



Appeal by: Bristol Airport Limited

Appeal Reference: APP/D0121/W/20/3259234

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

**Proof of evidence of
David Gurtler BA(Hons), BPI, DipSurv MRTPI
Planning and Green Belt**

Reference: NSC/W7/1

Alpha Planning Ltd



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Bristol Airport Public Inquiry

Planning Proof of Evidence

David Gurtler

on behalf of

North Somerset Council

PINS ref: APP/D0121/W/20/3259234

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I. QUALIFICATIONS AND EXPERIENCE

1. My name is David Gurtler, I hold a Bachelor of Arts in Town and Country Planning and a Bachelor of Planning from Manchester University. I also hold a Diploma in Surveying from the College of Estate Management at the University of Reading. I have been a member of the Royal Town Planning Institute since 1989.
2. I am a Director of Alpha Planning Ltd. I have been in practice for 35 years, having worked for three London Boroughs, three planning consultancies and a number of non-government organisations and charities.
3. I have been involved in planning associated with the aviation sector since 1992 when I first worked for the London Borough of Hillingdon as principal planning officer responsible for securing the delivery of British Airway's corporate headquarters at Waterside, Heathrow. Subsequently, I was involved with the Terminal 5 public inquiry in the mid-1990s, preparing evidence for Hillingdon's Divisional Director of Planning. Following a period abroad, I returned to the UK in 2001 and worked as a consultant for BAA on the Terminal 5 project, where I was responsible for securing consent for much of the landside infrastructure.
4. Between 2005 to 2012 I headed up the aviation team at Nathaniel Lichfield and Partners (now Lichfields), working with British Airways at Heathrow, BAA at Stansted, Regional Airports Ltd at Southend and Biggin Hill Airports, Sutton Harbour Group at Plymouth City Airport, Regional City Airports at Blackpool Airport and also a number of smaller local airports (including Wolverhampton Halfpenny Green and Tattenhill).
5. Since founding Alpha Planning in 2012, I have continued to work with the aviation sector, with roles that include: providing advice to Transport for London in relation to Heathrow's proposal to end the Cranford agreement; working with Biggin Hill and Oxford Airports in challenging the Ministry of Defence, the Civil Aviation Authority and the Department for Transport in the High Court against their decision to increase the number of civilian aircraft movements at RAF Northolt; working on Manchester Airports Group's Framework Agreement,

having provided them with advice in relation to development at Bournemouth Airport prior to its sale; advising Luton Borough Council since November 2013 on inter alia the expansion of Luton Airport to accommodate 18 million passengers per annum (“**mppa**”) and the current planning application for an additional 1mppa; representing the London Borough of Newham as their expert witness at the London City Airport public Inquiry in 2016; advising Southampton City Council on Southampton Airport’s proposal to extend the runway in order to provide representations to Eastleigh District Council the local planning authority responsible for determining the planning application; and working with Heathrow Airport Limited (“**HAL**”) on enabling works associated with the third runway project and providing advice to various teams within HAL on planning matters as part of their framework agreement.

6. I was approached by the Head of Planning at North Somerset Council (“**the Council**”) in August 2020 because the Council was looking to procure consultancy services to provide expert planning and aviation advice in the run-up to, and at, this public inquiry. I was appointed by the Council following the lodging of the appeal by Bristol Airport Limited (“**BAL**”) in September 2020.
7. Prior to accepting the instruction, I had been following BAL’s application due to my professional interest. Consequently, I was aware of the background to the appeal, having considered the submitted application and reviewed the officer’s report to the Planning and Regulatory Committee of 10 February 2020 (and the subsequent report to the meeting on 18 March 2020), together with the resolution made by the Committee leading to the refusal of planning permission. With regard to this material, I was satisfied that I could provide evidence to the Council at this appeal in accordance with my professional obligations.
8. Since my appointment, I have reviewed all of the application documents, BAL’s Statement of Case (“**SOC**”) dated September 2020, the subsequent Addendum Environmental Statement submitted on 30 November 2020, and the consultation under Part 8 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to the proposed public transport interchange (“**PTI**”). I have also contributed towards the Council’s Statement of Case as well as the Statements of Common Ground.

I visited the airport and its surrounding area on Monday 4th and Tuesday 5th January 2021.

9. The evidence which I have now prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

II. INTRODUCTION

10. My evidence has been prepared on behalf of the Council, in response to an appeal lodged by BAL against the refusal of planning permission for the development ("**the Proposed Development**") described at paragraph 10 of the Statement of Common Ground, Part 1: General Matters ("**the SOCG**").
11. The application the subject of this appeal was dated 5 December 2018 and was validated by the Council on the 19 December 2018 ("**the Application**"). The Application was accompanied by an environmental statement.
12. On 10 February 2020 the Application was reported to the Council's Planning and Regulatory Committee ("**the Committee**") with an officer recommendation that, subject to referral to the Secretary of State and the completion of a legal agreement, conditional planning permission should be granted [CD4.11]. At the meeting of the Committee on 10 February 2020 it was resolved that the Application should be refused and consequently, in accordance with the Council's standard procedures, the Application was reported to the next meeting of the Committee on 18 March 2020, where the officer's recommendation remained unchanged, though comments were provided on the reasons for refusal proposed by the Committee at its meeting in February [CD4.13].
13. By a decision notice dated 19 March 2020 [CD4.16] the Council refused the Application for five reasons which are set out in Appendix 3 of the SOCG.

III. STRUCTURE AND SCOPE OF EVIDENCE

14. My proof of evidence considers the impact of the Proposed Development on the Green Belt before assessing the Proposed Development against development plan policy, identifying other material considerations (including national policy) relevant to the determination of the appeal and undertaking a planning balance.
15. My evidence draws upon the Council's consideration of the Proposed Development and the subsequent refusal of planning permission.
16. The Case Management Conference Note of 8 March 2021 from the Inspector Panel, identified seven main issues for consideration. In respect of those issues, my evidence is primarily focussed upon the acceptability of the scheme with regard to local and national planning policy (issue (a)) and Green Belt issues (issue (b) and reason for refusal ("**RfR**") 4). In addition, my evidence draws upon the conclusions of the Council's witnesses in respect of: sustainable transport objectives and highway matters (issue (d), RfR 1 and RfR 5); air quality (issue (e) and RfR2); noise (issue (f) and RfR2); carbon emissions (issue (g) and RfR3); and economic benefits (issue (h) and RfR1).

IV. GREEN BELT

(a) Policy

17. Chapter 13 of the National Planning Policy Framework (NPPF) [CD5.8] concerns the protection of Green Belt land. Paragraphs 133, 134, 136 and 143 – 146 are particularly material in this case. I do not recite these paragraphs as the full policies are available in the Core Documents.
18. At the local level, the policies within the development plan that relate to the Green Belt are policy CS6 of the Core Strategy ("**the CS**") [CD5.6] and policy DM12 of the Sites and Policies Plan Part 1: Development Management Policies ("**DMP1**") [CD5.4].
19. Policy CS6 affirms that the boundaries of the Green Belt will remain unchanged during the plan period (to 2026) and states that "*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.” Further, the supporting text to policy CS6 states at paragraph 3.93 that: “The protection and maintenance of the Green Belt is very important to the affected communities, and ensures a clear distinction between urban Bristol and rural North Somerset. It makes an important contribution to their local character and distinctiveness, and is highly valued and supported.”

20. Policy DM12 of the DMP1 [CD5.4] confirms the extent of the Green Belt as shown on the Policies Map [CD5.27], and reiterates national policy, namely that *“inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.”* The policy then deals with a number of different types of development.
21. I have considered policies CS6 and DM12 against the NPPF. I consider both policies to be up to date in all relevant respects. Accordingly, they should be afforded full weight in the determination of this appeal.

(b) Guidance

22. The Planning Practice Guidance (“PPG”) [CD5.9] advises that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case, and lists (non-exhaustively) a number of matters that the courts have identified which may need to be taken into account in making such an assessment, specifically:
 - (a) openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - (b) the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - (c) the degree of activity likely to be generated, such as traffic generation.¹
23. In addition, I note the following relevant principles:

¹ Paragraph: 001 Reference ID: 64-001-20190722

- (a) Openness is not defined in the NPPF, but it is established that openness is the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact: see ***R. (Lee Valley Regional Park Authority) v Epping Forest DC*** [2016] EWCA Civ 404 [2016] Env. L.R. 30 per Lindblom LJ at [7].
- (b) Openness is an open-textured concept and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents: see ***Turner v Secretary of State for Communities and Local Government*** [2016] EWCA Civ 466; [2017] 2 P. & C.R. 1 *per* Sales LJ at [14].
- (c) The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt (although it does not follow that openness of the Green Belt has no visual dimension): see ***Turner*** *per* Sales LJ at [25]; and ***R (Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council*** [2020] UKSC 3; [2020] PTSR 221.

(c) History of the Green Belt and Green Belt Inset

- 24. Historically, the whole of the application site fell within the Green Belt, with the general extent of the Green Belt having been defined by Avon County Council in 1974. The Avon and County Structure Plan adopted in 1985 reiterated the extent of the Green Belt within the County and corresponding local plans produced by the Districts reflected the Green Belt boundary within their administrative areas.
- 25. In 2007, following the adoption of the North Somerset Replacement Local Plan (“**the RLP**”), a Green Belt Inset was established at the airport. The Green Belt

Inset excluded the northern side of the operational area of the airport (land to the north of taxiway Zulu and south of Downside Road) from the Green Belt (this is shown on the North Somerset Policies Map (CD5.27)).

26. At the time of the examination of the RLP, the predecessor to BAL wanted the Green Belt Inset to cover the whole of the operational airport, together with additional land to the south, which the airport had an option to purchase in order to extend surface car parking once passenger throughput exceeded 6mppa (assumed by the airport to be within the plan period). The Inspector examining the RLP rejected the argument for such a wide inset area.² The Inspector concluded that:

“[the Green Belt Inset should] exclude that part of the airport operational area that is situated north of the northern taxiway and east of Cooks Bridle Path, i.e. the fall-back position of the Council were I minded to make such a recommendation. In my judgement, this would define an area within which all development that would clearly require express planning permission and undoubtedly be inappropriate development would be expected to take place in the period up to 2020 which I regard as sufficiently long-term to meet the requirements of PPG2. It is broadly also the area within which development would be least likely to injure the visual amenities of the Green Belt. Should additional development that would require express planning permission be required elsewhere within the operational area or on land currently beyond the airport limits and that development be deemed to constitute ‘inappropriate development’ in PPG2 terms, I consider that it would be wholly appropriate for ‘very special circumstances’ to have to be demonstrated to justify why that development could not be located within the inset.”³

27. This was adopted within paragraph 9.107 of the RLP.⁴ Since the Inspector’s comments in 2006 there have been a number of planning applications at the airport (described below) which have involved development within both the Green Belt Inset and the Green Belt.
28. The pre-production brief for the CS (March 2007) listed 28 policies from the RLP that were to be included in the CS. This list included policy RD/4 (the Green

² Paragraph 46.10 of the Inspector’s Final Report April 2006

³ Paragraph 46.15 of the Inspector’s Final Report April 2006

⁴ See Appendix 4

Belt boundary) and policy T/12 (Bristol International Airport). Following the consultation on the Issues and Options stage for the CS (in October 2007), representations were made on behalf of BAL that there should be an extension to the Green Belt Inset given its aspirations for the expansion of the airport. However, by the time of the Inspector's Report into the CS (in March 2012), the Council had granted planning permission for expansion to 10 mppa and the Inspector concluded that: *"the development needs of the airport during the timeframe of the Core Strategy⁵ have now been established, primarily by way of the grant of planning permission in February 2011"⁶*. Further, when considering whether the Green Belt boundary should be enlarged to coincide with the boundary of the 2011 permission, the Inspector considered that the long term development needs of the airport were not defined or programmed in detail and that the land outside the inset *"still contributes to the purposes of its inclusion within the Green Belt, notwithstanding the extant permission."⁷* He also considered that *"the requisite exceptional circumstances to justify changing the Green Belt boundary ... are therefore not made out and any further proposals outside the present inset should remain subject to the requirement ... that inappropriate development be not approved except in very special circumstances. Accordingly, no change of the present Green Belt boundary around Bristol Airport is presently justified in this respect Policy CSG is sound as submitted."⁸*

29. Following a legal challenge to the adoption of the CS which concerned the Council's housing target (policy CS13), certain policies were remitted to the Planning Inspectorate for re-examination, including policy CS6 (North Somerset's Green Belt). The Inspector's Report into the Consequential Changes to those policies concluded that there were no exceptional circumstances to justify a Green Belt review.

⁵ The Core Strategy sets out the broad and long-term vision, objectives and strategic planning policies for North Somerset up to 2026.

⁶ Paragraph 60 of the Inspector's Report March 2012

⁷ Paragraph 64 of the Inspector's Report March 2012

⁸ Paragraph 65 of the Inspector's Report March 2012

30. BAL also made representations to DMP1 (notably policies DM12, DM30 and DM50). In respect of the representations from BAL which sought to change the boundary of the Green Belt Inset, the Council responded by stating that *“further major development is not anticipated and there is therefore no basis for changing the planning status of this wider area in order to accommodate it.”*⁹
31. In September 2018 the Council published the Local Plan Issues and Options Document for consultation (which has now been superseded). This consultation proposed to provide a detailed policy framework to reflect the approach and timeframe of the emerging West of England Joint Spatial Plan.¹⁰ BAL made representations to this consultation in December 2018, advocating the removal of the whole of the airport and surrounding land from the Green Belt, to allow for the phased growth of the airport.
32. Further detailed representations were made in April 2020 in response to the Council’s consultation on the Local Plan Pre-Commencement Document, which sought views on the proposed content, scope and programme for the Local Plan. A further round of consultation on the Council’s Choices for the Future document commenced in November 2020 with BAL reiterating its position in relation to the airport.
33. From this history, I note the great care taken by Inspectors in interrogating BAL’s arguments for an amendment of the Green Belt boundaries around the airport. Those arguments from BAL have been largely unsuccessful (or, where they have been successful, they have not been accepted in full). The reasoning of the Inspectors has consistently recognised the importance of maintaining the Green Belt around the airport and the value of the Green Belt adjacent to the airport.

(d) Relevant Planning History

⁹ Page 231 of report on Results of Publication Consultation February 2015

¹⁰ The JSP was being prepared by the four West of England local authorities of Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire, in order to steer the nature and location of new homes and jobs and essential infrastructure. The JSP was submitted to the Secretary of State in April 2018, with the Examination in Public held in July 2019, though following the hearing sessions the Inspectors raised concerns about the soundness of the plan, which was formally withdrawn in April 2020.

(1) Developments involving car parking provision making use of PDR

34. The SOCG provides relevant planning history back to 1995 when the new terminal was approved (NSC ref: 1287/91). By virtue of that permission the operational boundary of the airport was defined and the airport operator was therefore able to benefit from permitted development rights on this operational land by virtue of Class A of Part 18 of Schedule 2 of the Town and Country Planning General Development Order 1988 (and successor development orders).¹¹
35. Since the new terminal permission in 1995, the airport has made use of these permitted development rights on a number of occasions in order to provide additional surface car parking. When consulted upon such proposals, the ambit of the Council's consideration is restricted by the terms of the development order. A summary of the various car parking proposals that have come forward as permitted development is provided in Appendix 1, with a plan showing their location.
36. Over the years, the Airport has been able to provide considerable areas of surface car parking using permitted development rights. At the time that the new terminal application was submitted in 1995 there was no passenger car parking on the south side (see aerial photograph from 1999 in Appendix 2), though with the grant of that permission the first surface car park, providing a total of 1,230 spaces, was authorised in what is now the Silver Zone (see below). Incrementally the surface parking in the south side of the airport has increased over the years, such that by 2009 when the application to increase the airport capacity to 10mppa was submitted, there were 7,797 existing car parking spaces in the Silver Zone¹² (of which just over 6,500 appear to have been provided using permitted development rights). The area covered by car parking had increased to approximately 12.5ha, with 10ha associated with parking provided using PDR.

¹¹ Note permitted development rights for relevant airport operators are now set out in Class F, Part 8, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

¹² Figures taken from Table 6 on page 39 in the BIA Transport Assessment submitted with the 2009 planning application (NSC ref: 09/P/1020/OT2) [CD14.12]

(2) Developments involving car parking provision with express consent

37. The airport has also sought express consent for other parking development, either when the proposal is part of a larger development or when it has been assessed that the environmental impacts are such that environmental impact assessment would be required and thus the development fell outside permitted development right. The various planning permissions are listed in Appendix 3 and are shown on the plan in Appendix 3.
38. The previous decisions made by the Council (or the Secretary of State) are readily distinguishable from the present case, either because of a different policy matrix (for example, policies related to the benefits and impacts of the development, although I accept there has been a high degree of continuity in terms of Green Belt policy) or because of the different form of development. Further, the information now available in respect of the Proposed Development is more comprehensive and allows the relationship between the future growth of BA and the provision of car parking to be fully explored, necessitating a fresh assessment, having regard to all the elements of the Proposed Development. Accordingly, I am of the view that a fresh judgment is required in this case and that the judgment in this case on the development in the Green Belt will not involve any disagreement with one of these previous decisions given they are readily distinguishable.

(e) Whether the development in the Green Belt is inappropriate development

39. The physical elements of the Proposed Development that are situated within the Green Belt Inset include:
- (a) extensions to the terminal building;
 - (b) east walkway and pier;
 - (c) acoustic timber fence;
 - (d) new service yard;

- (e) erection of a 2,150 space MSCP; and
 - (f) alterations to the internal road layout and surface parking.
40. The physical elements of the Proposed Development that are within the Green Belt comprise:
- (a) taxiway widening and fillets;
 - (b) year round use of the existing Silver Zone car park extension comprising 3,650 car parking spaces (Cogloop Phase 1);
 - (c) extension to the Silver Zone car park to provide 2,700 additional spaces (Cogloop Phase 2); and
 - (d) improvements to the A38 and its junction with Downside Road

(1) Year round use of existing Silver Zone car park extension and the extension to the Silver Zone car park

41. BAL's Planning Statement [CD2.3] states at paragraph 5.3.8 that "*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 [sic] also be deemed to be inappropriate.*" BAL's SOC goes further than this by accepting at paragraph 9.1 that operational change to the summer season car park (Cogloop Phase 1) as well as the addition of a 2,700 car parking space extension to the Silver Zone car park (Cogloop Phase 2) is inappropriate development in the Green Belt.
42. I agree that these aspects of the Proposed Development would be inappropriate development.

(2) Taxiway widening and fillets

43. I acknowledge that RfR 4 relates to the proposed extension to the Silver Zone car park and year-round use of the seasonal car park. Nevertheless, I wish to record my view on the other aspects of the Proposed Development, such that

my conclusions on the Silver Zone car park and year-round use can be seen in the round.

44. Whilst I accept that the taxiway widening and fillets could be defined as engineering operations, such operations would only be appropriate development within NPPF paragraph 146 if the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within the Green Belt.
45. The northern taxiways (Taxiways Golf and Zulu) will be widened from their current 15m width to 25m wide, along a stretch of approximately 1.25km (from beyond the end of stand 39 in the west to the start of Taxiway Alpha in the east). There would be new fillets to Taxiways Foxtrot and Bravo to assist with aircraft making the turn onto the northern taxiway. The area of hardstanding created would be approximately 1.8ha. Additionally, an east taxiway link is proposed providing access from the east apron (south of stand 19) to runway 27. The new taxiway would be 170m in length and a minimum of 23m wide, covering an area of 0.5ha.
46. The taxiway widening would change the physical nature and character of the land, replacing 2.3ha of existing open grassed areas with paved areas, introducing permanent engineered infrastructure into the Green Belt. The central area of the airfield is quite different to the Green Belt Inset where greater degrees of development have taken place because it is generally open and predominantly grassed. Therefore, I conclude that the taxiway widening would harm the openness of the Green Belt in both spatial and visual terms. On this basis, the taxiway widening would not fall within any of the exceptions in NPPF paragraph 146 and is inappropriate development.

(3) Improvements to A38 and junction with Downside Road

47. As to the improvements to the A38 and its junction with Downside Road, pursuant to NPPF paragraph 146 local transport infrastructure which can demonstrate a requirement for a Green Belt location is only appropriate development if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

48. Whilst BAL's Planning Statement [CD2.3] repeats NPPF paragraph 146 at paragraph 5.3.7, it does not set out how the widening of 520m of road to create two through traffic lanes in both directions preserves the openness of the Green Belt and safeguards the countryside from encroachment.
49. The proposed highway works will introduce additional lanes, slip roads, shared pedestrian footway and cycleway, islands, pedestrian refuges, hatchings and signage. The proof of evidence covering transport matters prepared by Mr Colles, indicates that there are a number of junctions where it will be necessary to provide either retaining walls or embankment in order to provide the shared use pedestrian and cycle routes on either side of the A38 because of the change in levels. Having regard to these matters, it is my view that the proposed highway works cause the loss of openness of the Green Belt in both spatial and visual terms. Further I consider that the works encroach into the countryside. Therefore, I conclude that the works do not fall within NPPF paragraph 146(c) and thus are inappropriate development within the Green Belt.

(f) Assessment of harm to the Green Belt

50. In assessing the impact of the Proposed Development on the openness of the Green Belt, I apply the guidance in the PPG [CD5.9] and the principles derived from case law noted above. I assess the impact on the spatial aspect of openness before considering the impact on the visual aspect of openness

(1) Spatial harm

51. There is currently no development upon the 5.1ha flat open field on which the Silver Zone car park extension is proposed. The field comprises Grade 3a (good) and Grade 3b (moderate) agricultural land, though it is currently used for grazing. The field is situated to the south of the airport boundary, where it is separated from the seasonal car park by a two metre high bund, and bounded on the west, south and eastern sides by hedgerows interspersed with some trees. As a result, currently the openness of this Green Belt land in spatial terms is not compromised in any way.

52. The proposed extension to the Silver Zone car park (Cogloop Phase 2) entails operational development and the change of use of this open field to provide block parking for 2,700 vehicles for use throughout the year. The Planning Statement [CD2.3] indicates that the area covered by cars will be 3.73ha, with parking bays on top of Netpave 50, which is a polyethylene grid system that can be filled with soil or grass. This system has been used elsewhere in the Silver Zone, notably in the seasonal car park and also for the 'Netpave SUDS car park extension' located below the aircraft apron known as the southern parking area (shown in light green on the plan in Appendix 1 with consultation reference 04/P/3153/PAI). There will be asphalt aisles, i.e. vehicular accessways, between rows together with asphalt access roads. In addition to the areas of parking and roads, the permanent car park will also introduce additional paraphernalia, including lighting columns, CCTV columns and cameras and perimeter fencing.
53. The seasonal car park within the Silver Zone (Cogloop Phase 1) occupies an area of 7.8ha of land, and adjoins the open field upon which the Silver Zone car park extension is proposed. Planning permission was originally granted in 2011 for a seasonal car park on this land as part of the comprehensive development at the Airport to enable the increase to 10mppa (reference: 09/P/1020/OT2 [CD14.12]). The use of the seasonal car park was controlled by a number of conditions, one of which required the MSCP to be provided before the use of the seasonal car park could come into operation, and a further condition restricting its use to between 1 May and 31 October. Temporary facilities for lighting, CCTV and services on the 7.8ha field were permitted, to cover the seasonal use. The appeal proposals seek year-round use of this site, together with the provision of permanent fixed lighting and CCTV cameras.
54. In total therefore, these two fields cover an area of 12.9ha (129,000sqm or 31.9 acres) and the proposed development would make provision for a maximum of 6,350 cars to be block parked (parked nose to tail) at the same time. Whilst the seasonal car park does already have permission for use for part of the year, the development would result in block parking on the totality of this area for 365 days a year, causing the permanent loss of the openness of the Green Belt in

spatial terms in this location. The associated fixed lighting and CCTV cameras would also become permanent fixtures.

55. In terms of the spatial aspect, it is clear that the proposed use, with densely parked cars covering 12.9ha (129,000sqm or 31.9 acres) significantly reduces the openness of the land.
56. This is a position that has been supported by Inspectors in a number of appeal decisions in North Somerset concerning airport related parking within the Green Belt. In the most recent appeal (PINS ref: APP/D0121/C/20/3250491, “**the Birds Farm Decision**”) the Inspector addressed the issue of whether the block parking of cars affected the openness of the Green Belt or the purposes of including land within it. In the decision letter the Inspector said: *“there is no statutory definition of openness, but I regard it as the absence of physical manifestations of development. The parking of densely packed cars on the scale involved here, where several hundred cars may be parked at one time, appears as man-made development and it clearly reduces the spatial openness of the land.”*¹³
57. This was a view supported in an earlier appeal decision that the Inspector had been directed to by the parties. In that earlier appeal in 2017, again relating to an enforcement notice concerning airport related car parking in the Green Belt, the Inspector stated that: *“nevertheless the later judgement [Turner], at paragraph 25, confirmed that the openness of the Green Belt has a spacial [sic] as well as visual aspect. Despite not being readily visible from the public domain the parking of cars on the appeal site does affect the openness of the Green Belt with regard to the spacial [sic] aspect.”*¹⁴
58. The scale of development proposed by BAL is significantly greater than the “several hundred cars” in the Birds Farm Decision, with as many as 6,350 vehicles on a 12.9ha site. This confirms my assessment that there is a significant impact on the openness of the Green Belt in spatial terms.

¹³ Birds Farm, Kingdown Road BS40 8DW Decision letter 16 March 2021 (PINS ref: APP/D0121/C/20/3250491) paragraph 15

¹⁴ Land at Barrow Fields, Dial Lane BS40 9YD Decision letter 19 December 2017 (PINS ref: APP/D0121/C/17/3175079)

59. Further, my assessment is consistent with the officer's report because the report concluded that the impact of this level of development would be so significant that it would have to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.¹⁵

(2) Visual harm

60. The Planning Statement [CD2.3] accompanying the Application indicated that the existing landscaped bund to the south of the seasonal car park has screened close views of the car park, whilst longer range views are seen in the context of existing development at the airport (paragraph 5.3.65). I agree that the two metre bund does restrict views (although it is, itself, a manmade form) and that as the planting matures it is likely that views will be further limited from publicly accessible areas, such as Winters Lane. However, when I visited the site in January 2021, the planting did not appear to be well established, and I consider that there would be views of cars and the associated operational development, particularly in the winter months and more normal operating conditions (i.e. after the travel restrictions related to the Coronavirus pandemic have been lifted). Although there were no cars in the seasonal car park at the time of my visit (in line with the planning condition restricting its use), from Winters Lane where it turns at right angles to head south towards Highfield and Goblins Combe Farm, there are views of the seasonal car park (as is shown in Figure 9.29 of Volume 3 of the Environmental Statement [CD2.5.24]). The proposal to extend the use of the seasonal car park to allow year round use would mean that the operational elements of the development would be permanent, and vehicles would be parked in this field throughout the winter months, when the visual impact is likely to be greatest.
61. With regard to the open field that will become the Phase 2 car park, although the harm in terms of the visual impact of this element of the Proposed

¹⁵ Note this Direction was withdrawn on the 21 April 2021 and has been replaced by the Town and Country Planning (Consultation) (England) Direction 2021. The new Direction introduced the need to refer "commemorative object development" to the Secretary of State where the authority does not propose to refuse such an application. The wording in relation to referral of Green Belt development has not changed, which includes in Article 4(b) "any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt."

Development might be mitigated, due to the fact that the field is less visible from Winters Lane than the seasonal car park, the Phase 2 extension will still cause harm to the visual aspect of openness. This is particularly the case given the stark contrast between the current open nature of the field and its condition following the Proposed Development when the permanent use for the parking of 2,700 vehicles with associated access roads, aisles, lighting, CCTV and fencing, with vehicles coming and going and being block parked. This change will also result in the loss of the buffer function which the field currently possesses, between the car parking that has accumulated on the southern side of the airport and the wider countryside.

62. The Landscape and Visual Assessment [CD2.5.21], within the Environmental Statement, considered the visual impact of the Silver Zone car park extension (Cogloop Phase 1 and Phase 2) from a number of different locations. In terms of the year round use, the assessment accepted that from some locations partial and filtered views of parked cars are available and that the year round parking would extend the period when visual effects are experienced.¹⁶ It also commented on the impact of the extension to the car park (Phase 2) noting that *“available views will be partly screened and framed and will be within the context of existing car parking inside and outside Bristol Airport site’s boundary being a readily visible component of the views.”*¹⁷ I consider these statements to be an under-estimation of effect, but nevertheless they confirm that there will be an effect on the visual dimension of openness, consistent with my assessment above.
63. Whilst there is a bund around the existing seasonal car park and a further bund (together with new planting) is proposed to screen, and so mitigate some of the visual harm that will arise from the introduction of 2,700 cars onto the open field south of the seasonal car park, from close range there will still be partial views of the cars, perimeter fencing, CCTV and light columns that are proposed. Views will not only be from private land, such as Highfield, Goblins Coombe Farm and Hailstones Farm and cottages, but also from publicly accessible

¹⁶ Environmental Statement chapter 9 paragraph 9.13.41 [CD2.5.21]

¹⁷ Environmental Statement chapter 9 paragraph 9.13.43 [CD2.5.21]

locations, most notably Winters Lane where it turns south dropping down the hill towards Redhill.

(3) Permanence/remediability/duration

64. The proposed development will see the change of use of these two fields and the introduction of built development (including paved roads, CCTV columns, lighting and perimeter fencing) on a permanent basis.
65. Currently the seasonal car park has vehicles parked on it over a six month period (slightly less due to the need to set up and take down CCTV, lighting, etc and to ensure cars are not booked in for later than the period specified in the planning permission from 2011), but this will now become year round. The Phase 2 extension will see the permanent introduction of access roads, aisles, CCTV and lighting columns, perimeter fencing, together with the introduction of the geotextile parking surface.
66. In addition to being permanent, there is no planned remediation and I do not consider that these two land parcels could be readily remediated since although the vehicles might be removed with relative ease (albeit not quickly), it would also be necessary to remove the vehicles, paved areas (both asphalt access roads and aisles, together with the 'grasscrete' parking areas) and associated paraphernalia (lighting columns, CCTV, fencing, etc). This would require a substantial amount of operations and it is unlikely that this land would ever be returned to the 'best and most versatile' agricultural condition that currently exists today.

(4) Traffic Generation

67. The proposal introduces year-round parking of up to 3,650 cars on a field that was previously only used seasonally (the summer period) together with a further 2,700 parking spaces. Based on the parking tariffs it is likely that cars will be parked in the Cogloop car parks for a minimum of four days (any less and it is as cheap or cheaper to park in the MSCP or other alternatives closer to the terminal building). Even taking into account Mr Colles' concerns regarding the excess level of parking, it is apparent that there will be a

substantial increase in the number of movements connected with the parking of cars throughout the year and on areas of land not previously used for parking.

(5) Purposes of including land within the Green Belt

68. I consider that the new parking development will also amount to encroachment into the countryside, contrary to the Green Belt purpose in NPPF paragraph 134(c). I have described the presently undeveloped nature of the land, consistent with the surrounding countryside. The development of this land will be stark and a clear encroachment of the airport as it sprawls further into the countryside.

(6) Cumulation of development in the Green Belt

69. I have set out above why I consider there to be a loss of openness in this case from the Proposed Development. I have also explained why I consider this loss to be a greater magnitude than suggested by BAL. It is important for this to be set in context of the previous development in the Green Belt, given the importance of ensuring that the Green Belt is not undermined by a series of modest intrusions.
70. The planning history in Appendix 3 shows the extent to which the Airport has used its permitted development rights together with planning permissions to establish large areas of car parking in the south side of the airport. The aerial photographs in Appendix 2 provide a visual record of this growth of built development.
71. I do not accept that either the Proposed Development or the earlier developments can be characterised as modest intrusions: in my view they are extensive intrusions. However, irrespective of this, when taken in the round, the Proposed Development taken together with the previous development represents a series of development which threatens the Green Belt in gradual increments.

(g) Conclusion on harm to the Green Belt

72. For the reasons above, I consider that the Proposed Development will result in significant harm to the Green Belt, arising from the loss of openness in both spatial and visual terms, as well as the encroachment into the countryside.

(h) Assessment of very special circumstances

73. For the reasons above, I have concluded that the year round use of the seasonal car park and the change of use of the agricultural land to a car park would be inappropriate development. Pursuant to NPPF paragraph 143, such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (“**VSC**”). Further, pursuant to NPPF paragraph 144, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm from the Proposed Development, is clearly outweighed by other considerations. In this regard, I have set out the additional harm to the Green Belt, but this is not the totality of “any other harm” for the purposes of NPPF paragraph 144; rather, it is necessary to consider the other adverse effects of the Proposed Development which do not concern the Green Belt. I consider these matters below. Accordingly, I perform the necessary balancing exercise for the purposes of NPPF paragraph 144 below after considering those matters.
74. Nevertheless, I consider here the VSC case advanced by BAL, before drawing matters together for the purposes of NPPF paragraph 144 below.
75. The VSC advanced in BAL’s SOC at paragraph 9.1 are:
- (a) The need for additional low-cost parking to meet demand associated with an additional 2mppa and to address the impacts of unauthorised parking in the Green Belt;
 - (b) Lack of alternative sites outside the Green Belt;
 - (c) The need for and benefits of the growth of the Airport.
76. I will consider each of these matters in turn.

(1) Need for additional low cost parking

77. In assessing the alleged need for additional low cost parking, my starting point is Mr Colles evidence which demonstrates that BAL has over assessed the demand for parking. Mr Colles' evidence is clear that 3,900 is not required. Indeed, Mr Colles also concludes that a public transport mode share of 29% is achievable in under six years, at which point there will be no need for the extension to the Silver Zone Car Park. An over provision of car parking in the manner identified by Mr Colles will undermine the need – consistent with national and local policy – to increase public transport mode share.
78. In addition to Mr Colles' assessment of the quantitative levels of need, I do not accept that the provision of parking in the manner sought by BAL represents a coherent strategy for four reasons.
79. First, I consider that parking should be maximised within the Green Belt Inset, before parking is provided within the Green Belt. This is consistent with the very purpose of the Green Belt Inset and will alleviate the harm that I have described above. This approach is not being adopted by BAL, who wish to deliver parking in the Green Belt before providing more car parking, in the form of MSCP, in the Green Belt Inset.
80. Secondly, even if it is accepted that passengers will generally prefer low-cost parking, which I am not persuaded is the case given the clear evidence that passengers are seeking an improved experience, it has not been demonstrated that the only or best way to meet such a preference in the context of the Proposed Development is by the extension of the Silver Zone Car Park and the lifting of seasonal restrictions. BAL has not produced any evidence to demonstrate that low cost parking could not be provided in the Green Belt Inset through a MSCP. BAL have indicated a commercial preference for MSCP parking to be a premium product (for example BAL's SOC refers at paragraph 9.11 that '*the level of charging required to make such investments [in MSCP] commercially acceptable*') but no viability (or other) evidence is advanced to demonstrate that low cost parking could not be provided in the MSCP. Equally, I do not accept that it is unreasonable to expect BAL to "front load" provision of carparking in MSCP. In this regard, it is my experience that airports often front load the provision of infrastructure, for example the early provision of two

MSCPs and Direct Air to Rail Transfer (over 2.2km, linking terminal building to railway station) at Luton Airport.

81. Thirdly, BAL recognise that there is a need to deliver a PTI at an early stage (see, for example, BAL's SOC at paragraph 9.16). However, this can only be done at present by bringing forward MSCP2 (which has planning permission) because (1) the Proposed Development does not contain any provision for PTI (i.e. it is not part of the development for which planning permission was sought by the Application); and (2) as the Council has explained in its consultation response, the PTI cannot be delivered under permitted development rights. Accordingly, given the importance of the PTI, parking should be delivered first through MSCP2.
82. Fourthly, BAL's own parking demand survey assesses the impact of providing the extension to the Silver Zone and the lifting of season restrictions as having no more than a "*potential*" impact on levels of off airport parking. I consider that the potential is very limited at best and I doubt that any impact will be achieved at all. Notably, there is no evidence of an impact being obtainable. The reason for this is obvious: off airport parking will always undercut BAL's parking provision in order to sustain itself. BAL has not presented any evidence to the contrary and this is the clear historic pattern. Therefore, there will be no amelioration of this issue; rather, this issue needs to be addressed through planning enforcement action (where the parking is a breach of planning control).¹⁸
83. Further, there is an apparent inconsistency in BAL's approach because its current (albeit out of date) Surface Access Strategy 2012-2016 [CD7.4]

¹⁸ Prior to the pandemic there were 39 off site car parks purporting to operate under the 28 day permitted development provisions under Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, however the impact of the pandemic on aviation has meant that most of these car parks have ceased to operate. In addition to the unofficial sites, there are those that are unauthorised, against which the Council takes targeted action, though this is resource-intensive and typically, the closure of one unauthorised site often results in the vehicles being moved to another site nearby. The Council proactively monitors unofficial and unauthorised sites in order to identify breaches and since 2003 in excess of 40 enforcement notices have been issued (as well as stop notices), five of which were not appealed, one is awaiting a decision and the all bar one appeal against the notices have been dismissed by PINS. Additionally the Council has had successful prosecutions for non-compliance with stop notices.

indicates that tariffs are set for the car parks, referencing inter alia, 'normal practice' at UK airports, commercial returns, incentivising efficient modes of transport, and the cost of alternative modes of transport and alternative car park arrangements. Thus, as with surface access strategies at other airports, parking charges are used to control demand (at peak periods charges rise) and are placed at higher levels than public transport fares to encourage a shift to more sustainable modes of travel. BAL have not explained how this approach can be adopted whilst simultaneously offering a product of such low cost that off-airport car parking is ameliorated. In my view such an approach is not likely to be possible.

(2) Absence of other suitable and available sites for car parking outside of the Green Belt

84. I reach similar conclusions in respect of this matter. Namely, it has not been demonstrated that the provision of car parking in MSCP form in the Green Belt Inset to meet the levels of need which will arise from the growth of the airport (when measured accurately) is not possible. This is the foremost example of an alternative to further provision within the Green Belt.

(3) Asserted need for and benefits of growth at Bristol Airport

85. BAL's SOC recognises at paragraph 9.25 that its case under this head is essentially a restatement of its wider case on the benefits and need for growth. I agree. These are matters which I consider below. Accordingly, I rely on those conclusions here.

V. PLANNING POLICY

(a) National Aviation Policy

(1) The Airports Policy Framework (2013) [CD6.1]

86. Notwithstanding its age, the Airports Policy Framework (2013) ("**the APF**") is current adopted national policy in relation to aviation. It identifies (at paragraph 5) that the Government's primary objective is to achieve long-term economic

growth. The aviation sector is a major contributor to the economy and the APF explains that Government:

“support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise.”

87. Thus, the APF’s support for the growth of the aviation sector is not unconditional; rather the support of the APF for growth can only be obtained once it is established that the benefits of growth outweigh its costs particularly in relation to climate change and noise.

88. In respect of airports outside London, the APF explains (paragraph 1.24):

“The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.”

89. In the context of paragraph 5, I do not read paragraph 1.24 as providing policy support for the growth of airports outside the South East per se; rather, the support for expansion is conditional upon it being established that the benefits of an expansion scheme outweigh the environmental impacts and other costs. Again, the support of the APF for an airport scheme can only be obtained once it is established that the benefits of an expansion scheme outweigh the environmental impacts and other costs.

90. The APF identifies as a main objective, ensuring that *“the UK’s air links continue to make it one of the best connected countries in the world. This includes increasing our links to emerging markets”*. But this objective too is to be *“done in a balanced way, consistent with the high-level policies set out in this document and acknowledging Government’s commitment to economic growth.”*

91. I take the reference to a *“balanced way”* to be a reference back to the balance I have already identified between balance and costs; thus, here again, the APF

is emphasising that its support for increased connectivity is subject to it being established that the benefits of that increased connectivity outweigh the costs, particularly in terms of climate change and noise.

92. The APF also provides the policy context for two time periods – the short to medium term prior to 2020 and the medium to long term beyond 2020 (see paragraphs 10 and 11).

93. In the short to medium term period (i.e. prior to 2020) the APF explains that “*a key priority is to work with the aviation industry and other stakeholders to make better use of existing runway capacity at all UK airports.*” The Government explains that this includes

“pursuing a suite of measures to improve performance, resilience and the passenger experience; encourage new routes and services; support airports in Northern Ireland, Scotland, Wales and across England; and ensure that airports are better integrated into our wider transport network.”

94. Leaving aside the time limited nature of the key priority for a moment, given the context of the approach set out in paragraph 5 of the APF, the key priority of making better use of existing runways is one which is pursued only in so far as the benefits of that “better” use outweigh the costs, particularly in relation to climate change and noise. To be clear, my view is that there is no unconditional support for making better use of existing runways in the APF. It is only if it is demonstrated that the benefits of a proposal to increase the use of existing runways outweigh the costs of doing so that the APF will provide policy support.

95. It follows that in determining a planning application for a scheme to make increased use of an existing runway, it is only once it has been demonstrated that the benefits of that scheme outweigh its costs that the APF provides policy support which weighs in favour of the proposed development in the planning balance.

96. The APF also clarifies how it envisages the balancing exercise working in practice. The APF was promulgated on the basis that changes in technology and aviation operations would deliver improvement in the environmental impact

associated with airports over time. This is particularly true in respect of noise impacts and the impact of aviation upon air pollution.

97. In relation to noise impacts, paragraph 3.2 states:

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

98. Paragraph 3.12 makes it clear that the Government's overall policy on aviation noise is:

“to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.”

99. Paragraph 3.24 of the APF states:

“The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact.”

100. So it can be seen that local communities affected by the operation of airports are intended to benefit from the anticipated reductions in impact whilst an increase in airport capacity is realised. In essence, the policy approach in the APF is to recognise that the environmental impact of airports will fall over time producing a sort of “headroom”. The Government approach is that this “headroom” provides the scope to deliver additional capacity whilst still achieving environmental improvements.

101. A scheme which results in a worsening of environmental impacts i.e. which goes beyond the headroom created by improvements in technology and operations, is a scheme which does not reduce and mitigate environmental impacts and a scheme which will not “share the benefit” of the improvements

that Government anticipates. Rather, it would be a scheme where the aviation industry takes all the benefit of the headroom. As a result, such a scheme would not have the support of the APF.

(2) Beyond the horizon: The future of UK aviation - Making best use of existing runways (June 2018) [CD6.4]

102. Beyond the horizon: The future of UK aviation - Making best use of existing runways (June 2018) (“**MBU**”) also sets out current Government policy.

103. MBU states (paragraph 1.25):

“As a result of the consultation and further analysis to ensure future carbon emissions can be managed, government believes there is a case for airports making best of their existing runways across the whole of the UK.”

104. MBU contains an assessment of the carbon implications of allowing some additional capacity to come forward by allowing some additional use of existing runways. The amount of additional capacity that it envisages is “relatively small (2% increase in ATMs “without Heathrow expansion” scenario; 1% “with Heathrow”)” (see paragraph 1.28). This was identified as delivering approximately 11 mppa in additional capacity (see MBU Table 1).

105. Paragraph 1.29 explains that:

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

106. I read this as being consistent with the position I have explained above in relation to the APF. The Government approach is that it will support

development which makes better use of existing runways where it is established that such development is acceptable on its merits i.e. the benefits outweigh the costs. In other words, to obtain the benefit of the support of MBU, it has to be established that the benefits of the proposed development outweigh the costs. Just as with the APF, MBU does not provide any in principle support per se for applications to increase the use of existing runways. MBU only provides weight in favour of a scheme once it is established that the benefits outweigh the costs.

107. MBU also continues the theme set out in the APF that local communities are to obtain a share of the benefits of any airport expansion which comes forward. This can be seen in paragraph 1.22:

“The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.”

108. Accordingly, both the APF and MBU anticipate that airport expansion via making better use of existing runway capacity will deliver environmental and economic benefits to local communities.
109. The central difficulty with MBU, however, is that its conclusion that there is a case for airports to make better use of their existing runways is founded upon an analysis of the climate change implications which is now out of date.
110. Mr Hinnells in his proof of evidence explains that the assessment was conducted in the context of a national target of 80% of 1990 emissions by 2050 and where international aviation emissions were not included in the emissions measured against this target. The change to net zero, the adoption of the target for the 6th carbon budget and the decision to include international aviation within these targets are very significant. It means that the policy approach in MBU has not been tested against the current targets for the 6th carbon budget, nor against a net zero target for 2050 and on a basis which includes international aviation

against these targets. Indeed, as Mr Hinnells explains, if the policy approach that was tested in MBU were followed, these current targets would not be met.

111. In my view, such support as MBU can be seen to give to airport expansion is founded upon a carbon assessment which is out of date. There is then no current assessment which demonstrates that greater use can be made of existing runways on a basis which ensure future carbon emissions can be managed so that current carbon emissions targets can and will be met. As such, MBU is itself out of date and of little, if any, weight.

(3) Aviation 2050 - The future of UK aviation [CD6.5]

112. In December 2018, the Government announced a consultation on a “Green Paper” entitled Aviation 2050 The future of UK aviation (“**Aviation 2050**”). Green Papers are consultation documents produced by the Government. The aim of such documents is to allow people both inside and outside Parliament to give feedback on policy or legislative proposals. Green papers are not adopted Government policy.
113. Aviation 2050 continues the approach of seeking to enable the growth of aviation in the UK consistent with sustainable development objectives:

“The government supports the growth of aviation and the benefits this would deliver, provided that growth takes place in a sustainable way, with actions to mitigate the environmental impacts.” (p12)

“The government has been clear about the importance of aviation to the whole of the UK. Aviation creates jobs across the UK, encourages our economy to grow and connects us with the rest of the world as a dynamic trading nation. It also helps maintain international, social and family ties. This is why the government supports the growth of aviation, provided that this is done in a sustainable way and balances growth with the need to address environmental impacts.”

114. Of course, in a planning context, as I shall address further below, the NPPF applies an approach via paragraph 11 of only supporting development which is sustainable when measured against the policies set out in that Framework.

115. Aviation 2050 confirms that the Government “*supports airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed.*” (paragraph 1.3 and also 1.21)

116. Aviation 2050 has a chapter entitled “Ensure aviation can grow sustainably”. This confirms that:

*“Aviation provides significant economic and social benefits to the UK. It is an industry that contributes at least £22 billion to our economy, supports half a million jobs, serves 284 million passengers and transports over 2 million tonnes of freight a year. Forecasts show that demand for aviation will continue to rise in the period up to 2050. The government welcomes the industry’s future expansion. **However, its growth must be sustainable – with affected communities supported and the environment protected.** It is therefore vital that the government, the regulator, the industry and other interested parties work in partnership to achieve this shared goal.” (p48) (emphasis added)*

117. Aviation 2050 explains that a new policy framework is going to come forward to support development which is sustainable but that in the meantime planning applications should continue to be considered against existing policy (paragraphs 3.7- 3.10).

118. Aviation 2050 recognises the environmental benefits that are expected to be delivered in the future such that by 2050 noise emission and area exposure are expected to reduce compared to today (paragraph 3.104). This is in line with the “headroom” approach contained within the APF to which I have already referred.

119. Aviation 2050 also recognises that local communities are becoming more sensitive to the impacts which airports have.

“3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is considering the recent new environmental noise guidelines for the European region published by the World Health Organisation (WHO). It agrees with the ambition to reduce noise and to minimise adverse health effects, but it wants policy to be underpinned by the most robust evidence on these effects, including the total cost of

action and recent UK specific evidence which the WHO report did not assess.”

(b) National Planning Policy Framework [CD5.8]

120. In this section I examine the approach to decision making which is set out in the NPPF. In later sections I refer to relevant topic specific policy as set out in the NPPF.
121. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account as a material consideration in planning decisions.
122. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (paragraph 7).
123. The NPPF explains at paragraph 8 that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and which need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

124. So the goal is for development to achieve net economic, social and environmental gains. That goal is pursued via the “*presumption in favour of sustainable development*” (paragraph 11)
125. For decision-taking this means “*approving development proposals that accord with an up-to-date development plan without delay*”. It is agreed in the present case that the tilted balance in paragraph 11(d) is not engaged and that the development plan is up to date.
126. It follows that in terms of approach the NPPF will identify the proposed development in the present as “*sustainable development*” where it accords with the development plan.

(c) The Development Plan

127. The Development Plan for the purposes of s. 70 of the Town and Country Planning Act 1990 (“**TCPA 1990**”) and s. 38(6) of the Planning and Compulsory Purchase Act 2004 (“**PCPA 2004**”) comprises the CS [CD5.6], DMP1 [CD5.4] and the Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018) (“**the SAP**”) [CD5.26].
128. The SOCG sets out the relevant development plan policies. This list is agreed between the Council and BAL, save that BAL do not consider that policy CS26 of the CS is a relevant policy. For the reasons below, I am of the firm view that policy CS26 is a relevant policy in the determination of this appeal. I have assessed all of the relevant policies listed in the SOCG, with the addition of policy CS26, and I consider that they are all consistent with the NPPF, such that they should be afforded full weight in this appeal. I have not detected any argument to the contrary by BAL.

129. The Core Strategy [CD5.6] takes as its starting point the “*North Somerset Vision*”: “*Sustainable, inclusive, safe, healthy, prosperous communities thriving in a quality environment*”. (paragraph 2.2)
130. This vision is underpinned by six shared priorities: tackling disadvantage and promoting equality of opportunity; developing strong inclusive communities; ensuring safer communities; improving health and wellbeing; developing a prosperous economy and enterprising community; and living within environmental limits (paragraph 2.3).
131. The CS [CD5.6] (together with DMP1 [CD5.4] and the SAP [CD5.26]) present the spatial, land-use expression of these shared priorities (paragraph 2.4).
132. Vision 1 of the CS develops the North Somerset Vision in spatial, land use, terms and notably provides:

“By 2026 North Somerset will be a more prosperous district, with reduced inequalities throughout. Its coastal and rural setting, underpinned by a rich heritage will strongly influence new development. Development will respond to the challenge of climate change, the move to more sustainable energy use and be characterised by high-quality design that contributes to creating successful, thriving places ...

The future planning of Royal Portbury Dock and Bristol Airport will be guided by the need to balance the advantages of economic growth with the need to control the impacts on those who live nearby and on the natural environment.”

133. The spatial policies in the CS provide the framework to deliver the identified visions and priority objectives in the CS, namely: living within environmental limits; delivering a prosperous economy; ensuring safe and healthy communities; and delivering strong and inclusive communities.
134. The CS contains policy specifically related to Bristol Airport. Policy CS23 of the CS provides:

“Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure.” (paragraph 3.293)

135. The supporting text to this policy references the Council's preference for approaching the development of the airport through an area action plan or other Development Plan document which would "*enable community expectations to guide the planning process from an early stage*". This was not an approach supported by BAL. Indeed, BAL submitted the Application less than two years after the adoption of the CS in the absence of any such plan or document being promulgated.

136. Further, in relation to the delivery of policy CS23, the supporting text provides:

"Development of the Airport is led by its owners, whose responsibility it is to ensure that the environmental impacts of growth are addressed to the satisfaction of the council or other relevant decision-maker."

137. Taking these matters in the round, it is clear that whilst development at Bristol Airport can be acknowledged to deliver some economic benefits, such development can only be permitted to come forward where the environmental impacts of development will be acceptable. This is consistent with the wider ambitions of the CS. Thus, the burden falls on BAL to demonstrate the acceptability of the environmental impacts of growth.

(d) Emerging Development Plan Policy

138. An emerging development plan document is at a very early stage and work is ongoing. There is a possibility that a Regulation 18 draft may be published after the close of the Inquiry but prior to the final determination of the appeal.

(e) Uncertainty

139. In my view it is important to recognise the high degree of uncertainty in the forecasts and assessments relied on by BAL. The causes of that uncertainty are well known and accepted by the parties, in particular the effect of Brexit and the Covid-19 pandemic.

140. Planning decisions have to be taken on the basis of a balance of the impacts and benefits that will arise if planning permission is granted. If, in reality, a proportion of the benefits of a scheme will not be capable of realisation, or there

is a substantial risk that it will not, then that proportion must not be taken into account by a planning decision maker or at the very least it should be given limited if any weight.

141. It follows that the extent to which Government is likely to allow an airport to use any increase in capacity must be determined at the decision making stage in order for a decision maker to weigh the degree of benefit that would actually be realised against the adverse impacts that would arise. BAL has chosen to present its case in the present appeal on the basis of an assessment of benefits and impacts that assumes a growth of 2 mppa. It has not demonstrated that Central Government will or can allow this level of growth to occur consistent with the U.K. climate change obligations, as Mr Hinnells explains. Further, it has not sought to demonstrate that its scheme remains justified if only a lower level of growth or indeed no growth is permitted by Central Government.
142. These matters must be taken into account by reducing the weight afforded to the benefits of the Proposed Development.

(f) Topic Specific Policy

143. I now turn to review relevant topic specific policy, the weight to be given to it and the application of that policy to the proposed development in the context of the present appeal.

(1) Noise

144. The first and second reasons for refusal both identify reasons relating to the noise impacts of the Proposed Development:

“1. The airport has planning permission to expand to a throughput of 10 million passengers per annum (mppa) which allows for further expansion in passenger growth of approximately 1 mppa above the current passenger level. The further expansion beyond 10mppa now proposed would generate additional noise, traffic and off airport car parking resulting in adverse environmental impacts on communities surrounding Bristol Airport and which would have an adverse impact on an inadequate surface access infrastructure. The claimed economic benefits arising from the proposal would not outweigh the environmental

harm caused by the development contrary to policy CS23 of the North Somerset Core Strategy 2017.

2. The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the 12 Proposed Development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017.”

145. The impacts of noise associated with the operation of airports are acknowledged by Government. Paragraph 3.2 of the APF [CD6.1] states that:

“The Government recognises that noise is the primary concern of local communities near airports. The extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population and the quality of its relations and communications with its local communities. We are aware that many airports already make considerable efforts to engage their local communities and that the relationship is well managed.”

146. Aviation 2050 [CD6.5] recognised that (paragraph 1.26):

“Disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths. There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is supporting the industry to deliver airspace modernisation and has also established a new Independent Commission on Civil Aviation Noise (ICCAN), but efforts to reduce and manage noise impacts must continue.”

147. The APF [CD6.1] includes the general principle that the Government’s overall objective on noise *“is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise”* (Executive Summary paragraph 17; main text paragraph 3.12)

148. Within the APF (paragraph 3.3) Government explains that:

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

149. As I have already explained above, it can be seen that in striking the balance required when determining applications for airport expansion, local communities are told that they can expect to have a share in the benefits of noise reduction and mitigation which will result from anticipated improvements in technology.
150. In essence the APF policy approach is one in which Government recognised that future technological improvement would create headroom. Government is thus expecting airports to expand which will result in impacts which will use some but not all of this headroom, with the result that economic gains are realised as well as environmental and social ones – the definition of sustainable development in the NPPF (see above).
151. This means that the expectation must be that the number of people significantly affected by air noise as a result of a proposed development should not increase but rather should reduce even with the proposed development in place. The Government expectation is that growth in airport capacity is not to be delivered via increased aviation noise impacts; rather growth is to be managed so that noise impacts are mitigated and reduced. Growth which is delivered via increased noise impacts is not then growth that accords with the APF.
152. Paragraph 170 of the NPPF [CD5.8] advises that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by [...]

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by,

unacceptable levels of soil, air, water or noise pollution or land instability.”

153. Paragraph 180 of the NPPF comments further on noise as follows:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [fn. 60];

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason [...].”

154. Footnote 60 refers to the Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010) (“**NPSE**”) [CD10.4].

155. The policy approach set out in NPSE is to promote the effective management and control of noise, within the context of Government policy on sustainable development and aims to:

- (a) avoid significant adverse impacts on health and quality of life;
- (b) mitigate and minimise adverse impacts on health and quality of life; and
- (c) where possible, contribute to the improvements of health and quality of life.

156. The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development. The second aim of the NPSE refers to the situation where the impact lies somewhere between the Lowest Observed Adverse Effect Level (“**LOAEL**”) and the Significant Observed Adverse Effect

Level (“**SOAEL**”). It requires that all reasonable steps should be taken to mitigate and minimise adverse effects in health and quality of life while together considering the guiding principles of sustainable development. This does not mean that adverse effects cannot occur, but that effort should be focused on minimising such effects. The third aim seeks, where possible, to improve health and quality of life through the proactive management of noise, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society.

157. The PPG [CD5.9] explains that noise above the SOAEL are to be avoided. In other words development which gives rise to noise impacts above SOAEL should be refused planning permission. Where development will give rise to noise at levels between LOAEL and SOAEL then all reasonable steps should be taken to mitigate.

158. The Noise Exposure Hierarchy in the PPG [CD5.9] goes on to describe the effects of SOAEL as follows:

“The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.”

159. In the same section the PPG [CD5.9] also goes on to identify unacceptable noise exposure as:

“Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.”

160. Policy CS3 of the CS (Environmental impacts and flood risk management) explains that development will only be permitted where its environmental impacts upon amenity or health are mitigated to an acceptable level.

161. Policy CS23 of the CS (Bristol Airport) states that *“Proposals for the development of Bristol Airport will be required to demonstrate the satisfactory resolution of environmental issues, including the impact of growth on surrounding communities and surface access infrastructure.”*
162. Policy CS26 (Supporting healthy living and the provision of health care facilities) provides that the planning process will support programmes and strategies which increase and improve health services throughout the district, promote healthier lifestyles and aim to reduce health inequalities. This will be achieved through:
- “1) Requiring Health Impact Assessments (HIA) on all large scale developments in the district that assess how the development will contribute to improving the health and well being of the local population;”*
163. Policy CS26 is a policy included in the plan to ensure that large scale developments deliver the North Somerset Vision of a healthy community and the shared priority of “improving health and wellbeing”. It is also consistent with the NPPF paragraph 91 which provides that:
- “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.”*
164. I understand that it may be contended that policy CS26 is not a development management policy which requires development to deliver a particular outcome. I disagree. To approach policy CS26 in this way would be to interpret it as simply requiring large scale development to carry out an HIA and so long as that is done then there is no conflict with policy even where adverse health impacts would result. Such a procedurally focussed interpretation is flawed given the Core Strategy’s objective of delivering improved health and well being. In my view, where a large scale development would give rise to harm to or risk of harm to health, it will conflict with policy CS26.
165. Thus, at a national and a local policy level, development which gives rise to unacceptable noise impacts including those relating to health and quality of life, will be contrary to the Development Plan and contrary to the NPPF.

166. Taking BAL's noise impact assessment as presented in the ES/ESA at face value it identifies that in the daytime in 2030 with the scheme in place an additional 500 dwellings are predicted to be above a LOAEL compared to the same year but without the scheme in place (Table 6.8). Further, in 2030 an additional 100 persons are predicted to be highly annoyed by aircraft noise compared to the same year but without the scheme (Table 6.10).
167. The position at night is more significant. The summer period at night in 2030 with the scheme in place is forecast by BAL to result in an additional 600 dwellings to be above a LOAEL compared to the same year but without the scheme in place. 150 more dwellings are predicted to be exposed at or above a SOAEL level at night of 55 dB in 2030 with the scheme in place compared to without the scheme. Thus, even on BAL's own case an additional 150 households exposed to noise above a level which national noise policy should be avoided. These factors indicate that the proposed development is contrary to national noise policy on this basis alone and points to refusal of planning permission. BAL's own assessment identifies that 100 more people are predicted to be highly sleep disturbed in 2030 with the scheme in place compared to without.
168. However, Mr Fiumicelli explains in his evidence that the impact assessment contained in the ES and ESA adopts an approach which for many reasons underpredicts the impact of the proposed development. For example, he has sought to examine the effect of Jet2.com commencing operations from Bristol (a matter not addressed in the ESA). He identifies that the effect of a change in the fleet mix to allow for their introduction would be that the overall LAeq,t noise levels are around 3 dBA higher. Therefore, the noise contours would be approximately 50% bigger and more noise sensitive locations and a greater number of people would be likely to be adversely and significantly adversely effected than presented in the ES and AES. He identifies that awakenings would be experienced at a greater distance from the airport than the area covered by the proposed noise insulation scheme and over a wider area and therefore affect more people than for the 10 mppa scenario i.e. in 2030 a greater

number of persons would be likely to experience an additional awakening at night with the 12 mppa scenario compared to 10mppa.

169. Mr Fiumicelli concludes that the proposed development would:

- (a) Increase the number of people experiencing significant adverse and adverse impacts on health and quality of life from air noise e.g. with the 12 mppa scenario in 2030 an additional 247 persons are predicted to experience an increase in noise to above SOAEL at night compared to 10 mppa; and 1100 and 4000 more persons respectively above LOAEL during the day and at night.
- (b) Not sufficiently mitigate and minimise adverse impacts on health and quality of life e.g. the proposed noise insulation scheme is insufficient in terms of spatial scope and only addresses internal noise impacts and not those in private and public outdoor amenity spaces; at the cost of requiring residents to keep windows closed which is itself a significant adverse impact on quality of life in rural locations that would otherwise be relatively quiet.
- (c) Contribute to a deterioration in health and quality of life by worsening significant adverse and adverse effects of noise associated with the operation of the airport
- (d) Not ensure that impacts are reduced to an acceptable level since the population adversely impacted by noise increases, including those experiencing noise above SOAEL
- (e) Not demonstrate satisfactory resolution of impacts, particularly those on surrounding communities
- (f) Not contribute to improving the health and well being of the local population; rather it contributes to a reduction in health, well-being and quality of life of the local population

170. Further, the Council does not consider that all reasonably practicable mitigation has been provided to reduce the effects of noise upon health and quality of life

of those exposed to aircraft noise above LOAEL but below SOAEL levels. This too is contrary to Policy CS3 of the CS and paragraphs 170 & 180 of the NPPF.

171. As a result, in my view, the proposed development conflicts with paragraphs 170(e) and 180 of the NPPF and policies CS3, CS23 and CS26 of the Core Strategy [CD5.6]. The conflict with the development plan and the NPPF should be given very significant weight against the grant of planning permission in the present case.
172. The scale of impact also conflicts with the approach set out in the APF which seeks to ensure that the local community benefits environmentally where airport expansion is permitted. In essence, BAL seeks to go beyond the headroom that changes in technology will provide. That is not an approach supported by national aviation policy. This is another factor which should be given significant weight against the grant of planning permission

(2) Air Quality

173. The Council refused planning permission on the basis that:

“The noise and impact on air quality generated by the increase in aircraft movements and in particular the proposed lifting of seasonal restrictions on night flights would have a significant adverse impact on the health and well-being of residents in local communities and the Proposed Development would not contribute to improving the health and well-being of the local population contrary to policies CS3, CS23 and CS26 of the North Somerset Core Strategy 2017.”

174. The APF [CD6.1] states that airports are expected to work with the Government, its agencies and local authorities to improve air quality. Aviation 2050 [CD6.5] indicates that airports should provide innovative solutions and incentives against ambitious targets to improve air quality.
175. Paragraph 170 of the NPPF [CD5.8] provides that planning decisions should contribute to and enhance the natural and local environment by preventing new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. It provides that development should, wherever possible, help to improve local

environmental air quality conditions (paragraph 170(e)). Opportunities to improve air quality or mitigate impacts should be identified (paragraph 181).

176. As I have explained above Policy CS26 requires large scale development to demonstrate that it will contribute to delivering improvements to health and well-being.
177. Emissions to air from activity associated with BA extend beyond and have impacts well beyond the airport boundary (e.g. fig. 7.2 of the Addendum ES).
178. Dr. Broomfield has explained in his evidence that BAL's approach of simply looking to whether air quality limit values are met with the proposed development in place is overly simplistic – it assumes that there are no health impacts at levels below the limit values. Dr. Broomfield explains in his evidence that this assumption is flawed and that there is a body of evidence that establishes that there is in fact no safe threshold level for NO₂, PM₁₀ and PM_{2.5}.
179. As Dr Broomfield identifies that even on the basis of the assessment conducted by BAL, the Proposed Development will result in an increase in emissions of NO₂ and particulate matter even taking mitigation into account. This will result in increased ground level concentrations compared to the position if planning permission were refused. Tables 8E.1 to 8E.8 of Appendix 8.E to the ES [CD2.5.20] and Tables 7A.1 to 7A.8 of the Addendum ES [CD2.20.5] demonstrate a consistent worsening of air quality impacts for the 12mppa case compared to the 10mppa case. As a result, the Proposed Development does not contribute to improving the health and well-being of the local population as required by the Development Plan
180. However, the BAL assessment is based upon the fleet mix which is over-optimistic in terms of the age profile of aircraft assumed. That is because Jet2.com has announced that it intends to operate from Bristol in the future and it operates a greater proportion of older aircraft. This will result in higher emissions of air pollutants than those set out in the Addendum ES.

181. Dr Broomfield also raises concerns regarding the potential impact of increases in ultrafine particles (“UFP”). He contends that these should be considered and given weight in the decision making process, as envisaged in paragraph 3.127 of Aviation 2050 [CD6.5], but no such assessment has been produced even on a qualitative basis. The information in the ES does not demonstrate that the Proposed Development would avoid significant impacts due to increased emissions of UFP.
182. The mitigation proposed by BAL does not demonstrate that all reasonably practicable “*innovative solutions and incentives*” and mitigation will be brought forward.
183. In my view, the proposed development is contrary to the objective of the CS of securing improvement to health and well being. It gives rise to breach of Policy CS3, CS23 and CS26 of the CS. It also fails to deliver the innovative solutions and incentives expected by both national aviation policy and the NPPF; further, it does not contribute to the delivery of improvements in air quality against “ambitious targets”.

(3) Climate Change

184. The APF (2013) [CD6.1] was formulated in the context of a markedly different approach to that which exists now. In 2013, the commitment in the Climate Change Act 2008 was to secure reductions to 80% of 1990 levels by 2050 and there was no commitment to including international aviation within that target. Now, as Mr Hinnells explains in his evidence, there is a commitment to attaining 78% of 1990 levels by 2035 and net zero by 2050 with international aviation included in that target.
185. Within the APF the focus is upon action at the international level to achieve carbon reductions within the aviation sector (e.g. paragraph 2.5). However, that approach was formulated in a context where international aviation was not to be included in the attainment of national targets (see paragraph 2.30) and in the absence of any national emissions target for aviation (see paragraphs 2.33-35).

186. The recent shift in approach means that, whilst there will still clearly be a focus on action at an international level, the UK will have to take steps domestically to ensure that the 6th carbon budget reductions are achieved and that net zero is achieved in 2050. Since the UK has a net zero target for all sectors, emissions trading cannot provide a solution to enable the aviation sector to emit at levels above net zero.
187. Mr Hinnells also explains in detail that the policy approach in MBU [CD6.4] was founded on it being established that the modest expansion envisaged could come forward on a basis which would ensure that the then existing climate change targets could still be met. As Mr Hinnells explains in his evidence neither the APF nor MBU tested the ability for the UK to meet its current climate change obligation (6th carbon budget period and net zero 2050 including international aviation emissions). As such, to the extent that either of these policy documents can be construed as giving any in principle support for airport expansion, that support must be out of date since it was not provided on a basis that establishes that airport expansion can be achieved on a basis which is consistent with the current climate change obligations. Thus, to the extent that either of these policy documents can be construed as giving any in principle support for airport expansion, that support can only be given little if any weight.
188. I recognise that my view is at odds with the approach adopted by the Inspectors in the recent Stansted Airport decision letter. However, I cannot see where within the decision letter the Inspectors grapple with the extent to which policy within the APF/MBU is founded on a basis which establishes that airport expansion can be achieved in a manner which is consistent with the current climate change obligations (6th carbon budget period and net zero 2050 including international aviation emissions). It is a matter for legal submissions, but it would appear that the Stansted Inspectors may have erred in this regard.
189. The Government has announced that it will imminently be consulting on a net zero aviation strategy. Thus, we are in a position at present that the Government has committed to the attainment of targets (with the inclusion of international aviation) but where current aviation policy does not demonstrate

how these can be achieved whilst allowing airports to expand by making increased use of existing runways or otherwise.

190. Part of the environmental objective limb of sustainable development is identified as mitigating and adapting to climate change (see NPPF paragraph 8). The NPPF also states at paragraph 148:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

191. NPPF paragraph 150 explains that:

“New development should be planned for in ways that: [...] b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.”

192. The thrust of the NPPF is to ensure that the planning system in both policy making and decision taking terms plays its part in securing the attainment of climate change targets and objectives.

193. This can also be seen in the Airports NPS [CD6.9]. This states at paragraph 5.82 under the heading “*Decision Making*” that:

“Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.”

194. I regard that as the appropriate test to apply in the present case.

195. Thus, it has to be demonstrated that if planning permission is granted the UK will still be able to achieve the 6th Carbon budget targets and net zero in 2050. If this cannot be demonstrated then to grant planning permission would be inconsistent with the legal duty in section 1 of the Climate Change Act 2008 [CD9.2].

196. In the absence of a government adopted aviation sector target for the 6th carbon budget period and/or for 2050, the only means by which it can be established that the targets could be met would be to undertake a cumulative assessment of all UK emissions including those anticipated from other airport expansions. BAL has not undertaken such an assessment. Indeed, when asked to produce one by the PCAA its response indicated that it was not in a position to undertake this exercise. The Council has already explained its position on this request in correspondence. The result is that this Inquiry does not have any assessment before it which demonstrates that if the proposed development is permitted, the UK can still meet the 6th carbon budget target and/or the 2050 net zero target. This means that it has not been established that the proposed development can come forward on a basis which is consistent with the 78% cut in emissions for 2035 which is required.
197. The CCC examined this in its path to net zero. In order to achieve the 6th carbon budget target which has now been adopted by Government, the CCC only allowed for 25% growth in the aviation sector to 2050 and it had to adopt demand management measures via an assumption of no net increase in aviation capacity. Even these assumptions resulted in the aviation sector producing significant amounts of carbon emissions. The CCC then looked to greenhouse gas removal measures which are yet to be available at scale in the UK, to achieve net zero for the aviation sector.
198. This demonstrates how tight the situation is and why it cannot be blithely assumed that because the carbon emissions of a single project are small their additional and cumulative effect will not prejudice the attainment of future targets.
199. Over time aviation carbon emissions will become more and more significant. The extent to which growth can be allowed depends on the extent to which there is the ability to use greenhouse gas reduction measures¹⁹ during the 6th carbon budget period and as at 2050. Asserting that the impact of a scheme is small does not establish that the additional emissions it will give rise to will be

¹⁹ Greenhouse gas reduction measures can include improvements in aircraft technology, offsetting and removals.

reduced/offset to a sufficient degree that the 6th carbon budget target can be met and that net zero 2050 will be attained.

200. What is clear from Mr Hinnells' proof is that not all airports will be able to expand. That is because the expansion plans of all airports cumulatively go beyond what could have been permitted under previous climate change targets. Since the new requirement for greater carbon emission reductions, it follows that only some of the airport expansion plans can come forward between now and 2050.
201. Since there are more schemes than capacity, there has to be a process of identifying which schemes should come forward and which should not. A comparative exercise needs to be undertaken by national government to identify the scheme which achieve "sustainable growth" objectives of Aviation 2050 and the NPPF. Only the schemes which rank highest in the attainment of these objectives consistent with the growth capacity available to enable attainment of climate change targets can be permitted to come forward.
202. Since that exercise has not been undertaken, BAL cannot demonstrate that its scheme would be selected ahead of other airport expansion schemes. It follows that to grant planning permission for the proposed development now would be premature. It would prejudice the outcome of that exercise. To grant permission for the proposed scheme would utilise capacity that might otherwise be assigned to a different airport to better attain sustainable development objectives.
203. Again, I recognise that this is not an approach adopted by the Inspectors in the recent Stansted decision. But I am not aware that any party put a case on the basis I have explained above relating to the prematurity of granting planning permission. Indeed, the Stansted Inspectors approached the available capacity on a first come first serve basis. I do not see how that approach is consistent with the objective of securing sustainable growth (see Aviation 2050) in a context where there is only limited capacity for growth.
204. It is no answer to this difficulty to contend that airport expansion schemes should be permitted since their use can be subsequently regulated by central

Government introducing controls to inhibit the use of any increase in capacity. Such an argument fails to recognise that planning decisions have to be taken on the basis of a balance of the impacts and benefits that will arise if planning permission is granted. If it is the case that once built the use of a scheme would be inhibited in order to meet climate change targets, then the benefits of the scheme that were used to justify the grant of planning permission would not be realised.

205. If in reality a proportion of the benefits of a scheme will not be capable of realisation, or there is a substantial risk that it will not, then that proportion must not be taken into account by a planning decision maker or it should be given limited, if any, weight.
206. It follows that the extent to which Government is likely to allow an airport to use any increase in capacity must be known in order for a decision maker to weigh the degree of benefit that would actually be realised against the adverse impacts that would arise.
207. BAL has chosen to present its case in the present appeal on the basis of an assessment of benefits and impacts that assumes the full growth of 2 mppa. It has not demonstrated that the Government will or can allow this level of growth to occur consistent with the UK's climate change obligations. Further, BAL has not demonstrated that its scheme is justified if only a lower level of growth or indeed no growth is permitted by the Government.
208. My view is that, in the light of the above, it has not been demonstrated that the Proposed Development will not have a material impact on the Government's ability to meet its carbon reduction targets.
209. The proposed development is premature. It has not been demonstrated to be consistent with the attainment of the 6th carbon budget target or net zero 2050 target. As such it is contrary to the NPPF (in particular the objectives in paras. 7 and 148), policy CS1 of the CS and the duty in the CCA 2008 (as amended) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. In my view, this is a significant a material factor weighing heavily against the grant of planning permission.

(4) Surface Access

210. Surface Access is a matter identified by both national and local policy as a key consideration in assessing the acceptability of aviation development.

211. APF [CD6.1] highlights the need to improve surface access to airports at paragraph 1.96 – 19.7:

“1.96 High quality, efficient and reliable road and rail access to airports contributes greatly to the experience of passengers, freight operators and people working at the airport. Greater use of low carbon modes to access airports also has the potential to reduce CO2 emissions, as well as leading to less congestion and improved air quality.

1.97 We are committed to working with airport operators, transport operators, local authorities and LEPs to improve surface access to airports across the country, whilst taking into account the associated environmental impacts. [...]”

212. Further, at paragraphs 5.11 – 5.12, APF states:

“5.11 All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.

5.12 The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with additional passengers travelling to and from expanded or growing airports.”

213. From these passages, I note the following policy imperatives:

- (a) the role of surface access in reducing emissions, in particular carbon emissions;
- (b) the need to reduce congestion and other adverse impacts related to surface access to airports;
- (c) the need to increase the use of public transport to access airports (which is part of reducing emissions); and

- (d) the importance of up to date surface access strategies which underpin the attainment of these aims.

214. These imperatives are also apparent in Aviation 2050 [CD6.5]. For example, at paragraph 3.67, Aviation 2050 states:

“It is important to have good surface access links with airports. All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts.”

215. Further, under the broad ambition of “sustainable journeys to the airport”, Aviation 2050 states at paragraphs 3.99 – 3.101:

“3.99 The government’s expectation is that airports, through their surface access strategies, set targets for sustainable passenger and staff travel to the airport which meet, where possible, the ambitions set by the government and for these to be monitored by their respective Airport Transport Forums [...]

3.101 The government expects airports to make the most of their regional influence to provide innovative solutions and incentives against ambitious targets which reduce carbon and congestion and improve air quality.”

216. The need to produce and keep updated airport surface access strategies is affirmed at paragraph 4.34.

217. The same policy imperatives are apparent in the NPPF [CD5.8], in a more detailed form:

- (a) The need to manage the environmental impacts of traffic and transport infrastructure is made clear in paragraph 102(d). This is also consistent with paragraph 103 and 110(e), both of which recognise the ability of transport to reduce emissions.
- (b) The need to reduce the impacts of development on transport networks is of repeated importance. This includes both congestion and highway

safety. See paragraphs 102(a), 108(b) and (c), and 110(c). These paragraphs should be read together with paragraph 109.

- (c) The need to increase sustainable travel is dealt with in detail. Opportunities to promote walking, cycling and public transport use should be identified and pursued in development proposals (see paragraph 102(c)). Further, developments should offer a genuine choice of transport modes, such that sustainable transport solutions are maximised, having regard to the location and type of the development (see paragraphs 103 and 108(a)).
- (d) The focus on surface access strategies in national aviation policy is consistent with the requirement in paragraph 111 for all developments that will generate a significant amount of movement to provide a travel plan. The PPG [CD5.9] provides guidance on such travel plans which is consistent with the guidance for surface access strategies in AFP.

218. In addition to the above matters, the NPPF details (1) the need to assess the impact of developments through a transport statement or transport assessment where the development will generate a significant amount of movement (see paragraph 111 and the detailed guidance in the PPG [CD5.9]); and (2) the need to ensure that transport options are inclusive (see especially paragraphs 108(b) and 110(a) – (c). Both of these matters are relevant to the assessment of the Proposed Development as well.

219. Turning to consider the development plan, the same policy imperatives are expressed at the local level and are tied to the expansion of Bristol Airport specifically. In particular:

- (a) Policy CS1 of the Core Strategy [CD5.6] encompasses both the reduction of carbon emissions and the maximisation of opportunities for sustainable transport, so as to facilitate a modal shift.
- (b) Policy CS10 of the Core Strategy [CD5.6] provides detailed requirements for transport schemes, including the need to improve safety, reduce

congestion, reduce emissions and ensure that a more connected and inclusive transport network is achieved.

- (c) Policies CS23 of the Core Strategy [CD5.6] and DM50 of DMP1 [CD5.4] both consider Bristol Airport specifically. It is notable that both policies highlight the impact of growth on surface access infrastructure as an issue which needs to be satisfactorily resolved (whereas other impacts are dealt with collectively). This underlines the importance of surface access, consistently with national aviation policy.
 - (d) Policy DM26 requires a travel plan to be provided from all developments which generate significant amounts of movement. This is consistent with the NPPF and the focus on surface access strategies in national aviation policy.
220. Finally, Joint Local Transport Plan 4 [CD7.5] outlines a vision for the West of England which is founded on the same principles, in particular the reduction of carbon emissions and a modal shift to sustainable transport. Notably specific ambitions are set out for Bristol Airport, in particular improvements to bus and coach services serving the airport (including a metrobus extension) and a high frequency mass transit corridor (see pp. 37 – 39 and 50 – 54). These ambitions represent the manifestation of the policy imperatives noted above in local and national policy.
221. In light of Mr Colles' evidence, I conclude that on the issue of surface access the Proposed Development fails to accord with these clear policy imperatives. Further and the Proposed Development fails to accord with the relevant development plan policies.
222. Mr Colles has identified that the Proposed Development will give rise to unacceptable effects on highway safety and severe residual cumulative impacts on the road network at key junctions. These matters cause the Proposed Development to conflict with policies CS10 and CS23 and means that the Proposed Development is not growth which is supported by national aviation policy.

223. Mr Colles has also identified that the Proposed Development fails to deliver the necessary public transport mode shift, in part due to an overprovision of parking. These matters cause the Proposed Development to conflict with policy CS1 and CS10 and CS23 and also means that the Proposed Development is not growth which is supported by national aviation policy.
224. Further, in my view these conflicts are unsurprising given the absence of a surface access strategy (the importance of which is made clear in national aviation policy) or of a travel plan alternative (which is required by the NPPF – see paragraph 111 - and the development plan – see policy DM26). This is a key mechanism by which public transport mode shift can be achieved and it has not been addressed by BAL: to the contrary, BAL's existing surface access strategy is out of date.
225. I also note that the failure to maximise the public transport mode share – as well as the oversupply of parking which undermines the necessary modal shift to public transport – is likely to exacerbate the adverse effects of off airport car parking and vehicle movements on local communities.
226. Taken in the round, I consider that the Proposed Development's surface access infrastructure is inadequate and the Proposed Development will exacerbate, rather than ameliorate, the adverse effects of off airport parking. Further, the Proposed Development does not maximise the use of sustainable modes of transport. Accordingly, I consider that the evidence illustrates the surface access deficiencies identified in RfR 1 and RfR 5.

(5) Green Belt

227. I have set out above the relevant Green Belt policies and my conclusions on the application of those matters, subject to the question of the balance in NPPF paragraph 144, which I consider below.

(g) Benefits

228. BAL asserts that the proposed development is needed. It contends that *"it is essential that additional capacity is provided at Bristol Airport in order to*

accommodate forecast regional passenger demand” (BAL SOC paragraph 4.1). I disagree.

229. In a context where the UK’s climate change obligations give rise to capacity constraints (see above), a predict and provide approach no longer holds good. There is only the ability to bring forward capacity to meet demand where this can be done on a basis which ensures that the UKs climate change obligations are met and where the benefits of expansion (including the benefits of meeting demand) outweigh the costs. To elevate the benefits of meeting demand to a need is to fail to appreciate the demand management constraints that are already in place. As a result, I do not accept that there is a need for the proposed development, but do accept that meeting demand will bring benefits.
230. I recognise, of course, that the proposed development will bring economic and other benefits. The APF [CD6.1] recognises the importance of airports outside of the south east (see p. 20 onwards). In respect of Bristol Airport specifically the APF states (p. 21):

“The airport plays a vital role in the economic success of the South West region, with its ongoing development projected to create additional income of between £1.9 and £2.0 billion.”

231. That is not disputed.
232. I accept that the proposed development will produce additional jobs and will support local businesses. The proposed development will deliver real economic benefits. However, as Mr Siraut explains in his evidence the degree of that benefit will not be as significant as BAL has identified. That is because there are a number of elements of the BAL economic impact assessment which result in an over-estimate of the benefits. Mr Siraut identifies that the South West and South Wales regional GVA impact of the scheme should be reduced by between 64-70% and jobs generated by between 56%-67% (see his **Error! Reference source not found.**). Mr Siruat also identifies that the construction jobs likely to be generated are also over-stated.
233. There are also a number of economic costs which Mr Siraut identifies as needing to be considered in BALs sensitivity test which have been omitted.

Carbon costs have been included as part of the appellant's sensitivity test however, it is unclear how these carbon costs have been monetised. In addition Mr Siraut identifies that noise and air quality impacts have not been assessed in the economic case and have not been included in the CBA. All three of these environmental impacts should be included in BAL's core CBA if it is to present a complete picture; the fact that these are omitted means that it does not.

234. Another factor to which regard must be had is that the proposed development will lead primarily to additional outbound tourism. Mr Siraut concludes that this negative factor of outbound expenditure is currently not included within the appellant's economic assessment. He identifies a figure as high as £123m. This factor needs to be taken into account when considering the overall economic picture, whilst, acknowledging the social benefits that the ability to fly on holiday also delivers.
235. Mr Siraut also identifies that that most of the direct jobs provided by the expansion are likely to be low-value and low-skilled, posts which are generally at high risk of being automated. As a result, it is likely that any additional employment requirements, will reduce the labour supply pool for other firms in the area. Given that the area's unemployment rate is already below the national average, this may particularly impact local SMEs struggling to find employees. This potential disbenefit is a factor that needs to be taken into account in my view.
236. The nature of the potential jobs at the airport contrasts with North Somerset's economic policies. They aim to improve the skill sets of its resident population. Particularly in deprived areas such as Weston-super-Mare through providing training and improving living conditions through contributions to developing affordable homes, thereby developing a sustainable employment growth model. This is what is being undertaken within the Junction 21 Enterprise area.
237. The Junction 21 Enterprise area is located in Weston-super-Mare. Currently it accommodates 2,000 jobs with the aim of reaching a total of 9,000 to 10,000 jobs and 6,000 new homes by 2030. The enterprise area aims to provide employment for those living in the more deprived parts of the North Somerset

council area. The enterprise area supports North Somerset's economic policies, particularly in terms of supporting local SMEs and creating jobs for the local economy.

238. Mr Siraut's estimates of the direct employment generated as a result of the expansion for North Somerset (522 jobs; 450 FTEs) are minimal when compared with the 7,000 to 8,000 additional direct employment Junction 21 Enterprise area is planning to bring to the local North Somerset economy. Set in this context it can be seen that while the proposed development delivers economic benefits, the creation of an enterprise area is many times more significant. This suggests to me that the scale of benefit that the proposed development will deliver is not such as to be classified as significant locally.
239. Indeed, enterprise areas are not generally proposed on land which is in the Green Belt or in locations that will result in significant noise impacts and sleep disturbance for many hundreds of people, notwithstanding the greater economic benefits that they produced.
240. Other claimed benefits included improved connectivity. The APF [CD6.1] explains that it is a policy objective to *"ensure that the UK's air links continue to make it one of the best connected countries in the world. This includes increasing our links to emerging markets so that the UK can compete successfully for economic growth opportunities."* (APF paragraph 1.110).
241. My understanding is that Bristol Airport does not currently provide for a significant number of transfer passengers and is not forecast to in the future. It is not a hub airport. Rather, its focus is upon flights primarily to tourist destinations. The APF at paragraph 1.37 states:

"aviation connectivity is a combination of destinations served and frequency of flights: the broader the range of destinations served and the higher the frequency of flights to and from those destinations, the better connected an airport, city or country is. The value of connectivity is affected by other characteristics, such as the relative importance of the destinations served, the cost of accessing them, which is the end-to-end journey time and cost including the price of air travel, and the reliability of the services."

242. Of the 133 destinations Bristol Airport served in 2019, only 11 are served by regular flights, that is, an average of more than 2 flights per day, while 32 are served by more than 5 flights a week as illustrated in Figure 4-1 of Mr Siraut's proof of evidence. Of these 32 destinations, 6 are in the UK.
243. I have not seen any assessment which identifies that the proposed development will result in a material increase in the range of destination served or material higher frequency of flights to destinations. I also have not seen any evidence which demonstrates that the relative economic importance of the destinations which will be served will change materially if planning permission is granted. I am not aware of any claims of increased reliability. Indeed, Mr Siraut concludes (paragraph 4.3.8) that the proposed increase in capacity of 20% is unlikely to lead to a significant uplift in frequency or new regular services to business destinations based on the present business model.
244. I have not seen evidence which establishes that as a result of the proposed development any services to long haul destinations will commence which would not otherwise. Equally I have not seen evidence which establishes that as a result of the proposed development any emerging market destinations will be served which would not otherwise. It seems to me that to the extent that the proposed development results in a change in connectivity this is likely to be in the form of the restoration of services to destinations lost previously or to increase the range of tourist destinations.
245. This suggests to me that whilst there may be some changes in connectivity they are likely to be limited in terms of the factors relating to connectivity which the APF considered to be important. As a result, I regard changes in connectivity to be a factor which is a benefit, albeit it is a factor to which only limited weight should be ascribed.
246. I understand that BAL also claims that the Proposed Development will result in the clawback of passengers who would otherwise make longer journeys to other airports to fly. The extent to which that is the case depends very much on the change to the services on offer at Bristol which the proposed development will facilitate compared to the position if planning permission is refused. As I

have explained above, those changes seem to be likely to be small. As a result, to the extent that there would be clawback is not likely to be significant nor a factor to which I would give anything more than limited weight.

247. BAL relies on NPPF paragraph 80 in the context of the Green Belt (see its SOC at 9.27), but I see no reason why this is a provision which is specific to the Green Belt. However, irrespective of this, BAL fail to read that paragraph as a whole, in particular the need to “*address the challenges of the future*”. For the reasons above, in particular in respect of the issue of climate change, the Proposed Development fails to address the challenges of the future. Given this, I consider that the application of paragraph 80 must be tempered in this case. Moreover, there is no indication that paragraph 80 is inconsistent with national aviation policy, when it is read in the context of the NPPF as a whole. Accordingly, as I have already explained above, support for the growth of the aviation sector is not unconditional; rather the support for growth can only be obtained once it is established that the benefits of growth outweigh its costs particularly in relation to climate change and noise. Applying this approach, the Proposed development is not supported here.
248. Finally, I have not seen any evidence which indicates that the Proposed Development is necessary to maintain the airport’s current contribution to the economy, contrary to BAL’s SOC at paragraph 4.15.

VI. PLANNING BALANCE

249. I start with the balance required by NPPF paragraph 144. I have identified above that the extension to the Silver Zone car park and the lifting of seasonal restrictions amounts to inappropriate development. By definition, this is harmful to the Green Belt and should be afforded substantial weight. I have also identified that the extension to the Silver Zone car park and the lifting of seasonal restrictions results in the loss of openness of the Green Belt and conflict with the purposes for including land within the Green Belt. Again, this should be afforded substantial weight. Added to this, I have identified “other harm” for the purposes of NPPF paragraph 144 in respect of all the principal issues. Given the clear and multiple conflicts with local and national policy in

respect of this “other harm”, I afford it significant weight. Turning to the three matters relied on by BAL for the purposes of NPPF paragraph 144, I do not consider that the harm that I have identified is clearly outweighed by those considerations, given the deficiencies in those matters that I have also identified. Accordingly, I do not consider that VSC have been demonstrated for the extension to the Silver Zone car park and the lifting of seasonal restrictions. It follows that I consider that there is conflict with both policy DM12 of DMP1 and the NPPF, such that RfR 4 is well founded.²⁰

250. My view is that the proposed development is not in accordance with the development plan as explained above. Overall I regard the conflict with the development plan to be significant. That conflict gives rise to a presumption that planning permission for the proposed development should be refused unless material considerations indicate otherwise.
251. As I have identified above, the proposed development also conflicts with the NPPF. I regard those conflicts as weighing significantly against the grant of planning permission.
252. I have also identified that it has not been established that the proposed development can come forward on a basis which demonstrates that the UK’s 6th carbon budget targets and the net zero 2050 target can be attained. I have concluded that it would be premature to grant planning permission for the proposed development now.
253. Whilst I acknowledge that the proposed development will deliver economic and other benefits, I do not consider those benefits are sufficient to outweigh the conflict with the development and the NPPF.
254. Since the benefits of the development do not outweigh its costs, the proposed development does not accord with the APF or with MBU.

²⁰ For the avoidance of doubt, I have conducted this balancing exercise by focussing on the extension to the Silver Zone car park and the lifting of seasonal restrictions. I have not brought in the additional parts of the Proposed Development which amount to inappropriate development, namely the taxiway widening and fillets, as well as the A38 highway works. In my view consideration of these matters would only strengthen by conclusion.

255. For these reasons, my view is that planning permission for the proposed development should be refused.

VII. CONDITIONS

256. Without prejudice to my conclusions above and the Council's case in this appeal, I enclose as Appendix 5 a copy of the conditions which the Council consider should be imposed in the event that the appeal is allowed. I consider that all of these conditions satisfy the tests in reg. 122 of the Community Infrastructure Levy Regulations 2010 and NPPF paragraph 55.