



Bristol Airport Limited

# **Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum**

## **Rebuttal Landscape Proof of Evidence**

**Neil Furber**

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

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 My name is Neil Robert Furber and I am presenting this rebuttal evidence on behalf of Bristol Airport Limited (BAL) who is the Appellant for appeal reference APP/D0121/W/20/3259234 relating to the development of Bristol Airport to accommodate 12 million passengers per annum (the Appeal Proposal).
- 1.1.2 I am a Chartered Member of the Landscape Institute and hold a BSc (Dual Honours) in Landscape Design and Plant Science, and a post graduate Diploma in Landscape Architecture. I am employed as an Associate Director at Wood Group UK Ltd. (Wood) since December 2020 and have held Director level positions at previous employers Pleydell Smithyman Ltd and Crestwood Environmental Ltd, in the past 10 years.
- 1.1.3 My role at Wood involves undertaking a wide range of landscape and visual assessment projects for private sector clients including major infrastructure projects. I have over 23 years' experience of landscape design and landscape and visual impact assessment, covering projects across all the major development sectors. I have acted as a landscape expert witness since 2002 at Public Inquiries and Hearings on behalf of both developers and local planning authorities.

## 1.2 Scope of Rebuttal Evidence

- 1.2.1 This Rebuttal Proof of Evidence responds to the Proof of Evidence (PoE) of Christine Tudor, prepared on behalf of Bristol XR Elders (June 2001 - Ref XR/W5/1).
- 1.2.2 The evidence which I have prepared and provided in this Rebuttal is true and is given in accordance with the guidance of the Landscape Institute. The opinions expressed are my true and professional opinions. I have visited the appeal site and the surrounding locality.
- 1.2.3 This Rebuttal should be read in conjunction with the other Proofs of Evidence and Rebuttals, relating to Planning (Mr Melling), including harm to the Green Belt, Noise (Mr Williams) and Transport (Mr Witchalls).
- 1.2.4 The analysis used in this Rebuttal draws on the following:

- 2018 Environmental Statement (ES)<sup>1</sup>; and
- Wood (June 2021) Technical note: Green Belt assessment of land to the south of Bristol Airport. (at Appendix A to Mr Melling's Proof of Evidence).

### 1.3 Summary of Rebuttal Case

- 1.3.1 I will demonstrate that the Appeal Proposal would not result in any significant effects upon the Mendip Hills Area of Outstanding Natural Beauty (AONB) landscape and its setting, contrary to the assessment contained in the PoE of Christine Tudor, prepared on behalf of XR Elders.

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<sup>1</sup> 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).

## 2. Rebuttal Assessment

### 2.1 Background

2.1.1 Ms Tudor is a recently retired Natural England Officer. Natural England made representations to North Somerset Council (NSC) in objection to application 18/P/5118/OUT, whose subsequent refusal by Members of the planning committee is the subject of this appeal. The NSC Planning Officer recommended approval of the application and his report<sup>2</sup> at Section 13, considers and then rejects Natural England's objection, stating (underlined - my added emphasis):

*'Some objectors oppose the application because they consider the increased development at the airport would result in additional lighting and this would contribute to a reduction in dark skies, which they say is a strong and positive characteristic of the wider rural area. In response, BAL's LVIA acknowledges that artificial lighting at BA is seen from various viewpoints; both close to and further from BA. Officers agree with this and consider that this has some moderate close-range impacts on dark skies. From elevated parts of the AONB however, airport lighting is one of several light clusters seen in the wider setting. Others include street lighting along the A38 and lighting within villages and at the south western edge of Bristol. The quantity of additional lighting in the proposed extension of the 'Silver Zone' is expected to make very little difference to existing lighting levels.*

*'The broader impact of other proposed development when seen from the AONB varies from place to place, but its impact is generally 'minor' due to the distance and vastness of the views from the AONB. The sight of more frequent aircraft movements, which is estimated to increase per by around 11% per annum above the consented (10 mppa) baseline may lessen the perceived peacefulness of the AONB, but the sight and sound of flights from the AONB is already long-established and the impact of the growth is likely to be no more than 'moderate'.*

2.1.2 The additional flights, traffic and associated noise that would result from the Appeal Proposal have been assessed in the ES, however NSC sought further clarification on the predicted impacts upon tranquil areas, particularly the Mendip Hills AONB. The Regulation 25 response by Bickerdike Allen Partners<sup>3</sup> provides quantitative information that supports the ES landscape and visual impact (LVIA) assessment that potential changes to key views, tranquillity, night skies, sense of remoteness and/or naturalness experienced in the AONB would be minor and not significant.

<sup>2</sup> CD 4.11: North Somerset Council Planning and Regulatory Committee (10 February 2020) Officers Report for Application No. 18/P/5118/OUT: Page 113-114

<sup>3</sup> CD 3.4.6: (25/03/2019) Bickerdike Allen Partners: Regulation 25 Response to NSC Comments –Section 2.9 pages 9-11

- 2.1.3 The proposed increase in flights over the Mendip Hills AONB and resultant air noise is quantified by Bickedike Allen Partners in **Table 1** below and is based upon the number of aircraft flying over the Mendip Hills AONB during an average summer daytime period in 2017 and the forecasts for future scenarios.

Table 1: Aircraft Movements Overflying the Mendip Hills AONB

| Scenario | Rwy 27 Arrivals (07:00-23:00) |
|----------|-------------------------------|
| 2017     | 81                            |
| 10 mppa  | 81                            |
| 12 mppa  | 94                            |

- 2.1.4 Following **Table 1**, the response goes on to state:

*'The increase in aircraft movements, assuming all aircraft were equally loud, would constitute an increase in the average noise level of less than 1 dB(A). This would not be considered significant. This also equates, under the 12 mppa scenario, to just less than one additional flyover per hour on average during the daytime, as compared to around an average of five movements per hour in 2017 and under 10 mppa.'*

*'When considering road traffic noise, traffic flows on roads in this region are predicted to change by less than 5%. Therefore any increase in noise levels due to road traffic would be predicted to be 0.2 dB or lower, i.e. not a significant change.'*

- 2.1.5 My following rebuttal follows the structure of Ms Tudor's PoE.

## 2.2 Section 2: Landscape Character and Visual Context – the Baseline

- 2.2.1 The Special Qualities that Ms Tudor considers *'that will be most affected by the proposals'* are listed at paragraph 2.1 of her PoE as follows:

- Tranquillity
- Dark Skies
- Views/Long views
- Rural Lanes and rural roads
- Remoteness

- Naturalness

- 2.2.2 There are 13 Special Qualities described in the current 2019-2024 AONB Management Plan<sup>4</sup> and these need to be read in full to understand their context and the potential effects of the Appeal Proposal. Of the Special Qualities '*most affected by the proposals*' provided by Ms Tudor, there is no mention in the AONB Management Plan of '*rural lanes and rural roads*' being a Special Quality. Four of Ms Tudor's Special Qualities i.e. tranquillity, dark skies, remoteness and naturalness are experiential and covered under a single special quality in the AONB Management Plan (see #1 in **Table 2** below). Ms Tudor's '*Views and Long views*' is covered by a separate Special Quality (see #3 in **Table 2** below).
- 2.2.3 A full assessment of the Special Qualities of the Mendip Hills AONB contained in the 2014-2019 AONB Management Plan are set out at Table 9F.1 of the ES. Since the 2018 ES was prepared, the 2019-2024 AONB Management Plan has been published and adopted with some minor changes and additions to the Special Qualities as set out in **Table 2** below.

Table 2: Special Qualities of the AONB and Summary of effects from the Appeal Proposal

| # | Special Qualities reproduced from Mendip Hills AONB Management Plan 2019-2024 (Jan 2019)   | Summary of the landscape effects resulting from the Appeal Proposal as reported in ES Chapter 9  |
|---|--|--|
| 1 | The dark skies, tranquillity, sense of remoteness, and naturalness of the area   | Negligible magnitude of change relative to baseline, arising from increase in flights, traffic, and lighting. Overall Minor effect that is Not Significant. Also see assessment of Special Quality #3 at ES Appendix 9F - Table 9F.1 |
| 2 | The distinctive limestone ridges and scarp slopes, rising from the Somerset Levels and Moors, and windswept plateau punctuated by spectacular dry valleys and gorges, ancient sinkholes and depressions, and impressive rocky outcrops | No impacts upon geology.   |
| 3 | Views towards the Mendip Hills and the distinctive hill line. The views out, and panoramas, including across the Severn Estuary to Wales, the Somerset Levels and Moors, and the Somerset Coast.                                       | Negligible magnitude of change relative to baseline, arising from increase in flights, traffic and lighting. Overall Minor effect that is Not Significant. Also see assessment of Special Quality #2 at ES Appendix 9F - Table 9F.1  |

<sup>4</sup> CD 5.32: Mendip Hills Area of Outstanding Natural Beauty. Management Plan 2019-2034 (January 2019). [Accessed: 30-06-21: ]

| #  | <b>Special Qualities reproduced from Mendip Hills AONB Management Plan 2019-2024 (Jan 2019)</b>  | <b>Summary of the landscape effects resulting from the Appeal Proposal as reported in ES Chapter 9</b>   |
|----|--|--|
| 4  | A sparsely populated plateau, with settlements of Mendip stone largely confined to the spring line.  | No direct effects upon settlement. Indirect effects upon Special Quality #1 is set out above. Also see assessment of effects under Special Quality #3 at ES Appendix 9F - Table 9F.1 |
| 5  | The diverse and visible geology that ranges from Devonian to Jurassic in a relatively small area, making it one of the best areas in the country to appreciate the relationships between geology, landscape, and natural history, including the iconic Cheddar Gorge       | No impacts upon geology  |
| 6  | Caves, for their wildlife, geological, archaeological importance, including Aveline's Hole the oldest cemetery site in Britain, and Goughs Cave one of the most important Palaeolithic sites in Europe that provides a breeding site for Lesser and Greater Horseshoe bats | No impacts upon caves and associated special qualities.  |
| 7  | The limestone aquifer supplying water to the reservoirs of Cheddar, Chew Valley, and Blagdon lakes, and providing habitats of local and international importance for birds with Chew Valley Lake designated a Special Protection Area for bird species                     | No impacts upon the aquifer.   |
| 8  | The Chew Valley and the Yeo Valley - a farmed landscape with distinctive hedgerow patterns and hedgerow trees, providing interconnected semi-natural habitats  | No impacts upon hedgerows in the Chew and Yeo Valley   |
| 9  | Dry stone walls that criss-cross the plateau farmlands grazed by sheep, beef and dairy cattle, are a key feature of the karst landscape and provide a unique habitat for wildlife corridors  | No impact on dry stone walls   |
| 10 | Steep south-facing slopes of flower rich, limestone grasslands, including the Mendip Limestone Grasslands Special Area of Conservation, and the area known as the Strawberry Belt of horticultural activity producing soft fruits  | No Impact on flower rich limestone grasslands  |
| 11 | Ancient woodland and wooded combes on the north and south slopes offering varied habitats of national, and   | No impact on ancient woodland and wooded combes  |

| #  | Special Qualities reproduced from Mendip Hills AONB Management Plan 2019-2024 (Jan 2019)   | Summary of the landscape effects resulting from the Appeal Proposal as reported in ES Chapter 9  |
|----|--|--|
|    | international importance for a wide diversity of wildlife, including dormouse and bats   |  |
| 12 | A landscape tracing human settlement dating back 500,000 years. Henge monuments, barrows, and hillforts through to World War 2 sites are prominent features on the plateau, as are remnants of Roman and Victorian lead mining                             | No impact upon historic settlement features  |
| 13 | A landscape engaging people in a wide range of interests and outdoor pursuits, including caving, climbing, cycling, horse-riding and quieter activities, including bird watching and walking, to experience the special qualities of the Mendip Hills AONB | In relation to quieter activities the indirect effects upon dark skies, tranquillity, sense of remoteness, and naturalness is covered under Special Quality #1 as set out above. Also see assessment of Special Quality #12 at ES Appendix 9F - Table 9F.1 |

2.2.4 At paragraph 2.3, Ms Tudor draws attention to page 59 of the National Character Area (NCA) 141, which states that:

*'Proposed plans to expand Bristol Airport will affect the tranquillity of the surrounding area including the Mendips through increased traffic, noise, and light pollution and will affect the outward views.'*

2.2.5 The National Landscape Character Assessment profiles do not assess specific development proposals, nor do they comment on whether changes are significant or not. Furthermore, Ms Tudor does not acknowledge the opportunity column of page 59 of NCA 141, which states that intrusion [of new development] should be avoided into the most rural areas. Bristol Airport and land immediately adjoining the airport which is the subject of the appeal clearly do not comprise the most rural area of the NCA, noting that the NCA description states at page 59: *'A sense of tranquillity is most likely to be associated with the undeveloped limestone plateau area, as well as within the more intimate valleys to the east, away from the settlements and major road corridors.'*

2.2.6 The NCA description goes onto to state at page 59 that *'light pollution from any new development should be prevented or minimised'*. It should be noted that the Appeal Proposal seeks to minimise lighting effects upon the surrounding countryside through a series of design measures as set out in the ES Chapter 9 and Wood (May 2021) Technical note: Green Belt assessment of land to the south of Bristol Airport. Whilst detailed lighting specifications have not been agreed at this outline stage,

it is clear that the outline lighting strategy is designed to deliver a scheme that would minimise the frequency, intensity, horizontal light spill and vertical sky glow arising from the Appeal Proposal and reduce the impact of the temporary lighting that is currently used in the Silver Zone Phase 1 Car Park extension. Consequently, a detailed scheme should comply with the Mendip Hills National Landscape Objective on Dark Night Skies<sup>5</sup>, reproduced below:

*'Proposals that are likely to impact on the dark skies of the Mendip Hills National Landscape should have regard to dark night skies by seeking to (i) avoid and (ii) minimise light pollution by;*

- 1. Ensuring external lighting shall only be erected or installed in, or within the setting of the National Landscape if it can be shown to be essential for security and safety, and only using the minimum quantity of lighting to achieve it;*
- 2. Ensuring that external lighting should be designed, shielded, and installed to prevent upward, sideways, or outward spillage in accordance with up to date ILP Guidance;*
- 3. Ensuring the colour and intensity of lighting is appropriate for the wider setting;*
- 4. Ensuring that external lighting avoids highlighting a structure or feature that would have an adverse visual impact on the surrounding landscape;*
- 5. Utilising the most energy- and pollution-efficient equipment reasonably available.*
- 6. Ensuring design and quantity of fenestration is carefully selected to minimise light glow and spillage.*

2.2.7 At paragraph 2.5 of Ms Tudor's PoE the North Somerset Council Landscape Character Assessment Supplementary Planning Guidance is reviewed. In relation to Landscape Character Area (LCA) J3 Chew Rolling Valley Farmland, Ms Tudor states that the *'village of Winford and its surroundings are impacted upon by low flying aircraft on the final approach to the airport'* and goes on to state that *'It [the airport] is located within this LCA and yet no mention is made of effects on landscape character, such as noise and visual intrusion etc.'*

2.2.8 The absence of the impact of low flying aircraft in the North Somerset Landscape Character Assessment, has been addressed in the landscape baseline of the ES, which states at paragraph 9.11.26 that in LCA J3:

<sup>5</sup> Mendip Hills Area of Outstanding Natural Beauty: Dark Night Skies and Light Pollution Position Statement (Dec 2020). [Accessed 30-06-21 at: [https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB\\_statement-Final-Dec-2020.pdf](https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB_statement-Final-Dec-2020.pdf)]

*'...There may be minor incremental changes to some perceptual characteristics from additional aircraft movements (landing and taking-off) in addition to the changes resulting from gradual establishment of the 10 mppa operational programme....'*

2.2.9 In relation to LCA H1 Dundry Hill, Ms Tudor states that *'it is surprising that the assessment fails to mention the frequent occurrence of low flying aircraft on route to Bristol Airport, and associated noise and visual intrusion'.*,

2.2.10 The absence of the impact of low flying aircraft in the North Somerset Landscape Character Assessment, has been addressed in the landscape baseline of the ES, which states at paragraph 9.11.18 that in LCA H1:

*'...The operation of Bristol Airport is periodically indicated by the views and sound of aircraft landing on western flight routes and, more rarely, taking-off on eastern flight routes.'*

2.2.11 In relation to LCA E6 Cleve Ridges and Combes, Ms Tudor states that mention of aircraft taking off from the airport is missing from the description of the area, although an increased presence of intermittent over-flying aircraft is noted in the 'Forces for Change' section of the published assessment.

2.2.12 The missing mention of aircraft taking off from the airport from the description of the area contained in the North Somerset Landscape Character Assessment, has been addressed in the landscape baseline of the ES, which states at paragraph 9.11.12 that in LCA E6:

*'...The operation of Bristol Airport is periodically indicated by the views and sound of aircraft landing on western flight routes and, more rarely, taking-off on eastern flight routes.'*

2.2.13 In relation to the host landscape character area, LCA G1: Broadfield Down Settled Limestone Plateau that contains Bristol Airport, Ms Tudor highlights that the published assessment identifies Bristol Airport as a key characteristic of the LCA with buildings and infrastructure *'particularly prominent along the A38, dominates the central section of the area'*. Whilst this is correct, the airport however, does not dominate the whole of LCA G1, with the published assessment noting that *'Elsewhere, particularly to the north, west and far south, the area becomes more rural and remote'*. The Appeal Proposal would not extend the airport's 'domination' over an area wider than that already recognised in the published assessment. The substantial tract of intervening land between the far south of the LCA G1 and the northern edge of the Mendip Hills AONB, comprising the LCA E6: Cleve Ridges and Combes and the majority of LCA J2: River Yeo Rolling Valley Farmland that was scoped out of the LVIA (see ES Figure 9.38), would not be significantly affected by the Appeal Proposal.

- 2.2.14 Additional context that is not covered by Ms Tudor's PoE includes under the forces for change: *'Increased impact from unauthorised off-site parking serving airport (including noise, verge damage)'*. The provision of additional parking as part of the Appeal Proposal and accessed from the A38, has the potential to limit additional adverse impacts resulting from unauthorised parking on the rural lanes connecting these areas to the airport.
- 2.2.15 It is unclear why Ms Tudor included LCA J1 Lox Yeo Rolling Valley Farmland in the baseline given the peripheral location of the LCA at the southwestern edge of the study area in the vicinity of Winchcombe.
- 2.2.16 Within the ES, the baseline conditions of LCA's within the Mendips AONB are set out with reference to the Mendip Hills Landscape Character Assessment between paragraphs 9.11.44 to 9.11.60.
- 2.2.17 At paragraph 2.6 Ms Tudor sets out the baseline for a number of LCA within the Bath and North-East Somerset LCA. Of the six LCA's mentioned, three were scoped out of the ES i.e. Chew and Yeo Valleys, Dundry Plateau and Hinton Blewett and Newton St. Loe Plateau Lands as illustrated on ES Figure 9.38. These areas were not assessed in detail as there was no potential for significant landscape character effects as a result of the Appeal Proposal with justification set out at Appendix 9E of the ES.
- 2.2.18 Ms Tudor describes the LCA A2 Harptree Chewton Edge from the Landscape Assessment of Mendip District at paragraph 2.7 of her PoE, noting that this geographically peripheral area of the more up to date character assessment was scoped out of detailed consideration in the ES.
- 2.2.19 Ms Tudor states at paragraph 2.8 of her PoE that with reference to the character descriptions from the Landscape Assessment of Mendip District (1997), cited at paragraph 2.7, *'Bristol Airport is already adversely affecting character and the visual resource within the AONB and its rural setting'*. Contrary to Ms Tudor's statement, no mention of the Airport is made in the aforementioned character area descriptions in the published document<sup>6</sup>.

## 2.3 Section 3: The Mendip Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 (Jan. 2019)

- 2.3.1 The Special Qualities have been reproduced at **Table 2** of this rebuttal and commentary provided on those potentially affected by the Appeal Proposal. It is important to undertake any assessment based on a clear understanding of the direct and indirect changes that would be experienced as a

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<sup>6</sup> Chris Blandford Associates. Landscape Assessment of Mendip District (1997) [accessed 30-06-21 at [https://www.mendip.gov.uk/media/1899/Chapter-7-The-Central-Mendip-Hills/pdf/Chapter\\_7\\_-\\_The\\_Central\\_Mendip\\_Hills.pdf?m=635005960182530000](https://www.mendip.gov.uk/media/1899/Chapter-7-The-Central-Mendip-Hills/pdf/Chapter_7_-_The_Central_Mendip_Hills.pdf?m=635005960182530000)]

result of the Appeal Proposal. The significance of these changes needs to be assessed within a framework of sensitivity, magnitude and overall effect, in line with the Landscape Institute and IEMA *Guidelines for Landscape and Visual Impact Assessment*, 3rd Edition (GLVIA3)<sup>7</sup> best practice guidance. This approach has been adopted in the ES, concluding that there would be some adverse effects upon particular Special Qualities of the Mendips AONB, however the changes, both individually and in combination, would be modest and no significant effects upon the landscape character and Special Qualities of the AONB and its setting would occur.

- 2.3.2 Ms Tudor sets out the details of the proposed 4,700 new dwellings in the (withdrawn) West of England Joint Spatial Plan (JSP) at Annex 1 of her PoE with reference to consultation responses by Natural England and the AONB Unit and concludes at paragraph 3.3 that *'increased road traffic associated with the airport proposals could have significant adverse cumulative impacts'* with this residential development. As set out at paragraph 2.4 of my Rebuttal, the increase in road traffic in the AONB would be less than 5% as a result of the Appeal Proposal and any increase in road traffic noise would be 0.2 dB or lower<sup>8</sup>. Within the AONB, the A38 New Road passes between Churchill and Cheddar, with many parts of the route at the base of steep sided valleys, screened from the wider designation. The route also passes through settlements and close to quarries surrounded by woodland, thereby limiting the potential for road traffic to be perceived from the wider AONB, where tranquillity is more likely to be sought. In this context, there is no potential for additional traffic from the Appeal Proposal to make a significant contribution to any cumulative landscape effect on the AONB, in conjunction with future traffic from the 4700 new dwellings in the JSP. In any case, I would add that the JSP has now been withdrawn.
- 2.3.3 The Landscape Quality Objectives of the Mendip Hills AONB are contained in the Management Plan and Ms Tudor sets out at paragraph 3.5 in her PoE how the Appeal Proposal, in her opinion, would be in conflict with these objectives as a result of increased road traffic, air traffic and lighting. Ms Tudor asserts at paragraph 3.6 of her PoE that the consequent impacts on the Mendip Hills AONB Special Qualities would be significant and adverse, which is unsubstantiated and does not follow GLVIA 3 best practice guidance.
- 2.3.4 The government's Planning Practice Guidance on the Natural Environment<sup>9</sup> sets out a theoretical situation where significant harm to settings can occur from poorly located or designed development. The ES has considered the potential for such effects to occur and describes in detail

<sup>7</sup> Landscape Institute and IEMA (2013). *Guidelines for Landscape and Visual Impact Assessment*, 3rd Edition,

<sup>8</sup> CD 3.4.6: (25/03/2019) Bickerdike Allen Partners: Regulation 25 Response to NSC Comments –Section 2.9.2 page 11

<sup>9</sup> CD 5.9: Ministry of Housing, Communities and Local Government's Planning Practice Guidance on the Natural Environment (21/07/2019). Accessed 30/06/21 at: <https://www.gov.uk/guidance/natural-environment#landscape>

the context of the Appeal Proposal within and adjoining the boundary of the existing airport and outlines the mitigation measures adopted (see ES – section 9.8 Environmental Measures embedded into the development proposals). Consideration has also been made in relation to the proposed increases in road and air traffic and how these would be perceived from LCAs both within and outside the AONB (see ES Appendix 9F). The conclusion, informed by technical assessments and following GLVIA methodology, is that no significant adverse effects are predicted on the AONB or its setting.

## 2.4 Section 4: Relevant Legislation and related Government Guidance

2.4.1 Ms Tudor (at paragraph 4.2 of her PoE) refers to Planning Practice Guidance on the Natural Environment<sup>10</sup> with an emphasis on considering development proposals outside an AONB that might have an impact on their setting or protection. It is important to note that the policy does not preclude development in the setting of an AONB and states that *'Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account'*. As concluded in the ES, the majority of new built development associated with the Appeal Proposal would be located within the footprint of the existing airport and there would be small incremental changes to road traffic and flights in areas already impacted by the operational airport that do not constitute a significant change relative to both the current and future baseline. There would be no significant effects upon the AONB or landscape character within the setting of the AONB as a result of the Appeal Proposal.

## 2.5 Section 5: Planning Policy Context

2.5.1 The National Planning Policy Framework (NPPF) is incorrectly dated July 2018 at paragraph 5.2 of Ms Tudor's PoE (the NPPF was updated in June 2019). Notwithstanding this error, the selective references in Ms Tudor's PoE appear to be correct. The key problem with Ms Tudor's approach is the selective quoting of the NPPF and the lack of any evidence-based assessment to support her statements that the effects of the Appeal Proposal upon the AONB would be significant.

2.5.2 Ms Tudor refers to paragraph 170 a) and b) of the NPPF, which states that planning policies and decisions should contribute to and enhance the natural and local environment with respect to valued landscapes and also recognise the intrinsic character and beauty of the countryside. In

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<sup>10</sup> CD 5.9: Ministry of Housing, Communities and Local Government's Planning Practice Guidance on the Natural Environment (21/07/2019). Accessed 30/06/21 at: <https://www.gov.uk/guidance/natural-environment#landscape>

response to this policy guidance, the Appeal Proposal includes for a number of environmental measures embedded into the development proposals (see ES – section 9.8).

- 2.5.3 Paragraph 172 of the NPPF covers the conservation and enhancement of landscape and scenic beauty *in* AONBs and requires that the scale of development *within* the designated area should be limited. As the Appeal Proposal is located outside the AONB, in this context, the major development test that Ms Tudor cites with reference to exceptional circumstances should not apply. It is recognised, however, that a theoretical major development close to an AONB has the potential for significant indirect landscape and visual effects upon the designation. In terms of landscape character effects, the ES concludes that the indirect effects of the Appeal Proposal upon the AONB and the intervening landscape that is part of the AONB setting would not be significant.
- 2.5.4 Criterion b) of NPPF paragraph 172 includes considerations of the scope for developing *outside* the designated area, which the Appeal Proposal satisfies.
- 2.5.5 Criterion c) of NPPF paragraph 172 considers the extent to which detrimental landscape effects could be moderated and this is covered in ES section 9.8: Environmental Measures embedded into the development proposals.
- 2.5.6 Ms Tudor, with selective extracts, asserts non-compliance of the Appeal Proposal with paragraph 180 of the NPPF, however the requirement under criterion a) and b) is to mitigate and reduce to a minimum any noise impacts and avoid *significant* adverse impacts, whilst protecting tranquil areas that have remained relatively undisturbed by noise. The Regulation 25 response by Bickerdike Allen Partners<sup>11</sup>, that is set out in full at paragraph 2.4 of this rebuttal, concludes that maximum 'noise levels within the AONB will be the same both in 2017 and the future scenarios, as there is no proposed change to airspace as part of the planning application and the forecasts do not contain any aircraft which are noisier than those currently operating. There will however be more aircraft in the future, although this will be partially offset by the modernisation of aircraft meaning that on average aircraft will be quieter than under current operations.'
- 2.5.7 In relation to criterion c) of paragraph 180 of the NPPF which seeks to mitigate the effects arising from lighting, it is assessed that the outline lighting strategy of the Appeal Proposal complies as it would follow the principles of the Mendip Hills AONB Position Statement covering Dark Night Skies and Light Pollution.<sup>12</sup>

<sup>11</sup> CD 3.4.6: (25/03/2019) Bickerdike Allen Partners: Regulation 25 Response to NSC Comments –Section 2.9.2 page 10-11

<sup>12</sup> Mendip Hills Area of Outstanding Natural Beauty: Dark Night Skies and Light Pollution Position Statement (Dec 2020). [Accessed 30-06-21 at: [https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB\\_statement-Final-Dec-2020.pdf](https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB_statement-Final-Dec-2020.pdf)]

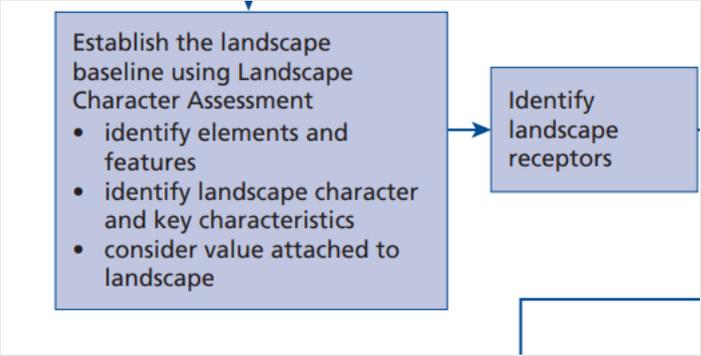
- 2.5.8 Ms Tudor concludes that the Appeal Proposal would conflict with policies in the North Somerset Council Core Strategy (Jan 2017) covering landscape and environmental matters i.e. Policies CS1, CS3, CS5, CS6, CS10, CS23, and CS26. Conflicts are also identified with Policies DM10, DM11, DM12, DM24 and DM50 of the North Somerset Sites and Policies Plan Part 1 – Development Management Policies (Feb 2015). Ms Tudor concludes that the conflicts with policy arise because, without following GLVIA3, that the landscape and visual impact of the Appeal Proposal would be significant on the AONB and its setting.
- 2.5.9 Policies CS6, DM12 and DM50 cover the Green Belt, which is a planning and not a landscape designation. In this context, it is not clear what experience or qualifications Ms Tudor has to comment on very special circumstances.
- 2.5.10 Policies CS1, CS3, CS5, CS10, CS23, CS26 and DM24 all require an understanding of the cultural heritage, hydrology, noise and highway impacts associated with the Appeal Proposal. Ms Tudor makes no reference to the expert assessment contained in the ES covering these disciplines or any evidence that may have been produced by suitably qualified consultants.
- 2.5.11 It is unclear what the 'significant impacts' experienced by landscape and visual receptors in the Bath and North East Somerset, Mendip and Sedgemoor local planning authority areas are; they have not been defined nor has a technical assessment consistent with GLVIA 3 been undertaken.

## 2.6 Section 6: The Environmental Statement – Landscape and Visual chapter (Dec. 2018) and its conclusion of significance evaluation, and the Appendix 9A LVIA methodology and 9B – 9G (Dec 2018)

- 2.6.1 Ms Tudor claims that the ES conclusions relating to significant effects are unconvincing because of a perceived unsatisfactory approach to deliver the LVIA that is unsubstantiated and does not follow GLVIA3 best practice guidance. Ms Tudor cites a lack of objectivity and omissions of key considerations e.g. the setting of the AONB, which downplay the impacts and assessment of significance. I strongly disagree with Ms Tudor's assessment and **Table 3** below provides a summary of the key criticisms contained at Section 6 of Ms Tudor's evidence and my response.

Table 3: LVIA ES Chapter Rebuttal

| # | Summary from Ms Tudor's PoE  | Response  |
|---|--|---|
| 1 | Legislative and Policy Review: different versions of NPPF quoted and selective parts referenced. Planning Practice Guidance not explained e.g. development in setting of AONB.             | Different versions of the NPPF referenced in the baseline do not invalidate the approach taken to assessing the Appeal Proposal. The landscape section of Planning Practice Guidance was revised 21/07/19 after the ES was submitted, however both the 2016 and 2019 versions require local planning authorities to consider development outside the AONB boundary which might have an impact on the setting of, and implementation of, the statutory purposes of the designation.  |
| 2 | Area of study too small and vertical study area required   | Study areas are defined in detail at 9.4.1 of the ES and the approach proposed was not queried by consultees (see Table 9.7 of the ES). The omission of a vertical study area is explained at 9.4.10 of the ES.   |
| 3 | Baseline – no reference to the setting of the AONB   | The geographical extent of the AONB setting is not defined in any published document, however the ES covers all LCAs between the AONB and the Appeal Proposal where there is the potential for significant effects upon landscape character. Consequently, it is considered that the setting of the AONB relevant to the Appeal Proposal has been fully assessed.   |
| 4 | ZTV approach to excluding vertical study area for overflying aircraft criticised   | The omission of a vertical study area is explained at 9.4.10 of the ES. Only one of the three easterly flight routes that are followed by 20% of aircraft movements fly over the AONB under the baseline conditions and this pattern would be maintained with the Appeal Proposal (see Appendix 9F Table 9F.1 and Chapter 2: Description of the Development).   |
| 5 | Landscape receptors should not be landscape character areas. Reference is made to AONB Special Qualities. Statement that landscape receptors will include tranquillity and dark skies etc. | This criticism is not recognised, and the approach taken in the ES is fully compliant with GLVIA 3. See extract of Figure 5.1 below indicating how landscape receptors are identified from the landscape character assessment. The approach followed consultation with and was agreed by the Mendip Hills AONB Planning Liaison Officer (see ES Table 9.7). An assessment of Special Qualities is included at Appendix 9F. Where relevant, baseline conditions including tranquillity and dark skies that were not fully covered in the published landscape character baseline have been subject to additional survey work including night-time photography and reference to CPRE mapping. Perceptual aspects for each landscape character areas is |

| #     | Summary from Ms Tudor's PoE  | Response  |
|-------|--|---|
|       |  | <p>considered as a value criteria in ES Appendix 9B: Landscape Sensitivity Assessment</p>  <pre> graph TD     A[Establish the landscape baseline using Landscape Character Assessment<br/>• identify elements and features<br/>• identify landscape character and key characteristics<br/>• consider value attached to landscape] --&gt; B[Identify landscape receptors]   </pre> |
| 6     | Statement that 'there are no local landscape designations' is queried and presence of other designations that may inform landscape value e.g. Conservation Areas, Listed buildings, SSSI etc., art and literature cited. | Details of other designations is contained in ES Appendix 9B: Landscape Sensitivity Assessment. Other designations present in each LCA are described under Conservation Interests. Art and literature are covered under Associations.   |
| 7     | Claim that dissipation of traffic across the surrounding networks will cause significant adverse effects because of the character of rural transport infrastructure and related settlements.                             | The majority of visitors to the airport are likely to use the main road network connecting the airport to major settlements. This would focus traffic movements on the A38 and A365 as outlined in the transport chapter of the ES.   |
| 8 (1) | All aspects of the proposed development (e.g. increased number of flights, increased number of car journeys, light pollution etc.) do not appear to have been systematically identified and described.                   | Appendix 9F.1 provides detailed analysis of the Appeal Proposal upon the Mendip Hills AONB Special Qualities (see ES Table 9.7). A structured commentary is presented under each of the Special Qualities including the impact of views out of the AONB, tranquillity considerations including lighting impact assessment and the impact of additional traffic movements and flights.   |

| #     | Summary from Ms Tudor's PoE  | Response   |
|-------|--|--|
| 8 (2) | Appendix 9B Landscape character sensitivity assessments. What aspects of the proposed development will affect sensitivity?                               | This is covered by the susceptibility (to the Appeal Proposal) assessment undertaken for each LCA set out in Appendix 9B. This assessment covers physical, visual and perceptual characteristics e.g. tranquillity and remoteness and takes into account the baseline situation of the operational airport.  |
| 8 (3) | Appendix 9F landscape Assessment Tables. Key characteristics of the development not referenced. Airborne noise not considered.                           | The aspects of the development including the % increase in flights, traffic and lighting impact assessment are all cross referenced under the assessment of Special Quality 3 (Appendix 9F – Table 9F.1). A detailed assessment of the effects upon all other LCAs, including the individual development components, is set out in Tables 9F.2 to 9F.12.   |
| 8 (4) | Table 9F.2 – 9F.12 Assessment of Landscape effects and Appendix 9G Visual effects. Low/Negligible magnitude results in effects that are not significant. | The assessments are consistent with Table 1A.7 Matrix of EIA Significance. This matrix is not skewed to favour effects that are not significant, A medium magnitude of change for landscape receptors is described at Appendix 9A -Table 9A.4 and for visual receptors at Table 9A.6. Changes are assessed in the context of the baseline situation and no magnitude at a medium level was assessed. Ms Tudor does not follow GLVIA3 by suggesting alternative sensitivity or magnitude conclusions in order to justify her conclusion that there would be significant landscape effects as a result of the Appeal Proposal. |
| 8 (5) | Table 9A.2 Assessing Landscape Sensitivity to the Proposed Development. Key characteristics of the development not referenced.                           | See response to 8(3) above.  |
| 8     | Table 9A.4 Magnitude of landscape change. Magnitude criteria do not allow for a large to medium change.  | See response to 8(4) above.  |
| 8     | 3 bands (High, Medium, Low) associated with sensitivity and magnitude is an over-simplification and many practitioners use 5 bands.                      | The approach taken is consistent with GLVIA 3.   |

| #  | Summary from Ms Tudor's PoE  | Response   |
|----|--|--|
| 9  | Year 15 (~2035) – should consider airport aspiration to expand to 20mppa by 2040                     | 20mppa does not form part of the Appeal Proposal and is not part of the application being determined.  |
| 10 | Cumulative effects with traffic generated by residential development proposals (Annex 1)             | As set out earlier in this rebuttal, no significant cumulative effects from the addition of the Appeal Proposal to a baseline containing the additional traffic from these residential developments is predicted.  |
| 11 | Should consider airport aspiration to expand to 20mppa by 2040                                       | 20mppa does not form part of the Appeal Proposal and is not part of the application being determined.  |
| 12 | Duplication of information, and provision of information not directly relevant to nature of proposal | By the nature of the development proposed and the potential receptors affected, it is considered that a thorough assessment in accordance with best practice guidance GLVIA3 has been undertaken. Some information is included e.g. all the Special Qualities of the AONB, where no effects would occur, however this information is contained in a technical appendix to the ES Chapter. Omission of information could be queried by consultees and consequently where possible cross referencing to technical appendices in the main chapter is adopted. |

### 3. Conclusion

- 3.1.1 In conclusion, I assess that the Appeal Proposal would not result in any significant effects upon the Mendip Hills AONB landscape and / or its setting, contrary to the assertions contained in the Proof of Evidence of Ms Tudor, prepared on behalf of XR Elders. This is the same conclusion as that reached by NSC's officers and that, on this basis, Members also determined that the landscape and visual impacts of the Appeal Proposal, including in respect of the AONB, did not amount to a reason to refuse planning permission.

**wood.**

