AONB and beyond the Green Belt extent were visited in April 2021 and no perceptible changes in landscape context were observed when compared with the photography obtained in 2018. Whilst seasonal leaf cover was less developed in 2021, this did not result in any noticeable changes to intervisibility in the selected views and neither the Silver Zone Phase 1 Car Park nor the site of the Silver Zone Phase 2 Car Park were identifiable (see Photo E – **Appendix B**).

4.4.23 Paragraph 9.10.4 of the 2018 LVIA states:

'The annotated day time views show that from nearly all locations within the AONB where views out to the north are available, Bristol Airport built components are difficult to identify. At Viewpoints 15, 16, 18 and 19, the site visits demonstrated that no components at Bristol Airport could be identified even when carefully searched for in the view. Careful examination, often involving watching the flight path of a landing aircraft, allowed some indication of built components of Bristol Airport to be identified, though it is not possible to differentiate between different built components.

The only exception is the most elevated viewpoint; Viewpoint 17 at Beacon Batch and its immediate surrounding environs. In this small part of the AONB, which is over 100m higher in elevation than Bristol Airport, the difference in elevation means that the colour contrast between the generally grey tones of built development at Bristol Airport and the brown, green and ochre tones of the surrounding and intervening landscape allows the location of Bristol Airport to be identified. In clear atmospheric

⁷ Table 9G.38 – Appendix 9G of the LVIA Chapter 9 of the Environmental Statement - 18/P/5118/OUT

conditions some individual elements such as the Air Traffic Control (ATC) tower can be defined in the northern view.'

Potential for Glint and Glare

- 4.4.24 The definition of glint and glare varies but has been defined in best practice guidance⁸ as:
- Glint – a momentary flash of bright light; and
 - Glare – a continuous source of bright light.
- 4.4.25 Glint or glare effects can only theoretically occur where it is possible to obtain unobstructed views of vehicle windows, on the Silver Zone Phase 1 and/or Phase 2 car park sites. The site appraisal detailed above concludes that visibility of parked vehicles on both the Silver Zone Phase 1 and Phase 2 car parks would be extremely localised. Restricted views are predicted from a very localised part of Winters Lane near the southern perimeter fence of the airport runway (see Photo A – **Appendix B**). Views of parked vehicles at this location would become increasingly restricted by recent mitigation planting along the perimeter bund of the Silver Zone Phase 1 Car Park. Given the established seasonal use of the Silver Zone Phase 1 Car Park and airport safety requirements in relation to glint and glare, no adverse glint and glare issues upon users of Winters Lane are predicted.
- 4.4.26 The distant views towards Bristol Airport from the Mendip Hills AONB are set beyond the Green Belt and are over a minimum separation distance of 5km. They have been described above with reference to the 2018 LVIA and a review in the field. It is acknowledged at the time of the field observations in April 2021 that the Silver Zone car parks, including the Phase 1 car park, were largely empty due to the COVID-19 pandemic. However, with reference to Figures 9.31a and 9.32a of the 2018 LVIA, where baseline photography was undertaken in summer months where car park demand at the airport is highest, vehicles on both the Silver Zone Car Park and seasonal extension are not discernible. The site of the Silver Zone Phase 2 Car Park appears to be partly screened by intervening tree cover; individual fields and buildings associated with the Airport were not distinguishable in the field. Consequently, it is concluded that any theoretical glint and glare off parked cars at distances in excess of ~5km, would not be discernible within the wider views towards the airport.

Night-time visual impacts within the Green Belt

- 4.4.27 Current baseline lighting levels experienced within the overall Bristol Airport site and land surrounding the Silver Zone Phase 1 and Phase 2 car parks are described in the 2018 LVIA baseline assessment of the host landscape character area. This states at paragraph 9.11.2 that: '*review of the comparative light pollution levels (Figure 9.41) shows that, apart from LCA G1's south-western extension, light pollution levels are moderate to high*'. The Lighting Report submitted with the planning application for the Appeal Proposal states at paragraph 4.2.15 that the temporary lighting for the Silver Zone Phase 1 Car Park (Site O) is '*overly bright and producing high amounts of glare*'.
- 4.4.28 The indicative design specification for the Silver Zone Phase 1 Car Park would reduce the output of individual luminaires compared with the baseline situation and consequently there would be a '*Moderate beneficial effect*' on the surrounding area. The Silver Zone Phase 2 Car Park (Site K) would be lit with the same indicative design specification as the Silver Zone Phase 1 Car Park and due to

⁸ Pager Power (2020) Paragraph 1.13 of Solar Photovoltaic and Building Development – Glint and Glare Guidance, Third Edition. Accessed 06/05/2021 [<https://mk0pagerpower88r0x2o.kinstacdn.com/wp-content/uploads/2020/12/Solar-Photovoltaic-Glint-and-Glare-Guidance-Third-Edition.pdf>]

the installation of luminaires in an area that is currently unlit there would be a 'Minor adverse effect on the surrounding area'.

4.4.29 The Lighting Report⁹ demonstrates that the designed lighting output of both Silver Zone Phase 1 and Phase 2 car parks would be well within the guidelines contained in the ILP Guidance Notes for the Reduction of Obtrusive Light for a site located in an E2 environmental classification zone. In addition, it has been recommended that Passive Infrared Sensors (PIRs) are considered for both car parks, which would result in individual areas of the car parks remaining unlit until illumination is necessary.

4.4.30 The assessment of the impact of the proposed lighting regime for the landscape surrounding the Silver Zone Phase 1 and Phase 2 car parks is set out in the 2018 LVIA¹⁰:

'The effects upon the perceptual characteristics of LCA G1 due to minor changes in the lighting regime in the northern area and the Silver Zone car park extension (Phase 1 and 2), as set out in the Lighting Impact Assessment, will be minor. This is due to the localised high level of existing lighting that is already present at the terminal building and at the aircraft stands, combined with the lighting design strategy described in the Lighting Impact Assessment that will ensure that the limited amount of additional lighting required minimises light spill and contributions to sky glow within the LCA.'

4.4.31 In more distant views from elevated land to the south, set beyond the Green Belt, paragraph 9.10.6 of the 2018 LVIA states:

'Bristol Airport is the most prominent lighting source in the northern view from Viewpoint 16 at Burrington Ham. At the more elevated Viewpoint 18, at Beacon Batch located further inside the AONB, lighting at Bristol Airport is visible in the same field of view as more distant but equally bright light sources within the city of Bristol and at the Severn Bridge. Bristol Airport's contributory baseline role is therefore reduced in the more elevated parts of the AONB. In these parts of the AONB, lighting sources in other towns are also visible in other directions which further reduces the relative role of lighting at Bristol Airport. The night time photographs and the night time site visit show that these light sources are always perceived to be outside the AONB whose approximate extents are indicated by the dark areas of the view. Whilst skyglow is visible above a section of the northern horizon, it does not extend to the section of the sky directly above the part of the AONB within the study area.'

4.4.32 In conclusion, the proposed indicative lighting regime for the Silver Zone Phase 2 Car Park would have a minor adverse impact upon the visual amenity of receptors located within the surrounding Green Belt at night. The lighting impact has been minimised by careful consideration of the design specification of the lighting. In addition, the growth of mitigation planting around the perimeter of the Silver Zone Phase 1 and Phase 2 car parks would further mitigate lighting impacts on the wider Green Belt, over time.

4.5 Judgement on Likely Harm to the Openness of the Green Belt of the Proposed Development

4.5.1 For reference, **Figure 4.1** illustrates the location of the existing seasonal Silver Zone Phase 1 Car Park (purple line) and the proposed Phase 2 Car Park extension (red line). The assessment of the likely effects of the Phase 1 development (purple line boundary) is set out in **Table 4.5**. The assessment of the likely effects of the proposed development of the Phase 2 site (red line boundary) is set out in **Table 4.6**.

⁹ Hydrock (2018) Bristol Airport 12MPPA Extension Lighting Impact Assessment

¹⁰ Table 9F.2 of Appendix 9F of the LVIA Chapter 9 of the Environmental Statement - 18/P/5118/OUT

Figure 4.1 Location of the Phase 1 Car Park (purple line) and Phase 2 Car Park (red line)



Evaluation Question	Assessment
<p>What is the nature and extent of the harm to the Green Belt arising from site development</p>	<p>There would be harm to the Green Belt resulting from the development by virtue of its inappropriateness. The harm likely to arise from development of the site is judged to be Limited i.e. no discernible effect of development on physical and/or visual openness and permanence.</p> <p>The harm arising reflects a balance of:</p> <ul style="list-style-type: none"> • The existing seasonal use of the site for car parking with consequent known physical and visual effects. • Introduction of permanent lighting and CCTV columns. • Enclosure of the site physically and visually.
<p>To what extent could the impacts on the purposes of the Green Belt be ameliorated or reduced to the lowest reasonably practicable extent?</p>	<p>Substantial landscaping (bunds and planting) has already been introduced on the southern and western boundaries and will, over time, form a progressively more effective visual screen. These measures were introduced as part of the landscape and ecology measures within the submitted Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan.</p>
<p>Can a Green Belt boundary around the site be defined clearly, using physical features that are readily recognisable and likely to be permanent?</p>	<p>The reinforcement of boundary landscaping would create a long-term landscape feature.</p>

Evaluation Question	Assessment
<p>If this site were to be developed would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by the site's development?</p>	<p>The wider Green Belt to the south would continue to function to prevent encroachment into open countryside.</p> <p>Whilst physical openness will be compromised through the introduction of development (in this case cars and associated lighting and fencing), their profile is low (under 2m) compared to buildings (on Airport and more widely) which are at least 5m high.</p>
<p>Overall Conclusions on the Likely Effects on the Green Belt of Site Development</p>	<ul style="list-style-type: none"> • The principal role of the Green Belt in this location is to prevent encroachment into open countryside. • Green Belt is washed over land to the south of the runway and this would remain with the proposed development. A continuation of the Green Belt designation would act as a control on future intensification which could otherwise result in further harm. • The degree of harm resulting from the Phase 1 development is judged to be limited i.e. no discernible effect of development on physical and/or visual openness and permanence, reflecting existing use and opportunities for visual mitigation. • Whilst development would be inappropriate and by definition harmful to the Green Belt, these effects will be minimised through existing and proposed landscaping measures proposed as part of the submitted masterplan.

Table 4.6 Assessment of the Likely Effects on the Green Belt of the Proposed Phase 2 Site Development

Evaluation Question	Assessment
<p>What is the nature and extent of the harm to the Green Belt arising from site development</p>	<p>There would be harm to the Green Belt resulting from the development by virtue of its inappropriateness under national Green Belt policy.</p> <p>The harm likely to arise from development of the Phase 2 site, pre-mitigation, is judged to be Moderate to Limited i.e. some effects of development on physical and/or visual openness or permanence, with clear opportunities for mitigation.</p> <p>The harm arising reflects a balance of:</p> <ul style="list-style-type: none"> • the size of the site, being approximately the same size as the existing car parking site immediately to the north. • extension of development into open countryside with uses which include 'urbanised' built form such as lighting and CCTV columns. • traffic generation.
<p>To what extent could the impacts on the purposes of the Green Belt be ameliorated or</p>	<p>Substantial boundary vegetation exists on the southern extent of the site. Strengthened boundary vegetation would be of a similar character to that already used to contain similar development in this location and is typical of wider characteristic landscape features.</p>

Evaluation Question	Assessment
reduced to the lowest reasonably practicable extent?	
Can a Green Belt boundary around the site be defined clearly, using physical features that are readily recognisable and likely to be permanent?	Reinforcement of existing boundary landscaping would create a long-term landscape feature.
If this site were to be developed would the adjacent Green Belt continue to serve at least one of the five purposes of Green Belts, or would the Green Belt function be undermined by the site's development?	The wider Green Belt to the south and west would continue to function to prevent encroachment into open countryside with visual openness compromised through additional and cumulative development.
Overall Conclusions on the Likely Effects on the Green Belt of Site Development	<ul style="list-style-type: none"> • The principal role of the Green Belt in this location is to prevent encroachment into open countryside. • The proposed development extends beyond the existing footprint of the Airport into countryside to the south of the Airport resulting in harm which, prior to the introduction of mitigation, is judged to be Moderate to Limited in degree. This reflects an intrusion into open countryside of a development, albeit of low-rise character utilising a 'grasscrete' surface and low-level lighting/CCTV infrastructure. Advance landscape planting to the south and west of the site will mitigate visual intrusion. • Development as proposed would be considered inappropriate and by definition harmful to the Green Belt but the harmful effects can be mitigated through landscaping of site boundaries. • The harm likely to arise from development of the Phase 2 site, following the introduction of mitigation measures, is judged to be Limited i.e. no discernible effect of development on physical and/or visual openness and permanence, reflecting existing use and opportunities for visual mitigation.



5. Summary

- 5.1.1 For both the Phase 1 and Phase 2 proposals, there would be harm to the Green Belt by virtue of the developments being an inappropriate use when considered against paragraphs 145 and 146 of the NPPF. The degree of harm is judged to be Limited in the case of Phase 1 (the year-round use of the existing seasonal car park) and Moderate to Limited in the case of Phase 2 (extension of the Silver Zone Car Park).
- 5.1.2 In the case of the Phase 1 development, the existing seasonal use of the development, along with the extensive landscape mitigation measures in place, means that the harm to the Green Belt resulting from year-round occupancy would be Limited.
- 5.1.3 For the Phase 2 development, extension of development similar to Phase 1 into open land would result in Moderate to Limited harm to the Green Belt, reflecting the loss of physical openness. However, there are opportunities for visual mitigation through landscaping of southern and western boundaries, as specified in the submitted Masterplan. The introduction of these mitigation measures would consequently reduce the harm to the Green Belt to 'Limited'.
- 5.1.4 For both Phases, the change associated with the introduction of elements such as lighting and CCTV columns and fencing would be mitigated through visual containment of short, medium and longer-distance views. The analysis in **Section 4.4: Site Appraisal of Landscape Elements and Visual Openness** establishes that the effects on visual receptors at local and more distant locations would be minimal. This includes matters such as glint and glare and the intrusion of lighting, where it is concluded that the visual effects of individual components of the airport are difficult to differentiate from the whole, particularly at a distance.



Appendix A Green Belt Case Law Relating to the Matters of Openness and Harm

Case law in respect of the application of Green Belt policy, in common with other areas of planning policy, is constantly evolving. The principal cases of relevance are summarised in Table A1, concerning:

- The need to judge both physical and visual aspects of openness in determining likely effect on and harm to the openness of the Green Belt.
- The role of site visibility in influencing judgements on the effects of development on openness.
- The treatment of the principle of 'wider harm'.

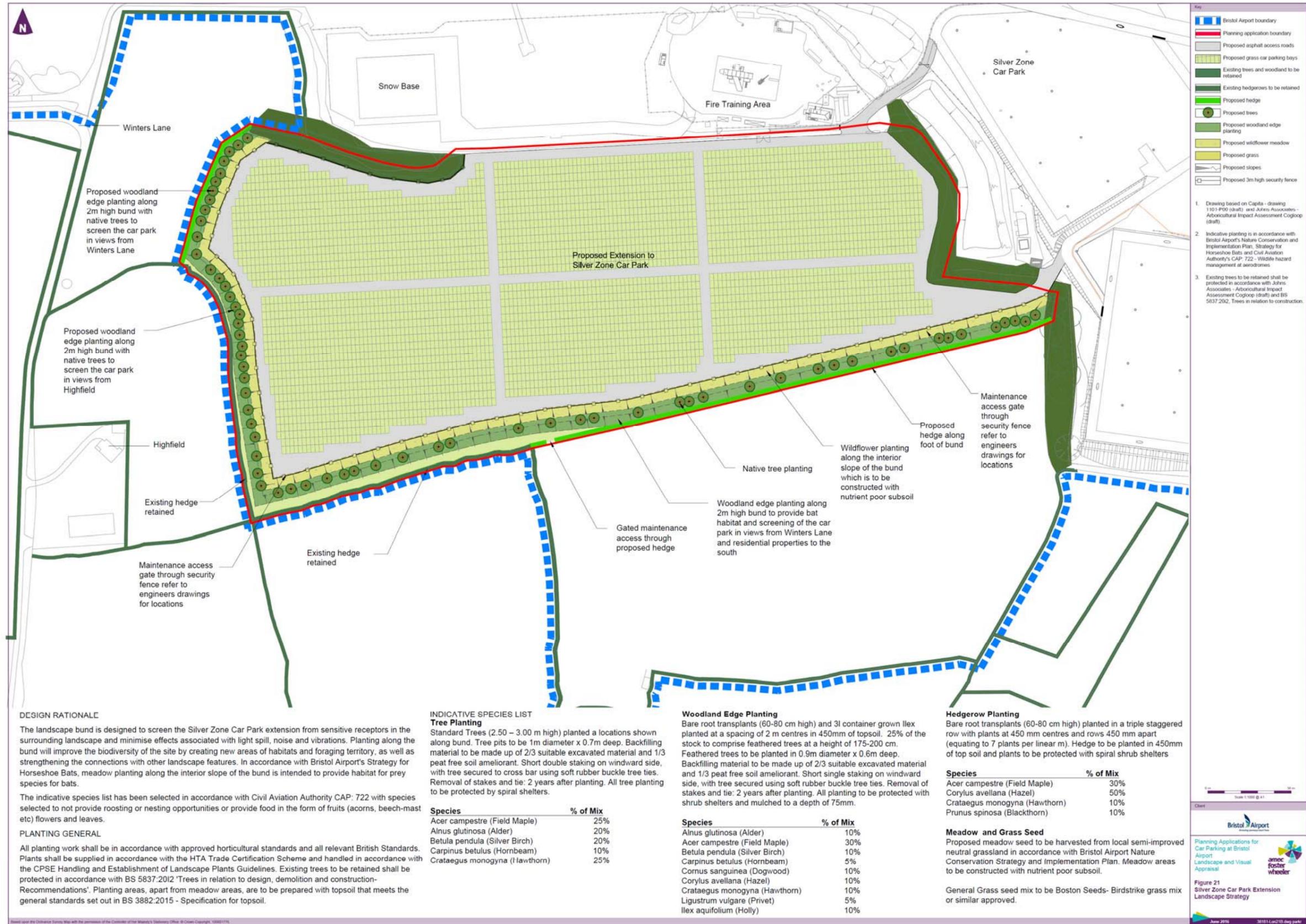
Table A1 Legal Cases Clarifying the Interpretation and Application of Green Belt Policy

Issue	Summary of Judgement	Implications for this Assessment
<p>The need to judge both physical and visual aspects of openness</p> <p><i>Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489</i></p>	<p>A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects. Whether, in the individual circumstances of a particular case, there are likely to be visual as well as spatial effects on the openness of the Green Belt, and, if so, whether those effects are likely to be harmful or benign, will be for the decision-maker to judge. But the need for those judgments to be exercised is, in my view, inherent in the policy.</p> <p>There may be cases in which a proposed development in the Green Belt will have no harmful visual effects on the openness of the Green Belt. Indeed, there may be cases in which development will have no, or no additional, effect on the openness of the Green Belt, either visual or spatial. A good example might be development of the kind envisaged in the fourth category of development referred to in paragraph 90 of the NPPF – “the re-use of buildings provided that the buildings are of permanent and substantial construction”. But development for “mineral extraction” in the Green Belt, the category of development with which we are concerned, will often have long-lasting visual effects on the openness of the Green Belt, which may be partly or wholly repaired in the restoration phase – or may not. Whether the visual effects of a particular project of mineral working would be such as to harm the openness of the Green Belt is, classically, a matter of planning judgment.</p>	<p>Physical and visual aspects of openness must be considered in assessing the effects on and judgement on the degree of harm to the Green Belt.</p>
<p>The role of visibility in influencing judgements on openness</p> <p><i>Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin), Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin)</i></p>	<p>A lack of visibility did not, in itself, mean that there would be no loss of openness and “moreover, even a limited adverse impact on openness means that openness is not preserved”.</p>	<p>Site visibility, affected for example through screening, should not influence judgements on the effects of development on openness.</p>

Issue	Summary of Judgement	Implications for this Assessment
<p>The treatment of the principle of 'wider harm'</p> <p><i>Brown v. Ealing LBC [2018] EWCA Civ 556</i></p>	<p>Paragraph 88 of the current NPPF states:</p> <p><i>"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."</i></p> <p>Following <i>Redhill Aerodrome Ltd. v Secretary of State for Communities and Local Government</i> (Court of Appeal, 24 October 2014), it is well established that the expression "any other harm" does not just mean any other harm to the Green Belt but takes in non-Green Belt factors as well.</p> <p>"In principle, it is possible for a particular factor to be relevant, and to carry appropriate weight, in the consideration of more than one planning issue. It may serve to avoid or overcome or, at least, outweigh some real or potential planning harm, and it may also satisfy some planning need that would otherwise go unmet."</p>	<p>There are various on and off-site matters, to be taken into account in respect of determining the likely degree of harm resulting from development.</p>
<p>The interpretation of visual openness</p> <p><i>R on the Application of Samuel Smith Old Brewery (Tadcaster) & Ors v North Yorkshire County Council</i> Case Number: (2020) UKSC 3</p>	<p>Overtaking the Appeal Court ruling, the Supreme Court found that, on a true reading of the NPPF, the visual quality of a landscape is not in itself an essential part of the openness for which the green belt is protected. Lord Carnwath, who gave the court's judgment, noted that one of the primary objectives of green belt policy, since its inception, was "to prevent urban sprawl while keeping land permanently open".</p> <p>The reference to "openness" in paragraph 90 (or 146 in the 2019 NPPF), he added, "does not imply freedom from any form of development" and "is not necessarily a statement about the visual qualities of the land". Although visual impact may, in some cases, be relevant to the question of whether openness will be preserved, the weight to be given to it was "a matter of planning judgment, not law". The judge added: "Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate and compatible with the concept of openness. "A large quarry may not be visually attractive whilst it lasts, but the minerals can only be extracted where they are found and the impact is temporary and subject to restoration. "Further, as a barrier to urban sprawl, a quarry may be regarded in green belt policy terms as no less effective than a stretch of agricultural land." There was, the judge ruled, no error in the planning officer's advice to councillors that, when considering the development's impact on openness they were not required to take into account its visual impact. There was nothing in paragraph 90 which expressly or impliedly rendered it mandatory for the councillors to take into account visual impact.</p> <p>The visual quality of landscape is not in itself an essential part of openness for which the green belt is protected. Openness is a counterpart of protecting against urban sprawl and is not necessarily a statement about the visual qualities of the land, nor does it imply freedom from all forms of development. By ruling that openness is not necessarily a statement about the visual qualities of the land and ruling that protecting openness does not imply freedom from all forms of development, the court has confirmed that 'not inappropriate' development can proceed.</p>	<p>Visual impact may, in some cases, be relevant to the question of whether openness will be preserved; the weight to be given to it is a matter of planning judgment.</p>

The implications of the Supreme Court judgement (*R on the Application of Samuel Smith Old Brewery (Tadcaster) & Ors v North Yorkshire County Council*, Case Number: (2020) UKSC 3) do not preclude the assessment of the visual quality of Green Belt land (i.e. its visual openness), leaving the degree to which it is considered and therefore a factor in decision making as a matter of planning judgement.

Appendix B Landscape Strategy Plan for Silver Zone Phase 1 Car Park



Appendix C Site Photos (April 2021)

Photo Location Plan (not to scale)



Photo 1 View of northern boundary of Phase 1 car park



Photo 2 View towards northern boundary of Phase 1 car park



Photo 3 View of eastern boundary of Phase 1 car park



Photo 4 View of western boundary of Phase 1 car park



Photo 5 View of southern boundary of Phase 1 car park



Photo 6 View of temporary lighting, near perimeter fence of Phase 1 car park



Photo 7 View of permanent lighting column and car park surface (to east of Phase 1 car park)



Photo 8 View of eastern boundary of proposed Phase 2 car park



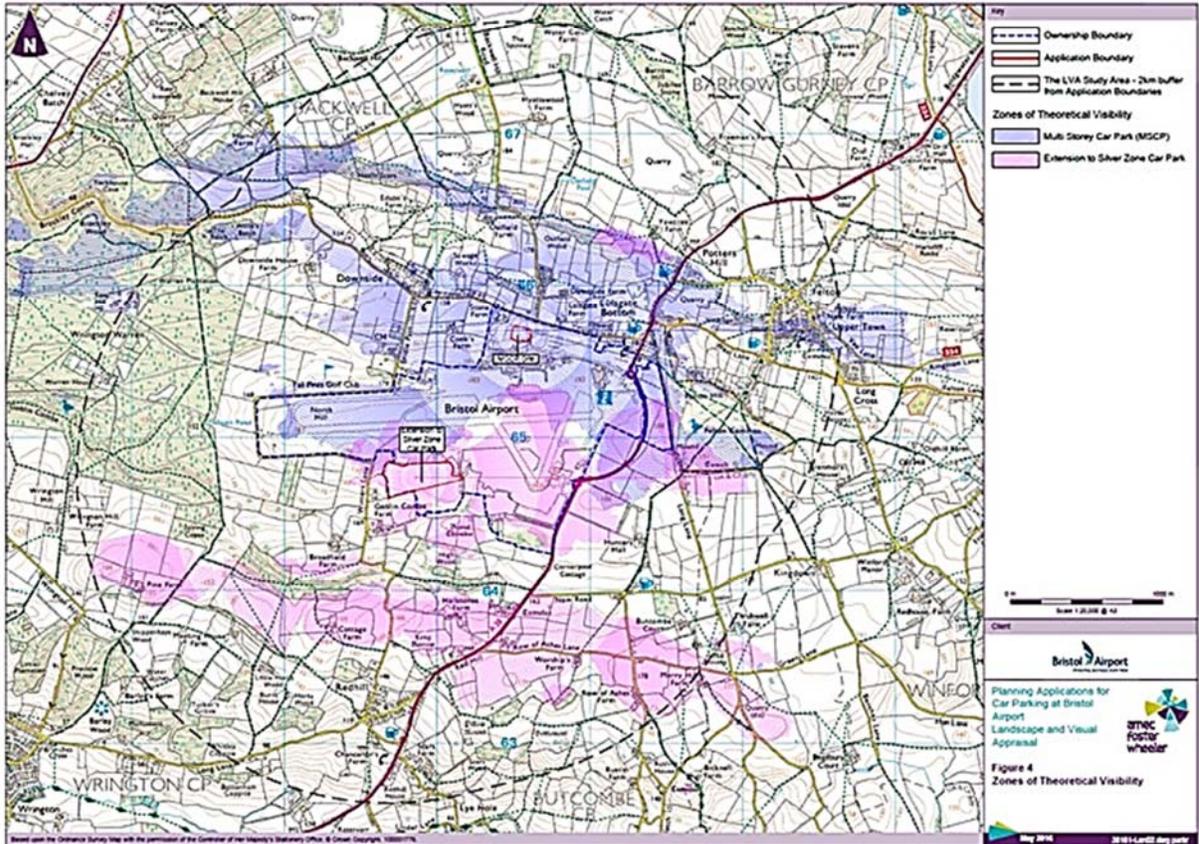
Photo 9 View of western boundary of proposed Phase 2 car park



Photo 10 View of southern boundary of proposed Phase 2 car park



Appendix D Zone of Theoretical Visibility Plan (from 2016 LVIA)



Appendix E Off-site Photos (April 2021)

Extract of Figure 4 from the 2016 LVIA: Zone of Theoretical Visibility Plan (see Appendix C) with added Photo locations A-D

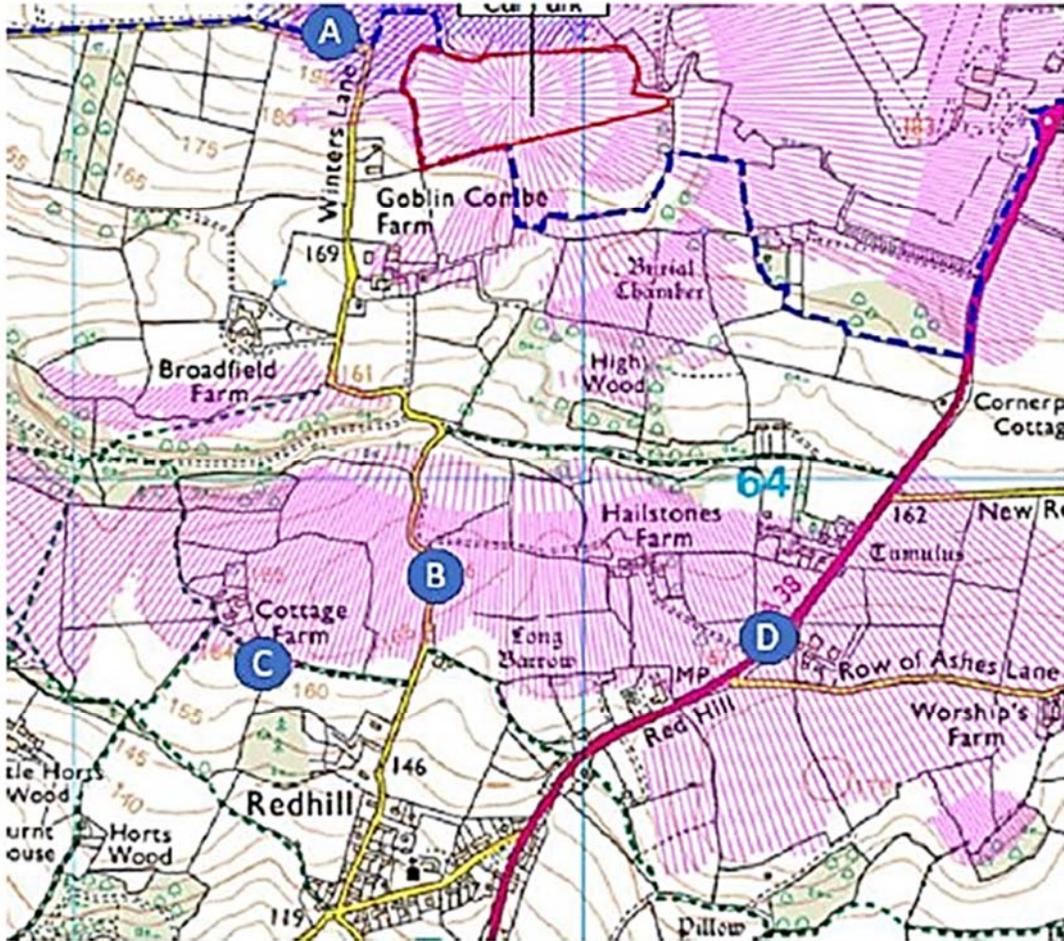


Photo A View from Winters Lane south of airport runway



Photo B View from Winters Lane near 166m AOD highpoint



Photo C View from the public footpath near Cottage Farm, off Winters Lane



Photo D View from A38 near Quarry Farm



Photo E Burrington Ham AONB (2018 ES Viewpoint 16)



Appendix F Selected Photoviews from 2016 LVIA



Bristol Airport
 Planning Applications for
 Car Parking at Bristol
 Airport
 Landscape and Visual
 Appraisal

ahnc
FOSTER
WALKER

Client

Figure 14
 Viewpoints 11 and 12

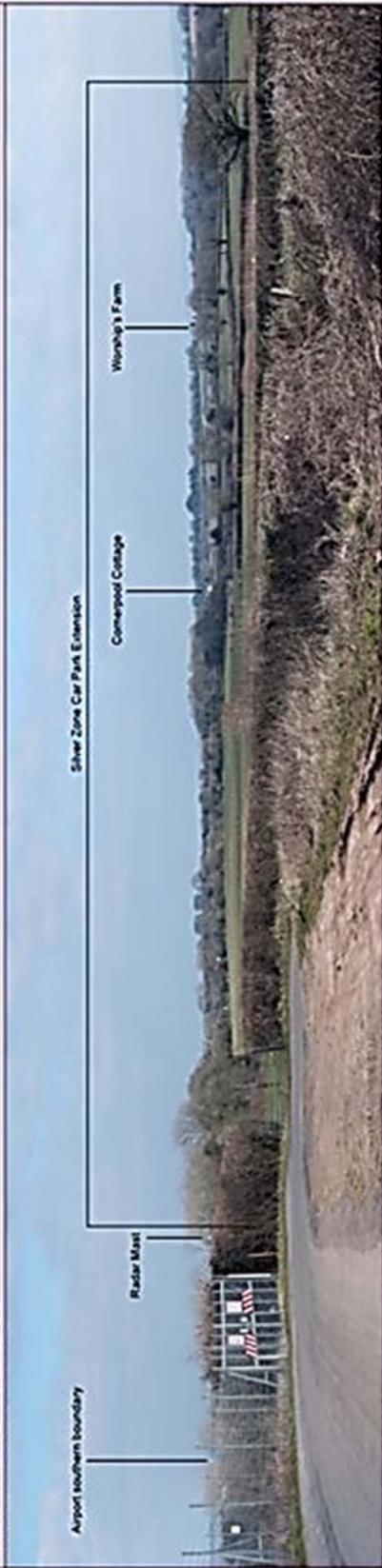
May 2021

30/01/2021 10:07 AM





Viewpoint 13: Photo south of Broadfield Farm.



Viewpoint 14: Winter Lane along BIA's south-western boundary.

Client



Planning Applications for
Car Parking at Bristol
Airport
Landscape and Visual
Appraisal



amesc
foster
wheeler

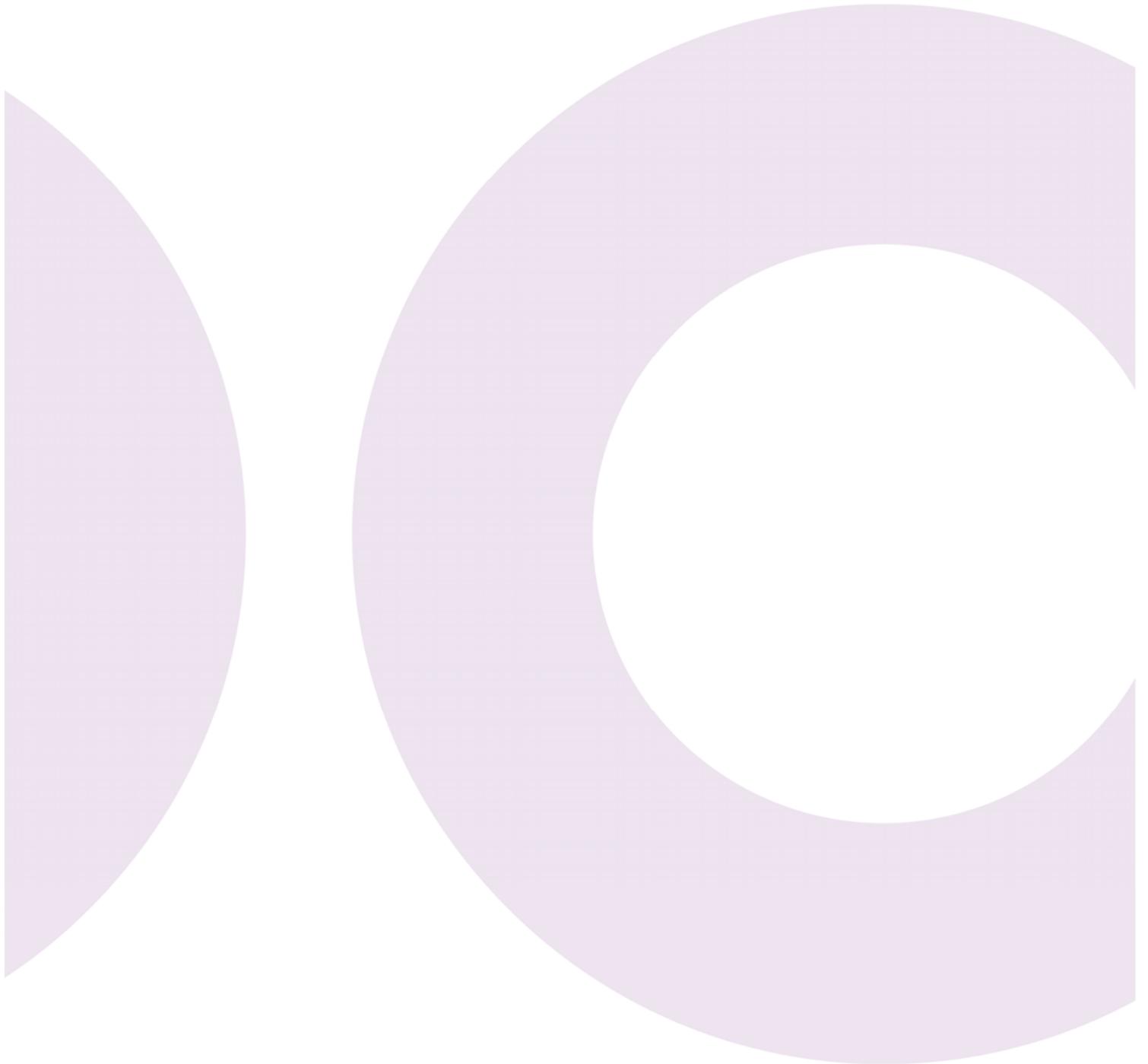
Figure 15
Viewpoints 13 and 14

May 2016

2016-04-11 10:02 AM



wood.



Appendix B

Ecology Technical Note





Technical Note

1. INTRODUCTION

- 1.1.1 This Technical Note has been prepared by Matthew Johns BSc MSc, Director of Johns Associates Limited (an ecological and environmental consultancy). I am an experienced ecologist (over 25 years professional experience), Chartered Environmentalist (CEnv), a long-standing Full Member of the Institute of Ecology and Environmental Management and holder of a number of Natural England protected species licences covering surveys and research and the delivery of development related mitigation and enhancement. This includes a current Natural England CL18: to survey bats of all species for scientific (including research) and / or educational purposes - Level 2.
- 1.1.2 Through my professional career, I have amassed a strong depth of knowledge on both bat ecology, habitat requirements, design and delivery of habitat creation, mitigation and enhancement measures and monitoring techniques. I have also had considerable experience of preparing and securing protected species licences for development (including the Reasoned Statement aspects of licensing to demonstrate legal compliance), development of bat policy for local authorities and the use of a range of biodiversity metrics to support and substantiate changes in habitat for the purpose of guiding habitat improvements.
- 1.1.3 I have worked as a consultant ecologist on behalf of Bristol Airport Limited (BAL) for over 15 years and have been personally involved in baseline and monitoring surveys for bats both at Bristol Airport and in associated nearby habitats. My work for BAL has also included the development and delivery of habitat creation, mitigation and enhancement measures for bats at Bristol Airport since 2007. I was the lead author of the Biodiversity chapter of the Environmental Statement (ES) (Chapter 11) submitted with planning application 18/P/5118/OUT for the development of Bristol Airport to accommodate 12 million passengers per annum (mppa) (the Appeal Proposal) and had significant involvement in previous planning applications at Bristol Airport. During this work, I have consistently remained engaged with statutory consultees with respect to nature conservation at Bristol Airport, any planning or legal compliance related

matters and in the reporting on the implementation of nature conservation measures at the Airport.

Purpose of this Technical Note

- 1.1.4 The purpose of this Technical Note is to provide written evidence in support of the appeal by BAL (reference number 20/P/2896/APPCON) against the decision of North Somerset Council (NSC) on 19 March 2020 to refuse a planning application for the Appeal Proposal . Specifically, this Technical Note responds to points raised by the Parish Council's Airport Association (PCAA) in its Statement of Case dated 22nd February 2021 on matters pertaining to the ecological impacts of the Appeal Proposal.
- 1.1.5 The matters raised by the PCAA that I address are:
- At paragraph 5(b) of its Statement of Case that *"The approach that has been taken by Natural England and NSC in relation to the North Somerset and Mendip Bats SAC was fundamentally flawed because it does not follow current case law in relation to Appropriate Assessment. Whilst the documentation to support an appropriate assessment was carried as part of the Planning Application, it was never needed because the application was refused. However, the land that is being proposed in relation to the silver zone extension is clearly compensation land not mitigation. Compensation land cannot be taken into account to mitigate any effects on an SAC to avoid the public interest test. Given that all parties agree that there is likely to be a significant effect on the Bat SAC, a full appropriate assessment needs to be carried out. As the decision maker the inspector cannot avoid this requirement. If they decide there will be a significant effect, then there needs to be asked whether the project is in the public interest. This is a higher test then weighing the project's acceptability in the planning balance. If it is decided the project is in the public interest then conditions appropriate to the sequencing and completion of the compensation should be attached to any grant of permission and development only be permitted when it has been shown that the compensation is both in place and effective. Relevant authorities are Gladman Developments v Secretary of State for Housing Communities and Local Government [2019] EWHC 2001 Admin, judgments of 15 May 2014, Briels and Others, C-521/12, judgments of 21 July 2016, Orleans and Others, C-387/15";* and
 - At paragraph 39 of the Statement of Case that *"Without the provision of compensation land that the extension to the silver zone carpark will have an effect on the integrity of the North Somerset and Mendip Bats SAC. There is no guarantee that the compensation land will be effective or work."*

2. BACKGROUND

Relationship of the Appeal Proposal to the North Somerset and Mendip Bats SAC

- 1.1.6 BAL proposes to increase the capacity of Bristol Airport from 10mppa to 12mppa. The Appeal Proposal includes the provision of additional car parking to be sited on land known as the Proposed Extension to Silver Zone Car Park (Phase 2) and highways improvements on the site known as the A38 Highway Improvement land. The first area is currently used for agricultural purposes, grazed by cattle, the second is a sycamore dominated unmanaged parcel of

woodland. Ecological surveys have been undertaken which has revealed the presence of lesser horseshoe bat and greater horseshoe bat activity, considered to represent foraging and commuting bats. No roosts were present in these areas.

1.1.7 Specifically, the proposals will result in the loss of circa 3.7 hectares (ha) of high-quality horseshoe bat foraging habitat associated with the Proposed Extension to the Silver Zone Car Park (Phase 2), together with the loss of a small area (0.16ha) of woodland edge habitat at the A38 Highway Improvement land.

1.1.8 Horseshoe bat presence is relevant because Bristol Airport and the land associated with the Silver Zone Car Park (Phase 2) and the A38 Highway Improvements is situated outside the boundary of the North Somerset and Mendip Bats SAC, but within the Bat Consultation Zone for the SAC (as explained at paragraph 1.1.14 below). The SAC is a European site for the purposes of the Habitats Directive (Council Directive 92/43/EEC). Lesser horseshoe bats and greater horseshoe bats are cited as Annex II species which are a primary reason for the selection of the site as a SAC.

1.1.9 The conservation objectives for the SAC state:

"With regard to the SAC and the natural habitats and/or species for which the site has been designated, and subject to natural change, ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
- *The structure and function (including typical species) of qualifying natural habitats;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;*
- *The populations of qualifying species; and,*
- *The distribution of qualifying species within the site."*

1.1.10 In short, the conservation objectives seek to ensure that habitats for horseshoe bat are maintained, and this applies equally to habitat used by horseshoe bat outside of the SAC boundary.

1.1.11 Due to its proximity to the SAC and the presence of horseshoe bat, the Silver Zone Car Park (Phase 2) and A38 Highway Improvement land are considered to provide foraging habitat needed to maintain the favourable conservation status of the SAC.

North Somerset and Mendips Bats SAC: Supplementary Planning Document

1.1.12 In January 2018, NSC adopted the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development: Supplementary Planning Document (SPD). The purpose of the guidance is to provide a consistent basis for understanding how horseshoe bats use the landscape, to identify key issues that can inform the location and sensitive design of a

development and provide clear guidance on survey requirements. It has an emphasis on retaining and enhancing key habitats for bats and providing effective mitigation where required. The guidance also explains how development activities can impact the SAC and sets out the steps required to avoid or mitigate for any impacts. It applies to development proposals that could affect the SAC and trigger the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The guidance brings together best practice and learning from areas with similar approaches, such as Somerset County Council and South Hams, and the best scientific information available at the time of writing. It is intended as a document that will be kept under review by NSC and Somerset County Council and their partners and is fully endorsed by Natural England. The planning guidance is part of a wider approach that is being pursued by partner organisations to safeguard and improve habitat for rare bats that includes farm management. The guidance is also consistent with Natural England's Site Improvement Plan for the SAC.

- 1.1.13 Compliance with the SPD is a material consideration in the determination of the Appeal Proposal. Compliance with the SPD enables proposals to demonstrate that adverse impacts on the SAC will be avoided or mitigated. In particular, the SPD states:

"...the landscapes around the SAC itself are also important in providing foraging habitat needed to maintain the favourable conservation status of the horseshoe bats. Therefore, the guidance sets out strong requirements for consultation, survey information and appropriate mitigation, to demonstrate that development proposals will not adversely impact on the designated bat populations."

- 1.1.14 The SPD identifies geographical "zones" around the SAC, in respect of which different requirements apply. This includes Juvenile Sustenance Zones of 1 kilometre (km) around the bat maternity roosts. The guidance also identifies the 'Bat Consultation Zone' where horseshoe bats may be found. The Bat Consultation Zone is divided into bands A, B and C based on the distance from maternity roosts and indicative of the likely density at which the horseshoe species may be found at a distance from a roost site. The three bands reflect the likely importance of the habitat for the bats and proximity to maternity and other roosts. Within bands A or B of the Bat Consultation Zone, proposals with the potential to affect features of interest to bats should be discussed with the local authority and/or Natural England as necessary. Within band C, developers should take advice from their consultant ecologist.
- 1.1.15 All of the development considered as part of the Appeal Process is located outside of the SAC. It is also located outside both the Juvenile Sustenance Zone and band A of the SAC Consultation Zone. The proposed extension to the Silver Zone Car Park (Phase 2) is located within band B and the A38 Highway Improvement land within band C of the 'Bat Consultation Zone' identified in the SPD, with Bristol Airport itself being partly located in band B and partly located in band C. The SPD requires that development proposals within bands B and C meet certain survey requirements and, where lesser horseshoe bats and/or greater horseshoe bats are likely to be

affected, there is a requirement that mitigation is secured to avoid adverse effects on the integrity of the SAC.

- 1.1.16 Where existing habitats or features of value to bats cannot be retained as part of the development proposals, the SPD requires the provision of replacement habitat. The surveys undertaken in accordance with the SPD are also required to inform the metric for calculating the replacement habitat to be provided. The SPD sets out the precise methodology for calculating an appropriate level of replacement habitat. Where replacement land is required, the SPD states:
- "Where the replacement provision is to be off site, and land in a different ownership is involved, legal agreements are likely to be needed to ensure that the mitigation is secured in perpetuity.*
- An Ecological Management Plan for the site must be provided setting out how the site will be managed for SAC bats in perpetuity.*
- Where appropriate a Monitoring Strategy must also be provided to ensure continued use of the site by SAC bats, and include measures to rectify the situation if negative results occur."*
- 1.1.17 The SPD sets out how the Habitats Regulations will be applied at Section A7. In particular, it notes that any decision must be made on a precautionary basis and, following the Waddensee case (C-127/02), that there can be no reasonable scientific doubt remaining as to the absence of adverse effects on the integrity of the site. It goes on to state (paragraphs A8 and A9):
- "For the Somerset authorities to be able to conclude with enough certainty that a proposed project or development will not have a significant effect on the SAC, the proposal or project must therefore be supported by adequate evidence and bespoke, reasoned mitigation. Where appropriate a long term monitoring plan will be expected to assess whether the bat populations have responded favourably to the mitigation. It is important that consistent monitoring methods are used pre- and post-development, to facilitate the interpretation of monitoring data.*
- Mitigation, an Ecological Management Plan and, (where required) monitoring during and / or post development, will be secured through either planning conditions or a S106 agreement or both. Data from monitoring will be used by the Somerset Authorities to determine how the bat populations have responded to mitigation and to increase the evidence base."*
- 1.1.18 Although the SPD was only adopted in 2018, the methodology it contains for calculating replacement habitat has been used since 2009, and enables confidence in the effectiveness of replacement habitat as a mitigation measure. At paragraph A5.4 the SPD explains:
- "Such methods are necessary to obtain an objective quantitative assessment that provides improved confidence that the mitigation agreed is likely to be adequate; and that a development will not significantly reduce the quantity or quality of habitat available to a horseshoe bat population; whereas current ecological impact assessments are often based on subjective interpretations. In Somerset they have been used since 2009 including for effects on Greater and Lesser Horseshoe bats to inform the adequacy of replacement habitat provided by the developer. The method has gone through planning inquiries including for a Nationally Significant Infrastructure Project."*

- 1.1.19 The North Somerset and Mendip Bat SAC SPD also aligns itself with wider policy expectations associated with the principle of 'no net loss' of biodiversity and 'biodiversity net gain', thereby supporting wider policy, such as the NPPF, and forthcoming legislation, such as the Environment Bill. This approach places a habitat suitability score on the habitat being lost, considers the use of the land (e.g. use for bat foraging and commuting makes the land parcel more important) as well as other factors such as temporal differences between the period when habitat is lost and when replacement habitat is provided, and the likely success of delivering the proposed replacement habitat.
- 1.1.20 The proposed site of the replacement habitat needs to deliver and match this habitat unit score to be compliant with the SPD. Different habitat types are possible but do score differently with lower scoring habitats requiring a larger area to reach the target score (e.g. cattle grazed grassland scores highly, but woodland and species rich grassland are also highly suitable). The existing suitability of the proposed replacement habitat is also considered; ideally poor scoring habitat should be selected to result in the smallest loss of suitable habitat when converting to the replacement habitat. Distance from the main roosts associated with the North Somerset and Mendip Bat SAC influences the preference of habitats.

3. THE PROPOSALS

Avoiding impact to the SAC

- 1.1.21 The potential impact from the Development arises from development outside the SAC. The replacement habitat land is to replace land outside the SAC (albeit functionally linked land) within Bat Consultation Zone bands B and C, thereby avoiding any impact on the SAC itself. Therefore, the replacement for the functionally linked land is a protective mitigation measure that forms part of the project, which is intended to avoid or reduce any adverse effects of the project, in order to ensure that the project does not adversely affect the integrity of the SAC.
- 1.1.22 From a scientific or technical perspective, it is my view that it is sufficiently certain that the replacement land will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the SAC. It will be secured before development commences such that the success of the measure will be established prior to the taking of any action that has the potential to give rise to an adverse impact. As such, the replacement of the functionally linked land will mean that no adverse impact arises to the SAC or the bats for which it is designated, and there is no impact on the integrity of the site.
- 1.1.23 The detail of the mitigation is set out below in terms of compliance with the SPD, which demonstrates the effectiveness of the replacement habitat in terms of avoiding harm to the integrity of the SAC. I note that the SPD was adopted in January 2018 and does not necessarily reflect the up to date position in respect of the case law of the Court of Justice of the European Union ('CJEU') (and domestic case law) regarding assessments under the Habitats Regulations.

In particular, it pre-dates, and in some respects is inconsistent with, the People over Wind ruling¹ and the subsequent case law. However, the mitigation measures proposed in respect of the Appeal Proposal were not taken into account at the screening stage of the Habitats Regulation assessment, and the substance of the SPD, including the means of calculating the mitigation land required, remains up to date and consistent with CJEU case law.

Replacement habitat as mitigation

Replacement habitat has been proposed to replace functionally linked horseshoe bat habitat used for foraging and located outside of the SAC but within bands B and C of the SAC Consultation Zone. This is a fundamental part of the appeal proposal and complies with the requirement under the SPD to provide mitigation for an indirect effect, rather than having a direct effect on the SAC itself, in the form of replacement habitat. The SPD provides for a quantitative assessment and an objective calculation to derive certain and effective mitigation. The SPD requires the replacement habitat to be created before there is any loss of existing habitat, such that potential impacts are avoided before they occur. The timing of delivery and the nature of the replacement habitat has been secured through condition and can all be achieved on land owned by Bristol Airport .

1.1.24 The proposed mitigation has enabled Natural England, as the Statutory Nature Conservation Body, to advise that a conclusion can be reached, beyond reasonable scientific doubt, that there will be no adverse effect on the integrity of the North Somerset and Mendip Bats SAC. This approach to the provision of mitigation is not only consistent with the principles arising from CJEU case law, but has also been tested through the consultation and adoption of the SPD and, more recently, has been tested at other public inquiries and as part of the development consent regime where similar mitigation has been provided in accordance with the requirements of the SPD. Therefore, in accordance with the SPD, the replacement habitat can properly be treated as mitigation.

1.1.25 The SPD contains guidance on how mitigation can be achieved in relation to land outside the SAC and I note in para 2.2:

“However the landscapes around the SAC itself are also important in providing foraging habitat needed to maintain the favourable conservation status of the horseshoe bats. Therefore the guidance sets out strong requirements for consultation, survey information and appropriate mitigation, to demonstrate that development proposals will not adversely impact on the designated bat populations.”

¹ People Over Wind and Sweetman v Coillte Teoranta (C 323/17) [2018] PTSR 1668

Compliance with the SPD

- 1.1.26 Appendix 11F of Chapter 11 of the ES sets out a detailed evaluation of options and conclusions on the proposed mitigation for greater and lesser horseshoe bats with respect to the proposed extension to the Silver Zone Car Park (Phase 2) and the A38 Highway Improvement land within Zone C of the 'Bat Consultation Zone. This is supported by an outline Ecological Mitigation Plan (prepared by Johns Associates) and was fully considered by NSC's ecologist, Natural England and other consultees during the application determination process with no outstanding objections remaining from NE and NSC at the point the application went to Committee. It was also used by NSC and Natural England in the Appropriate Assessment for the proposals.
- 1.1.27 In summary, the preferred option can be described as (reproduced from the SPD):
- "4.38 ha of existing coniferous plantation (WC0) with canopy cover 75-90%(WF111) currently unmanaged located in SAC Band A managed to become mixed woodland (WB0) with canopy cover <20% (WF114) within 10 years";
- OR
- "8.11 ha of existing mixed plantation (WB1) with canopy cover 50-75% (WF113) currently unmanaged located in SAC Band B managed to become mixed woodland (WB0) with canopy cover <20% (WF114) within 10 years".
- 1.1.28 It is important to note that the SPD habitat management option can be delivered much more quickly than the stated SPD criteria of 10 years, even when phased. The replacement habitat management option would be delivered and be effective (demonstrated and reported on through monitoring results) in advance of any loss of grassland or woodland horseshoe bat foraging habitat associated with the Silver Zone Car Park (Phase 2) and A38 highway improvements.
- 1.1.29 BAL owns approximately 6.34 hectares of woodland dominated by non-native hybrid larch / conifer plantation, located within the wider Wrington Warren woodland, to the west of the Airport e.g. ST 47324 65489. Wrington Warren was originally open rough pasture and was planted primarily with conifer plantations in the late 1950's and 1960's. There are some areas of remnant scrub woodland that pre-dates the plantings.
- 1.1.30 The conifer crops fall into 3 classes:
- Hybrid Larch, planted circa 1963, heavily Ivy clad but of good form.
 - Hybrid Larch, planted circa 1968, generally clean and of good form.
 - Scots Pine, planted circa 1968, fair form.
- 1.1.31 The three main conifer stands cover 4.86 ha of the total 6.34 ha, just over 75% of the area and this area would form the key component of the habitat works as set out in Section 3 (below).
- 1.1.32 The remaining 25% of the area is mixed yew/broadleaf woodland primarily on former quarrying areas. Part of this smaller area forms a component of Goblin Coombe Site of Special Scientific Interest (SSSI). This is natural regeneration of the quarry workings and is thought to have developed post-WWI, thus making the Yew at least 100 years old; some Yew are much older and

may be resultant of the demise of quarrying, broadleaves in this area consist primarily of Ash, Sweet Chestnut and Birch. If the BAL-owned woodland is selected for the provision of the SPD replacement habitat, this area would fall outside of the SPD management prescription as set out in Section 3 (below) but would be managed to enhance the conservation status of the SSSI and in accordance with details to be agreed with Natural England and NSC.

Deliverability

- 1.1.33 The delivery of the replacement habitat will require a detailed SAC/SPD Ecological Management Plan that will comply with the SPD to facilitate coordinated and targeted measures for both lesser

and greater horseshoe bats in accordance with the habitat creation prescriptions detailed in Annex 6 of the SPD (and for other species of flora and fauna).

1.1.34 This will involve the following elements/aims as a minimum:

- Provision of a suitably qualified and experienced Ecological Clerk of Works to oversee matters;
- Use of suitably experienced contractors to undertake the woodland management works;
- Ecological tool box talk for all individuals involved in delivering the replacement habitats, including maintenance of an attendance register;
- To achieve a tree cover of no more than 20% across the conifer plantation areas of the proposed replacement habitat through sensitive tree felling and removal, with reuse of deadwood resource as a habitat feature;
- Thinning of retained broadleaved tree groups and remaining dense growth through gradual felling and replanting where necessary.
- Appropriate tree surgery to maintain lifespan of retained trees;
- Management to sustain all species present within the wood and to create diverse habitats for the recolonisation by other species to maximise biodiversity;
- Management of open spaces as glades, encouraging the regeneration of ground flora (exploring the potential to re-establish/expand areas of calcareous grassland, thereby supporting the conservation objectives associated with Goblin Combe SSSI);
- Encouragement of early successional habitats and management through rotational coppicing;
- Creation of mixed habitat opportunities for invertebrates;
- Removal of any non-native and invasive species of tree/understorey;
- Bracken control (as necessary);
- Long term aim to achieve a balanced age structure and to maintain a continuous supply of young growth through regular thinning/felling and to protect and enhance mature features, such as large trees and dead wood;

1.1.35 The management of the replacement habitat will continue in the long term and, as such, a detailed plan is essential to ensure that the provision for horseshoe bats is maintained in the future.

1.1.36 The final SAC/SPD Ecological Management Plan will be developed and agreed with NSC and Natural England and the replacement habitat will be secured through a planning condition. The SAC/SPD Ecological Management Plan will form part of an overall Landscape and Ecological Management Plan (LEMP) for Bristol Airport.

1.1.37 Detailed baseline ecological monitoring of this woodland has been completed by Johns Associates, working on behalf of BAL in 2019-20 and this included a wide range of bat surveys. The baseline assessment has confirmed that this area of woodland is used by both foraging and commuting greater and lesser horseshoe bats (including trapping that recorded adult and juvenile greater horseshoe bats assumed to be associated with the nearby maternity roost at Brockley Hall Stables (a key feature of the SAC) demonstrating its function to the SAC population, being close to the core sustenance zone. The implementation of the proposed

management prescription set by the SPD will enhance this functionality, providing a highly valuable resource to the SAC species and overall opportunities to support the SAC population.

- 1.1.38 Due to its location in band A of the SAC, this improvement in habitat quality and opportunity for lesser and greater horseshoe bats in close proximity to the main maternity roost at Brockely hall Stables SSSI, provides far greater value than the land associated with the proposed extension to the Silver Zone Car Park (Phase 2) and the A38 Highway Improvement land within band C of the 'Bat Consultation Zone.

4. CONCLUSIONS

- 1.1.39 For the purposes of the HRA, mitigation has not been considered in the screening of likely significant effects to enable a full appropriate assessment to be undertaken to assess whether the Appeal Proposal will have an adverse effect on the integrity of the SAC, and to ensure that any necessary mitigation to avoid adverse effects on integrity of the SAC can be properly secured. On this basis, I consider that the HRA has been carried out in accordance with the Habitats Regulations and case law.
- 1.1.40 The potential impact from the Development arises outside the SAC. The mitigation proposed is to replace functionally linked land associated with the Development and used as foraging habitat by horseshoe bats, thereby avoiding any impact on the SAC itself. Therefore, the replacement for the functionally linked land is a protective mitigation measure that forms part of the project, which is intended to avoid or reduce any adverse effects, in order to ensure that the project does not adversely affect the integrity of the SAC.
- 1.1.41 From the outset, BAL has recognised the need to comply with the North Somerset and Mendip's Bat SAC SPD. In accordance with the SPD, BAL has proposed suitable off-site replacement habitat as a fundamental part of the Appeal Proposal and has purchased suitable habitat to ensure its ability to deliver the mitigation measures. In that context, BAL has committed to the improvement in condition of its own off-site woodland for greater and lesser horseshoe bats to avoid impacts to the SAC and in accordance with the SPD as well as supporting best practice, in advance of the commencement of any development resulting in habitat loss. This will ensure that any adverse impacts as a result of habitat loss are avoided and will not, therefore, occur.
- 1.1.42 The mitigation proposed and taken into account above has previously been tested and proven to be effective. It involves the removal of a mature conifer plantation crop to result in a much more open woodland structure and canopy, promoting native broad-leaved species, and is already in use by lesser and horseshoe bats. As explained, the replacement habitat is provided in accordance with the SPD. There is, therefore, sufficient certainty to guarantee beyond reasonable scientific doubt that there will be no adverse effect on the integrity of the SAC.
- 1.1.43 In addition, all suitable perimeter habitat for lesser and greater horseshoe bats at Bristol Airport will be retained. The wider integrated mitigation measures set out in Appendix K of Chapter 11: Biodiversity will deliver additional benefits to the lesser and greater horseshoe bat population including the retention of all perimeter habitat, the protection of dark corridors, the

strengthening of flight lines, improvements to the quality of grassland foraging habitat, enhancement of existing roosts and provision of new roost features. These are all measures that will help the population become more resilient.

1.1.44 The mitigation approach described above has enabled Natural England, as the Statutory Nature Conservation Body, to advise that a conclusion can be reached, beyond reasonable scientific doubt, that there will be no adverse effect on the integrity of the North Somerset and Mendip Bats SAC.

1.1.45 Overall, it is my expert opinion that the measures proposed by BAL will ensure that there is no adverse effect on integrity of the SAC as a whole arising from the Appeal Proposal.

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Date: 10/06/21

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Appendix C

The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order: Planning Evidence

1. Introduction

- 1.1.1 Bristol Airport Limited (BAL) made The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order 2020 ('the Order')¹⁴³ on 15 September 2020 under the provisions of the Airports Act 1986 (the Airports Act)¹⁴⁴. The Order is required to support BAL's planned increase in the permitted passenger cap at Bristol Airport from 10 million passengers per annum (mppa) to 12 mppa (the Appeal Proposal), which is the subject of an appeal (reference APP/D0121/W/20/3259234) against the refusal by North Somerset Council (NSC) of planning application (reference 18/P/5118/OUT). Specifically, the Order is needed to acquire the land necessary for a proposed improvement to the A38 to accommodate an additional 2 mppa (the A38 highway improvement scheme); this scheme forms a component of the Appeal Proposal.
- 1.1.2 In this annex to my main Proof of Evidence, I deal with the planning matters relating to the Order, as follows:
- there are no sound reasons why planning permission for the Appeal Proposal should be withheld (**Section 3**); and
 - objections to the Order pertaining to planning matters (**Section 4**).
- 1.1.3 To avoid duplication, where appropriate I draw upon, and cross refer to, my evidence for the planning appeal presented in the main body of this Proof. This annex should also be read alongside the Proofs of Evidence of Mr Witchalls (on the Order), who will deal with the need for the proposed highways improvements, the options considered and the proposed scheme details, and Mr Church, who will deal with the acquisition of the Compulsory Purchase Order (CPO) land. The Proofs of Evidence of Mr Witchalls and Mr Church will be submitted in due course.
- 1.1.4 Overall, I conclude that there are no planning impediments to the Order.

¹⁴³ CP 001: The Bristol Airport Limited (Land at A38 And Downside Road) Compulsory Purchase Order 2020.

¹⁴⁴ CD 5.14: Airports Act 1986. Available from <https://www.legislation.gov.uk/ukpga/1986/31/contents> [Accessed May 2021].

2. Context

The A38 Highway Improvement Scheme

- 2.1.1 To accommodate an additional 2 mppa, BAL is proposing to undertake a significant improvement of the A38 between the main airport access road and West Lane (the need for this scheme will be discussed in detail in the evidence of Mr Witchalls on the Order). 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.
- 2.1.2 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.
- 2.1.3 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 Downside Road tying in with the existing facility north of West Lane.
- 2.1.4 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.

Planning Appeal

- 2.1.5 A planning application for the Appeal Proposal including the proposed A38 highway improvement scheme was submitted by BAL to NSC in December 2018. Contrary to their officers' recommendation, on 10 February 2020 NSC Members resolved that the planning application should be refused and this decision was ratified on 18 March 2020. The Decision Notice¹⁴⁵ issued on 19 March 2020 cites five reasons for refusal relating to the overall planning balance in terms of economic benefits and environmental impacts, aircraft noise, air quality impacts, greenhouse gas (GHG) emissions, development of car parking in the Green Belt and public transport provision.
- 2.1.6 Pursuant to Section 78 of the Town and Country Planning Act 1990¹⁴⁶, BAL has subsequently submitted an appeal against the decision of NSC to refuse planning permission (the planning appeal). The planning appeal and the Order will be considered at the same inquiry.

3. Planning Permission

- 3.1.1 BAL does not yet have planning permission for the Appeal Proposal including the A38 highway improvement scheme, since this is subject to the planning appeal process. In such circumstances, section 15 of the Ministry of Housing Communities and Local Government (MHLCG) Guidance on the Compulsory Purchase Process published in July 2019 (the CPO Guidance)¹⁴⁷ 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."*
- 3.1.2 Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004¹⁴⁸ establish that the planning appeal must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan for the Appeal Proposal comprises of the: North Somerset Core Strategy (adopted 2017)¹⁴⁹; Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016)¹⁵⁰; and the Sites and Policies Development Plan Part 2: Site Allocations Plan

¹⁴⁵ CD 2.17: NSC (2020) Notice of Decision – Application 18/P/5118/OUT (19 March 2020).

¹⁴⁶ CD 5.1: Town and Country Planning Act 1990. Available from <https://www.legislation.gov.uk/ukpga/1990/8/contents> [Accessed May 2021].

¹⁴⁷ CP 013: Ministry of Housing, Communities & Local Government (2019) Guidance on Compulsory Purchase Process and The Criche Down Rules (July 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964686/CPO_guidance_-_with_2019_update.pdf [Accessed May 2021].

¹⁴⁸ CD 5.2: Planning and Compulsory Purchase Act 2004. Available from <https://www.legislation.gov.uk/ukpga/2004/5/contents> [Accessed May 2021].

¹⁴⁹ CD 5.6: North Somerset Core Strategy (adopted 2017).

¹⁵⁰ CD 5.4: Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016).

(adopted April 2018)^{151,152}. A detailed analysis of the Development Plan policies relevant to the Appeal Proposal and the A38 highway improvement scheme is presented in Section 4 of the Planning Statement¹⁵³; a summary is contained in **Section 2.2** of my main Proof of Evidence.

3.1.3

In assessing the extent to which the Appeal Proposal including the A38 highway improvement scheme is in accordance with the Development Plan, and should therefore be granted planning permission, I have carefully considered NSC's reasons for refusing planning permission for the Appeal Proposal and also the main issues for the planning appeal identified in the Case Management Conference (CMC) Summary Note¹⁵⁴. In **Section 8.2** of my Proof of Evidence, I conclude that all of the matters raised in NSC's reasons for refusal, and the main issues for the appeal, have been satisfactorily addressed and that the Appeal Proposal is, overall, in accordance with the Development Plan. In summary:

- **Reason 1:** The economic benefits of the Appeal Proposal will be significant and will, crucially, support the South West region's economic recovery from the COVID-19 pandemic, enhance vital international trade and transport links following the UK's withdrawal from the European Union (EU), and contribute to the Government's objective to 'level-up' regional growth. The Appeal Proposal will also deliver important social benefits in terms of increased prosperity, quality of life benefits and regeneration. All of the environmental issues associated with increasing the capacity of Bristol Airport have, meanwhile, been minimised and (where appropriate) mitigated. In my view, the benefits of the Appeal Proposal substantially outweigh its residual impacts. Reason 1 is therefore not a valid reason to refuse the planning application.
- **Reason 2:** The Environmental Statement Addendum (ESA)¹⁵⁵ has clearly established that the air quality and noise impacts of the Appeal Proposal will not be significant and a range of measures will be implemented to mitigate the impacts associated with an additional 2 mppa. Taking into account the findings of the air quality and noise assessments, the health assessment presented in the ESA has confirmed that the Appeal Proposal will not cause significant adverse health impacts. Reason 2 is therefore unjustified.
- **Reason 3:** The carbon dioxide (CO₂) emissions from aviation are effectively controlled by Government at the national level. In that context, increasing the capacity of Bristol Airport to

¹⁵¹ CD 5.26: Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).

¹⁵² The Sites and Policies Plan Part 2 identifies detailed allocations. It does not include a specific allocation in respect of Bristol Airport and is therefore not considered further in my evidence.

¹⁵³ CD 2.3: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Planning Statement (December 2018).

¹⁵⁴ The Planning Inspectorate (2021) Case Management Conference (8 March 2021) Summary Note.

¹⁵⁵ CD 2.19 to CD 2.20.6: Wood (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement Addendum (November 2020).

accommodate 12 mppa will not materially affect the ability of the Government to meet its carbon 'net zero' target for 2050 or, indeed, its carbon budgets. BAL has published its draft Carbon and Climate Change Action Plan (CCCAP)¹⁵⁶ which sets out how it will manage the non-aviation carbon impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa and facilitate the transition of the airport to net zero. Reason 3 is, therefore, not valid.

- **Reason 4:** The proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park will result in only limited harm to the Green Belt. Very special circumstances exist which outweigh any harm to the Green Belt caused by these components of the Appeal Proposal (these very special circumstances are summarised in **Section 4** of this annex). Reason 4 is therefore misconceived.
- **Reason 5:** The Transport Assessment Addendum (TAA)¹⁵⁷ confirms that the additional traffic generated by the Appeal Proposal will not prejudice highway safety or result in severe cumulative impacts on traffic congestion; on the contrary, the proposed A38 highway improvement scheme will deliver significant local capacity benefits and enhance safety. BAL has committed to a stretching 2.5% increase in passenger public transport mode share and an equally stretching sustainable travel target for staff. These targets will be delivered through a comprehensive package of deliverable, sustainable transport measures. On this basis, Reason 5 is unjustified.

3.1.4

I have also examined other material considerations including (inter alia) the National Planning Policy Framework (NPPF)¹⁵⁸ and national aviation policy. I have concluded that the Appeal Proposal is sustainable development and that, in accordance with the presumption in favour of sustainable development in the NPPF, it should therefore be granted planning permission. I also establish that increasing the capacity of Bristol Airport and the associated investment in infrastructure and services will make best use of the existing airport runway as part of a balanced approach to growth

¹⁵⁶ CD 9.48: Wood (2021) Bristol Airport Ltd Draft Carbon and Climate Change Action Plan (CCCAP).

¹⁵⁷ CD 2.20.3: Stantec (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Transport Assessment Addendum (TAA) (November 2020).

¹⁵⁸ CD 5.8: Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework (February 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf [Accessed May 2021].

such that the Appeal Proposal directly responds to, and is in accordance with, the Government's aviation policy set out in the Aviation Policy Framework (APF)¹⁵⁹ and Making Best Use (MBU)¹⁶⁰.

3.1.5 On this basis, I confirm in **Section 8.3** of my Proof of Evidence that there are no material considerations which indicate that planning permission should be refused.

3.1.6 Finally, I have established that there is a compelling need for the Appeal Proposal; in summary, the Appeal Proposal will:

- accommodate forecast passenger demand in order to meet the Government's national aviation policy of MBU and wider economic objectives and clawback the historic leakage of passengers from London's airports;
- deliver substantial social and economic benefits, supporting national, regional and sub-regional economic growth and recovery from the COVID-19 pandemic. This aligns with the West of England Industrial Strategy¹⁶¹ and the North Somerset Economic Plan¹⁶²;
- help meet the UK's global ambitions for increased international connectivity and trade following the UK's departure from the EU; and
- ensure adverse impacts on the environment and local communities are minimised and securing, where possible, enhancements.

3.1.7 My overall planning balance is presented in **Section 8.4** where I conclude:

"The Appeal Proposal is in accordance with the Development Plan and national planning policy and there are no other material considerations which indicate that planning permission should be refused. Importantly, the Appeal Proposal will make best use of Bristol Airport's existing runway, delivering the UK Government's national aviation policy and wider economic objectives. I give this significant weight in the planning balance.

The Appeal Proposal is sustainable development. Increasing the capacity of Bristol Airport to accommodate 12 mppa will deliver substantial, material benefits in terms of jobs, prosperity and

¹⁵⁹ CD 6.1: HM Government (2013) The Aviation Policy Framework (March 2013). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policy-framework.pdf [Accessed May 2021].

¹⁶⁰ CD 6.4: HM Government (2018) Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf [Accessed May 2021].

¹⁶¹ CD 11.7: HM Government (2019) The West of England Local Industrial Strategy (July 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818989/1907_VERSION_West_of_England_Interactive_SINGLE_PAGES.pdf [Accessed May 2021].

¹⁶² CD 11.15: NSC (2020) North Somerset Economic Plan 2020-2025 (September 2020). Available from <https://innorthsomerset.co.uk/wp-content/uploads/2020/10/North-Somerset-Economic-Plan.pdf> [Accessed May 2021].

increased connectivity. In accordance with the NPPF, I also afford these benefits significant weight in the planning balance.

The evidence presented by BAL's witnesses demonstrates that the growth of Bristol Airport, and the benefits this delivers, can be achieved whilst ensuring that adverse impacts on the environment and local communities are appropriately minimised and mitigated. All matters raised in NSC's reasons for refusal have been satisfactorily addressed by BAL and any residual adverse impacts deserve limited weight.

In refusing planning permission, NSC did not provide any proper justification for reaching a different conclusion to, and departing from, the balanced and well-reasoned advice of its own officers. In all of the circumstances, NSC's decision was unreasonable.

Overall, it is my judgement that the need for, and significant benefits of, the Appeal Proposal outweigh the limited adverse impacts associated with increasing the capacity of Bristol Airport to serve 12 mppa. Respectfully, I therefore invite the Inspectors to allow the appeal."

3.1.8

Overall, the proposed A38 highway improvements are a fundamental component of the Appeal Proposal, necessary to accommodate the increase in traffic associated with an additional 2 mppa. It is my judgement that there are no sound reasons as to why planning permission for the Appeal Proposal, including the A38 works, should be withheld.

4. Order Objections

4.1.1

In this section, I address the objections to the Order that concern planning matters. These objections relate to:

- prematurity of the Order as the planning application for the Appeal Proposal was refused/the planning appeal is not yet determined;
- the environmental impacts of the Appeal Proposal;
- the Appeal Proposal being contrary to planning policy;
- impacts on Common Land;
- impacts on overnight accommodation;
- extent of the CPO; and
- fuel dumping.

4.1.2 I deal with each issue in-turn below. It should be noted that I have already addressed many of these issues in my main Proof and, where appropriate, I therefore refer to this evidence.

Prematurity

4.1.3 The objections express concern that BAL, as 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.

4.1.4 I contend that BAL is not seeking to pre-determine the outcome of the planning appeal. As requested by BAL, the planning appeal and the Order will be considered at the same inquiry since the evidence presented at the planning appeal inquiry will also be relevant to the inquiry into the Order. Conjoining the inquiries will avoid duplication of the evidence, and will also allow the outcome of the planning appeal to be known to the decision-maker of the Order. The Order will not, therefore, be considered ahead of the planning appeal.

4.1.5 The Planning Inspectorate is coordinating both the planning appeal inquiry and the Order inquiry and I am 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.

4.1.6 It is, of course, correct that BAL does not yet have an implementable planning permission, since this is subject to the planning appeal process. Following the CPO guidance on this matter, I have demonstrated in **Section 3** of this appendix that the Appeal Proposal is in accordance with the Development Plan and the NPPF and that there are no other material considerations which indicate that planning permission should be refused. The Appeal Proposal will make best use of Bristol Airport's existing runway, delivering the UK Government's national aviation policy and wider economic objectives, meet forecast passenger demand and will deliver substantial social, economic and environmental benefits which are material considerations that weigh significantly in favour of granting consent. It is my judgement, therefore, that there are no sound reasons as to why planning permission for the Appeal Proposal, including the proposed highway improvements, should be refused.

- 4.1.7 In terms of the Section 106 Agreement, the Heads of Terms for an Agreement were previously agreed with NSC officers¹⁶³ and discussions between BAL and NSC 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.
- 4.1.8 Overall, it is my view that objections to the Order on the grounds of prematurity are incorrect.

Environmental Impacts

- 4.1.9 Concerns have been raised in objections to the Order 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 GHG emissions exacerbating climate change and contravening the Climate Change Act 2008 (as amended)¹⁶⁴ and NSC's declared climate emergency; loss of the Green Belt, including Common Land; impacts on habitats, hedgerows and drainage ditches; and increased urbanisation of the area.
- 4.1.10 The concerns raised on environmental matters relate to the Appeal Proposal rather than the proposed A38 highway improvements specifically. I have considered the environmental impacts of the Appeal Proposal in my main Proof of Evidence, drawing on (inter alia): documents submitted with the planning application including the Environmental Statement (ES)¹⁶⁵; the Officers' Report¹⁶⁶ on the planning application; the ESA; and the evidence provided by BAL's expert witnesses. I have concluded in **Section 8** of my Proof of Evidence that the adverse environmental impacts associated with increasing the capacity of Bristol Airport to handle 12 mppa are limited and have been satisfactorily addressed through a combination of the mitigation measures embedded within the Appeal Proposal and the significant package of additional measures proposed by BAL. Further, I have found that the Appeal Proposal will deliver environmental enhancements in terms of ecology, transport and ground noise and will facilitate the transition of Bristol Airport to net zero.
- 4.1.11 I have provided a response to the specific environmental issues raised in the objections below.

Noise, air quality and health

- 4.1.12 The ESA (Chapter 7) has clearly established that the air quality impacts of the Appeal Proposal will not be significant, that all concentrations of pollutants will remain comfortably within the Air

¹⁶³ See CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, Appendix 3.

¹⁶⁴ CD 9.2: Climate Change Act 2008. Available from <https://www.legislation.gov.uk/ukpga/2008/27/contents> [Accessed May 2021].

¹⁶⁵ CD 2.5.1 to CD 2.5.49: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (December 2018).

¹⁶⁶ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT.

Quality Objective (AQO) limits and that current compliance with all relevant limit values and objectives will be sustained. A range of measures will be implemented to mitigate the air quality impacts associated with an additional 2 mppa which is in addition to, and alongside, wider measures being taken by the aviation industry to reduce emissions from aircraft. The proposed A38 highway improvement scheme specifically will result in less queuing at the junction and this will help to improve air quality.

- 4.1.13 The Appeal Proposal will also not result in significant adverse noise impacts. Whilst the number of properties predicted to experience average night-time air noise levels above the Significant Observed Adverse Effect Level (SOAEL) will increase, the ESA (Chapter 6) concludes that the changes in noise level will be small and not significant. Further, for some receptors, the Appeal Proposal will provide a benefit in terms of ground noise due to additional screening. BAL has also proposed a number of measures to limit and mitigate the noise impacts of the Appeal Proposal.
- 4.1.14 Taking into account the findings of the air quality and noise assessments, the health assessment presented in Chapter 9 of the ESA has confirmed that the Appeal Proposal will not cause significant adverse health impacts.

Greenhouse gas emissions

- 4.1.15 Increasing the capacity of Bristol Airport to accommodate 12 mppa will not materially affect the ability of the Government to meet its 'net zero' carbon target for 2050. MBU remains current Government policy and it is clear that the introduction of the 2050 'net zero' target in 2019¹⁶⁷ has not changed this position and nor will the inclusion of emissions from international aviation and shipping within the Sixth Carbon Budget. How these emissions are managed is a matter for Government to determine through its national aviation policy and there are a range of legal and policy mechanisms available to it to ensure that its target and budgets are achieved. The ESA (Chapter 10) has established that emissions arising from the Appeal Proposal will, in any case, be very small in the context of the current planning assumption of 37.5 MtCO₂/annum. Even if the figure of 23 MtCO₂/annum by 2050 for international, domestic and military aviation used by the Committee on Climate Change (CCC) in its 'balanced pathway' option to 'net zero'¹⁶⁸ is considered as a comparator, this would still be the case.

¹⁶⁷ CD 9.7: Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available from <https://www.legislation.gov.uk/ukdsi/2019/9780111187654> [Accessed May 2021].

¹⁶⁸ CD 9.34: CCC (2020) The Sixth Carbon Budget: The UK's Path to Net Zero (December 2020). Available from <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf> [Accessed May 2021].

4.1.16 Aligned with its Carbon Roadmap¹⁶⁹, BAL has sought to minimise GHG emissions and be an exemplar airport for sustainable aviation growth across the industry. BAL has now published its draft CCCAP which sets out how it will manage the carbon impacts of increasing the capacity of Bristol Airport to accommodate 12 mppa and facilitate the transition of the airport to net zero by 2030.

Green Belt

4.1.17 The proposed A38 highway improvement scheme is 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.

4.1.18 In this context, the proposed improvements to the A38 constitute local transport infrastructure and will improve the highway network leading to Bristol Airport and existing traffic conditions on the A38; the scheme can only be located in the Green Belt. Being located alongside/adjacent to an existing highway, the highway works will 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 will be lost as a result of the improvements would be negligible. I therefore consider that the proposed improvements to the A38 are not inappropriate development in the Green Belt. Importantly, this is the same conclusion as that reached by NSC officers in recommending approval of the planning application. Notwithstanding this, very special circumstances were set out in the Planning Statement (Section 5.3) accompanying the planning 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.

4.1.19 In terms of the wider Appeal Proposal, improvements to airside infrastructure will also be located in the Green Belt; however, this would not be inappropriate development. As regards car parking, there is a demonstrable need to bring forward the proposed year-round use of the existing seasonal car park and an extension to the Silver Zone Car Park. These components of the Appeal Proposal are inappropriate development in the Green Belt and I have considered this matter in **Section 5** of my Proof of Evidence.

¹⁶⁹ CD 9.10: BAL (2019) Becoming a Net Zero Airport: Our Roadmap to Reduce Carbon Emissions. Available from <https://www.bristolairport.co.uk/about-us/news-and-media/news-and-media-centre/2019/7/bristol-airport-carbon-roadmap> [Accessed May 2021].

4.1.20 In summary, both car parking proposals will result in only limited harm to the Green Belt and the following very special circumstances outweigh any harm to the Green Belt:

- the need for additional car parking in the Green Belt to meet demand associated with an additional 2 mppa;
- the lack of alternative, available and suitable sites for parking outside the Green Belt; and
- the need for, and benefits of, the growth of Bristol Airport.

Impacts on habitats, hedgerows and drainage ditches

4.1.21 Chapter 11 of the ES presents the assessment of the Appeal Proposal in respect of biodiversity. The habitat identified at the location of the proposed A38 highway improvement scheme includes scattered scrub, hedgerows and broadleaved woodland. 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 NSC's ecologist and Natural England.

4.1.22 The ES has identified the potential for the year-round use of the existing seasonal car park, the proposed extension to the Silver Zone Car Park and improvements to the A38 to affect greater and lesser horseshoe bats which are interest features of the North Somerset and Mendip Bats Special Area of Conservation (SAC). Specifically, the proposals will result in the loss of circa 3.7 hectares (ha) of horseshoe bat foraging habitat associated with the Silver Zone Car Park extension together with the loss of a small area (0.16ha) of woodland edge habitat at the A38 highway improvement land. These areas are not, however, within the SAC itself, which is some distance away. Suitable mitigation has been identified to ensure that there will be no adverse effects on the integrity of the SAC. This mitigation, to be secured by planning condition, includes habitat creation at the airport site as well as off-site replacement habitat for lesser and greater horseshoe bats that will provide other ecological benefits (e.g. for dormouse, other bat species, birds, amphibians, reptiles, woodland flora, and invertebrates).

4.1.23 Overall, the ES has concluded that the construction and operation of the Appeal Proposal will result in only negligible and not significant adverse effects on all receptor groups scoped into the assessment.

4.1.24 In terms of drainage, this formed part of the comprehensive assessment reported on in Chapter 12 of the ES. The Appeal Proposal includes extensive measures to fully manage flood risk at Bristol Airport, fully meeting the requirements of the NPPF and current flood risk management best

practice has been incorporated in the design. These measures 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. On this basis, the surface water and flood risk assessment contained in Chapter 12 of the ES concludes that, with mitigation, the Appeal Proposal will not increase flood risk to offsite receptors.

Increased urbanisation

4.1.25 A total of six preliminary options were identified as part of the early design process for the A38 highway improvement scheme and were subject to discussion with NSC. These are discussed in Chapter 3 (Alternatives) of the ES submitted with the planning application. These options considered different designs and how they would deliver the necessary improvements in highway capacity whilst reducing the need for additional land. The final design of the proposed highway improvement scheme 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.

Summary

4.1.26 In conclusion, I consider that the environmental impacts identified in objections to the Order would be limited and do not amount to reasons to not confirm the Order.

Planning Policy

4.1.27 Objections to the Order state that the Appeal Proposal is contrary to Policies CS1, CS3, CS4, CS6, CS10, CS23 and CS26 of the North Somerset Core Strategy.

4.1.28 I demonstrate in **Table 4.1** how the proposed A38 highway improvement scheme and the wider Appeal Proposal are in accordance with the specific policies of the Development Plan cited in the objections to the Order.

Table 4.1 Development Plan Policy Assessment

Policy	Assessment of Appeal Proposal
C1: Addressing climate change and carbon reduction	<p>Development Plan Policy CS1 requires that development proposals (inter alia) "<i>demonstrate a commitment to reducing carbon emissions, including reducing energy demand through good design, and utilising renewable energy where feasible and viable</i>".</p> <p>As set out in Section 4.5 of my Proof of Evidence, the Appeal Proposal including the proposed highway improvement works will not materially affect the ability of the Government to meet its climate change targets. Further, BAL has prepared a draft CCCAP that demonstrates the approaches by which it will minimise GHG emissions. The draft CCCAP is aligned with BAL's Carbon Roadmap to become a 'net zero' airport.</p>



Policy	Assessment of Appeal Proposal
C3: Environmental impacts and flood risk management	<p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS1</p> <p>Policy CS3 stipulates that development which, on its own or cumulatively, would result in air, water or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.</p> <p>The ES and ESA, together with the evidence of BAL's expert witnesses, demonstrate that the environmental impacts of the Appeal Proposal, including the proposed A38 highway improvement scheme, have been minimised and satisfactorily addressed. This was the same conclusion reached by NSC officers in recommending approval of the planning application. Further, the Appeal Proposal will deliver environmental enhancements; the proposed A38 highway improvements specifically will enhance air quality associated with reducing queuing and improve safety.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS3.</p>
CS4: Nature conservation	<p>Policy CS4 states that the biodiversity of North Somerset will be maintained and enhanced by, inter alia: seeking to ensure that new development is designed to maximise benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats and features and adding to them where possible; seeking to protect, connect and enhance important habitats, particularly designated sites, ancient woodlands and veteran trees; promoting the enhancement of existing, and provision of new, green infrastructure of value to wildlife; and promoting native tree planting and well targeted woodland creation, and encouraging retention of trees, with a view to enhancing biodiversity. The policy sets out that a net loss of biodiversity interest should be avoided, and a net gain achieved where possible.</p> <p>The ES concludes that the proposed A38 highway improvement scheme and the wider Appeal Proposal will not have significant effects on biodiversity. In accordance with the North Somerset and Mendip Bats SAC Guidance on Development: Supplementary Planning Document (SPD)¹⁷⁰, suitable mitigation has been identified to ensure that there will be no adverse effects on the integrity of the SAC associated with both the A38 works and the wider Appeal Proposal. On this basis, NSC's Habitats Regulations Assessment (HRA)¹⁷¹ concluded that, with the proposed mitigation, there would be no adverse effects on the integrity of the SAC. This conclusion was also accepted by Natural England and overall, the Officers' Report (page 122) concludes that there will be a likely net biodiversity gain/ecological enhancement, in accordance with Policy CS4.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS4.</p>
CS6: North Somerset's Green Belt	<p>Policy CS6 sets out that amendments to the Green Belt boundary at Bristol Airport will only be considered once long-term development needs have been identified and exceptional circumstances demonstrated.</p> <p>As I highlight in Section 5.5 of my Proof of Evidence, the Appeal Proposal including the proposed A38 highway improvement scheme will unequivocally not amend the Green Belt boundary. This a matter for local plans and there is nothing in the NPPF or Development Plan policy to suggest that the presence of Green Belts preclude development from taking place.</p> <p>I do not consider that the proposed A38 highway improvement works, alongside the proposed enhancements to airside infrastructure, are inappropriate development in the Green Belt. Very special circumstances, meanwhile, outweigh any harm to the Green Belt that may be caused as a result of BAL's proposals for car parking to the south of the airport site.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS6, in so far as it is relevant.</p>
CS10: Transportation and movement	<p>Policy CS10 sets out that proposals which encourage an improved and integrated transport network and allow for a wide choice of modes of transport will be supported.</p>

¹⁷⁰ CD 5.17: NSC (2018) North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (Adopted January 2018). Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/NSC%20and%20Mendip%20Bats%20SAC%20guidance%20-%20supplementary%20planning%20document.pdf> [Accessed May 2021].

¹⁷¹ CD 4.15: NSC (2019) North Somerset Council Habitats Regulation Assessment.



Policy	Assessment of Appeal Proposal
CS23: Bristol Airport	<p>As I highlight in Section 4.2 of my Proof of Evidence, at 22.3% (as at 2019), Bristol Airport has the highest passenger public transport mode share of any regional airport cited in 2019 Civil Aviation Authority (CAA) data. BAL is now proposing a further, stretching 2.5% increase in public transport mode share that will be delivered through a comprehensive package of deliverable, sustainable transport measures.</p> <p>The proposed A38 highway improvement scheme specifically will deliver significant local capacity benefits and enhance safety, in full accordance with Policy CS10. More broadly, the TAA has demonstrated that the additional traffic generated by the development of Bristol Airport to accommodate 12 mppa will not prejudice highway safety or result in severe cumulative impacts on traffic congestion.</p> <p>To mitigate further the impacts of the Appeal Proposal, and deliver additional enhancements where possible, the Section 106 Agreement Heads of Terms and draft planning conditions contain additional highways commitments. These include, for example, a Highways Improvement Fund to address minor highway improvements works as part of a 'monitor and manage' approach.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS10.</p>
CS26: Supporting healthy living and the provision of health care facilities	<p>Policy CS26 sets out that <i>"Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure."</i></p> <p>Based on the evidence presented in the ES and ESA, as well as that provided by BAL's expert witnesses, I have concluded in Section 8 of my Proof of Evidence that the adverse environmental impacts associated with increasing the capacity of Bristol Airport to accommodate 12 mppa are limited and have been satisfactorily addressed through a combination of the mitigation measures embedded within the Appeal Proposal and the significant package of additional measures proposed by BAL. This is the same conclusion as that reached by NSC officers in recommending approval of the planning application.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS23.</p> <p>Policy CS26 concerns the promotion of health and well-being. It requires some proposals to be accompanied by a health impact assessment (HIA) which assesses how they will contribute to improving the health and well-being of the local population.</p> <p>In accordance with the requirements of Policy CS26, the human health effects of the Appeal Proposal, including the proposed A38 highway improvements, have been assessed as part of the ES and ESA, having appropriate regard to HIA methods. This assessment has demonstrated that there will be no significant adverse effects on human health as a result of increasing the capacity of Bristol Airport to accommodate 12 mppa. A beneficial effect is, however, predicted as a result of job creation and local investment that will, in-turn, deliver long-term health benefits.</p> <p>Overall, I consider that the Appeal Proposal is in accordance with Development Plan Policy CS26.</p>

4.1.29 Objections to the Order also allege that the Appeal Proposal is contrary to Policy DM12 of the Sites and Policies Plan Part 1: Development Management Policies and the NPPF relating to Green Belts. I have already dealt with matters relating to the Green Belt above and so do not repeat this here. On this basis, I consider that the Appeal Proposal is in accordance with Development Plan Policy DM12.

Impacts on Common Land

4.1.30 Objections have stated that Plot 21 of the Order land may still be Common Land and, until determined, it should be assumed to be Common Land and the provision of replacement land is therefore necessary.

- 4.1.31 BAL 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.
- 4.1.32 I understand that BAL has sought to clarify the status of Plot 21 with NSC 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. NSC 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 has agreed this list of rights with legal advisers acting on behalf of NSC in its role as the Commons Registration Authority. In addition, further documentation referred to on the Felton Commons Register is, at the time of writing, awaited from NSC.
- 4.1.33 Until the position regarding Plot 21 is clear, BAL has adopted a precautionary approach and is treating Plot 21 as Common Land. Through the Order, BAL is seeking to discharge Plot 21 from all rights, trusts and incidents under section 19(3) of the Acquisition of Land Act 1981¹⁷².
- 4.1.34 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. BAL 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.

¹⁷² CD 5.12: Acquisition of Land Act 1981. Available from <https://www.legislation.gov.uk/ukpga/1981/67/contents> [Accessed June 2021].

Impacts on Overnight Accommodation

- 4.1.35 An objector to the Order has stated that overnight accommodation in the area will be adversely affected by more accommodation at Bristol Airport.
- 4.1.36 The Appeal Proposal does 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 Bristol Airport to accommodate 12 mppa will increase demand for overnight accommodation in the area.
- 4.1.37 I therefore disagree with the basis of the objection.

Fuel Dumping

- 4.1.38 Concerns have been raised concerning fuel dumping in an objection to the Order. 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 Appeal Proposal.

Extent of CPO

- 4.1.39 Concerns have been raised that an almost 100 year old house is under threat of compulsory purchase to make way for staff parking with impact on four oak trees of 129 years old, plus a badger's sett and lesser horseshoe bats in the cellar. However, there will be no staff parking on the Order land; the Order land is required for delivery of the Highway Works. Furthermore, the CPO land does not include the residential dwelling to which this objection relates.

5. Conclusion

- 5.1.1 Overall, I conclude that BAL is able to demonstrate that there are no sound reasons as to why planning permission for the Appeal Proposal, including the proposed A38 highway improvement scheme, should be withheld. Further, there are no objections pertaining to planning matters which mean that the Order should not be confirmed. I therefore request that, subject to the planning appeal being allowed, the Order should be confirmed.

Appendix D

BAL Response to North Somerset Council's Proposed Planning Conditions



NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
1	Any application for the approval of reserved matters made pursuant to this planning permission shall be made to the Local Planning Authority before the expiration of 8 years from the date of this permission.	Any application for the approval of reserved matters made pursuant to this planning permission shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.	Accept	BAL can accept this change.	
2	The development hereby permitted shall be begun either before the expiration of 8 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter to be approved, whichever is the later.	The development hereby permitted shall be begun, either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter to be approved for that element or phase of the development, whichever is the later.	Accept	BAL can accept this change.	
3		List of docs - full wording not included here	Accept	BAL have no comments	
4	The passenger throughput at Bristol Airport shall not exceed 12 million passengers in any 12-month period (to be taken from 1st January to 31st December in any calendar year unless a different 12-month start, and end date is agreed with the Local Planning Authority.	The total passenger throughput at Bristol Airport shall not exceed 12 million passengers per annum to be taken from 1st January to 31st December in any calendar year unless a different 12-month start, and end date is agreed with the Local Planning Authority. Total passengers shall include all passengers resulting from arrival and departure flights. The airport operator shall, within 12 months of the date of the planning permission, provide details to the local planning authority for its approval which sets out how it will establish total passenger number and the steps it will take to ensure that no more than 12 mppa throughput will occur and steps that it will take to remedy any such breach. Once approved, those details shall be implemented and retained until superseded by any subsequently approved details.	Accept	BAL have no comments.	

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
9	N/A	<p>Multi-Storey Car Park 3 shall be completed and it shall brought in to use:</p> <ul style="list-style-type: none"> · before the year-round use of the seasonal car park (known as 'Cogloop 1') commences; and · before the construction of the extension to the 'Silver Zone' car park (known as 'Cogloop 2') commences 	Reject	<p>BAL rejects NSC's suggested planning condition but are currently considering an alternative Monitor and Manage approach. Draft wording has been provided.</p>	<p>Monitor and Manage Draft Condition</p> <p>To provide a 'Parking Demand and Capacity Report' within 12 months of commencement of development and annually thereafter. The report will include:</p> <ul style="list-style-type: none"> • A review of parking demand in the previous 12 months both overall and by product type (including drop-off), including identifying the peak periods of demand, the length of stay and when demand is at or exceeds 95% of existing capacity for more than 4 weeks; • A review of parking capacity on-site, including a projection for the next 12 months; • A review of passenger throughput in the previous 12 months and average percentage growth; • Engaging with NSC to provide a review of parking capacity off-site, including an aerial survey in the month of September; • Identification of any other proposals for airport car parking through monitoring of planning applications to North Somerset Council, Bristol City Council and Bath and North East Somerset Council; • A review on the occupancy of the Staff Car Park; • A review of infrastructure options to accommodate forecast demand over the next 12 months; • Identification of the preferred option to deliver parking capacity. <p>This report will be submitted to North Somerset Council for agreement.</p> <p>Reason: To ensure parking is brought forward in line with demand. To ensure that car parking does not undermine agreed public transport modal share targets. This is</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
					in accordance with Policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 2016 and Policy CS10 of the North Somerset Core Strategy.
14	Details of reserved matters comprising the scale; layout; and appearance of the acoustic barrier (Site 'P' on Site Reference Plan – Drawing Number 17090-00-100-402) hereby permitted shall be submitted to and approved by the Local Planning Authority. Development at Site 'P' shall not commence until these reserved matters have been approved. This development shall be carried out as approved.	Details of reserved matters comprising the scale; layout; and appearance of the acoustic barrier and the landscaping adjacent to it (Site 'P' on Site Reference Plan – Drawing Number 17090-00-100-402) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development at Site 'P' shall not commence until these reserved matters have been approved. The acoustic barrier shall be developed in accordance with the approved details.	Accept	BAL have no comments.	No change.
CEMP					

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
15	<p>Prior to the commencement of the first component of the development hereby permitted, a site-wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Where required, a CEMP shall also be submitted for each individual component of the development hereby permitted prior to the construction of that component and be aligned with the site-wide CEMP. The site-wide and component CEMPs as submitted shall include:</p> <ul style="list-style-type: none"> a) A construction traffic management plan including details of the routes and vehicle entrance routes into the airport to be used by contractors' vehicles moving to and from the site (and the appropriate signage thereof); b) Details of measures to minimise noise, dirt, dust (and other air borne particles) and vibration during construction; c) A pollution prevention and emergency response plan d) A water management plan; e) A waste management plan; f) An invasive weeds management plan; g) A soil management plan; and h) Proposed working hours, including any night-time working hours; <p>Items (a) to (h) referred to above shall be the subject of auditing and reporting by the applicant and / or site contractors and these records shall be kept up to date and supplied to the Local Planning Authority upon request. The development shall be carried out in accordance with the approved CEMP.</p>	<p>No phase or component of development shall be commenced, including demolition, ground works or vegetation clearance, until a CEMP for that phase of development / element has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall include:</p> <ul style="list-style-type: none"> a) A construction traffic management plan including details of the routes and vehicle entrance routes into the airport to be used by contractors' vehicles moving to and from the site (and the appropriate signage thereof); b) Details of measures to minimise noise, dirt, dust (and other air borne particles) and vibration during construction; c) A pollution prevention and emergency response plan; d) A water management plan; e) A waste management plan; f) An invasive weeds management plan; g) A soil management plan; h) A Biodiversity Construction Management Plan (cross refer to condition 31) i) An air quality management plan and j) Proposed working hours, including any night-time working hours; k) A cumulative assessment of the impact of the individual phase / element, when taken together with any other phases / elements that will be ongoing or its projected to be commenced while this phase/element is constructed. <p>This shall also include as a minimum all measures identified as "Highly Recommended" or "Desirable" in IAQM "Guidance on the assessment of dust from demolition and construction," Version 1.1 2014 (or any update</p>	Accept	BAL accept the proposed changes.	No change.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		<p>to this guidance), summarised in ES paragraph 8.10.15. All heavy goods vehicles used in the construction programme should be compliant with EURO VI emissions standards, and all Non-Road Mobile Machinery should be compliant with Stage V emissions controls as specified in EU Regulation 2016/1628, where such heavy goods vehicles and Non-Road Mobile Machinery are reasonably available. Where such vehicles or machinery are not available, the highest available standard of alternative vehicles and machinery shall be used; and</p> <p>Items (a) to (k) shall be the subject of auditing and reporting by the applicant and / or site contractors and these records shall be kept up to date and supplied to the Local Planning Authority upon request. The development shall be carried out in accordance with the approved CEMP.</p>			
Air Quality					
16		In this condition:			
	<p>No AQMP condition - was previously in the HoT: An Air Quality Action Plan will be produced no later than 6 months after the commencement of development. The Air Quality Action Plan will detail the initiatives to monitor and improve air quality at the airport. Monitoring will include:</p> <ul style="list-style-type: none"> i. Continuous monitoring of oxides of nitrogen and fine particulate matter (PM10 & PM2.5) at two appropriate fixed sites (one existing and one new location) to be agreed with NSC. ii. Diffusion tube monitoring of nitrogen dioxide at not less than 16no. sites to be agreed with NSC. In addition, co-location monitoring with at least three diffusion tubes will be established at the site of the fixed continuous monitor. 	<p>‘AQAP’ means a plan of deliverable measures together with a timetable and programme to implement these measures with the purpose to ensure that the expansion of the airport under the current permission results in an improvement in air quality.</p> <p>‘Airport activities’ means, for the purpose of the CCCAP, the activities controlled and influenced by Bristol Airport Limited or its successors, giving rise to emissions of air pollutants.</p> <p>‘ES’ means the Environmental Statement for the proposed development dated December 2018.</p> <p>‘ES Addendum’ means the Environmental Statement Addendum for the proposed development dated November 2020.</p> <p>The ‘air quality emissions and concentrations methodology’ means the methodology used to calculate emissions of oxides of nitrogen and</p>	Alternative wording proposed	BAL reject the condition wording prepared by NSC. BAL accept the principle of an AQAP being controlled through a planning condition instead of a S106 obligation. BAL propose alternative wording for the planning condition.	<p>‘AQAP’ means a plan of deliverable measures together with a timetable and programme to implement these measures with the purpose to reduce the impact of airport operations on local air quality:</p> <p>‘Airport activities’ means, for the purpose of the AQAP, the activities controlled and influenced by Bristol Airport Limited or its successors, giving rise to emissions of local air pollutants.</p> <p>Within 6 months of the of grant of this permission, an AQAP shall be submitted to the Local Planning Authority for approval. The AQAP will set out measures to reduce the impact of airport operations (including surface access) on local air quality."</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	<p>iii. An annual report (in the format of a section in the Annual Operations Monitoring Report) with a summary of the results described in (i) and (ii) above. The Annual Operations Monitoring Report will be presented to the Airport Consultative Committee and made public.</p> <p>Air quality monitoring results will be reviewed with NSC on an annual basis. If monitoring identifies a significant deterioration in the air quality at the airport based on recognised and established standards, a mitigation plan will be provided to NSC within 3 months detailing steps as to how this will be improved.</p>	<p>PM2.5 from (a) aircraft movements (Landing and Take-Off cycle only), (b) on-airport non-aircraft emissions, and (c) road traffic emissions (vehicles travelling to/from the airport only), as set out in Chapter 8 and Appendices 8C and 8D of the Environmental Statement and Chapter 7 of the Environmental Statement Addendum, or any update to this methodology agreed between the airport operator and the local planning authority.</p> <p>Within 6 months of the of grant of this permission, an AQAP shall be submitted to the Local Planning Authority for approval. The AQAP will set out the measures to be implemented to ensure that the expansion of the airport under this permission results in an improvement in air quality compared to the situation that would have prevailed if permission had not been granted. The reference point for this will be the assessment of emissions of air pollutants, and/or the resultant air quality concentrations set out in Chapter 8 of the ES and Chapter 7 of the ES Addendum. The AQAP will ensure that emissions will not exceed those calculated for the source categories identified in the air quality emissions and concentrations methodology for a maximum of 10 mppa, and/or that the modelled impact of the development will result in a "PC" value of 0 or less at all locations listed in ES Addendum Tables 7A.1 to 7A.8 inclusive.</p> <p>The AQAP shall include:</p> <p>(i) a future baseline of calculated emissions from (a) aircraft movements, (b) on-airport non-aircraft emissions, and (c) road traffic emissions (vehicles travelling to/from the airport only), and/or modelled concentrations, based on a</p>			<p>The AQAP shall include targets, with dates and quantified where appropriate, for the delivery of measures to reduce the impact of the airport on local air quality.</p> <p>An annual update to the AQAP shall be submitted to the Local Planning Authority as part of the Airport Operational Monitoring Report that sets out progress made against agreed targets, including an independent third-party review and recommendation for reviewing targets where deemed necessary, taking account of the following:</p> <ul style="list-style-type: none"> a) Updates in the light of new national and local policies; b) New scientific or technical developments; c) Performance of the airport against the targets specified above. <p>Alternative action measures shall be agreed with the Local Planning Authority within 3 months, if the review shows that the AQAP is not meeting previously agreed targets. All approved measures shall be implemented and complied with.</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		<p>maximum of 10 mppa, against which air quality improvement initiatives can be measured;</p> <p>(ii) confirmation of how the air quality impact of the proposed development shall be determined, enabling confirmation of performance against the principle that the expansion of the airport under the current permission should result in an improvement in air quality;</p> <p>(iii) the air quality emissions and concentrations calculation methodology, which shall be based on the methodology set out in the ES and ES Addendum;</p> <p>(iv) a timetable with targets for the air quality impact of the airport judged in terms of calculated emissions for each source category, and/or modelled concentrations;</p> <p>An annual update to the AQAP shall be submitted to the Local Planning Authority as part of the Airport Operational Monitoring Report that sets out progress made against agreed targets, including an independent third-party review and recommendation for reviewing targets where deemed necessary, taking account of the following:</p> <ul style="list-style-type: none"> (a) Updates in the light of new national and local policies (b) Updates to best practice methodologies (c) New scientific or technical developments (d) Performance of the airport against the limits specified above 			

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		<p>Alternative action measures shall be agreed with the Local Planning Authority within 3 months, if the review shows that the AQAP is not meeting previously agreed targets.</p> <p>All approved measures shall be implemented and complied with.</p>			
<p>CCCAP</p>					
<p>17</p>	<p>In this condition:</p> <p>‘CCCAP’ means a plan of deliverable measures together with a timetable and programme to implement these measures with the purpose to reduce and offset greenhouse gas emissions from airport activities and ensure the airport’s resilience to the effects of climate change.</p> <p>‘Airport activities’ means, for the purpose of the CCCAP, the activities controlled by Bristol Airport Limited or its successors, giving rise to scope 1 and scope 2 carbon dioxide emissions as defined in guidance on how to measure and report greenhouse gas emissions published by the Department for Environment Food and Rural Affairs in September 2009 or such amended guidance as may apply from time to time in future years.</p> <p>Within 12 months of the of grant of this permission, a CCCAP shall be submitted to the Local Planning Authority for approval. This shall include:</p>	<p>In this condition:</p> <p>‘CCCAP’ means a plan of deliverable measures together with a timetable and programme to implement these measures with the purpose of reducing and offsetting greenhouse gas emissions from airport activities.</p> <p>‘Airport activities’ means, for the purpose of the CCCAP, the activities controlled by Bristol Airport Limited or its successors, giving rise to scope 1 scope 2 and scope 3 carbon dioxide emissions as defined in guidance on how to measure and report greenhouse gas emissions published by the Department for Environment Food and Rural Affairs in September 2009 or such amended guidance as may apply from time to time in future years. Within 6 months of the of grant of this permission, a CCCAP shall be submitted to the Local Planning Authority for approval.</p> <p>‘ES Addendum’ means the Environmental Statement Addendum for the proposed development dated November 2020.</p>	<p>Alternative wording proposed</p>	<p>BAL accept some of the proposed condition wording from NSC and propose alternative wording to those parts which are rejected.</p>	<p>‘CCCAP’ means a plan of deliverable measures together with a timetable and programme to implement these measures with the purpose of reducing and offsetting greenhouse gas emissions from airport activities.</p> <p>In the context of the CCCAP, Scope 1 and Scope 2 emissions are those that are directly controlled by BAL, Scope 3 emissions are those that can be influenced by BAL.</p> <p>Within 6 months of the of grant of this permission, a CCCAP shall be submitted to the Local Planning Authority for approval.</p> <p>‘ES Addendum’ means the Environmental Statement Addendum for the proposed development dated November 2020.</p> <p>The ‘Carbon Emissions methodology’ refers to the methodology for scope 1 scope 2 and scope 3 emissions being</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	<p>(i) a baseline against which carbon management initiatives can be measured;</p> <p>(ii) the scope of greenhouse gas reduction / management being agreed;</p> <p>(iii) a timetable with targets for carbon management being agreed for each element within the agreed scope under point (ii);</p> <p>An annual report shall be submitted to the Local Planning Authority as part of the Airport Operational Monitoring Report that sets out progress made against agreed targets, including an independent third-party review and recommendation for reviewing targets where deemed necessary. Alternative action measures shall be agreed with the Local Planning Authority if the review shows that the CCCAP is not meeting previously agreed targets.</p>	<p>The 'Carbon Emissions methodology' refers to the methodology for scope 1 scope 2 and scope 3 emissions being</p> <ol style="list-style-type: none"> 1. Carbon emissions from airport sources, 2. Carbon emissions from surface access to and from the airport for passengers, employees and employees of partner organisations. 3. Carbon emissions from aircraft including the Landing and Take Off cycle and the Cruise climb and descent. <p>The methodology is as set out in Appendix 10A to Chapter 10 (the Carbon & Other GHGs (Climate Change)) of the Environmental Statement Addendum, or any update to this methodology agreed between the airport operator and the local planning authority. In addition:</p> <ol style="list-style-type: none"> 1. Emissions from domestic aviation and international aviation should be reported separately since different carbon 'planning assumptions' may be applicable to each. 2. The modelled data should be reconciled on an annual basis against actual fuel use including gas, diesel, petrol, and aviation fuel, adjusted for fuel brought in on incoming aircraft, certified content of Sustainable Aviation Fuels, and certified carbon offsets. <p>The methodology may be amended by agreement to include updates to best practice</p>			<ol style="list-style-type: none"> 1. Carbon emissions from airport sources, 2. Carbon emissions from surface access to and from the airport for passengers, employees and employees of partner organisations. 3. Carbon emissions from aircraft including the Landing and Take Off cycle and the Cruise climb and descent. <p>The methodology is as set out in Appendix 10A to Chapter 10 (the Carbon & Other GHGs (Climate Change)) of the Environmental Statement Addendum, or any update to this methodology agreed between the airport operator and the local planning authority. In addition:</p> <ol style="list-style-type: none"> 1. Emissions from domestic aviation, intra European Economic Area (EEA) aviation and extra EEA aviation should be reported separately since different carbon 'planning assumptions' may be applicable to each. 2. The modelled data should be reconciled on an annual basis against actual fuel use including gas, diesel, petrol, and aviation fuel, adjusted for fuel brought in on incoming aircraft, certified content of Sustainable Aviation Fuels, and certified carbon offsets. <p>The methodology may be amended by agreement to include updates to best practice methodologies and new scientific or technical developments.</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		<p>methodologies and new scientific or technical developments.</p> <p>Within six months of the date of this permission a CCCAP shall be submitted to the Local Planning Authority for approval. The CCCAP shall include:</p> <p>(a) measures to be implemented to ensure that the proposed development will result in no more emissions than the 'central emissions' scenario for the 'With Development' case set out in Table 10.6 (p.163) 'Total carbon emissions accounting for offsets' in chapter 10 of the Environmental Statement Addendum (NB Appendix Tables 10A.7-10A.12) shows all emissions broken down by source). The carbon emissions in the ESA was set against a 'planning assumption' of 37.5MtCo2 for UK aviation.</p> <p>An annual update to the CCCAP shall be submitted to the Local Planning Authority as part of the Airport Operational Monitoring Report. The update shall include:</p> <p>(b) an independent third-party audit/review of progress made against the CCCAP. This shall include recommendation for revising/updating the CCCAP with the Local Planning Authority within 6 months, if the updates show the Airport is not meeting previously agreed targets.</p> <p>(c) any updated carbon emissions targets in the light of new national policies and the means by which the airport operator will address and meet them, in particular revisions to the 'planning assumption' for carbon emissions from aviation, or inclusion</p>			<p>Within six months of the date of this permission a CCCAP shall be submitted to the Local Planning Authority for approval.</p> <p>An annual update to the CCCAP shall be submitted to the Local Planning Authority as part of the Airport Operational Monitoring Report. The update shall include:</p> <p>a) an independent third-party audit/review of progress made against the CCCAP. This shall include recommendation for revising/updating the CCCAP with the Local Planning Authority within 6 months, if the updates show the Airport is not meeting previously agreed targets.</p> <p>All approved measures within the CCCAP shall be implemented and complied with.</p>

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		<p>of non-carbon warming impacts, (where Bristol shall be assumed to have a share of the UK target in proportion to its passenger numbers).</p> <p>All approved measures within the CCCAP shall be implemented and complied with.</p>			
ATM's					
18	N/A	<p>There shall be no more than 107,532 Air Transport Movements (ATM's) at Bristol Airport, which includes take-off and landing movements, from 1 January to 31 December each year. Furthermore, not more than 295 ATM's shall take place in any 24-hour period, of which not more than 42 ATMs shall be between 23:00 Hours to 07:00 Hours within a 24-hour period, except these limits may be exceeded by up to 25%: that is up to 367 ATM's over a 24-hour period; and up to 53 ATM's between 23:00 Hours to 07:00 Hours, on not more than 92 occasions from 1 January to 31 December each year.</p> <p>The airport operator shall provide quarterly reports in writing to the local planning authority, within 28 days of the last day of each quarterly period, to show the quarterly and cumulative figures for each category comply with these limits and set out the steps it proposes to implement in order to prevent any exceedances of these limits. Once approved, those details shall be implemented and retained until superseded by any subsequently approved details.</p> <p>For the purposes of this condition, the limit to ATMs shall not apply to aircraft taking off or</p>	Reject	<p>BAL disagree with the movement caps proposed by NSC. Annual Movements are already controlled through the passenger cap; there is no evidence to support this additional control.</p> <p>The noise impacts are controlled through the proposed noise contours.</p> <p>Night Movements will already have three levels of control: overall movement limits in the core night for summer and winter seasons, QC budgets and a proposed night noise contour which covers the entire night period. Thereby inclusion of such a limit is not reasonable or necessary.</p>	BAL request this condition is removed.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		landing in the airport because of an emergency, instruction from Air Traffic Control or any other circumstance beyond control of the airport operator.			
Noise Contour					

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
19	<p>The area enclosed by the 57dB(A) LAeq, 16hr (07:00 hours - 23:00 hours) contour, when calculated and measured by the Aviation Environmental Design Tool (AEDT) Version 2.0d (or as may be amended) over a 92-day period between 16th June and 15th September shall not exceed 11.5 km² using the standardised average mode from the date of grant of this permission. Forecast aircraft movements and consequential noise contours for the forthcoming year shall be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.</p>	<p>The area enclosed by the 51 dB(A) LAeq, 16hr (07:00 hours - 23:00 hours) and 45 dB 23:00 Hours to 07:00 Hours noise contours, when calculated and measured by the Aviation Environmental Design Tool (AEDT) Version 2.0d (or as may be amended) over a 92-day period between 16th June and 15th September, shall not exceed the areas provided below; using the standardised average mode from the date of grant of this permission. Forecast aircraft movements and consequential noise contours for the forthcoming year shall be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.</p> <p>Area covered by the 51dB(A) LAeq, 16hr (07:00 hours - 23:00 hours) noise contour:</p> <ul style="list-style-type: none"> - 10 MPPA 2024 no more than 37.1 Km² - 10 MPPA 2030 no more than 30.7 Km² - 12 MPPA 2030 no more than 35.2 Km² <p>Area covered by the 45 dB(A) LAeq, 2300 to 0700 hours) noise contour:</p> <ul style="list-style-type: none"> - 10 MPPA 2024 no more than 47.8 Km² - 10 MPPA 2030 no more than 42.4 Km² - 12 MPPA 2030 no more than 50 Km² 	Alternative wording proposed	BAL disagrees with the proposed changes by NSC. BAL has considered a night noise contour and agrees that a contour will further protect the entire night period 2300-0659. Suggested wording is included.	<p>In this condition:</p> <p>“Daytime noise contour”</p> <p>The L_{Aeq,16hr} (07:00 to 22:59) noise contour calculated by the Aviation Environmental Design Tool (AEDT) Version 2.0d (or as may be amended) based on the 92-day period between 16th June and 15th September inclusive using the standardised average mode from the date of this permission.</p> <p>“Night-time noise contour”</p> <p>The L_{Aeq,8hr} (23:00 to 06:59) noise contour calculated by the Aviation Environmental Design Tool (AEDT) Version 2.0d (or as may be amended) based on the 92-day period between 16th June and 15th September inclusive using the standardised average mode from the date of this permission.</p> <p>The area enclosed by the 57dB daytime noise contour shall not exceed 11.5 km² from the date of grant of this permission.</p> <p>From 2030 the area enclosed by the 55dB night-time noise contour shall not exceed 6.8km².</p> <p>Forecast aircraft movements and consequential noise contours for the forthcoming year shall be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
20	The area enclosed by the 63, 60 and 57dB(A) Leq 16hr (07:00 hours to 23:00 hours) contours and the 55 dB LAeq,8hr summer night time contour (23:00 hours to 07:00 hours) for the forthcoming year shall be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.	The area enclosed by the 63, 60, 57, 54 and 51 dB(A) Leq 16hr (07:00 hours to 23:00 hours) noise contours and the 55 and 40 dB LAeq,8hr summer night time noise contour (23:00 hours to 07:00 hours) for the forthcoming year (from 1 January to 31 December each year) shall be reported to the Local Planning Authority annually within the Annual Operations Monitoring Report.	Accept	BAL have no comment.	
Night Flying					
21	<p>a) In this condition and the three following conditions:</p> <p>“airport manager” means the person (or persons) for the time being having the management of Bristol Airport or persons authorised by such person or persons;</p> <p>“maximum certificated weight” means the maximum landing weight or the maximum take-off weight, as the context may require, authorised in the certificate of airworthiness of an aircraft;</p> <p>“designated aerodromes” means by virtue of the Civil Aviation (Designation of Aerodromes) Order 1981(a) Heathrow Airport - London, Gatwick Airport London and Stansted Airport - London (‘the London Airports’) are designated aerodromes for the purposes of Section 78 of the Civil Aviation Act 1982 (‘the Act’);</p> <p>“quota” means the maximum permitted total of the quota counts of all aircraft taking off from or landing at Bristol Airport in question during any one season between 23.30 hours and 06.00 hours, and</p> <p>“quota count” means the amount of the quota assigned to one take-off or to one landing by any such aircraft, this amount being related to its noise classification as specified below;</p>	<p>In this condition and the three following conditions:</p> <p>“airport manager” means the person (or persons) for the time being having the management of Bristol Airport or persons authorised by such person or persons;</p> <p>“maximum certificated weight” means the maximum landing weight or the maximum take-off weight, as the context may require, authorised in the certificate of airworthiness of an aircraft;</p> <p>“designated aerodromes” means by virtue of the Civil Aviation (Designation of Aerodromes) Order 1981(a) Heathrow Airport - London, Gatwick Airport London and Stansted Airport - London (‘the London Airports’) are designated aerodromes for the purposes of Section 78 of the Civil Aviation Act 1982 (‘the Act’);</p> <p>“quota” means the maximum permitted total of the quota counts of all aircraft taking off from or landing at Bristol Airport in question</p>	Accept	BAL accept the proposed noise classifications as proposed by NSC.	No changes proposed.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording					
	<p>“the summer season’ means the period of British Summer Time in each year as fixed by or under the Summer Time Act 1972, and</p> <p>“the winter season” means the period between the end of British Summer Time in one year and the start of British Summer Time in the year next following.</p> <p>(b) For the purpose of this condition:</p> <p>(i) the noise classification of any aircraft shall be that set out as per those defined for designated aerodromes;</p> <p>(ii) subject to paragraph (i) and (iii), the quota count of an aircraft on take-off or landing shall be calculated on the basis of the noise classification for that aircraft on take-off or landing, as follows:</p> <p>Noise Classification</p> <p>Aircraft below 81 <u>EPNdB</u></p> <p>Aircraft between 81.83.9 <u>EPNdB</u></p>	<p>during any one season between 23.30 hours and 06.00 hours, and</p> <p>“quota count” means the amount of the quota assigned to one take-off or to one landing by any such aircraft, this amount being related to its noise classification as specified below;</p> <p>“the summer season’ means the period of British Summer Time in each year as fixed by or under the Summer-Time Act 1972, and</p> <p>“the winter season” means the period between the end of British Summer Time in one year and the start of British Summer Time in the year next following.</p> <p>(b) For the purpose of this condition:</p> <p>(i) the noise classification of any aircraft shall be that set out as per those defined for designated aerodromes;</p> <p>(ii) subject to paragraph (i) and (iii), the quota count of an aircraft on take-off or landing shall be calculated based on the noise classification for that aircraft on take-off or landing, as follows:</p> <table border="1" data-bbox="920 1098 1198 1423"> <thead> <tr> <th>Noise Level Band EPN dB</th> </tr> </thead> <tbody> <tr> <td>>102</td> </tr> <tr> <td>101 – 101.9</td> </tr> <tr> <td>100 – 100.9</td> </tr> <tr> <td>99-99.9</td> </tr> </tbody> </table>	Noise Level Band EPN dB	>102	101 – 101.9	100 – 100.9	99-99.9			
Noise Level Band EPN dB										
>102										
101 – 101.9										
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99-99.9										

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)		BAL decision on NSC Conditions	BAL comments		Suggested Alternative Draft Condition Wording	
	<p>Aircraft between 84-86.9 EPNdB</p> <p>Aircraft between 87-89.9 EPNdB</p> <p>Aircraft between 90-92.9 EPNdB</p> <p>Aircraft between 93-95.9 EPNdB</p> <p>Aircraft between 96-98.9 EPNdB</p> <p>Aircraft between 99-101.9 EPNdB</p> <p>Aircraft greater than 101.9 EPNdB</p> <p>(iii) Exempt aircraft are – those jet aircraft with a maximum certificated weight not exceeding 11,600 kg, those aircraft, which, from their noise data, are classified at less than 81 EPNdB shall not count towards the quota.</p> <p>(c) For the purposes of this condition, an aircraft shall be deemed to have taken off or landed at the time recorded by the Air Traffic Control Unit of Bristol Airport.</p> <p>(d) This condition shall take immediate effect at the start of the first full season (being the winter season or the summer season) following the commencement of development. Subject to the following provisions of this condition, the quota for the summer season shall be 1260, and the quota for the winter season shall be 900.</p> <p>(e) An aircraft with a quota-count of 2 or above shall not:</p>		98 – 98.9			4		
			97- 97.9			3.4		
			96 – 96.9			2.8		
			95 – 95.9			2		
			94 – 94.9			1.7		
			93 – 93.9			1.4		
			92 – 92.9			1		
			91 – 91.9			0.83		
			90 – 90.9			0.69		
			89 – 89.9			0.5		
			88 – 88.9			0.42		
			87 – 87.9			0.34		
			86 – 86.9			0.25		
			85 – 85.9			0.21		
			84 – 84.9			0.17		
			83 – 83.9			0.125		
			82 – 82.9			0.085		
		81 – 81.9			0.045			
		80 – 80.9			0.025			
		<80			0			

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	<p>(i) be scheduled to take off or land during the period 23.00 hours to 06.00 hours;</p> <p>(ii) be permitted to take off during the period 23.00 hours to 06.00 hours except in circumstances where: it was scheduled to take off prior to 23.00 hours; and take-off was delayed for reasons beyond the control of the air traffic operator.</p> <p>(f) An aircraft shall not be permitted to take off or be scheduled to land during the period 23:30 hours to 06:00 hours where:</p> <p>(i) the operator of the aircraft has not provided (prior to its take-off or prior to its scheduled landing time as appropriate) sufficient information (such as aircraft type or registration) to enable the airport manager to verify its noise classification and thereby its quota count; or</p> <p>(ii) the operator claims that the aircraft is an exempt aircraft, but the aircraft does not, on the evidence available to the airport manager, appear to be an exempt aircraft.</p> <p>(g) If any part of that quota remains unused in any one season, the amount of the shortfall up to a maximum of 10% shall be added to the quota for the subsequent season.</p> <p>(h) The 10% value expressed in (g) shall be reduced on a progressive basis in accordance with the following schedule:</p>	<p>(iii) Exempt aircraft are – those jet aircraft with a maximum certificated weight not exceeding 11,600 kg, those aircraft, which, from their noise data, are classified at less than 81 EPNdB shall not count towards the quota.</p> <p>(c) For the purposes of this condition, an aircraft shall be deemed to have taken off or landed at the time recorded by the Air Traffic Control Unit of Bristol Airport.</p> <p>(d) This condition shall take immediate effect at the start of the first full season (being the winter season or the summer season) following the commencement of development. Subject to the following provisions of this condition, the quota for the summer season shall be 1260, and the quota for the winter season shall be 900.</p> <p>(e) An aircraft with a quota-count of 2 or above shall not:</p> <p>(i) be scheduled to take off or land during the period 23.00 hours to 06.00 hours;</p> <p>(ii) be permitted to take off during the period 23.00 hours to 06.00 hours except in circumstances where: it was scheduled to take off prior to 23.00 hours; and take-off was delayed for reasons beyond the control of the air traffic operator.</p> <p>(f) An aircraft shall not be permitted to take off or be scheduled to land during the period 23:30 hours to 06:00 hours where:</p>			

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	<p>Timeline</p> <table border="1"> <tr> <td data-bbox="302 496 734 544">In the first 2 seasons which begin 12 months after the commencement of development.</td> </tr> <tr> <td data-bbox="302 560 734 608">In the 2 seasons which begin 2 years after the commencement of development.</td> </tr> <tr> <td data-bbox="302 624 734 671">In the 2 full seasons which begin 3 years after the commencement of development.</td> </tr> <tr> <td data-bbox="302 687 734 735">In the 2 full seasons which begin 4 years after the commencement of development.</td> </tr> <tr> <td data-bbox="302 751 734 799">In the 2 full seasons which begin 5 years after the commencement of development.</td> </tr> </table> <p>(i) An aircraft shall not be permitted to take off or be scheduled to land during the period 23.00 hours to 07.00 hours where:</p> <p>(i) An aircraft shall not be permitted to take off or be scheduled to land during the period 23.00 hours to 07.00 hours where:</p> <p>(ii) the operator claims that the aircraft is an exempt aircraft, but the aircraft does not, on the evidence available to the airport manager, appear to be an exempt aircraft.</p> <p>(j) This condition shall not apply to any take-off or landing, which is made: (i) where the airport manager decides, on reasonable grounds, to disregard for the purposes of this condition a take-off or landing by a flight</p>	In the first 2 seasons which begin 12 months after the commencement of development.	In the 2 seasons which begin 2 years after the commencement of development.	In the 2 full seasons which begin 3 years after the commencement of development.	In the 2 full seasons which begin 4 years after the commencement of development.	In the 2 full seasons which begin 5 years after the commencement of development.	<p>(i) the operator of the aircraft has not provided (prior to its take-off or prior to its scheduled landing time as appropriate) enough information (such as aircraft type or registration) to enable the airport manager to verify its noise classification and thereby its quota count; or</p> <p>(ii) the operator claims that the aircraft is an exempt aircraft, but the aircraft does not, on the evidence available to the airport manager, appear to be an exempt aircraft.</p> <p>(g) If any part of that quota remains unused in any one season, the amount of the shortfall up to a maximum of 10% shall be added to the quota for the subsequent season.</p> <p>(h) The 10% value expressed in (g) shall be reduced on a progressive basis in accordance with the following schedule:</p> <table border="1"> <tr> <td data-bbox="862 991 1205 1070">Timeline</td> </tr> <tr> <td data-bbox="862 1070 1205 1126">In the first 2 seasons which begin commencement of devel</td> </tr> <tr> <td data-bbox="862 1126 1205 1182">In the 2 seasons which begin commencement of devel</td> </tr> <tr> <td data-bbox="862 1182 1205 1238">In the 2 full seasons which beg commencement of devel</td> </tr> <tr> <td data-bbox="862 1238 1205 1294">In the 2 full seasons which beg commencement of devel</td> </tr> <tr> <td data-bbox="862 1294 1205 1350">In the 2 full seasons which beg commencement of devel</td> </tr> </table> <p>(l) An aircraft shall not be permitted to take off or be scheduled to land</p>	Timeline	In the first 2 seasons which begin commencement of devel	In the 2 seasons which begin commencement of devel	In the 2 full seasons which beg commencement of devel	In the 2 full seasons which beg commencement of devel	In the 2 full seasons which beg commencement of devel			
In the first 2 seasons which begin 12 months after the commencement of development.																
In the 2 seasons which begin 2 years after the commencement of development.																
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NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	<p>carrying or arriving to collect cargoes, such as medical supplies, required urgently for the relief of suffering, but not cargoes intended for humanitarian purposes where there is no special urgency;</p> <p>(ii) where the airport manager decides to disregard for the purposes of this condition a take-off or landing in any of the following circumstances:</p> <ul style="list-style-type: none"> • delays to aircraft, which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers or animals; • where an aircraft, other than an aircraft with a quota count of 4 or above, is scheduled to land after 06:30 hours but lands before 06:00 hours; <p>Provided that, for the avoidance of doubt, where an aircraft is scheduled to land between 06.00 hours and 06.30 hours but lands before 06.00 hours, that landing shall count towards the quota. It shall be the duty of the airport manager to notify the Local Planning Authority in writing, within one month from it occurring, of any occasion (whether a single occasion or one of a series of occasions) to which this paragraph applies.</p> <p>(k) This condition shall not apply to any take-off or landing which is made in an emergency consisting of an immediate danger to life or health, whether human or animal.</p>	<p>during the period 23.00 hours to 07.00 hours where:</p> <p>(i) the operator of the aircraft has not provided (prior to its take-off or prior to its scheduled landing time as appropriate) sufficient information (such as aircraft type or registration) to enable the airport manager to verify its noise classification and thereby its quota count; or</p> <p>(ii) the operator claims that the aircraft is an exempt aircraft, but the aircraft does not, on the evidence available to the airport manager, appear to be an exempt aircraft.</p> <p>(j) This condition shall not apply to any take-off or landing, which is made:</p> <p>(i) where the airport manager decides, on reasonable grounds, to disregard for the purposes of this condition a take-off or landing by a flight carrying or arriving to collect cargoes, such as medical supplies, required urgently for the relief of suffering, but not cargoes intended for humanitarian purposes where there is no special urgency;</p> <p>(ii) where the airport manager decides to disregard for the purposes of this condition a take-off or landing in any of the following circumstances:</p> <ul style="list-style-type: none"> • delays to aircraft, which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers or animals; 			

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		<ul style="list-style-type: none"> • delays to aircraft resulting from widespread and prolonged disruption of air traffic; • where an aircraft, other than an aircraft with a quota count of 4 or above, is scheduled to land after 06:30 hours but lands before 06:00 hours; <p>Provided that, for the avoidance of doubt, where an aircraft is scheduled to land between 06.00 hours and 06.30 hours but lands before 06.00 hours, that landing shall count towards the quota.</p> <p>It shall be the duty of the airport manager to notify the Local Planning Authority in writing, within one month from it occurring, of any occasion (whether a single occasion or one of a series of occasions) to which this paragraph applies.</p> <p>(k) This condition shall not apply to any take-off or landing which is made in an emergency consisting of an immediate danger to life or health, whether human or animal.</p> <p>Reason: To ensure that the proposed development does not give rise to unacceptable levels of night noise in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM50 of the North Somerset Sites and Policies Plan Part 1.</p> <p><u>Notes</u></p>			

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		<ul style="list-style-type: none"> <li data-bbox="869 347 1189 443">• A difference in noise levels of 3 decibels represents a doubling or halving of noise energy. <li data-bbox="869 475 1189 730">• Consequently, the existing QC system based on 3 decibel bands means it works on the principle that an aircraft classified QC/1 has half the noise energy as an aircraft classified QC/2 and twice the noise energy as aircraft classified QC/0.5. <li data-bbox="869 762 1189 1193">• However, this is only approximate as aircraft rated at 90.1 EPN dB in the bottom of QC 1 and 95.9 EPN dB at the top of QC 2 would differ by 5.8dB, representing almost a four-fold difference in noise energy, but a difference in QC of only 1. This can lead to an underestimation of the size of the night-time noise contours and therefore people affected, although the aircraft may comply with the QC system. <li data-bbox="869 1225 1189 1359">• To reduce the risk of the above happening this condition would propose changing the banding of the QC system to 1 dB (as used at London City 			

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		Airport) as shown in the table in the draft condition.			
22	The total number of aircraft movements at the airport including take-offs and landings between the hours of 23:30 hours and 06:00 hours for 12 months (for the avoidance of doubt this will be two adjoining seasons of Summer and Winter) shall not exceed 4000. For the purposes of this condition flights falling within the categories listed in condition 18 sub-clause j and k shall not be included. For clarity, a take-off or a landing shall comprise 1 movement.	The total number of aircraft movements at the airport including take-offs and landings between the hours of 23:30 hours and 06:00 hours for 12 months (for the avoidance of doubt this will be two adjoining seasons of Summer and Winter) shall not exceed 4000. For the purposes of this condition flights falling within the categories listed in the previous condition sub-clause j and k shall not be included. For clarity, a take-off or a landing shall comprise 1 movement.	Accept	No change	
23	The total number of take-offs and landings between 06:00 hours and 07:00 hours and between 23:00 hours and 23:30 hours (the 'shoulder periods') shall not exceed 9,500 in any calendar year. For the purposes of this condition, flights falling within the categories listed in 18 sub-clause j and k shall not be included.	The total number of take-offs and landings between 06:00 hours and 07:00 hours and between 23:00 hours and 23:30 hours (the 'shoulder periods') shall not exceed 9,500 in any calendar year. For the purposes of this condition, flights falling within the categories listed in condition 20 sub-clause j and k shall not be included.	Accept	BAL accept the proposed changes.	
Ground Noise					
24	Auxiliary Power Units shall not be used on stands 38 and 39 as shown on the approved plans between the hours of 23:00 and 06:00.	Auxiliary Power Units shall not be used on stands 38 and 39 as shown on the approved plans between the hours of 23:00 and 07:00.	TBC	BAL is considering this further and reserves its position in this respect.	
Off-site Highway Works					
25	The highway improvements to the A38 and Downside Road and associated works to the West Lane junction (Site 'O' on Site Reference Plan – Drawing Number 17090-00-100-402) shall not begin until the following details have been submitted to and approved in writing by the Local Planning Authority: a) The existing and proposed finished surface levels of the carriageway and adjoining foot and cycle paths;	The highway improvements to the A38 and Downside Road and associated works to the West Lane junction shown in drawing number C112-SK-A3800101 Rev 11.0 shall not begin until the following details have been submitted to and approved in writing by the Local Planning Authority: a) The existing and proposed finished surface levels of the carriageway and adjoining foot and cycle paths;	Accept	BAL accept the proposed changes.	

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	<p>b) Clarification of all existing boundary walls, fences and other enclosures to be removed to make way for the highway works, together with details of their replacement in terms of the position, appearance, height and materials; and</p> <p>c) Details of all retaining structures that are required to support the abutment between the highway works and adjoining land in terms of the location, height, and exterior materials for any surfaces of the retaining structures that are above ground.</p> <p>The highway works shall be carried out in accordance with the approved details</p>	<p>b) Clarification of all existing boundary walls, fences and other enclosures to be removed to make way for the highway works, together with details of their replacement in terms of the position, appearance, height and materials; and</p> <p>c) Details of all retaining structures that are required to support the abutment between the highway works and adjoining land in terms of the location, height, and exterior materials for any surfaces of the retaining structures that are above ground.</p> <p>The highway works shall be carried out in accordance with the approved details.</p>			
Highways England					
Originally condition 23	<p>The passenger throughput at Bristol Airport shall not exceed 11 million passengers in any 12-month period (to be taken from 1st January to 31st December unless a different 12 month-start and end date is agreed) unless:</p> <p>i) a detailed scheme for improvement works at M5 junction 22/A38 Edithmead roundabout, comprising the full signalisation of the A38 Edithmead roundabout, have been submitted to and approved in writing by the Local Planning Authority (in consultation with the local Highway Authority and Highways England) and have been implemented in full and are open to traffic; or</p> <p>ii) details of an alternative scheme, to ensure that the predicted traffic effects at M5 junction 22 caused by the development are mitigated to at least the same extent as scheme (i) have been submitted to and approved in writing by the Local Planning Authority (in consultation with the local Highway Authority and Highways England) and</p>		Reject	NSC are seeking to remove this as a condition and move it into the Section 106 Agreement. The preference from BAL and from Highways England is for this to be retained as a planning condition and NSC have offered no justification as to why this would not be appropriate as a planning condition.	<p>Condition to be re-instated:</p> <p>The passenger throughput at Bristol Airport shall not exceed 11 million passengers in any 12-month period (to be taken from 1st January to 31st December unless a different 12 month-start and end date is agreed) unless:</p> <p>(i) a detailed scheme for improvement works at M5 junction 22/A38 Edithmead roundabout, comprising the full signalisation of the A38 Edithmead roundabout, have been submitted to and approved in writing by the Local Planning Authority (in consultation with the local Highway Authority and Highways England) and have been implemented in full and are open to traffic; or</p> <p>ii) details of an alternative scheme, to ensure that the predicted traffic effects at M5 junction 22 caused by the development are mitigated to at least the same extent as scheme (i) have been submitted to and approved in writing by the Local Planning Authority (in consultation with the local Highway Authority and Highways England)</p>

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	have been implemented in full and are open to traffic.				<p>and have been implemented in full and are open to traffic.</p> <p>Reason: To ensure the safe and efficient operation of the Strategic Road Network and in accordance with paragraphs 102 and 108 of the National Planning Policy Framework.</p>
Landscaping					
26	<p>Details of the planting, ecology and management proposals for the numbered areas shown in the 'Integrated / embedded landscape, visual and ecology mitigation master plan (Drawing Number 40506-Bri075c), including a timetable for the implementation of each element, shall be submitted to and approved by the Local Planning Authority within 6 months of the construction of the first component of the development hereby permitted. The development shall be carried out in accordance with the approved details.</p>	<p>No development shall begin until the landscape planting and landscape improvement areas that are shown in the 'Integrated / embedded landscape, visual and ecology mitigation masterplan' (Drawing Number 40506-Bri075c) have been developed into detailed landscape designs for each area. These shall be submitted to and approved by the Local Planning Authority before the landscape works are carried out and they shall include the following details:</p> <ul style="list-style-type: none"> a) Existing and proposed finished ground levels; b) Existing trees, shrubs, hedges or other soft features to be removed and retained; c) Details of the location and type of tree protection measures; d) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix of all new planting; e) Details of how the soft landscaping will enhance the biodiversity value f) Details of hard-landscaping; g) The location of any services; h) A timetable for implementing the approved landscaping works for each area. i) A management plan of the landscaping scheme, including maintenance details and a timescale for implementation of the planting. <p>The details shall be implemented as approved.</p>	Accept	BAL accept the proposed changes.	

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
27	<p>For those components of the development hereby permitted where landscaping is a reserved matter, the development of each of those components shall not commence until full landscaping specifications for the relevant component have been submitted to and approved by the Local Planning Authority. This shall include:</p> <ul style="list-style-type: none"> a) Existing and proposed finished ground levels; b) Existing trees, shrubs, hedges or other soft features to be removed and retained; c) Details of the location and type of tree protection measures; d) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix of all new planting; e) Details of hard-landscaping; f) The location of any services; g) A management plan of the landscaping scheme, including maintenance details and a timescale for implementation of the planting. <p>The development shall be carried out in accordance with the approved landscape details.</p>	<p>Where landscaping is a reserved matter for different phases or components, of development, those phases/components shall not commence until full landscaping specifications for that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> a) Existing and proposed finished ground levels; b) Existing trees, shrubs, hedges or other soft features to be removed and retained; c) Details of the location and type of tree protection measures; d) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix of all new planting; e) Details of how the soft landscaping will enhance the biodiversity value f) Details of hard-landscaping; g) The location of any services; h) A timetable for implementing the approved landscaping i) A management plan of the landscaping scheme, including maintenance details and a timescale for implementation of the planting. <p>The development shall be carried out in accordance with the approved landscape details.</p>	Accept	BAL accept the proposed changes.	
Biodiversity Construction Management Plan					
31	<p>Prior to the commencement of the first component of the development hereby permitted (including demolition, ground works or vegetation clearance), a Biodiversity Construction Management Plan (BCMP) shall be submitted to and approved in writing by the Local Planning Authority. The BCMP shall include the following:</p> <ul style="list-style-type: none"> i) A risk assessment of potentially damaging construction activities including enabling works and construction requirements (e.g. construction lighting, vehicle movements, etc). 	<p>Prior to the commencement of development hereby permitted (including demolition, ground works or vegetation clearance), a Biodiversity Construction Management Plan (BCMP) shall be submitted to and approved in writing by the Local Planning Authority. The BCMP shall include the following:</p> <ul style="list-style-type: none"> i) A risk assessment of potentially damaging construction activities including enabling works and construction requirements (e.g. construction lighting, vehicle movements, etc). 	Alternative wording proposed	BAL accept the proposed changes with the exception that it is reasonable to include the previously agreed wording for adherence to the BCMP at all times unless otherwise agreed in writing by the Local Planning Authority.	<p>Prior to the commencement of development hereby permitted (including demolition, ground works or vegetation clearance), a Biodiversity Construction Management Plan (BCMP) shall be submitted to and approved in writing by the Local Planning Authority. The BCMP shall include the following:</p> <ul style="list-style-type: none"> i) A risk assessment of potentially damaging construction activities including enabling works and construction requirements (e.g.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
	<p>ii) Identification of “biodiversity protection zones” .</p> <p>iii) Practical measures to avoid, reduce or mitigate impacts on designated sites, habitats and protected and notable species during construction. This shall include a detailed updated survey and mitigation strategy for any badger setts within the footprint of the proposed works.</p> <p>iv) The location and timings of sensitive works to avoid harm to biodiversity features, including details of timing and phasing to avoid impacts on horseshoe bats. This shall include details of the timing and phasing of vegetation removal to ensure that flight lines suitable for use by horseshoe bats are retained and details of construction lighting</p> <p>v) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>vi) Responsible persons and lines of communication.</p> <p>vii) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.</p> <p>viii) Use of protective fences, exclusion barriers and warning signs, including protection of boundary features suitable for use by horseshoe bats.</p> <p>The approved BCMP shall be adhered to at all times throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.</p>	<p>ii) Identification of “biodiversity protection zones” .</p> <p>iii) Practical measures to avoid, reduce or mitigate impacts on designated sites, habitats and protected and notable species during construction. This shall include a detailed updated survey and mitigation strategy for any badger setts within the footprint of the proposed works.</p> <p>iv) The location and timings of sensitive works to avoid harm to biodiversity features, including details of timing and phasing to avoid impacts on horseshoe bats. This shall include details of the timing and phasing of vegetation removal to ensure that flight lines suitable for use by horseshoe bats are retained and details of construction lighting</p> <p>v) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>vi) Responsible persons and lines of communication.</p> <p>vii) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.</p> <p>viii) Use of protective fences, exclusion barriers and warning signs, including protection of boundary features suitable for use by horseshoe bats.</p> <p>The approved BCMP shall be adhered to at all times.</p>			<p>construction lighting, vehicle movements, etc).</p> <p>ii) Identification of “biodiversity protection zones” .</p> <p>iii) Practical measures to avoid, reduce or mitigate impacts on designated sites, habitats and protected and notable species during construction. This shall include a detailed updated survey and mitigation strategy for any badger setts within the footprint of the proposed works.</p> <p>iv) The location and timings of sensitive works to avoid harm to biodiversity features, including details of timing and phasing to avoid impacts on horseshoe bats. This shall include details of the timing and phasing of vegetation removal to ensure that flight lines suitable for use by horseshoe bats are retained and details of construction lighting</p> <p>v) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>vi) Responsible persons and lines of communication.</p> <p>vii) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.</p> <p>viii) Use of protective fences, exclusion barriers and warning signs, including protection of boundary features suitable for use by horseshoe bats.</p> <p>The approved BCMP shall be adhered to at all times throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.</p>
Lighting					

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
34	<p>No additional or revised external lighting of any type shall be installed until a detailed external lighting design strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be consistent with the framework provided in the: 'Lighting Impact Assessment' (Hydrock, December 2018) and 'Lighting Impact Assessment - Additional Study' Document C-09194_P01 (Hydrock 2019), including measures to ensure light spill onto habitats suitable for horseshoe bats is below 0.5 lux. The detailed strategy shall include:</p> <ul style="list-style-type: none"> i) Identification of areas/features on site that are sensitive for bats; ii) Details of the type, number, location and height of the proposed lighting, including lighting columns; iii) Existing lux levels affecting the site; iv) The predicted lux levels; and v) Lighting contour plans <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.</p> <p>No other external lighting shall be installed without prior consent from the local planning authority.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, no phase or element of development hereby permitted at Sites 'A', 'K', 'L' or 'M' as shown in the Site Reference Plan (Drawing Number 17090-00-100-402-00) shall be commenced until a detailed external lighting design strategy for that phase or element of development, has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be consistent with the framework provided in the: 'Lighting Impact Assessment' (Hydrock, December 2018) and 'Lighting Impact Assessment - Additional Study' Document C-09194_P01 (Hydrock 2019), including measures to ensure light spill onto habitats suitable for horseshoe bats is below 0.5 lux. The detailed strategy for each phase/element shall include:</p> <ul style="list-style-type: none"> i) Identification of areas/features on site that are sensitive for bats; ii) Details of the type, number, location and height of the proposed lighting, including lighting columns; iii) Existing lux levels affecting the site; iv) The predicted lux levels; and v) Lighting contour plans <p>All external lighting shall be installed in accordance with the approved lighting strategy/details. No other external lighting shall be installed without prior consent from the local planning authority.</p>	Accept	BAL accept the proposed changes.	
Groundwater Contamination					

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
36	<p>Prior to the commencement of each individual component of the approved development, a site investigation of the relevant related area shall take place to confirm ground conditions and identify any existing contamination. If contamination is present, a remediation strategy shall be developed before development of the relevant component commences. If remediation is required, it shall be subject to verification to confirm that the land is suitable for use for the relevant component. A site investigation strategy, site investigation report, remediation strategy and remediation verification report for the relevant component shall be provided in writing to the Local Planning Authority and Environment Agency prior to the construction phase of the relevant component commencing. Development of each individual component shall be carried out in accordance with the requirements of the relevant approved reports.</p>	<p>No phase or component of development shall take place until an assessment of the nature and extent of contamination on that site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not, it originates on the site. Moreover, it must include:</p> <p>(i) a survey of the extent, scale and nature of contamination;</p> <p>(ii) an assessment of the potential risks to:</p> <ul style="list-style-type: none"> • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, and • archaeological sites and ancient monuments 	Accept	BAL accept the proposed changes	
37	N/A	<p>Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p>	Accept	BAL accept the proposed changes	

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
		The development shall take place in accordance with the approved remediation scheme.			
38	N/A	The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.	Alternative wording proposed	BAL propose alternative wording as 6 months is more reasonable.	The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.
42	Class 1 interceptors shall be installed by the developer in all new areas of development where re-fuelling activities take place. These shall be of sufficient size to intercept and contain the maximum hydrocarbon/chemical loss that could occur as a result of a release from a fuel supply lorry or release from an aircraft plus 10-20%. Details shall be agreed in writing with the Local Planning Authority.	Class 1 interceptors shall be installed by the developer in all new areas of development where re-fuelling activities take place. These shall be of sufficient size to intercept and contain the maximum hydrocarbon/chemical loss that could occur as a result of a release from a fuel supply lorry or release from an aircraft plus 10-20%. Details shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details. No refuelling shall take place in areas without Class 1 interceptors	Alternative wording proposed	BAL proposes alternative wording to clarify the point that no refuelling for new development shall take place in areas without Class 1 interceptors.	Class 1 interceptors shall be installed by the developer in all new areas of development where re-fuelling activities take place. These shall be of sufficient size to intercept and contain the maximum hydrocarbon/chemical loss that could occur as a result of a release from a fuel supply lorry or release from an aircraft plus 10-20%. Details shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details. In all areas where operational development is authorised under this planning permission, no refuelling shall take place in areas without Class 1 interceptors.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
BREEM					
45	The extensions to the passenger terminal hereby approved shall not be occupied until the measures to generate 15% of the on-going energy requirements of the use of the building (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational. Thereafter, the approved technologies shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.	The extensions to the passenger terminal hereby approved shall not be commenced until details of a scheme that generates 15% of the on-going energy requirements for the use of each extension to the passenger terminal through micro renewable or low-carbon technologies have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented during the construction phase and they shall be fully operational before the extensions are brought into use. Thereafter, the approved technologies shall be retained in full working order.	Accept	BAL accept the proposed changes.	
AOMP					
47	An Annual Operations Monitoring Report shall be submitted to the Local Planning Authority no later than 31 May each year. The Report should provide statistical information on the operational activities which occur at Bristol Airport and associated monitoring of environmental performance covering: <ul style="list-style-type: none"> the number of passengers per annum; the number of night time flights per annum; the number of flights in the shoulder period per annum; the quota count score for the preceding British Summer Time and British Winter Time respectively 	An annual Operations Monitoring Report from 1 January to 31 December shall be submitted annually to the Local Planning Authority within 3 months of the end of year period each year. The Report should provide statistical information on the operational activities which occur at Bristol Airport and associated monitoring of environmental performance covering all matters set out in conditions 18 to 23 inclusive and the following points: <ul style="list-style-type: none"> the number of passengers per annum; the number of Air Traffic Movements per annum the number of night time flights per annum; the number of flights in the shoulder period per annum; the quota count score for the preceding British Summer Time and British Winter Time respectively 	Alternative wording proposed	BAL seeks agreement for the AOMP to be submitted annually within 6 months of the end of the year period. Final wording needs to be agreed once conditions on air noise are agreed. BAL proposes draft alternative wording.	An annual Operations Monitoring Report from 1 January to 31 December shall be submitted annually to the Local Planning Authority within 6 months of the end of year period each year. The Report should provide statistical information on the operational activities which occur at Bristol Airport and associated monitoring of environmental performance covering all matters set out in conditions [TBC] inclusive and the following points: <ul style="list-style-type: none"> the number of passengers per annum; the number of night time flights per annum; the number of flights in the shoulder period per annum; the quota count score for the preceding British Summer Time and British Winter Time respectively.

NSC Condition No.	Committee Report drafting (February 2020)	NSC Proposed Planning Conditions (May 2021)	BAL decision on NSC Conditions	BAL comments	Suggested Alternative Draft Condition Wording
Permitted Development Rights					
46	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order amending or revoking and re-enacting that Order, no development, other than that authorised by this planning permission, shall take place outside the 'Operational Boundary' or within the operational boundary on land to the east side of the A38 as shown in Drawing Number 17090-00-100-411 Rev O without the permission, in writing, of the Local Planning Authority.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order amending or revoking and re-enacting that Order, no development, other than that authorised by this planning permission, shall take place within (1) the southern-most plot adjoining plot adjoining the Silver Zone parking area shown in the Proposed Site Plan (Drawing Number 17090-00-100-407-00) and (2) the land to the east side of the A38 as shown in Drawing Number 17090-00-100-411 Rev O without the permission, in writing, of the Local Planning Authority.	Further information required	BAL seeks further clarification from NSC on what Plot (1) is. This needs to be identified on a plan for BAL to confirm agreement.	

Appendix E

Planning and Regulatory Committee Report: Application Reference 16/P/1486/F

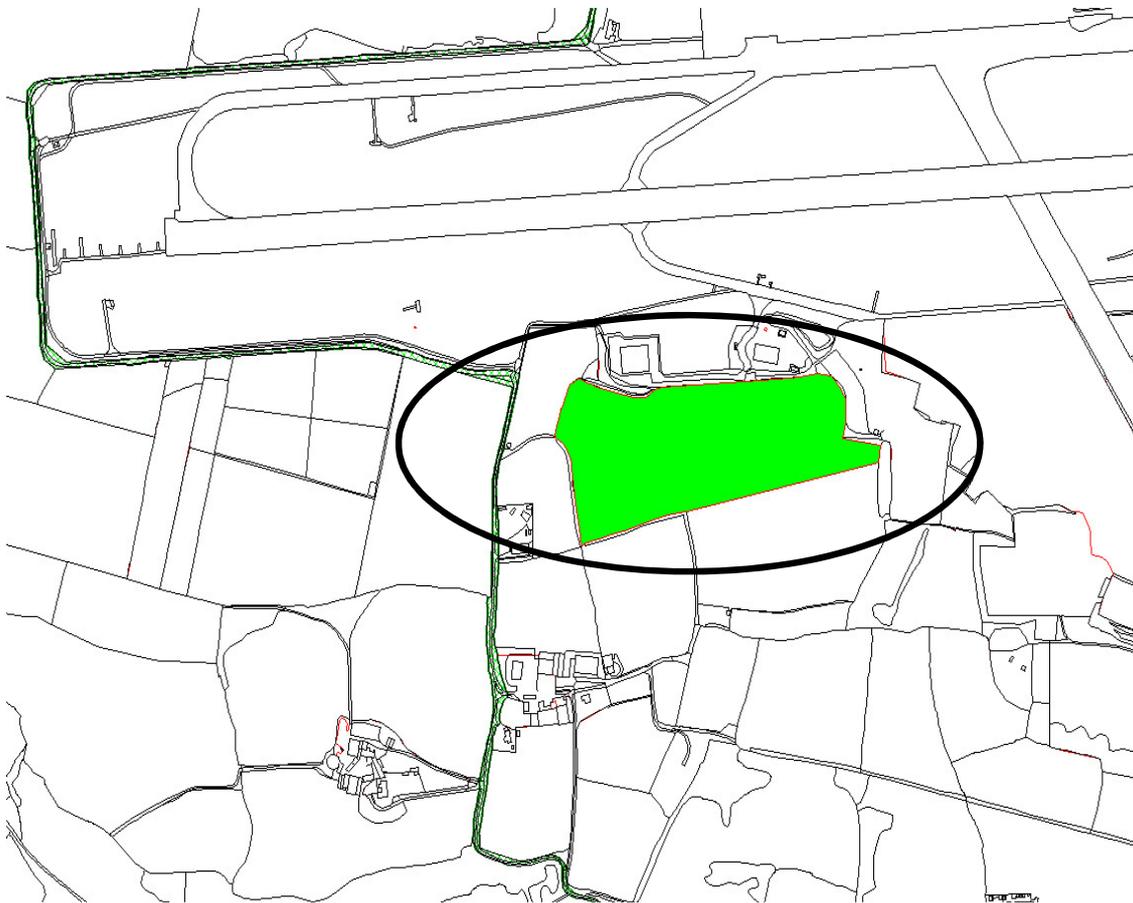


Planning and Regulatory Committee 14.09.16

SECTION 1

APPLICATION NO: 16/P/1486/F	CASE OFFICER: Neil Underhay
APPLICANT: Bristol Airport	Extended expiry date:
PARISH/WARD: Wrington/Wrington WARD COUNCILLOR(S): Cllr Mrs D J Yamanaka	TARGET DATE: 19 September 2016
SITE ADDRESS: Bristol Airport, North Side Road, Felton, BS48 3DY	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 1

7. **Section 1: 16/P/1486/F Development of car parking with associated temporary lighting, fencing and landscaping on agricultural land, providing approximately 3,650 long stay car parking spaces for use in peak months May-October and forming an extension to the existing Silver Zone car park at Bristol Airport.**

REFERRED BY COUNCILLOR YAMANAKA

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

Background

Outline planning permission (reference number 09/P/1020/OT2) was granted in 2011 for comprehensive development at Bristol Airport to increase its operational capacity to 10 million passengers per annum. The permission includes over 30 different developments including, of relevance to this application, the following additional car parking:

- A seasonal car park for use between May and October each year to be delivered in two phases on the 'Cogloop' land (also known as sites 'C1' and 'C2') totalling 3650 spaces.
- A multi-storey car park to the north of the passenger terminal to be delivered in two phases totalling 3850 car parking spaces.
- An extension to the 'Silver Zone' long stay car park on land known as the 'Cornerpool' land or Site 'U'.

Condition 7 of the outline planning permission says the first phase of the seasonal car park (Site 'C1') cannot be brought into use until the first phase of the multi-storey car park (1829 spaces) is in use. Condition 8 requires that the second and final phase of the seasonal car park (Site 'C2') shall not be brought into use until passenger numbers have reached 9 million passengers per annum. Condition 9 says seasonal car park (sites 'C1' and 'C2') can only be used between 1st May and 31st October in any year.

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This application is to bring forward the release of the previously approved Cogloop land in advance of the construction of the multi storey car park (which is the subject of a separate application elsewhere on this agenda)

The Site

The site is approximately 7.8 hectares in area and is located to the south of the runway and adjacent to the airport's fire training ground and snow base. It is currently used for grazing.

The Application

Full planning permission is sought to provide 3,650 seasonal car parking spaces to be used from May to October each year. This will be a single phase development which is intended to be operational from 2017. The proposed development comprises the following elements:

- new asphalt access and egress from the existing Silver Zone Car Park in the north east and south east corners;
- grass car parking bays with asphalt aisles;
- security fence to car park perimeter of height 3 m;
- replacement of existing fence around field perimeter with stock proof boundary fence with barb wire;
- associated signage;
- temporary (seasonal) lighting;
- closed circuit television (CCTV);
- associated services (electrical supply, foul and storm water drainage including SuDS etc.); and
- landscaping and ecological enhancements including a 2 m high landscape bund along the site's south and west edges.

Vehicles would gain access to the site via the A38 roundabout and report to the Silver Zone reception where cars would be valet parked. The existing dedicated 24-hour courtesy bus service would transfer passengers to and from the pick-up / drop off zone directly outside the terminal building.

Relevant Planning History

There is a long planning history for Bristol Airport. Most of the planning history does not have a direct bearing on this application and only those applications listed below relate to car parking. From this list it can be seen that there are a number of other recent planning applications currently under consideration. Application 16/P/1455/F which related to a Multi-Storey Car Park (MSCP) to the north of the passenger terminal is most relevant. There are some overlapping

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issues between that application and this proposal and it is necessary to consider both applications at the same time. A separate report on the MSCP is made to this committee.

Year	Reference	Proposal	Decision
2016	16/P/1795/RM	Reserved Matters application for new car park reception building (Silver Zone)	Pending
2016	16/P/1455/F	1,878 space multi-storey car park	Pending
2016	16/P/1440/F	Extension to staff car park to provide 196 additional spaces	Pending
2016	16/P/0924/EIA1	Environmental Impact Assessment Screening Opinion for seasonal car park	EIA not required
2015	15/P/0057/RM	Reserved Matter for Silver Zone car park extension	Approved
2011	09/P/1020/OT2	Comprehensive development to increase airport capacity to 10 million passengers per annum	Approved

Policy Framework

The Development Plan comprises:

- The Sites and Policies Plan Part 1: Development Management Policies (DMP) July 2016
- North Somerset Core Strategy (CS) 2012
- North Somerset Replacement Local 2007 (RLP) – Remaining Saved Policies (2016)
- West of England Joint Waste Core Strategy – March 2011
- North Somerset Waste Local Plan – 2002

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Sites and Policies Plan Part 1 – Development Management Policies

The Sites and Policies Plan Part 1: Development Management Policies (DMP) was adopted on 19th July 2016 and it replaces the majority of the ‘Saved’ policies in the RLP. The following policies from the DMP are material to this appeal. The following policies are relevant to this application.

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc. associated with development
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM29	Car parks
DM30	Off-airport car parking
DM50	Bristol Airport
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset’s Green Belt
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS23	Bristol Airport
CS34	Infrastructure delivery and Development Contributions

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*** Core Strategy - High Court Challenge**

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies is currently taking place.

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section	Section heading
1	Building a strong, competitive economy
4	Promoting sustainable transport
5	Supporting high quality communications infrastructure
7	Requiring good design
9	Protecting Green Belt Land
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties:

The Parish Councils' Airport Association (PCAA) objects to the application on the following grounds:

- Early delivery of the Cogloop car park is a departure from the existing consent and the airport has not demonstrated 'very special circumstances' to justify the amendment to phasing.
- This proposal in tandem with other car parking and other developments on the south side of the airport contributes to an over-development in the Green Belt. Permitted development rights should be removed until the airport

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- complies with planning consent of application 09/1020/OT2 and 106 Agreement.
- Bristol Airport is a leisure airport with only 13% business passengers, who are most likely to use the multi-storey car park. It is unlikely that the multi-storey car park will be built but that the airport will in time request that Cogloop land is used all year.
 - The S106 Agreement for planning application 09/P/1020/OT2 states the reason for the conditions was to *'ensure that priority to development in the Green Belt inset in accordance with policy RD/3 of the North Somerset Replacement Plan'* and to *'limit the effects of the proposed development on the surrounding countryside in accordance with policy RD/3 of the North Somerset Replacement Plan'*. Development of this site earlier than necessary does not to comply with North Somerset Local Development Framework Core Strategy policies CS1, CS3, CS4, CS5 and CS6 and policies within Development Management Policies DM8, DM10 and DM24.
 - Increased low cost car parking undermines public transport policies and policy CS10 and policy DM24.
 - Bristol Airport must now find suitable sites for car parking services outside the Green Belt with public transport transfers to and from the airport.
 - Policy support for the airport and benefits to the south west region are many but the airport has excluded any reference to the tourist deficit created as more holiday passengers fly out than in. From the Office of National Statistics the tourist deficit stands at £20b. Policies both economic and environmental should be given equal weight. In this case the PCAA believe that Bristol Airport is taking the low cost option to car parking harming the openness of the Green Belt.
 - Bringing forward Cogloop land is urbanising a rural landscape earlier than necessary. Obscuring the views to the Silver Zone currently is poor, as hedgerows are too low. Cogloop land is further from the airfield and hedgerows should be allowed to grow much higher for wildlife and to ensure the visual impact is negligible.

Cleeve Parish Council; Barrow Gurney Parish Council; Long Ashton Parish Council; Winford Parish Council & Brockley: have all sent individual comments to say they fully support the comments of the Parish Councils' Airport Association.

Wrighton Parish Council: Comments are quoted in full in Appendix 1.

Other Comments Received:

Highways England: No objection.

Environment Agency:

No objection subject to planning conditions being imposed.

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Natural England:

Due to the potential impacts on Horseshoe bats a Habitats Regulations Assessment is required before a decision can be made. The Council will need to “screen” the proposals, progressing to an Appropriate Assessment where a likely significant effect cannot be ruled out.

Business West:

Fully support the application. Bristol Airport is an important strategic employment location and as a key international and national gateway is a very important factor in business location and inward investment decisions. The proposed change in phasing of infrastructure development set out in the planning application is reflective of the impacts felt by businesses across the region as a result of the global recession of 2008/9 and the difficult economic conditions which followed. However, alongside growth in car parking the airport has shown a commitment to increase the percentage of passengers travelling to and from the airport by public transport and the current estimate of 14% is a significant improvement from previous years.

North Somerset levels Internal Drainage Board:

The Board is satisfied that the surface water drainage proposals, which utilise on-site capture and soakaways to bedrock are satisfactory.

Nempnett Thrubwell Parish Council:

Objects on the following grounds:

- The continued expansion of the airport is having an increasingly intrusive and damaging effect on the rural nature of our community.
- Volumes of traffic continue to increase in a way that is completely unsuited to the rural lanes.
- Light pollution, particularly from the development of the silver parking zone is now noticeable to the north of the Parish and unacceptable in an area of outstanding natural beauty.
- The increased number of flights is cumulatively adding to noise and environmental pollution.

It would also wish to see the approved MSCP is built before any further development or expansion is allowed

Principal Planning Issues

The principal planning issues are: (1) principle of development; (2) changed demands for airport parking; (3) impact on sustainable travel; (4) impact on openness of the Green Belt; (5) landscape impact and design; (6) drainage and flood risk; (7) biodiversity; (8) response to other points.

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Issue 1: Principle of development

The principle of a 3,650 seasonal car park on the same site in the Green Belt was accepted as part of the 2011 planning permission (09/P/1020/OT2). Planning conditions did however required its construction to be phased following Phase 1 of the MSCP being built and 9mppa being reached. This application seeks to provide the car park as a single phase construction before the first phase of the MSCP is built and before 9 million passengers is reached at the airport. The airport operators would like the seasonal car park to be ready for use for the 2017 season from May to October. They do however propose that a planning condition could be imposed should this application be granted such that the seasonal car park cannot be used from 2018 onwards unless the first reduced phase of the MSCP of 984 spaces (which is the subject of planning application 16/P/1455/F) is operational.

The implications of this change are considered in the following sections of the report.

Issue 2: Changed demands for airport parking

Since the 2011 planning permission the airport operators report increases in low-cost flights and a growth in a demand for low-cost parking from all sectors including business users. They also say the 'Silver Zone' car park, which is the cheapest parking at the airport and provides 70% of the overall on-site airport parking, has also had full occupancy during the peak seasons for the past 4 years. However over the same period the occupancy of higher cost parking (on the north side of the airport) which provides 30% of the overall supply has reduced from 88% to 85%. These changes occurred when passenger numbers increased from 5.7 million passengers per annum (mppa) in 2011 to 6.7mppa in 2015. This is expected to rise to a record level of 7.5mppa in 2016, with 10mppa projected in 2024. The airport operators say 85% of passenger growth from 2009-2016 has come from the low cost market and this is reflected in a growth in the demand for cheaper car parking, which is expected to increase.

Some objectors say these trends should have been foreseen by the airport at the time of the previous application in 2011. Furthermore a larger MSCP in the previous application in the Green Belt inset was included to portray a balanced approach to additional car parking at the airport, but it was likely to be scaled back once permission had been granted as it is a more costly option. The airport refute this and say that the impact of the recession on different types of parking demands could not have been predicted in terms of the quantity of premium parking that would be needed. However it is now apparent that there is a lower proportion of customers willing to pay higher parking tariffs and the airport's approach to car parking should react to customer demands.

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Furthermore, there are no sites on the airport's land outside the Green Belt where increased, viable lower-cost car parking could be provided and the only remaining space in the airport's control is through an early delivery of the 'Cogloop' land. The airport however say there is still a need for a MSCP in the short to medium term, but not for 1829 spaces in 'Phase 1' of the current approval. The revised proposals for the MSCP reduce this to 984 spaces (see planning application 16/P/1455/F).

Issue 3: Impact on Sustainable Travel

It is argued that allowing cheaper car parking to be built before public transport improvements are made will encourage more passengers to drive to the airport and this is not a balanced sustainable growth. This is a relevant point since planning permission 09/P/1020/OT2 required staged improvements to public transport to be made so that the percentage of people travelling to and from the airport by public transport would increase from 6.5% in 2009 to 15% by the time the airport achieved 10 million passengers per annum (mppa). This included the following improvements:

- The development of an Airport Surface Access Strategy (ASAS)
- Increasing duration and frequency of the Bristol Flyer service up to 8 services per hour
- An enhanced '121' bus service from Weston-super-Mare with a separate new hourly Weston Flyer services at 8mppa and a half-hourly service at 10mppa.
- Direct service to Bath at 9mppa.
- Other regional services
- Concessionary services for local people.

The ASAS commenced in 2012 and there are currently five public transport services to the airport as below:

- The 'A1' Bristol Flyer operating between the airport and two main transport hubs in Bristol (Temple Meads Railway Station and Bristol Bus Station). This is a 24-hour service with services every 8-10 minutes during 06:30 Hours and 19:30 Hours.
- The 'A2' hourly service between Weston-super-Mare and the airport via Banwell, Winscombe, Churchill and Wrington between 07:00 and 19:00 Hours.
- The 'A4' Service between Bath bus and train stations and the airport every hour from 03:00 and 23:00 Hours.
- Stagecoach services between Plymouth and the airport and Bristol, city centre, via Exeter and Taunton. This comprises 19 services a day.

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- National express service between Cardiff City Centre and the airport. This comprises 12 services a day seven days a week.

A number of these services, such as, the increased frequency of Bristol Flyer Service and the Bath Service, have been brought into operation by commercial operators ahead of the scheduled targets in the S106 Agreement. As a result, in September 2015 13% of the 6.6 mppa travelled to and from the airport by public transport. This is higher than the initial trajectory of 8% at 7.3mppa. The Airport's Staff Travel Plan has also seen the number of single occupancy vehicle trips from staff reduce from 80% to 74% with public transport use increase from 10% to 16%.

Other planned services in the S106 Agreement such as the new Weston Flyer hourly service are not required until 8mppa are reached. As part of this application the airport operator is however proposing to commence this new service when the seasonal car park is first brought into use or when 8mppa are reached (whichever occurs first). As the seasonal car park is intended to be in use in 2017, this is likely to be before 8mppa is reached. The mechanism for bringing the service into use (including its timetable, routing and cost) would need to be agreed but the obligation to increase this to a half-hourly service at 10mppa is unchanged.

Notwithstanding the benefit of the early introduction of this service some objectors say that the current S106 obligation to achieve 15% public transport use is too low and the Council, through this application, should seek to increase this target to 20%-25%. Paragraph 204 of the NPPF makes clear that: "planning obligations should only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

As this application does not increase the scale of development above that already allowed at Bristol Airport, it is highly unlikely that a proposal to improve public transport usage would meet any of these tests. For this reason, this objection is not supported.

Issue 4: Impact on openness of Green Belt

The extant 2011 planning permission allows the same sized car park in the same location and with the same annual restrictions. In the 2011 permission, the airport projected that the trigger points to enable the delivery of the entire seasonal car park (the completion of the first phase of the MSCP and passenger numbers of 9mppa) would have been reached by 2016. In this sense they suggest the seasonal car park is being delivered no earlier in time than first

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expected. However as neither of these trigger points have been reached, this proposal does amount to the *earlier than planned* release of the seasonal car park. It is suggested by some objectors that the application does not include 'very special circumstances' to bring forward additional car parking at the airport. The applicants however say 'very special circumstances' do exist to justify the early delivery of the seasonal car park and these are summarised as follows:

- 1) Increased demand for low cost car parking. This is already explained in Issue 2
- 2) Bristol Airport remains committed to building the first phase of the MSCP and volunteer a planning condition to this effect.
- 3) The airport is a major employer and contributes much to the local economy. The NPPF (at paragraph 19) makes clear that significant weight should be placed on the need to support economic growth and investment in businesses.
- 4) The proposal will have limited landscape and visual impacts.

As an engineering operation which encroaches on the countryside and does not preserve the openness of the Green Belt, a car park of the scale proposed is inappropriate development by definition. However, this was addressed in the 2011 permission where 'very special circumstances' were proven to exist for this and other development in the Green Belt, which outweighed any harm to the openness of the Green Belt. The previous permission did however require Green Belt parking to be provided alongside improvements in sustainable travel and provided a sequential approach to the release of the land so that the parking on airport land outside the Green Belt land was provided first

In this respect, the part of the airport not in the Green Belt (the 'Inset' area on its north side) is already intensively used with the site of the MSCP currently used for surface parking. The consented MSCP would result in a more land efficient and high-density form of parking, but it does not remove the need for further surface car parking on the south side of the airport in the Green Belt. Other parts of the 'Inset' have also been developed since 2011, including extensions to the passenger terminal and an airport hotel is currently being built. Given the rapid growth of passenger numbers and the proposed re-phasing of the construction of the MSCP, it is considered that the applicants have a sound case for securing a short-term increase in seasonal car parking to provide for projected customer demands and that this cannot be met in the Green belt inset area.

It is also material that improvements to public transport services have, to date, been delivered ahead of schedule and this will also be the case for the 'Weston Flyer' service. These early improvements go some way to off-set the early delivery of the seasonal car park and demonstrate a balanced approach to sustainable travel.

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The airport operators have also made it clear that they still intend to build 3 levels of the MSCP (984 spaces) before the seasonal car park can be used for the 2018 season and this can be controlled through a planning condition. This shows a commitment to develop high-density car parking in the Green Belt inset, which, given the changing demands for car parking, is a balanced approach to the location of airport car parking.

The objectors argue that the airport has over-emphasised the high cost of building the MSCP in order to justify further surface level car parking and financial matters are not a planning consideration. The NPPF however says that economic factors are a core component of sustainable development alongside social and environmental dimensions. Financial matters are therefore capable of being a material consideration, to be weighed against other material considerations and the assessment of 'very special circumstances'. Some objections suggest the airport should bear the costs of building the MSCP in its currently approved larger form before any Green Belt parking is allowed, and off-set any deficit in revenue against the business as a whole. It is unrealistic however to suppose that any business would front load expensive infrastructure much larger and much sooner than is reasonably needed. The airport operator also indicates that car parking at the airport needs to be a self-standing part of the overall business and this contributes to keeping down other airport costs. The application also shows how the airport carefully monitors passenger demands and the uptake of its different car parking offers and this application is a direct response to changing circumstances.

With regard to the visual and landscape impact, the size and position of the car park is no different to that already approved. The construction of the car park in one phase as opposed to two phases (as previously approved) could have a temporary greater impact on the openness of the Green Belt, but this would be for a relatively short period and have no greater impact in the long term. As this is a full application, details of the proposal are however provided and these are assessed in Issue 4.

On balance, it is considered that there are 'very special circumstances' in support of the early delivery of the approved car park and this outweighs any harm by reason of inappropriateness. The Town and Country Planning (Consultation) (England) Direction 2009 does however require local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This includes 'inappropriate' development in the Green Belt which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Although the conclusion is that 'very special circumstances' do exist for this proposal and so outweigh any harm to the Green Belt, the size of the development would, nevertheless, still have a significant impact on the openness of the Green Belt. The Council did notify the Secretary of State of the intention to approve planning application 09/P/1020/OT2 in 2011, which included the same car park and other development in the Green

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Belt. The Secretary of State confirmed that the application did not need to be called-in and he was content that the decision should remain with the Council. The guidance is silent on whether repeat of similar applications should be referred. However, as it is a new and separate application that is considered on its merits, officers consider that if the Council decides to approve this application, it should consult the Secretary of State and withhold issuing a decision until the Secretary of State has confirmed his position.

Issue 5: Landscape Impact and Design

The size of the first phase of development in this application is smaller than the phase 1 previously granted, which was found to be acceptable in terms of its appearance and landscape impact. The applicants have, nevertheless, provided a comprehensive new landscape and visual impact assessment with the viewpoints of the site shown from various public positions. From some limited locations, such as Winters Lane, the site is conspicuous. It is proposed to construct a 2 metre high earth bund along the south and west boundaries of the car park, which will have native trees planted on its top with native hedging at its perimeter. The bund is not a characteristic of the landscape, but it will, when mature, largely screen close range views of the car park. Longer range views of the car park might be possible from more distant elevated positions, such as Hyatt's Wood, but this must be considered in the context of the previous approval and other development at the airport. Its landscape and visual impact is likely to be minor.

The proposed block car parking bays are a grid like system which allows grass to grow through and the aisles and access road would be asphalt. Lighting will be required in the car park when it is in use. Further details will be required under planning condition to ensure its impacts are minimised and it is unlikely that this will have an adverse impact on the local landscape or the setting of the Mendip Hills AONB.

There are no adverse landscape or design impacts and the proposed car park complies with Policy CS12 of the Core Strategy and Policies DM32 and 33 of the Sites and Policies Plan Part 1.

Issue 6: Drainage / Flood Risk

The proposed drainage details include the capture and removal of surface water runoff from the proposed development up to a 1 in 30 return. These include infiltration trenches and porous car parking which are acceptable.

In response to the comments from Wrington Parish Council, officers have considered the evidence from the flooding in the village in 2012 and have

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referred to the Environment Agency aquifer plans and British Geological Survey maps for the area.

The 'Black and Veatch Modelling and Mapping Report' (April 2013) referred to by the Parish Council says: *"Anecdotal evidence suggests that flooding generally occurred after a prolonged period of rainfall followed by a heavy downpour falling on saturated ground. It is also reported that water levels in the Rye Brook rise quickly once flooding begins, and high flows generally last for 2-3 hours. Less extensive flooding has occurred in the north of Wrington where properties are located on the edge of the steep hills to the north."*

If there was an influence of ground water on flooding within the catchment, there would, in all likelihood, have been a longer duration of flooding or a secondary rise in water as the ground water travel times would be longer. Neither of these things were reported in 2012. The flooding in the north of the village appears to be due to overland flows due to the steep nature of the catchment on that side of the village, and again these appear to have flash flood characteristics.

A previous report (Wrington Drainage Study - Phase 1 2009) commissioned by the Council noted: *"A preliminary investigation has been carried out in to the potential impact that Bristol Airport has on the flooding issues in Wrington. Examination of the topography in the vicinity of the airport and Wrington indicates that although the airport is situated at a higher elevation than Wrington, there is a valley separating the airport from the village, which would intercept flows from the north before they reach Wrington and carry them westward towards Cleeve. In addition, the Flood Estimation Handbook indicates that the catchment for the Brook only extends approximately 1.5km north of the Brook and confirms that the airport is not within the catchment of the Brook."*

The Groundwater Source Protection Maps available on the Environment Agency website also indicate that the airport is within a groundwater protection zone, which has its centre to the north of the airport. This suggests that any water infiltrating in to the ground from the airport will travel in a north/north-westerly direction.

Based on the above information it has been concluded that the airport currently has no hydrological or hydrogeological impact on the village of Wrington.

There are no drainage or flood related objections to the application having regard to Policy CS3 of the Core Strategy.

Issue 7: Biodiversity

The site is in an area of known bat activity and the results of recent Bat Surveys are currently being considered. The proposed landscape layout does however indicate that even if bats are found to cross the site or pass nearby, landscaped

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corridors have been included in the design to enable continued bat passage. Lighting details will need careful design so that they do not deter bat movement. There is also a badger sett within the site and while its closure (subject to a licence from Natural England) and relocation, does not preclude development, the details of this will need to be controlled under planning conditions. Bat and bird boxes form part of the landscape strategy and this is welcomed. Comments from Natural England indicate that a Habitats Regulation Assessment is required and the terms of this should be in place before the planning application is determined. Work on this is advanced and an update will be provided.

Subject to further consideration of the Bat Surveys and satisfactory resolution of the Habitats Regulations Assessment, there are no biodiversity objections to the application, but it is likely that planning conditions will be required and an update will be provided on this matter. This approach accords with Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan Part 1.

Issue 8: Response to other points

- i) Some objectors say the applicant has under-emphasised the economic impact of airport growth, particularly as this much of this growth will be outbound travel. Furthermore economic impacts must be balanced against the environmental concerns.

Very similar issues were examined at the time of the previous planning application in 2011 and it was concluded that the economic impacts of the airport development (which were supported by many in the business community) were acceptable and any increase in outbound travel did not justify the refusal of planning permission when weighed against other material considerations in favour of the proposal. This proposal would not change that position.

- ii) Removal of permitted development rights for Airport Land in the Green Belt.
Permitted development rights for airport development is national legislation and it allows certain types of development at airports to take place without planning permission. Caveats limit these powers to an airports 'operational boundary', which is typically the airport boundary at the time it became a 'licensed operator', but there is nothing in the legislation which removes these rights if an airport is in a Green Belt. Bristol Airport have exercised their powers and carried out numerous developments in the Green Belt including car parking without needing planning permission. Removing these rights when this application does not propose any further development to that previous granted would be disproportionate.
- iii) Commitment to develop the Multi-Storey Car Park and all-year use of the seasonal car park

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The reduced scale of the first phase of the MSCP reflects the reduced short to medium term demands for premium tariff parking. The airport operators do however volunteer a planning condition should planning permission be granted, which says the seasonal car park cannot be used after the 2017 season, unless the first phase of the MSCP (984 spaces) subject to planning application 16/P1455/F has been implemented and is in use. Any subsequent planning applications to vary the use of the seasonal car park, or apply for further car parking in the Green Belt, this would be decided on their merits.

- iv) The proposal would not increase the scale of development previously granted at the airport in terms of overall passenger capacity or in terms of traffic in the volume of traffic accessing the site.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity subject to no adverse comments from the Council's Ecologist

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

Since 2011 the applicant has shown that there has been a change in demands for different types of car parking at the airport and there is now an earlier need for increased surface level car parking, which can only be met in the Green Belt. It is considered that the applicants have demonstrated 'very special circumstances' for this which outweighs any harm to the openness of the Green Belt. This includes improvements to public transport ahead of schedule and a commitment to build the first phase of the MSCP so that the seasonal car park cannot be used after 2018. These off-set any adverse impact of the seasonal car park being delivered before other previously agreed targets are reached and it demonstrated a balanced surface access strategy. The application is acceptable under Policies

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CS1, CS6, CS10 and CS23 of the Core Strategy and DM12, DM24 and DM50 of the Sites and Policies Plan Part 1.

There are no drainage, flood risk or landscape objections and the proposal complies with Policies CS3 and CS5 of the Core Strategy and DM1 and DM10 of the Sites and Policies Plan. Officer will provide an update on biodiversity.

RECOMMENDATION: Subject to

- a) the referral of the application to the Secretary of State;
- b) the completion of a 'Deed of Variation' to the Section 106 Legal Agreement for planning permission 09/P/1020/OT2 securing implementation of the new 'Weston Flyer' public transport services when the airport passenger number reach 8 million passengers per annum or when any part of the seasonal car park is first brought into use (whichever the earlier); and
- c) the resolution of a 'Habitat Regulations' Assessment'

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed Below:

Planning Statement June 2016
Design and Access Statement June 2016
Geo-environmental Report May 2016
Landscape and Visual Appraisal June 2016
Ecological Impact Assessment June 2016
Information to inform Habitats Regulations Assessment July 2016
Transport Statement June 2016
Magnetometer Survey Report April 2016
Drainage Design Note May 2016
Heritage Statement –June 2016
Arboricultural Assessment May 2016
External Lighting Strategy – September 2011

Planning and Regulatory Committee 14.09.16

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Drawing Numbers: 1100P01; 1101P00; 1103P00; 1104P00; 1106P00; 1107P00;

Reason: For the avoidance of doubt and in the interest of proper planning.

Restrictions in use of Seasonal Car park

3. The car park hereby approved shall only be used between 1st May and 31st October in any year and at no other times.

Reason: Very Special Circumstances have been provided to justify development in the Green Belt and that the need for this car park only arises during peak seasonal demands. It is therefore appropriate to reduce its impact at other times in accordance with Policies CS5 and CS6 of the Core Strategy and Policies DM10 and DM12 of the Sites and Policies Plan Part 1.

4. Notwithstanding the requirements of condition 3 the use of the car park hereby approved shall cease from 31st October 2017 unless Multi-Storey Car Parking comprising 984 spaces has been constructed and the 984 car parking spaces made available for use in accordance with plans and details to have been submitted to and approved in writing by the Local Planning Authority.

Reason: Development of Green Belt car parking shall be commensurate with the development of other airport car parking not in the Green Belt in accordance with policy CS6 of the Core Strategy and DM12 of the Sites and Policies Plan.

Lighting

5. No lighting shall be installed in the car park unless until details of the position, height (including lighting columns), type and the levels of illumination shown in a lighting contour plan, have been submitted to and approved in writing by the Local Planning Authority. The lighting shall only be used when the car park is in use and the light columns shall be removed or lowered in accordance with details to be submitted and approved in writing by the Local Planning Authority outside of permitted seasonal use in condition 3. The lighting shall be installed and operated in accordance with the agreed specifications.

Reason: To reduce the impact of artificial lighting in accordance with Policies CS3, CS4 and CS6 of the North Somerset Core Strategy.

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Landscaping

6. The earth bund identified in the landscaping scheme shall be completed in accordance with the approved plans and details before the car park hereby granted is brought in to use and the planting of the bund and other parts of the site shall be carried out in accordance with the approved specifications in the first planting season (October to March inclusive) following completion of the works or when the car park is brought in to use, whichever occurs first.

To ensure that landscaping schemes if fully implemented in a timely manner in accordance with Policy CS5 of the North Somerset Core Strategy.

7. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy.

Ground Contamination

8. If, during development, contamination is found to be present at the site then no further development unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this contamination shall be dealt with and obtained written approval of the strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the proposed development will not cause pollution or harm to public health in accordance with Policy CS3 of the North Somerset Council Core Strategy.

Archaeology

9. Prior to the commencement of the development a programme of archaeological work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

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Reason; To ensure any potential archaeology is recorded and preserved in accordance with policy CS5 of the North Somerset Core Strategy.

APPENDIX 1 – COMMENTS FROM WRINGTON PARISH COUNCIL

The Council considers that this application has been brought forward to provide accommodation to meet demand resulting from delays by BIA in implementing the construction of the multi-storey car park approved under application 09/1020/OTP and will be used to cover car parking shortages during the construction of the multi-storey building now proposed under 16/P/1455/F. This further application follows hot on the heels of 16/P/0454/PAI which received approval for an additional 200 spaces in the so-called silver zone.

The Council objects to this application to expand the car parking in the Green Belt.

- This application should be refused until after BIA has fulfilled its commitment to completion of the multi-storey car parking facility approved under 09/P/1020/OTP and further sought under 16/P/1455/F.
- Conditions imposed under 09/P/1020/OTP were designed to protect the Green Belt from unnecessary intrusion by car parking. The failure to implement the building of the multi-storey car park as originally proposed is now placing undue pressure on car parking provision in Green Belt land and should be resisted.
- The proposal will result in the destruction of agricultural land in a rural landscape.
- Although the application is proposed for use between May and October each year only, the impact of the proposed lighting and the surfacing will not enable the land to be reinstated when not in use.
- The provision of surfacing and lighting will have an adverse effect on wildlife in the surrounding landscape, notably birds and foraging bats.
- We have considered the Drainage Design Note prepared by Capita and the

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comment from NSC's Flood Risk Management Team, 7 July 2016. We have noted the claim that the drainage system has been designed to prevent flooding in a 1 in 30 year event, with it acknowledged by Capita that there will be on-site flooding in a 1 in 100 year plus 30% for climate change event. While we would have expected the design to cover a 1 in 50 year event, some consideration should also have been given to off-site flood risk.

It is acknowledged in the Design Note that the site is currently a grassed agricultural field. Also that the site 'geology generally consists of reddish brown clayey slightly sandy gravel, sitting over jointed carboniferous limestone bedrock' and that discharge will be to ground. The proposed site area is 7.8ha and development on this scale and with some impermeable surfacing must have potential off-site impacts if discharge is to be to the ground. Our understanding is that this land drains to the south, not north, and we are concerned that without detailed investigation to prove otherwise, any further development to the south of the airport will add to the flood risk elsewhere.

It is well known and acknowledged by NSC that Wrington is at risk from flooding, yet the causal factors aren't clear. In addition to the surface water arising from rain falling on the catchment, in flood conditions water erupts from springs or 'issues' in, around and especially to the east of Wrington village. This excess and uncontrolled surface water is clearly related to the underlying geology, which on the north side of the valley is the carboniferous limestone referred to above.

We have enclosed an extract from the geological survey map of the area. We believe that the fault line shown running north-south across Goblin Combe (highlighted in red on the attached map), which stops where the limestone meets the conglomerate on the north side of the valley, contributes to flood risk in Wrington by providing a direct route south for groundwater flow (it does not flow down Goblin Combe). The source of the stream which runs through Wrington is just to the south of and in line with the southern end of this fault. We recommend that permission is not granted for any significant development on this or any other land to the south of the airport or outside its boundary until a much more thorough investigation of flood risk has been undertaken. This must include an assessment of off-site risk, including the potential impacts on Wrington. As the relevant Flood Risk Authority, NSC has an obligation to ensure that this assessment is undertaken.

Finally, it is suggested that the application, should it be approved, be robustly conditioned to enable this expansion on a designated temporary basis, during the construction phase of the multi-storey car park only, and thereafter be re-instated to agricultural land as at present, thus retaining the rurality of this relatively large 7.8ha site.

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