

# **RULE 6 PARTY APPEAL STATEMENT**

**INTO THE REFUSAL BY  
NORTH SOMERSET COUNCIL  
FOR THE EXPANSION OF BRISTOL AIRPORT  
Reference ; APP/D0121/W/20/3259234**

**SUTHERLAND PROPERTY  
& LEGAL SERVICES LTD**



**PLANNING & ARCHITECTURAL CONSULTANCY SERVICE**

## TABLE OF CONTENTS

| <b><u>CONTENTS</u></b>  | <b><u>PAGE</u></b> |
|---|--------------------|
| INTRODUCTION  | 3                  |
| SUBMISSIONS   | 3                  |
| Local policy  | 4                  |
| North Somerset core strategy                                    | 4                  |
| Sites and policies plan part 1: development management policies | 5                  |
| Sites and policies plan part 2: site allocations plan           | 6                  |
| Emerging development plan policy                                | 6                  |
| National policy   | 6                  |
| Summary   | 7                  |
| Sequential test   | 8                  |
| Sites within the green belt inset                               | 9                  |
| Long list   | 9                  |
| Short list  | 11                 |
| Very special circumstances                                      | 12                 |
| Summary   | 13                 |
| Site  | 13                 |
| Proposal  | 14                 |
| Sequential test assessment                                      | 14                 |
| Limited catchment area  | 15                 |
| Distance from airport   | 16                 |
| Rural nature of transport network                               | 16                 |
| Self-parking so requires more land                              | 16                 |
| Summary   | 16                 |
| Conclusion  | 17                 |

## **APPENDIX 1 ALTERNATIVE PARKING SCHEME APPLICATION DETAILS**

## **INTRODUCTION**

**1.** We act for the rule 6 party who is the owner of an alternative site for the provision of airport car parking, Mr Michael Pearce.

**2.** Part of the BAL proposal is the creation of additional level car parking on Green Belt land, expanding the periphery of the site further into the Green Belt. It is the position that in putting forward the proposal BAL carried out an assessment of alternative available sites and concluded there were no other sites available. This is not the case. BAL were fully aware of the alternative site but dismissed it without further consideration.

**3.** The BAL proposal for the additional element of car parking is accepted as inappropriate development in the Green Belt by BAL yet the proposal concludes very special circumstances exist due to the absence of alternative provision. This statement sets out the details of the failure by BAL to properly conduct the relevant processes in reaching their conclusion and demonstrates that this aspect of the proposal is unjustified and inappropriate and does not benefit from any very special circumstances that would allow BAL to assert their scheme is appropriate.

## **SUBMISSIONS**

**4.** Bristol Airport is surrounded by Green Belt and the refused proposal submitted under planning reference 18/P/5118/OUT by North Somerset Council sought to expand into the Green Belt to make way for more airport car parking.

**5.** Although the application was refused, it brought to the fore many interesting ideas with regards to the future of the airport and how it will move forward in the future.

**6.** One of the biggest issues arising was the impact on local people living on the A roads surrounding the airport and the number of vehicle movements generated everyday by the airport, air quality and the impacts of climate change arising from the proposal.

**7.** Mr Pearce has operated off airport parking for many years across a range of sites using agricultural permitted development rights and has significant experience in the sector of over 20 years. Mr Pearce owns land suitable for the alternative scheme and can deliver the alternative scheme as soon as approved. Mr Pearce is proposing to accommodate the additional airport car parking at a site near to J21 off the M5, this will remove existing pressure from the surrounding airport roads while safeguarding Green Belt land so the airport does not have to expand into it. Mr Pearce has submitted the relevant planning application and EIA screening / scoping has been carried out. This site is not in the Green Belt and is mostly designated as brownfield land with some former agricultural elements.

**8.** The offer will be valet parking with eco-friendly buses operating from the site. There will be a bus service operated every 20 minutes from the car park, replacing thousands of cars with between 3 and 5 buses every hour, varying according to time of day and changes in passenger demand.

**9.** Within the application Bristol Airport proposed building the additional parking directly in the Green Belt with a silver zone extension to provide approximately 2,700 spaces. This

was to follow the extension of the use of an existing “seasonal” car park – also in the Green Belt.

**10.** Bristol Airport Limited (BAL) was granted outline planning permission by North Somerset Council on 16th February 2011 for the expansion of Bristol Airport to handle 10 million passengers per annum (mppa).

**11.** Bristol Airport and passenger numbers have grown by over 40%, from 5.8 mppa in 2011 to 8.2 mppa in 2017.

**12.** Application 18/P/5118/OUT proposed a further 50% growth to 12 mppa, with an overall ambition to have 20 mppa. To facilitate this growth, part of BAL proposals involved utilising 5.1 hectares of Green belt land for the construction of 2,700 new car parking spaces.

**13.** BAL states that the current airport car parking capacity is running at 95%. Therefore, it is clear that to increase passenger numbers, further airport car parking spaces will be required.

**14.** Even though application 18/P/5118/OUT was refused Bristol Airport can still expand by an additional 1.8 million passengers a year under the existing consent. No parking has been identified to meet this need. It is suggested to be at or around 8000 spaces.

**15.** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

**16.** This section of the report considers the planning policy context relevant to the Green Belt element of the proposed development at Bristol Airport as contained in the Development Plan and other policy documents material to the application’s determination.

## **LOCAL POLICY**

**17.** The statutory development plan for North Somerset currently comprises the following:

- North Somerset Core Strategy (adopted April 2012, re-adopted incorporating the changes recommended to the remitted policies on 10 January 2017)
- Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)
- Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

**18.** Those policies relevant to development in the Green Belt contained within the documents listed above have been set out below.

## **NORTH SOMERSET CORE STRATEGY**

**19.** The Core Strategy is the main planning document which guides development choices and decisions in North Somerset. The document was adopted in April 2012, however following a high court challenge nine policies were remitted for re-examination. The remitted policies

were then adopted in September 2015 and January 2017. The document sets out the broad long-term vision, objectives and strategic planning policies for the area up to 2026.

**20.** The Development Plan Proposals Map defines an inset that excludes the northern side of Bristol Airport's operation area from the Green Belt. However, land to the south of the existing terminal building, including the runway and the existing Silver Zone long stay car parking area, as well as the A38, is located in the Green Belt.

**21.** Within the Core Strategy, one of the Council's Priority Objectives is to continue to support North Somerset's existing Green Belt in order to prevent the sprawl of Bristol and its encroachment into valued countryside and to preserve the character of existing settlements; elsewhere, valued strategic gaps between settlements and characteristic green spaces and areas will be protected and enhanced.

**22.** Policy CS6 specifically relates to North Somerset's Green Belt and states the following:

- "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."

**23.** The supporting text to the policy builds upon this and notes at paragraph 3.94 that a key feature of Green Belts is their permanence and they are intended to be a long-term designation. It is acknowledged that the changes to the Green Belt through the Replacement Local Plan (2007) and the absence of any need for large scale further revisions to either the general extent of detailed boundaries of the Green Belt mean that no changes to the Green Belt are proposed in the Core Strategy.

**24.** Whilst Bristol Airport is noted as being an existing strategic development constrained by the Green Belt, the document states that any further expansions to the inset would be premature in advance of exceptional circumstances being demonstrated through evidence regarding future expansion and its land use implications. The refused application did not demonstrate exceptional circumstances.

## **SITES AND POLICIES PLAN PART 1: DEVELOPMENT MANAGEMENT POLICIES**

**25.** The Sites and Policies Plan Part 1 was adopted in July 2016 and covers a range of development issues including (amongst other matters) development in the green belt and major transport schemes. It brings forward the detailed development plan policies which complement the strategic context set out in the Core Strategy.

**26.** Policy DM12 expressly relates to development in the Green Belt, stating that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.

**27.** As per the Core Strategy, the document confirms that no amendments to the Green Belt are proposed as part of the Sites and Policies Plan Part 1. It recognises that the Green Belt keeps land permanently open, prevents towns and villages merging together and protects the countryside.

**28.** Turning to Bristol Airport, it is noteworthy that the aim of Policy DM30 (Off-airport car parking) 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”. The supporting text acknowledges that this aim is mainly achieved through the 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. It further states that the aim is also achieved by making alternative provision for airport-related car parking, while preventing an over-provision that would discourage the use of alternative modes of travel to and from Bristol Airport.

**29.** This is further reiterated in the supporting text to Policy DM50 (Bristol Airport) where it states that outside the inset, Green Belt policy applies and it would be for the developer to demonstrate very special circumstances that outweigh the harm to Green Belt and any other harm.

## **SITES AND POLICIES PLAN PART 2: SITE ALLOCATIONS PLAN**

**30.** The Sites and Policies Plan Part 2 identifies the detailed allocations required to deliver the North Somerset Core Strategy and it is pertinent to note that the document does not include a specific allocation in respect of Bristol Airport, or the proposed expansion site.

**31.** In terms of the Green Belt, it is noted that key strategic issues of housing, employment, infrastructure and any consequential changes to the Green Belt were to be determined through the Joint Spatial Plan, a development plan document being prepared jointly by the West of England authorities for the period 2016-2036 (discussed in further detail below).

## **EMERGING DEVELOPMENT PLAN POLICY**

**32.** The four West of England Councils – Bath and North East Somerset, Bristol City, North Somerset, and South Gloucestershire were working together to produce a West of England Joint Spatial Plan (JSP) which set out a prospectus for sustainable growth to help the Region meet its housing and transport needs for the next 20 years, to 2036.

**33.** The JSP was submitted to the Secretary of State on the 13th April 2018. However it has subsequently been withdrawn and NSC is developing a new emerging Local Plan without the other councils. It is noteworthy that Policy 2 of the JSP stated that the general extent of the Green Belt is to be maintained except where it is required to be amended through local plans to enable the delivery of the Strategic Development Locations at Coalpit Heath, North Keynsham, Yate, Bath Road, Brislington and Whitchurch. Thus, this policy made it clear that there were no intentions to amend the Green Belt around Bristol Airport.

## **NATIONAL POLICY**

**34.** The revised NPPF was published in February 2019 and sets out the government’s planning policies for England and how these are expected to be applied. The revised NPPF replaces the previous NPPF published in March 2012 and July 2018.

**35.** The revised NPPF continues to set out a presumption in favour of sustainable development; it identifies three facets of sustainable development: economic, social and

environmental, noting that they are interdependent and need to be pursued mutually. Paragraph 11 sets out for decision taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

**36.** It is further stated that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**37.** Section 13 of the NPPF relates to protecting the Green Belt to which the Government attaches great importance. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristics of Green Belts are their openness and their permanence. The NPPF identifies the following five purposes of Green Belt land:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**38.** It is noted that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

**39.** At paragraph 143, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 builds upon this, noting 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. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the criteria set out at paragraph 145 (none of which relate to the type of development proposed). Paragraph 146 also notes that certain other forms of development are not inappropriate in the Green Belt, providing they preserve its openness and do not conflict with the purposes of the land but again, none of the exceptions listed are of a similar nature to that proposed at Bristol Airport.

## **SUMMARY**

**40.** The statutory development plan for North Somerset currently comprises the Core Strategy, Sites and Policies Plan Part 1: Development Management Policies, and the Sites and Policies Plan Part 2: Site Allocations Plan.

**41.** It is clear across all the development plan documents that development in the Green Belt will not be approved except in very special circumstances. Prevailing development plan policy seeks to protect the Green Belt from inappropriate development as it is, by definition, harmful.



**42.** This is further reiterated in the NPPF which notes 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.

**43.** In terms of Bristol Airport, it is evident that no further amendments to the Green Belt will be considered until exceptional circumstances can be demonstrated. Outside the inset, Green Belt policy applies and it would be for the developer to demonstrate very special circumstances that outweigh the harm to Green Belt and any other harm. The Council is seeking to appropriately manage the demand for travel by car to the airport, 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. 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.

**44.** The airport is at 95% carparking capacity but has permission for an additional 1.8 million passengers per annum. Within application 18/P/5118/OUT it was set out that the airport wanted to expand into the green belt to create new capacity. Though refused it was touted to be the only place the airport can extend to.

**45.** To build in the Green Belt an application must demonstrate very special circumstances. This element of application no. 18/P/5118/OUT is examined in detail below.

**46.** The BAL Planning Statement has assessed the proposed Silver Zone extension as inappropriate development:

*"When assessed against these criteria, the proposed extension to the Silver Zone car park (Phase 2) is considered by BAL to be 'inappropriate' development within the Green Belt whilst the operational change to Phase 1 would represent a departure from an existing permission and could be also be deemed to be 'inappropriate'."*

**47.** It is agreed that the proposed Silver Zone car park extension is considered to be inappropriate in the Green Belt.

## **SEQUENTIAL TEST**

**48.** Applications in the Green Belt must pass a Sequential Test. The Sequential Test explores all other options and sites for the same use, and if no other sites are viable or available then the site passes the Sequential Test as no other site could accommodate the use.

**49.** The Sequential Test approach used by BAL is set out in Chapter 5 of the 'Parking Strategy' under the heading 'Review of Potential Car Parking Locations'. The overarching approach is as follows:

- Sites within the Green Belt inset;
- Strategic park and ride locations remote from the airport including land outside the Green Belt;



- Sites within the airport site but outside the Green Belt inset;
- Sites in Green Belt locations contiguous to the airport site.

**50.** Chapter 5 sets out the following:

**51.** *“The aim of the sequential approach outlined above is to ensure that all potential development options are appraised before moving onto the next area of search in the sequence. The approach ensures that BAL’s operational land within the Green Belt inset is maximised (within operational requirements).”*

**52.** This methodology is agreed with and is in compliance with Local Planning Policies, the NPPF and PPG. The hierarchy as set out accurately reflects where BAL should look to place additional airport car parking.

**53.** The workings of the Sequential Test mean that each tier must be assessed before a new tier is moved to. As an example, if suitable provision could be found in tier 2 it would be inappropriate to then propose a site in tier 3 or 4.

### **SITES WITHIN THE GREEN BELT INSET**

**54.** The rationale behind construction within the Green Belt is agreed with. Further development of multi-storey car parks within the Green Belt inset would have a ‘likely significant’ visual impact on residential receptors along Downside Road (and potentially further reaching views into the Green Belt).

**55.** The economic case is also noted; multi storey car parking is economically unviable and also fails to provide for the identified need of low-cost parking. The Sequential Test identifies a justifiable concern that failure to provide low cost parking will mean more unauthorised off-site provision and more on-street car parking.

**56.** Strategic park and ride locations remote from the airport including land outside the Green Belt

**57.** BAL has undertaken a ‘two step’ process to identify potential off-site parking locations, this is as follows:

- Assessment of an initial longlist of identified sites which could potentially fulfil demand requirements using pre-defined selection criteria to identify a shortlist of potential sites; and
- More detailed review of the strengths and weaknesses of shortlisted sites in order to identify any possible preferred options.

### **LONG LIST**

**58.** The ‘long list’ for potential sites was identified as follows:

- *Key catchment areas were identified based on passenger origins obtained from the 2015 CAA terminating passenger survey (see Section 2.3). This enabled an estimate on the quantity of spaces required to serve passengers coming from the north (South Wales and the West Midlands) and from the south (Devon, Cornwall and parts of Somerset).*

- *Within these broad catchment areas, available land that is easily accessible from the major strategic highways were identified, as these sites would offer the greatest convenience and have the lowest interchange penalty for passengers changing to the shuttle services.*
- *Potential parking sites located next to existing airport services such as the Flyer and Falcon would mean that passengers could use existing services without the need to introduce a completely new bus service."*

**59.** The above criteria are agreed with and provide a sound base for assessing available sites.

**60.** At Appendix A of the Parking Strategy, the Off-Site Assessment Criteria is set out in detail.

**61.** Table 5.2 of the Parking Strategy sets out the Off-Site Assessment Criteria; this criteria has been turned into a traffic light system with the results shown in table 5.3 of the Parking Strategy (copied in as Figure 4.1 below).

Of the 25 sites assessed, the subject site was not identified. However, BAL identified a similar site adjacent to the A370 referred to as M5 Junction 21 (site 21) which was assessed as

| Description  | No of spaces | Distance from airport | PT accessibility | Accessibility to SRN | Likelihood of use | JT Reliability | Green Belt | Readiness to implement | Loss of Amenity | Summary |
|--|--------------|-----------------------|------------------|----------------------|-------------------|----------------|------------|------------------------|-----------------|---------|
| 1 Severn Beach (M49 Avonmouth Junction improvements) | ✓            | !                     | !                | ✓                    | ✓                 | ✓              | ✓          | ✓                      | ✓               | ✓       |
| 2 Avonmouth North W                                  | ✓            | !                     | !                | ✓                    | ✓                 | ✓              | ✓          | !                      | ✓               | ✓       |
| 3 Cheddar Carboot                                    | ✓            | !                     | ✓                | ✗                    | ✗                 | ✓              | ✓          | !                      | ✗               | !       |
| 4 Quarry at Hyatts Wood Road                         | ✓            | ✓                     | ✓                | ✓                    | ✓                 | ✓              | ✗          | !                      | ✓               | !       |
| 5 MoD Abbey Wood Car Park                            | ✓            | ✓                     | !                | !                    | !                 | !              | ✗          | !                      | ✗               | !       |
| 6 Avonmouth North E                                  | ✓            | !                     | !                | ✓                    | ✓                 | !              | ✓          | !                      | ✓               | !       |
| 7 SW Karting   | !            | !                     | !                | ✗                    | ✗                 | ✓              | ✓          | !                      | ✗               | !       |
| 8 Avonmouth South                                    | ✓            | !                     | !                | ✓                    | ✓                 | ✓              | ✓          | !                      | ✓               | ✓       |
| 9 Worle Parkway Station                              | !            | !                     | ✓                | ✓                    | !                 | ✓              | ✓          | !                      | ✓               | !       |
| 10 Liberty Freight Yard                              | !            | ✓                     | !                | ✓                    | !                 | ✓              | ✓          | ✗                      | !               | !       |
| 11 Auction House (Bridgwater)                        | !            | !                     | ✓                | ✓                    | !                 | ✓              | ✓          | ✓                      | ✗               | !       |
| 12 Hinckley Yard                                     | !            | !                     | ✓                | ✓                    | !                 | ✓              | ✓          | !                      | ✗               | !       |
| 13 Bristol Water Bedminster Depot                    | ✗            | ✓                     | !                | ✓                    | !                 | ✓              | ✓          | ✓                      | ✓               | !       |
| 14 Bath Road   | ✗            | !                     | !                | ✓                    | ✗                 | ✗              | ✓          | !                      | ✓               | !       |
| 15 Severn Paper Mill (North)                         | !            | !                     | !                | !                    | !                 | ✓              | ✓          | !                      | ✗               | !       |
| 16 Cleeve Court                                      | !            | ✓                     | ✓                | ✓                    | !                 | ✓              | ✗          | !                      | ✓               | !       |
| 17 Severn Paper Mill (South)                         | !            | !                     | !                | !                    | !                 | ✓              | ✓          | !                      | ✗               | !       |
| 18 Davan Caravans - M5 J21                           | ✗            | !                     | !                | ✓                    | ✓                 | ✓              | ✓          | !                      | !               | !       |
| 19 Western Trade Centre - Banwell                    | ✗            | !                     | !                | !                    | !                 | !              | ✓          | ✗                      | ✗               | !       |
| 20 Pub at West Town Road - Backwell                  | ✗            | ✓                     | ✓                | ✓                    | !                 | ✓              | ✗          | ✓                      | ✓               | !       |
| 21 M5 Junction 21                                    | !            | !                     | ✓                | ✓                    | ✓                 | ✓              | ✓          | ✓                      | !               | ✓       |
| 22 Ashton Vale South                                 | !            | ✓                     | ✓                | !                    | !                 | ✓              | ✗          | !                      | !               | !       |
| 23 Yew Tree Farm                                     | !            | ✓                     | ✓                | ✓                    | !                 | ✓              | ✗          | ✓                      | ✓               | !       |
| 24 Whitchurch  | !            | !                     | ✓                | ✗                    | ✗                 | ✓              | ✗          | !                      | !               | ✗       |
| 25 Lye Cross Farm                                    | !            | ✓                     | ✓                | ✓                    | !                 | ✓              | ✗          | ✓                      | ✓               | !       |

positive and therefore moved to the 'short list'.

## SHORT LIST

The assessment of the shortlisted sites is included as Table 5.4 of the BAL Parking Strategy. The relevant part is replicated below as Figure 4.2.

| Site           | Description                     | Strengths                                   | Weaknesses   |
|----------------|---------------------------------|---|--|
| M5 Junction 21 | Greenfield site just off M5 J21 | Developable site just off major motorway M5 | Possibly a limited catchment area as it is located near Weston-super-Mare. |

Figure 14.2

**62.** Paragraphs 5.4.11 to 5.4.14 of the Parking Strategy summarise the findings of the short list as follows:

*“The analysis of the 12 shortlisted sites above has identified a number of constraints that affect their deliverability including (inter alia) distance from the airport (which would affect passenger experience and may undermine uptake), the rural nature of the local road transport network (which means that the operational viability of these locations is marginal), high land prices, availability and the need for remediation. Further, the anticipated nature of off-site car parks assumes that cars would be self-parked; this would require more land than an operation involving block parking such as that currently provided in the Silver Zone.*

*As a result of the factors described above, it is concluded that a remote, off-site option is unlikely to be achievable at 12 mppa (it should also be noted that three of the shortlisted 12 sites are within the Green Belt in any case).*

*As there are presently no realistic off-site park and ride sites outside of the Green Belt that can effectively serve a 12 mppa capacity airport, off-site options have not been taken forward as part of the preferred car parking solution.”*

**63.** The reasons for BAL discounting airport parking off site are summarised as follows:

- Limited catchment area;
- Distance from airport;
- Rural nature of transport network;
- High land prices;
- Need for remediation; and
- Self-parking so requires more land.

#### VERY SPECIAL CIRCUMSTANCES

**64.** The very special circumstances are set out in section 5.3 of the Planning Statement submitted with the BAL application (ref no. 18/P/5118/OUT), with specific consideration given from 5.3.10 onwards.

**65.** In the BAL Planning Statement, it is accepted that:

*“Very special circumstances’ must be demonstrated to justify those components of the Proposed Development that are located in the Green Belt and deemed to be inappropriate development.”*

**66.** While setting out a host of economic and social reasons for the airport expansion, the BAL Planning Statement states the following as its very special circumstances for Green Belt Car Parking:

*“With specific regard to car parking in the Green Belt, these very special circumstances also include the nature of the demand for car parking and the lack of alternative suitable sites (as demonstrated through the application of the sequential approach outline above).”*

## SUMMARY

**67.** BAL accept that the proposed development is 'inappropriate in the Green Belt' and therefore it requires the demonstration of very special circumstances for the development to be considered acceptable.

**68.** The very special circumstances demonstrated by BAL rely on the failure to find an alternative site via their sequential test and the demand for low cost, airport car parking.

**69.** The Sequential Test sets out the 4 tiered hierarchy that BAL have examined in their search for an appropriate site for their identified airport car parking needs. It is recognised in the report that an alternative to encroachment into the Green Belt is their preferred option.

**70.** The site assessment has identified a number of options, though some were favourable it has been unable to identify a suitable location for the provision of off-site airport car parking.

**71.** It is confirmed that a Sequential Test is required to establish the very special circumstances required to build in the Green Belt. It is also confirmed that the hierarchy established in BAL's Parking Strategy is how the Sequential Test should be undertaken. This site assessment set out in Appendix A of the Parking Strategy is also considered an appropriate way of assessing the sites available for off-site car parking options.

**72.** 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.

**73.** The following sets out a rebalancing act of the Sequential Test and concludes that there is another viable site available, which sits outside of the Green Belt. With a site further up the 'hierarchy' as set out in chapter 5 of the Parking Strategy, BAL cannot therefore demonstrate the very special circumstances required to build in the Green Belt.

## SITE

**74.** The site is located off of the A370. The site itself is mostly on land consented for uses in association with the neighbouring Moorland Park Gypsy Caravan Site – under 11/P/1937/F for Change of use of land and engineering works, to include alterations to the level of the land, to provide an equestrian centre, to include menage, jumping/training areas, trap racing track, paddocks and lake. This area of the land is therefore categorised as brown field land in the open countryside. The area to the road frontage is classified as open countryside.

**75.** The site is located within Flood Zone 3a but the site benefits from flood defences. Car parking is also considered a 'less vulnerable use' and, as such, the proposal is acceptable at this location subject to appropriate use of permeable materials and drainage strategy. It has been confirmed by drainage engineers that the site contains suitable flood protection.

**76.** Access is via the A370 with highways consultants confirming that the capacity at Junction 21 and adjacent the road access junction is suitable for the intended use.

## PROPOSAL

**77.** A valet parking site with space for 3,000 vehicles with a bus service operating at least every 20 minutes to Bristol Airport.

## SEQUENTIAL TEST ASSESSMENT

**78.** The criteria of the BAL Sequential Test (Parking Strategy Appendix A) are reapplied to the proposed site. Figure 5.1 below demonstrates the findings.

|  | Weight | High  | Medium  | Low  | Assessment of J21 Site   |
|--|--------|---|---|--|--|
| <b>Number of spaces</b>                        | 1      | More than 1000 potential self parking spaces                      | Between 250-1000 self-parking spaces                                | Less than 250 potential self parking spaces  | Score High – Site has space for 3,000 cars parked valet style.   |
| <b>Distance from airport</b>                   | 1      | Less than 10km  | Between 10-50km   | Over 50km  | Score Medium – site is between 10 and 50km away from the airport.  |
| <b>Public Transport accessibility</b>          | 1      | Less than 600m to high frequency public transport                 | Between 600m-2km to public transport                                | Over 2km to public transport   | Score High – Airport Flyer passes by site. Intention to run own bus service.   |
| <b>Accessibility to Strategic Road Network</b> | 2      | Directly accessible to Strategic Road Network (SRN)               | Between 2km-5km to SRN  | Over 5km to SRN  | Score High – By J21 and M5   |
| <b>Likelihood of use (catchment)</b>           | 3      | Large catchment area with accessible driving route to airport     | Large catchment area but with potential access constraints          | Low potential demand and/or poor access  | Score High – J21 is on the M5 with connection to a National catchment area.  |
| <b>Peak journey time reliability</b>           | 2      | High end of journey time range less than 50% greater than low end | High end of journey time range between 50-100% greater than low end | High end of journey time range more than 100% greater than low end                   | Score High – The site is on the potential route for passengers heading to the airport (from the South West). Journey times will not differ if they use Silver Zone Green Belt extension. |
| <b>Green Belt</b>                              | 3      | Site not located within the Bristol Green Belt                    | n/a   | Site located within the Bristol Green Belt   | Score High – Site is not in Green Belt.  |
| <b>Readiness to implement</b>                  | 2      | No existing structures, brownfield site                           | Minor ground remediation/levelling required                         | Existing structures would need to be removed plus ground remediation where necessary | Score High – An application is in  |

|                 |   |  |  |  |   |
|-----------------|---|--|--|--|---|
| Loss of Amenity | 2 | No loss to businesses/ services/ amenities | Small scale amenities to be relocated, greenspace lost | Service/ business would need to be relocated, major greenspace lost. | Score High – On land adjacent to Gypsy Caravan Site no obvious views into the site and no public footpaths traversing. There will be no loss of amenity land. |
|-----------------|---|--|--|--|---|

**79.** Figure 5.1

**80.** The proposed site scores high on all elements apart from distance (which is medium).

**81.** In assessing the short list, the BAL Parking Strategy gave the following weaknesses to the site at J21:

- “Possibly a limited catchment area as it is located near Weston-super-Mare”

**82.** The location is not considered a weakness as the site is close to J21 of the M5 so it can cater for travellers heading to the airport from the South West and via the National Motorway Network, is easily accessible from throughout the UK. This is a major strength as it takes the cars off the road shortly after they leave the motorway and is on a logical route into the airport (therefore avoiding deviation of journey).

**83.** The BAL Parking Strategy sets out the following generic reasons why the sites on the Sequential Test short list are not considered acceptable. These are:

- Limited catchment area;
- Distance from airport;
- Rural nature of transport network;
- High land prices;
- Need for remediation; and
- Self-parking so requires more land.
- Each point is addressed below.

### LIMITED CATCHMENT AREA

**84.** The M5 is the logical route for access by travellers to the airport. As set out in the BAL Planning Application, ongoing growth in passenger numbers is anticipated to be focussed on the South West of England and South Wales and from each of these Regions, trips to Bristol Airport will naturally use the M5 motorway. From Somerset, Devon and Cornwall, trips will use the M5, typically via Junction 22 and the A38, passing through various settlements and villages en route to the airport. By remaining on the motorway for an additional 21 miles (18 minutes), passengers can easily and conveniently access the proposed Park and Ride at Junction 21. At this point, passengers’ car journey would be complete, changing instead to a high-quality bus to complete the journey to the airport, a journey of typically around 20 minutes. This would replace an onward car journey from Junction 22 via the A38 to access the Silver Zone car park, of 36 miles and typically 47 minutes (source Google Directions). Consequently, the route via Junction 21 is quicker and certainly no less convenient.

**85.** From South Wales the natural route is via the M4 motorway, then the M49 and M5. Accessing the airport directly, typically via either Junction 18, the Avon Gorge and the A370, or Junction 19 and local roads from Gordano to reach the A370 at Long Ashton is a route of



around 15 miles (28 minutes), however, this requires use of some of Bristol's often congested radial commuter routes. Furthermore, although signposted via the newly completed Bristol Southern Bypass, satellite navigation systems inevitably direct this route via the minor lanes through Barrow Gurney, adding to the existing congestion on this inappropriate route

**86.** The Planning Statement for BAL also states BAL forecasts that:

- "...increasing the levels of proportional demand from regions further from
- Bristol, specifically those South West of the airport."

**87.** BAL has identified that a major area for growth is from the South West.

**88.** The catchment area is considered extensive.

### **DISTANCE FROM AIRPORT**

**89.** As J21 is on a natural route from the M5 to the airport distance is not considered a debilitating factor. In this instance it is an advantage as it removes the cars before they enter the single lane A roads and/ or local rural routes of North Somerset.

**90.** As J21 is well located to the motorway, the amount of time a traveller needs to allow to get to the airport is not affected. In section six are four examples of journey times from locations in the South West, in two scenarios using J21 car parking is faster (Exeter and Bridgewater), in the third and fourth scenarios (Cardiff and Yeovil) the difference is only a few minutes.

**91.** Distance from the airport is considered immaterial as an equivalent service to the Silver Zone car parking is offered. Total journey times from the south west are comparable and there is the added advantage of removing cars as soon as they leave the motorway.

### **RURAL NATURE OF TRANSPORT NETWORK**

**92.** The Airport Flyer Service passes in front of the site. Even if the Flyer service is not used, the landowner has undertaken extensive research and has set out how they can operate their own bus network with between 3 and 5 buses on the road per hour. This is demonstrated to meet forecast demand for 3,000 spaces operating at capacity.

**93.** A full functioning transport network is available, that will help remove the cars associated with the airport expansion and potential improve the existing situation by taking cars off the road that currently travel from the South West.

### **SELF-PARKING SO REQUIRES MORE LAND**

**94.** The site will be valet parking.

### **SUMMARY**

**95.** It has been demonstrated that the Sequential Test provided by BAL for application 18/P/5118/OUT was flawed in its assessment of alternative provisions. Airport car parking is

available, deliverable, viable and provides a comparable service to the existing Silver Zone car parking.

**96.** Parking near J21 also provides the major additional benefits of:

- Not being in the Green Belt
- Removing traffic destined for the airport from North Somerset's A roads.

**97.** The BAL Parking Strategy set out a hierarchy for its site search. All sites in each tier must be exhausted before the next tier can be considered acceptable. The alternative site is within tier 2 and the proposed expansion into the Green Belt is within tier 4.

**98.** Therefore, any proposal to extend the airport car parking Silver Zone fails the Sequential Test and, as a result, the very special circumstances required to build in the Green Belt.

## **CONCLUSION**

**99.** The applicant can provide a viable airport car parking provision for up to 3,000 cars close to J21 of the M5 to meet an identified need and shortfall in assessed parking provision.

**100.** The Silver Zone extension that was proposed by BAL failed its own Sequential Test. It also fails the test of very special circumstances, so any further attempt to build in this location would fail planning policy.

**101.** The proposed site is available now and work can begin as soon as a planning application is approved. The application was submitted in June 2020 and additional information submitted since then, including an EIA application for screening (September 2020) is with the LPA for determination under reference 20/P/1438/FUL and 20/P/2082/EA2.

**102.** Bristol Airport can expand by 1.8 millions passengers but its car parks run at 95% capacity, room must be found for more parking.

**103.** The site provides a comparable travel time for airport passengers coming from the south west (which is identified as the major growth route). It will also be similar in cost to the Silver Zone car parking, giving airport users a low-cost car parking option (which the airport has stated is in high demand).

**104.** Airport car parking near to J21 will remove vehicles soon after they exit the M5, keeping them off the single lane A roads and rural routes of North Somerset.

**105.** The thousands of cars removed from the road will be replaced by between 3 and 5 'green' busses per hour, improving traffic and congestion and air quality.

## NOTICE OF DECISION

Town And Country Planning (Environmental  
Impact Assessment) Regulations 2017 (as  
amended)



Sutherland Property & Legal Services  
1st Floor  
1 Stamford Fort Cottages  
Stamford Road  
Plymouth  
PL9 9SQ

Application Number: 20/P/2082/EA2

Category: Request for formal  
scoping opinion

**Application No:** 20/P/2082/EA2

**Applicant:** Sutherland Property & Legal Services

**Site:** Proposed Park And Ride Adj Heathfield Park Bristol Road Hewish

**Description:** Request for a formal scoping opinion to determine the scope of an Environmental Impact Assessment for a future application for the change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre - THIS IS NOT A PLANNING APPLICATION

### SCOPING OPINION:

That the Scoping Opinion set out in the attached North Somerset Council Delegated Report is the adopted Opinion of North Somerset Council. It sets out what information North Somerset Council considers should be included in the Environmental Statement for the proposed development.

North Somerset Council will not be precluded from requiring additional information if it is considered necessary in connection with the Environmental Statement submitted when considering a planning application for a proposed development.

Date: 12 October 2020

Signed: Richard Kent  
Head of Development Management

### THIS NOTICE DOES NOT GRANT PLANNING PERMISSION

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) on our website at [www.n-somerset.gov.uk/contactplanning](http://www.n-somerset.gov.uk/contactplanning) if you require further information on this decision.

## DELEGATED REPORT

|                        |  |                       |            |
|------------------------|--|-----------------------|------------|
| <b>Application No:</b> | 20/P/2082/EA2  | <b>Target date:</b>   | 07.10.2020 |
| <b>Case officer:</b>   | Ursula Fay   | <b>Extended date:</b> |            |
| <b>Proposal:</b>       | Request for a formal scoping opinion to determine the scope of an Environmental Impact Assessment for a future application for the change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre - THIS IS NOT A PLANNING APPLICATION |                       |            |
| <b>Site address:</b>   | Proposed Park And Ride Adj Heathfield Park, Bristol Road, Hewish,  |                       |            |

### **Background**

A Request for a formal screening opinion for the above proposal was submitted on 20 July 2020. A formal screening opinion was provided dated 27 August 2020, identifying a number of potential impacts on the environment associated with the proposed development that require further assessment, to be considered through the submission of an Environmental Impact Statement.

These potential impacts were identified as relating specifically to:

- \* Potential for significant impacts on European Site features - Mendip and North Somerset Bats SAC
- \* Potential for significant impact on National Priority Habitat - 'Coastal and Floodplain Grazing Marsh' and Puxton Moor, Biddle Street and Yatton SSSIs
- \* Potential for significant impacts on the Strategic Road Network (principally the M5 motorway)

### **Purpose and Requirements of EIA Scoping**

The purpose of EIA scoping is to bring together information about any likely significant environmental effects of a proposed development. The request for a Scoping opinion should include:

- \* a plan sufficient to identify the land
- \* a brief description of the nature and purpose of the development, including its location and technical capacity
- \* an explanation of the likely significant effects of the development on the environment
- \* such other information or representations as the person making the request may wish to provide or make

The Local Planning Authority's role is to clarify what it considered the main effects of the development are likely to be, and therefore, the aspects on which the applicant's

Environmental Statement should focus. However, the Local Planning Authority is not prohibited from requesting additional information if it is considered necessary in connection with the Environmental Statement submitted with that application when examining the application for planning permission.

## **Consultation**

The EIA scoping report has been subject to consultation, including consultation with statutory and non-statutory organisations, Parish Councils and various teams / officers within the Council. Third party consultation responses can be viewed on the Council's Website and a summary of comments are set out below.

Any consultation responses received after the delivery of the Scoping Opinion will be made available on the council's website and forwarded to the Applicant. The Applicant should also give appropriate consideration to those comments in carrying out the EIA.

You should also refer to the pages on our website that provide guidance on what should be submitted with a planning application. This covers assessments, plans, tests and reports, strategies and statements. Relevant submissions should follow the technical guidance in these for the scope and technical specifications of any submitted documents.

<https://www.n-somerset.gov.uk/my-services/planning-building-control/planning-advice/supporting-documents>

## **Natural England**

- \* Provide generic comments concerning the different subject matters that should be included in the EIA as well as the main legislation and policy references.
- \* Advise that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters.
- \* Advise that the ES should thoroughly assess the potential for the proposal to affect designated sites.
- \* Note that the site lies between the designated nature conservation sites Puxton Moor SSSI and Biddle Street, Yatton SSSI. The ditches which comprise the SSSIs are known to be used as navigation features and for foraging by Horseshoe bats from the North Somerset and Mendip Bats Special Area of Conservation as well as several other bat species. The orchard immediately to the west of the site is also likely to provide foraging for various bat species, including Horseshoe Bats, and therefore comprehensive bat surveys will be necessary.
- \* The EIA will need to consider any impacts upon local wildlife and geological sites.
- \* The ES should assess the impact of all phases of the proposal on protected species.
- \* The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006.

\* Advise that a habitat survey (equivalent to Phase 2) is carried out on the site, to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. Consideration should also be given to those species and habitats included in the relevant Local Biodiversity Action Plan (BAP).

\* The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

\* Details should be provided of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

\* The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies, with the use of Landscape Character Assessment (LCA) encouraged.

\* Support the methodology set out in the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition).

\* You will need to show how the development has considered the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials.

\* The Environmental Impact Assessment process should detail the measures to be taken to ensure the design of any building will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

\* The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area

\* The assessment should refer to the relevant National Character Areas.

\* You should show how any proposal will incorporate measures to help encourage people to access the countryside for quiet enjoyment.

\* EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

- \* Impacts from the development should be considered against the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in the NPPF.
- \* Proposals should consider the impact of development on air quality and climate change
- \* A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.
- \* The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):
  - a. existing completed projects;
  - b. approved but uncompleted projects;
  - c. ongoing activities;
  - d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
  - e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

### Highways England

- \* An assessment of transport related impacts of the proposal should be carried out and reported as described in the current DCLG guidance on 'Travel Plans, Transport Assessments and Statements in decision taking'. Reference should be made to Highways England policy requirements set out in Circular 02/2013.
- \* Environmental impacts arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported, along with the environmental impact of the road network upon the development itself.
- \* Adverse changes to noise and air quality should be considered, including in relation to compliance with the European air quality Limit Values and/or Local Authority designated Air Quality Management Areas (AQMAs) and World Health Organisation (WHO) criteria.
- \* Works in the vicinity of the SRN should be scheduled to avoid coinciding with other construction projects in order to limit the level of disturbance to the network.
- \* As per paragraph 50 of the Circular 02/2013, no new connections are permitted to the Highways England drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.
- \* Development must not lead to any surface water flooding on the SRN carriageway.
- \* Any application will need to be supported by a transport assessment which should consider the impact of the proposal on the operation of the SRN - in this case the M5 Junction 21 - in line with the guidance contained within National Planning Practice Guidance and DfT Circular 02/2013 The Strategic Road Network and the Delivery of



Sustainable Development. Any adverse impact will require appropriate mitigation to be provided in line with current guidance.

- \* The effects of the proposed development should be assessed cumulatively with other schemes and we would expect the applicants to agree an appropriate list of schemes, including committed development in the area, with the relevant local planning authority and Highways England.

### Historic England

- \* Development could, potentially, have an impact upon as yet unidentified undesignated heritage assets within the site.

- \* Expect the Environmental Statement to contain a thorough assessment of the potential of designated and undesignated heritage assets, including by reference to the Historic Environment Record kept by NSC and the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

- \* Expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, within a zone of theoretical visibility.

- \* Recommend that you involve the archaeological staff at North Somerset Council in the development of this assessment.

- \* Important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

- \* Assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area.

- \* Assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments.

### Environment Agency

- \* Proposal falls within Flood Zones 3a and 3b which is an area with a high probability of flooding.

- \* Evidence should be provided to the LPA to ensure that the flood risk Sequential Test has been adequately completed. If this can be passed then an Exception Test will be required.

- \* For this development to be located within Flood Zone 3b it would need to be classified as essential infrastructure.

- \* A Flood Risk Assessment (FRA) will be required in support of this proposal.

- \* To prevent pollution of the water environment detailed design should be provided on the disposal of foul and surface water drainage.
- \* Construction activities have the potential to cause significant pollution. A scheme for prevention of pollution should be produced.
- \* There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters.
- \* An assessment of the risks associated with contamination for this site should be provided.
- \* If it is intended to import inert waste for the creation of the proposed development, then it may require a Waste Management Licence or an exemption.
- \* Advice on consultation with other statutory bodies.

### **Site and Surroundings**

The site comprises approximately 11 hectares of land to the south of the A370, comprising six fields of generally flat open pastureland. The surrounding land consist mostly of farmland, with a number of residential receptors are located in the immediate vicinity of the site. For the most part these comprise individual dwellings and farmhouses, with the exception of Moorland Park which comprises a group situated to the east of the site.

### **Proposed Development**

For the purpose of EIA scoping, the proposed development seeks to deliver the change of use of land to allow the construction of access roads, reception centre, a Park and Ride car park for Bristol Airport parking allowing for up to 3,101 cars to park.

### **Sensitive Receptors**

The following potentially sensitive receptors and Valued Environmental Components (VECs) have been identified and should be given consideration:

- People at home
- People in work places
- People walking/cycling
- Sensitive groups
- Ecological receptors including Puxton Moor SSSI, Biddle Street and Yatton SSSI and North Somerset and Mendip Bats SAC
- Landscape receptors including Mendip Hills Area of Outstanding Natural Beauty
- Public Rights of Way (PRoWs)
- Aboricultural receptors
- Heritage receptors

This list is not intended to be exhaustive as other sensitive receptors/VECs may be identified as the project progresses.

## **Relevant Planning History**

20/P/1697/EA1: Request for a formal screening opinion as to whether an Environmental Impact Assessment is required for the change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre. Screening Opinion provided 20/08/2020

## **Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

| <b>Policy Ref</b> | <b>Policy heading</b>  |
|-------------------|--|
| CS1               | <a href="#">Addressing climate change and carbon reduction</a> |
| CS2               | Delivering sustainable design and construction                 |
| CS3               | Environmental impacts and flood risk management                |
| CS4               | Nature Conservation  |
| CS5               | Landscape and the historic environment                         |
| CS9               | Green infrastructure   |
| CS10              | Transport and movement   |
| CS11              | Parking  |
| CS12              | Achieving high quality design and place making                 |
| CS23              | Bristol Airport  |
| CS33              | Smaller settlements and countryside                            |
| CS34              | Infrastructure delivery and Development Contributions          |

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016)

The following policies are particularly relevant to this proposal:

| <b>Policy</b> | <b>Policy heading</b>   |
|---------------|---|
| DM1           | Flooding and drainage   |
| DM2           | Renewable and low carbon energy   |
| DM6           | Archaeology   |
| DM7           | Non-designated heritage assets  |
| DM8           | Nature Conservation   |
| DM9           | Trees   |
| DM10          | Landscape   |
| DM11          | Mendip Hills Area of Outstanding Natural Beauty                                 |
| DM19          | Green infrastructure  |
| DM20          | Major Transport Schemes   |
| DM21          | Motorway junctions  |
| DM24          | Safety, traffic and provision of infrastructure etc associated with development |
| DM25          | Public rights of way, pedestrian and cycle access                               |
| DM26          | Travel plans  |

|      |  |
|------|--|
| DM29 | Car parks  |
| DM30 | Off-airport car parking  |
| DM31 | Air safety   |
| DM32 | High quality design and place making                                   |
| DM50 | Bristol Airport  |
| DM70 | Development infrastructure   |
| DM71 | Development contributions, Community Infrastructure Levy and viability |

### **Other material policy guidance**

#### National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

| <b>Section No</b> | <b>Section heading</b>   |
|-------------------|--|
| 1                 | Introduction   |
| 2                 | Achieving Sustainable Development                                    |
| 4                 | Decision-taking  |
| 6                 | Building a strong, competitive economy                               |
| 8                 | Promoting healthy and safe communities                               |
| 9                 | Promoting sustainable transport                                      |
| 11                | Making effective use of land   |
| 12                | Achieving well designed places                                       |
| 14                | Meeting the challenge of climate change, flooding and coastal change |
| 15                | Conserving and enhancing the natural environment                     |
| 16                | Conserving and enhancing the historic environment                    |

#### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

### **Approach to Environmental Statement**

the Applicant should ensure that appropriate consultation is undertaken with the relevant consultees in order to agree, wherever possible, the timing and relevance of survey work as well as the methodologies to be used. In general, the ES should examine temporary, permanent effects and short and long-term impacts of development in each area of consideration, taking account of planning applications and adopted plans and policies and plans and policies at an advanced stage in the process.

#### Construction

Information on construction should be clearly indicated in the ES including construction programme, together with proposed construction activities and methods, and their anticipated duration.

### Matters to be scoped out

Due to the limited detail provided, it has not been possible to scope any matters out of the assessment. Where topics are scoped out during the preparation of the Environmental Statement (ES) prior to submission of the application, the ES should clearly explain the reasoning and justify the approach taken.

## **Environmental Topics**

Schedule 4 paragraph 4 of the EIA Regulations identifies broad factors that are likely to be significant and affected by a development proposal. This includes: “population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydro-morphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.”

This section sets out the Local Planning Authority’s comments on topic areas where the proposal has been identified as likely to have a significant effect on the environment.

### Landscape

The Environmental Statement (ES) should assess the effects, including permanent impacts, interactive and cumulative impacts, on the wider landscape, including impact on the setting of the Mendip Hills AONB. The assessment should take place through a full assessment of the potential impacts of the development on landscape character using landscape assessment methodologies, with the use of Landscape Character Assessment (LCA) encouraged. This should include an assessment of the effects of lighting the proposal. The ES should detail the measures to be taken to ensure the design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

### Traffic and transport

The ES should assess the effects, including temporary, permanent, interactive and cumulative impacts, of transport related impacts of the proposal. Environmental impacts arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported, along with the environmental impact of the road network upon the development itself. Adverse changes to noise and air quality should be assessed, including in relation to compliance with the European air quality Limit Values and/or Local Authority designated Air Quality Management Areas (AQMAs) and World Health Organisation (WHO) criteria. A transport assessment should consider the impact of the proposal on the operation of the SRN - in this case the M5 Junction 21 - in line with the guidance contained within National Planning Practice Guidance and DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development.

The assessment should include traffic data collection and modelling on the effect of the development on the local road network (and links to the motorways) and possible mitigation measures including highway and junction design around the site entrance, road drainage and lighting, noise impacts and the layout of the internal roads and car parking.

#### Natural resources, waste, pollution and hazards

The ES should assess the effects, including temporary, permanent, interactive and cumulative impacts, on water, noise and light pollution.

The impacts of the construction of the proposal on pollution should include details of the following and how pollution will be prevented:

1. Site Security.
2. Fuel oil storage, bunding, delivery and use.
3. Re-fuelling of any vehicles must be carried out in a designated and protected area
4. How both minor and major spillage will be dealt with.
5. Containment of silt/soil contaminated run off.
6. Disposal of contaminated drainage, including water pumped from excavations.
7. Site induction for workforce highlighting pollution prevention and awareness.

You should include any conclusions as to the impact on operation of farm holdings in the area.

#### Contaminated Land

The ES should include an assessment of the risks associated with contamination for this site, this should include the following components to deal with the associated risks:

1. A preliminary risk assessment which has identified:
  - a. all previous uses,
  - b. potential contaminants associated with those uses,
  - c. a conceptual model of the site indicating sources, pathways and receptors
2. potentially unacceptable risks arising from contamination at the site.
3. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
4. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

#### Flooding and drainage

The ES should assess the effects, including permanent impacts, interactive and cumulative impacts, of flooding. This should include a Flood Risk Assessment to assess the flood risk associated with the proposal, a detailed assessment of the impacts of the proposed drainage requirements and the impacts on existing drainage systems up and down stream. The impacts of site flooding and drainage on flora and fauna should be fully assessed and reported.

The FRA will need to demonstrate the following:

1. The development will remain safe for the life time of the development, which means the car park should not flood for more than 300 mm for a 1 in 100 year event including climate change.
2. Ideally the car park should be built at the current ground level. If any ground raising is necessary, floodplain compensation should be provided for the loss of the floodplain.
3. The development can take place without increasing flood risk to third parties.

You should also describe whether ground levels will need to be altered in this generally low-lying area and how this will affect flood risk on and off-site and how it will affect the landscape and biodiversity such as trees, hedges and watercourses.

## Ecology

The ES should assess the effects, including temporary, permanent, interactive and cumulative impacts on flora and fauna. This should include detailed assessment and reporting of impacts on the sensitive receptors Puxton Moor SSSI, Biddle Street and Yatton SSSI and North Somerset and Mendip Bats SAC. A detailed assessment should be made of the potential significant loss of National Priority Habitat, and the consequent impact on legally protected and notable species. Full ecological surveys and assessments are required. Particular regard should be taken to identifying impacts on the adjacent rhyne network and its supported species. The impacts on bats, in particular horseshoe bats, should be fully assessed and reported, to include the impacts of lighting of the proposal.

Your ES should follow the guidance contained within the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document Adopted January 2018, in respect of survey work, mitigation measures and submissions such as HEP calculations where appropriate. Note that submission of a 'shadow' Habitats Regulations Assessment to include an in-combination assessment of the proposal on the North Somerset and Mendip Bats SAC is also required.

## Heritage

The ES should the Environmental Statement to contain a thorough assessment of the potential of heritage assets and the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets. The potential impacts on non-designated features of historic, architectural, archaeological or artistic interest should be considered, within a zone of theoretical visibility.

The ES should assess the effects, including permanent impacts, interactive and cumulative impacts, on undesignated heritage assets within the site. This should include an assessment of potential impacts of associated activities (such as construction, servicing and maintenance, and associated traffic), assessment of alterations to drainage patterns that could lead to in situ decomposition or destruction of below ground archaeological remains. The assessment should be designed to ensure that all impacts are fully understood; section drawings and techniques such as photomontages are a useful part of this.

## Air Quality & Climate Change



The ES should assess the effects including permanent impacts, interactive and cumulative impacts, on climate change resilience (CCR) and in-combination climate change impacts (ICCI).

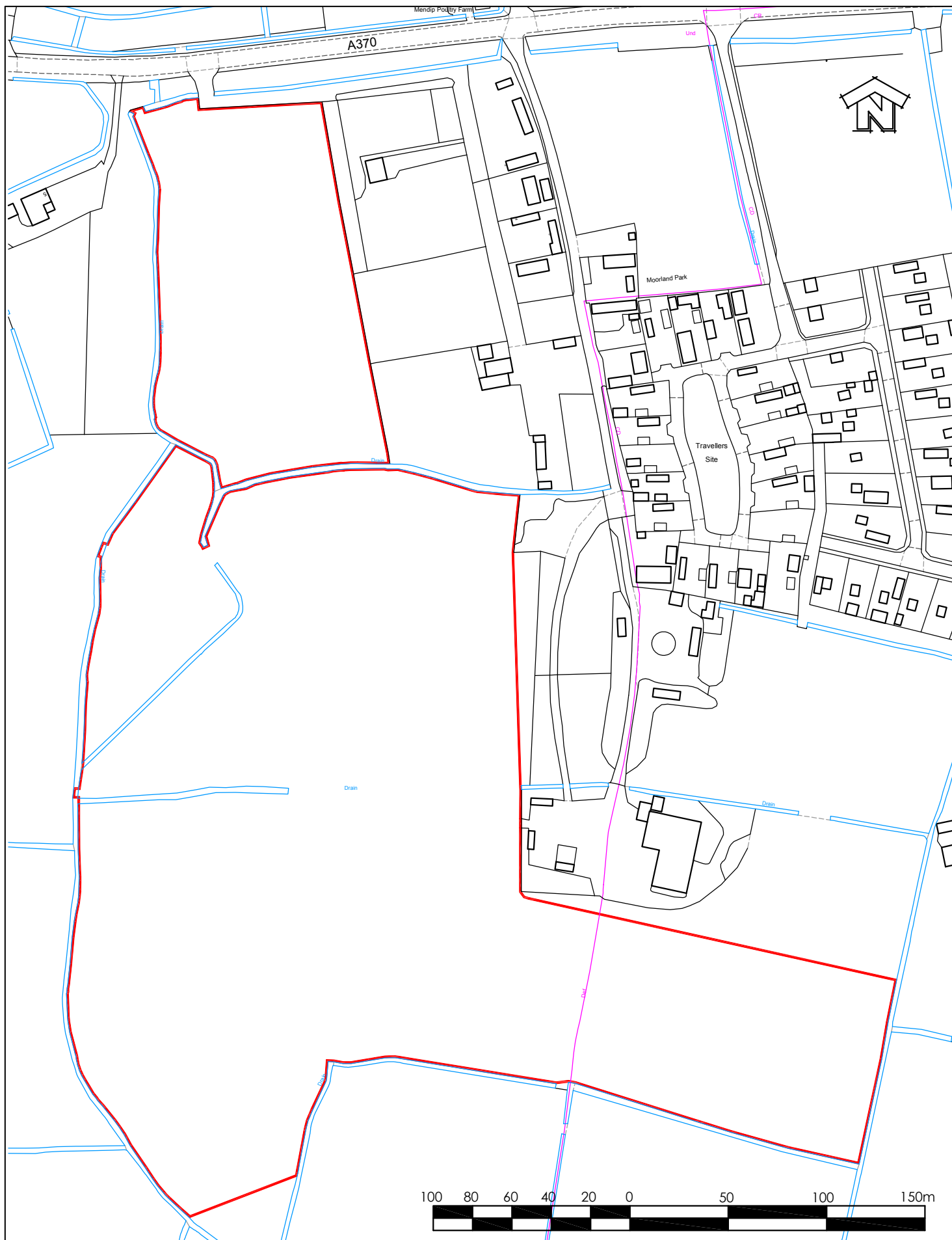
Proposals should consider the impact of development on air quality and climate change by reference to and should show how this will affect human health and biodiversity and plant and aquatic life. This should encompass reference to air quality limits (see below) and annual mean and short term NO<sub>2</sub> and PM<sub>10</sub> concentrations and an assessment of construction phase dust risk.

**Recommendation:** That the Scoping Opinion set out in this North Somerset Council Delegated Report is the adopted Opinion of North Somerset Council.

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- \* Natural Environment and Rural Communities (NERC) Act 2006
- \* Crime and Disorder Act 1998
- \* Human Rights Act 1998.

Signed: Ursula Fay



|                    |                |               |
|--------------------|----------------|---------------|
| <b>Title</b>       | <b>Scale</b>   | <b>Date</b>   |
| Site Location Plan | 1:2500@A4      | Apr 2020      |
| <b>Location</b>    | <b>Drg no.</b> | <b>Status</b> |
| Land south of A370 | LP001          | Planning      |





| Location          | Scale    | Date     | Dwg no. | Rev | Status   | Title              |
|-------------------|----------|----------|---------|-----|----------|--------------------|
| Land off the A370 | 1:500@A0 | Jan 2021 | PP009   | A   | Planning | Proposed Site Plan |

