

Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum

Rebuttal Planning Proof of Evidence

Alexander Melling

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

AND

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

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

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

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1. Introduction

1.1 Overview

1.1.1 I am Alexander Melling, Bristol Airport Limited's (BAL) expert planning witness for the Section 78 appeal¹ in respect of the proposed development of Bristol Airport to accommodate 12 million passengers per annum (mppa) (the Appeal Proposal) and The Bristol Airport Limited (Land at A38 and Downside Road) Compulsory Purchase Order (CPO). My submitted Proof of Evidence (BAL/7/2) deals with the detailed planning matters relating to the Appeal Proposal and CPO, including Green Belt; in this Rebuttal, I address the planning issues raised in the proofs of evidence of:

- Mr Gurtler, on behalf of North Somerset Council (NSC)²;
- Ms Beth, on behalf of Bristol XR Elders Group (XR Elders)³;
- Mr Renshaw, on behalf of the British Airline Pilots Association (BALPA)⁴; and
- Ms Sutherland, on behalf of Sutherland Property & Legal Services Ltd (SPLS) who are representing J B Pearce Limited.

1.1.2 The evidence submitted by the planning witnesses of NSC and the Rule 6 Parties listed above does not alter the conclusions of my original Proof of Evidence that the Appeal Proposal is in accordance with the Development Plan for North Somerset⁵ and the National Planning Policy Framework (NPPF)⁶ and that there are no other material considerations which indicate that planning permission should be refused. I also maintain that, overall, the benefits of the Appeal Proposal outweigh the adverse impacts of increasing the capacity of Bristol Airport to handle 12 mppa, that the Appeal Proposal is sustainable development and that the appeal should, respectfully, be allowed.

¹ Reference APP/D0121/W/20/3259234.

² Reference NSC/W7/1.

³ Reference XR/W4/1.

⁴ Reference BALPA W/1/1.

⁵ The adopted Development Plan comprises: CD 5.6: North Somerset Core Strategy (adopted 2017); CD 5.4: Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016); and CD 5.26: Sites and Policies Development Plan Part 2: Site Allocations Plan (adopted April 2018).

⁶ CD 5.8: Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework (February 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf [Accessed June 2021].

1.2 Structure of this Rebuttal Proof of Evidence

1.2.1 Consistent with the topic-based approach adopted in my original Proof of Evidence, my Rebuttal is structured as follows:

- **Section 2:** Need for the Appeal Proposal and Benefits;
- **Section 3:** Main Issues for the Appeal;
- **Section 4:** Green Belt;
- **Section 5:** Other Issues;
- **Section 6:** Conditions and Obligations;
- **Section 7:** Planning Balance and Conclusion.

1.3 Statement of Truth

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

2. Need for the Appeal Proposal and Benefits

2.1 Introduction

2.1.1 In Section 3 of my Proof of Evidence, I establish the compelling need for the Appeal Proposal and the benefits of allowing Bristol Airport to grow to 12 mppa. This includes:

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

2.1.2 The evidence submitted by Mr Gurtler and Ms Beth raises three issues on this matter relating to the Government's national aviation policy, forecast passenger demand and the benefits of the Appeal Proposals which I respond to in this section of my Rebuttal.

2.2 National Aviation Policy

2.2.1 In Section 3.3 of my Proof of Evidence, I highlight that national aviation policy set out in the Aviation Policy Framework⁷ (APF) and Beyond the Horizon - The Future of UK Aviation: Making Best Use of Existing Runways (June 2018)⁸ (hereafter referred to as 'MBU') is clear in its support for airports making best use of their existing runways and that this policy is closely related to, and is an important pillar of, the Government's wider economic objectives. I demonstrate that allowing Bristol Airport to grow by an additional 2 mppa responds directly to MBU and, in-turn, national economic objectives and I contend that this should be afforded significant weight.

2.2.2 At paragraphs 87 and 106 of his Proof of Evidence, Mr Gurtler alleges that there is no in principle support for proposals which make best use of existing runways in national aviation policy and that the Government's support for the growth of the aviation sector in the APF and MBU is conditional

⁷ CD 6.1: HM Government (2013) The Aviation Policy Framework (March 2013). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviation-policyframework.pdf [Accessed June 2021].

⁸ CD 6.4: HM Government (2018) Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-ofexisting-runways.pdf [Accessed June 2021].

on the benefits of growth outweighing the costs, particularly in relation to climate change and noise. Mr Gurtler goes on to claim that the APF was promulgated on the basis that changes in technology and aviation operations will lessen the impacts of airports over time, creating what he refers to as an environmental “headroom” for aviation growth. At paragraph 101, Mr Gurtler seeks to explain how this “headroom” approach should be applied:

“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”.

2.2.3 Contrary to Mr Gurtler, it is my reading of the APF and MBU that national aviation policy does in fact offer in principle support to airports making best use of their existing runways, subject to a balanced approach that considers both economic and environmental impacts. I also do not agree with Mr Gurtler that APF (and MBU) policy support only applies when the benefits of a proposal outweigh the impacts; it is my view that the Government’s policy of making best use should be a matter which, in itself, adds significant weight in favour of granting permission in the overall planning balance.

2.2.4 I note that the APF (at paragraph 3) does set out that it is underpinned by two core principles, one of which is:

“Collaboration: By working together with industry, regulators, experts, local communities and others at all levels, we believe we will be better able to identify workable solutions to the challenges and share the benefits of aviation in a fairer way than in the past.”

2.2.5 In this context, and with specific regard to noise, the APF (paragraph 3.12) states that the Government’s overall objective on aviation noise is to *“limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry”.*

2.2.6 It is my understanding that, here, the APF is encouraging the aviation sector as a whole to deliver improvements but that this does not apply to individual schemes (although as I set out in **Section 3.4**, BAL is seeking to share the benefits of noise reduction with communities as part of the Appeal Proposal). Indeed, nowhere in the APF is there any reference to environmental “headroom” nor is it stated that a proposal for additional airport capacity which results in adverse environmental

impacts beyond any future baseline would not be supported. Indeed, this is exactly why the APF promotes a balanced approach to making best use of existing airport capacity.

2.2.7 Overall, I therefore believe that Mr Gurtler has misinterpreted the Government's policy intent in the APF.

2.2.8 Turning to MBU, paragraph 1.22 (as cited in Mr Gurtler's evidence) states:

"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."

2.2.9 Mr Gurtler contends that this policy continues the "headroom" approach adopted in the APF. However, my reading of MBU is that it requires only the economic benefits of proposals for additional airport capacity to be shared; adverse environmental impacts should be mitigated "*where possible*". I therefore conclude that Mr Gurtler is also incorrect in his understanding of MBU.

2.2.10 I maintain that the Appeal Proposal will deliver significant, local economic benefits. The adverse environmental impacts that weigh against the Appeal Proposal are limited and have been satisfactorily addressed through a combination of the mitigation measures embedded within the Appeal Proposal and the significant package of additional measures proposed by BAL. Further, the Appeal Proposal will deliver environmental enhancements in terms of ecology, transport and ground noise and will facilitate the transition of Bristol Airport to net zero. In accordance with the APF, the benefits of expansion will also be shared through tighter noise controls (see **Section 3.4**).

2.2.11 Mr Gurtler states that the policy approach in MBU and the APF has not been tested against the Sixth Carbon Budget, the UK's 2050 'net zero' target⁹ or on a basis which includes international aviation in these targets. Drawing on the evidence of Dr Hinnells¹⁰, Mr Gurtler's view is that the Government's making best use policy would not meet these targets, rendering it out of date. At paragraph 187, Mr Gurtler concludes:

"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

⁹ CD 9.7: Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available from <https://www.legislation.gov.uk/ukdsi/2019/9780111187654> [Accessed June 2021].

¹⁰ Reference NSC/W6/1.

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”.

2.2.12 In the context of the UK Government’s climate change obligations, Mr Gurtler goes on to allege at paragraph 201 of his evidence that a *“comparative exercise needs to be undertaken by national government to identify the schemes 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”*. He states that, as such an assessment 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 prejudge 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”*.

2.2.13 At paragraph 229, he also states:

“In a context where the UK’s climate change obligations give rise to capacity constraints...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”.

2.2.14 Mr Gurtler and Dr Hinnells are quite clearly speculating on what form future national aviation policy may take and I note that Mr Ösund-Ireland comes to the same conclusion on the evidence of Dr Hinnells in his Rebuttal. The fact is that the Government has not changed its policy on airports making best use of their existing runways despite the introduction, in 2019, of the net zero target into the Climate Change Act 2008 and the Government’s policy of making best use remains extant notwithstanding the Sixth Carbon Budget. In fact, as I demonstrate in Section 3.3 of my Proof of Evidence, the Government has sought to reiterate its position on this policy¹¹.

¹¹ CD 6.8: The Secretary of State for Transport’s Ministerial Statement, 27 February 2020. Available from <https://questionsstatements.parliament.uk/written-statements/detail/2020-02-27/HCWS135> [Accessed June 2021].

- 2.2.15 The Government has also not indicated that it has adopted all of the recommendations in the Committee on Climate Change's (CCC) Sixth Carbon Budget Report¹² and nor has it indicated that it will adopt a demand management policy to meet the budget for international aviation. Government policy therefore remains that forecast passenger demand should be met, subject to environmental considerations.
- 2.2.16 As I set out in Section 4.5 of my Proof of Evidence, the UK Government's climate change obligations do not fundamentally prevent the growth of Bristol Airport to 12 mppa. Emissions arising from aviation is a matter for national policy which is moving towards carbon emissions from aviation being controlled as part of the UK carbon account on a 'carbon traded' basis, rather than the implementation of demand management. I discuss this further in **Section 3.5** of this Rebuttal. Furthermore, it is surely axiomatic that it is not appropriate, or even permissible, to use a local planning inquiry as a vehicle to challenge the merits of, or indeed the weight to be attached to, clear and current Government policy.
- 2.2.17 Overall, having carefully considered the evidence of Mr Gurtler and Ms Beth, I maintain that full and significant weight should be afforded to the Government's making best use policy. Increasing the capacity of Bristol Airport and the associated investment in infrastructure and services will make best use of the existing airport runway as part of a balanced approach to growth. The Appeal Proposal is, therefore, in accordance with the Government's aviation policy set out in the APF and MBU and this should be given significant weight in the planning balance.

2.3 Forecast Passenger Demand

- 2.3.1 In Section 3.4 of my Proof of Evidence, I demonstrate that underlying passenger demand at Bristol Airport remains strong and that throughput at the airport will still reach 12 mppa, notwithstanding the effects of the COVID-19 pandemic on the aviation sector.
- 2.3.2 At paragraph 139 of his Proof of Evidence, Mr Gurtler states that *"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"*. He later claims that this should be taken into account by reducing the weight afforded to the benefits of the Appeal Proposal. Drawing on the evidence of Dr Capstick¹³,

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

¹³ Reference XR/W1/1.

Mr Devas¹⁴ and Ms Lawson¹⁵, Ms Beth alleges that the Appeal Proposal is premature due to the impact of COVID-19 on the aviation sector and social change. At paragraph 7.3, she states that *“the impact of the pandemic has made predictions of need more uncertain, and delayed”* and goes on to state at paragraph 8.2 that *“at this point in time, an application for further expansion with all its damaging impacts is not justified. These adverse impacts include increased carbon emissions, harmful impacts on local ecology, increases in traffic and air pollution and noise nuisance for local people with resulting health impacts”*.

2.3.3 In both his original Proof of Evidence¹⁶ and rebuttal, Mr Brass has addressed the issues raised by Mr Devas in respect of the passenger forecasts. Mr Brass has concluded that passenger demand will still reach 12 mppa, albeit over a slightly longer timeframe than anticipated in the original planning application. I have already explained in my Proof of Evidence that the forecasts¹⁷ produced by York Aviation Limited (YAL) have specifically considered the impacts of COVID-19 and climate change and that NSC has confirmed in the Statement of Common Ground (SoCG) (Part 2)¹⁸ that it is in agreement with the broad timescales for growth to 12 mppa. I now also note that Mr Folley, acting on behalf of NSC, concludes in his evidence¹⁹ that the Core Case identified by YAL, which sees passenger demand at Bristol Airport reaching 12 mppa in 2030, is the most likely to occur.

2.3.4 Fundamentally, I do not see why the precise speed of growth is a determining factor in the decision whether to allow the appeal. It is very clear that a throughput of 12 mppa will be reached and it is agreed between BAL and NSC that this is most likely to be in 2030. Should 12 mppa be reached later than in the Core Case considered by YAL, then the environmental impacts associated with an additional 2 mppa would be delayed; in fact, a delay to growth is likely to lead to an overall reduction in adverse impacts due to technological advancements. Such delayed effects have been considered qualitatively in the ESA to see whether there would be any material change from the assessment of significance in the Core Case, but there is not. Whilst many of the economic benefits associated with expansion would also materialise later, the fact that the airport has planning permission to grow beyond its current cap would provide confidence to airlines and other stakeholders. As I highlight in my Proof of Evidence, this is exactly the same conclusion as that reached by Inspectors in respect of the recent London Stansted Airport appeal²⁰.

¹⁴ Reference XR/W3/1.

¹⁵ Reference XR/W2/1.

¹⁶ Reference BAL/1/2.

¹⁷ CD 2.21: York Aviation Limited (2020) Passenger Traffic Forecasts for Bristol Airport to Inform the Proposed Development to 12 mppa (November 2020).

¹⁸ CD 12.2: Draft Statement of Common Ground – Part 2: Detailed Matters.

¹⁹ Reference NSC/W1/3.

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

2.4 Benefits of the Appeal Proposal

2.4.1 In Section 3.5 of my Proof of Evidence, I outline the social, economic and environmental benefits that increasing the capacity of Bristol Airport by an additional 2 mppa will deliver. Drawing on the Economic Impact Assessment²¹ and Addendum²² prepared by YAL, as well as the evidence of Mr Brass on socio-economics²³, I explain how the creation of jobs, Gross Value Added (GVA) and increased connectivity represent a significant economic benefit and that, crucially, the Appeal Proposal will support the achievement of the economic priorities established in the Development Plan, the West of England Industrial Strategy²⁴ and the North Somerset Economic Plan²⁵, as well as the Government's wider economic policy objectives. In accordance with paragraph 80 of the NPPF, I contend that the economic benefits of the Appeal Proposal should be afforded significant weight. I also highlight that the Appeal Proposal will deliver other social and environmental benefits.

2.4.2 Mr Gurtler agrees that the Appeal Proposal will deliver economic benefits but alleges that these benefits will not be as significant as identified by YAL. Based on the evidence of Mr Siraut²⁶, Mr Gurtler makes a number of claims which I summarise below:

- the South West and South Wales regional GVA impacts of the Appeal Proposal should be reduced by between 64-70% and jobs generated by between 56%-67%;
- the construction jobs likely to be generated by the Appeal Proposal are overstated;
- it is unclear how carbon costs have been monetised whilst noise and air quality impacts have not been assessed in the economic case;
- the Appeal Proposal will primarily lead to outbound tourism equating to a loss of expenditure of £123 million;
- most of the direct jobs provided by the Appeal Proposal are likely to be low-value and low-skilled and are at high risk of being automated;

²¹ CD 2.22: YAL (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment Addendum (November 2020).

²² CD 2.22: YAL (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment Addendum (November 2020).

²³ Reference BAL/5/2.

²⁴ CD 11.7: HM Government (2019) West of England Local Industrial Strategy (July 2019). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818989/1907_VERSION_West_of_England_Interactive_SINGLE_PAGES.pdf [Accessed June 2021].

²⁵ CD 11.15: NSC (2020) North Somerset Economic Plan 2020-2025 (September 2020), page 4. Available from <https://innorthsomerset.co.uk/wp-content/uploads/2020/10/North-Somerset-Economic-Plan.pdf> [Accessed June 2021].

²⁶ Reference NSC/W5/1.

- any additional employment requirements will reduce the labour supply pool, impacting local SMEs;
- compared to the number of jobs to be created at the Junction 21 Enterprise Area, the direct employment generated by the Appeal Proposal is not significant;
- the Appeal Proposal is unlikely to lead to a significant uplift in frequency or new regular services to business destinations based on BAL's present business model;
- the extent to which the Appeal Proposal results in a change in connectivity is likely to be in the form of the restoration of services to destinations lost previously or to increase the range of tourist destinations and this should be afforded limited weight; and
- BAL has not produced evidence which indicates that the Appeal Proposal is necessary to maintain the airport's current contribution to the economy.

2.4.3 The matters raised by Mr Siraut and Mr Gurtler, as well as by other Rule 6 Party witnesses who have questioned the economic benefits of the Appeal Proposal, are comprehensively addressed in the Rebuttal Proof of Evidence of Mr Brass on socio-economics. Mr Brass concludes that these matters do not change his conclusion that increasing the capacity of Bristol Airport to accommodate 12 mppa will result in significant economic benefits. Having appraised myself of Mr Brass's Rebuttal, it remains my opinion that the economic benefits of the Appeal Proposal will be significant.

2.4.4 At paragraph 246 of his evidence, Mr Gurtler also contends that the extent of any clawback of passengers from London's airports resulting from the Appeal Proposal will be small and that this benefit should be afforded limited weight. This is contrary to the view of officers who, in recommending approval of the planning application, concluded that providing capacity at Bristol Airport would reduce longer distance displacement²⁷. Indeed, YAL's updated forecasts demonstrate that were Bristol Airport's capacity to be constrained at 10 mppa, then passengers would be much more likely to gravitate towards the London airports and Birmingham Airport for their travel needs, resulting in some displacement of economic benefits and increased emissions associated with surface access journeys. YAL's analysis has identified that only around 28% of the additional 2 mppa handled by Bristol Airport in the Appeal Proposal would be displaced from other airports in the South West and South Wales. Of the remaining passengers, 39% would no longer travel and 33% would use other airports outside the region. I consider that clawing back some 660,000 passengers per year from airports outside the region is a substantial benefit.

²⁷ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, pages 18 and 27.

- 2.4.5 On the matter of the NPPF's support for economic prosperity and growth, Mr Gurtler alleges that BAL has failed to consider paragraph 80 of the NPPF as a whole and, specifically, that the Appeal Proposal does not meet the requirement of the NPPF to address "*challenges for the future*", particularly in relation to climate change. On this basis, Mr Gurtler states that "*the application of paragraph 80 must be tempered in this case*" and that the benefits of the Appeal Proposal do not outweigh the adverse impacts.
- 2.4.6 I strongly refute Mr Gurtler's claim. As I demonstrate in my Proof of Evidence, the adverse impacts associated with the development of Bristol Airport to accommodate 12 mppa on the environment and local communities have been appropriately minimised and mitigated and the significant package of measures proposed by BAL will also deliver environmental enhancements. With specific regard to climate change, I have already explained in my Proof of Evidence why the Appeal Proposal will not materially affect the ability of the Government to meet its carbon targets and, further, that BAL is proposing industry leading measures through its Carbon and Climate Change Action Plan (CCCAP) to minimise greenhouse gas (GHG) emissions and facilitate the transition of Bristol Airport to net zero by 2030.
- 2.4.7 In this context, it is my opinion that through the Appeal Proposal, BAL is unquestionably taking proactive steps to address the challenges for the future. I see no reason why full and significant weight should not, therefore, be given to the economic benefits of the Appeal Proposal, in accordance with paragraph 80 of the NPPF.
- 2.4.8 In an attempt to further undermine the economic case for allowing the appeal, Mr Gurtler argues at paragraph 141 of his evidence that Bristol Airport will be prohibited from increasing its capacity due to the Government's climate change targets meaning that the benefits associated with expansion should be given less weight. He states:
- "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...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".*
- 2.4.1 As I have already explained in **Section 2.2** above, the position taken by Mr Gurtler does not reflect current national aviation policy and to assert that some sort of demand management policy is in

place or proposed is simply not correct. In consequence, I do not believe that the Government's climate change obligations in any way mean that the growth of Bristol Airport to 12 mppa and the ensuing economic benefits of the Appeal Proposal cannot be realised.

2.4.2 Ms Beth makes a similar point to Mr Gurtler in stating (at paragraph 8.4 of her evidence) that the adverse impacts of the Appeal Proposal *"were not outweighed by the claimed benefits prior to the pandemic. In these new medical, societal, economic and technological circumstances, where there may never be a need for the expansion proposed, the application is not justified. The adverse impacts of the development cannot be weighed against claimed planning benefits of a further expansion in passenger numbers that may never happen. The planning balance now comes down firmly in favour of avoiding the dis-benefits of this development proposal... The appellant does not have to show need for the application to be acceptable, but if need cannot be clearly demonstrated then the dis-benefits of the proposal become more important in the planning balance. The impact of the pandemic has made predictions of need more uncertain, and delayed, and the adverse impacts of the development, detailed in many proofs to this inquiry, are not justified by tangible benefits"*.

2.4.3 Again, I have already set out in **Section 2.3** that YAL's forecasts indicate that, taking a longer-term view, the COVID-19 pandemic will have little impact on projected growth at Bristol Airport and, in any case, exactly when Bristol Airport reaches a throughput of 12 mppa is immaterial to the decision on whether to allow the appeal. On this basis, I do not follow Ms Beth's logic for affording greater weight to the adverse impacts of the Appeal Proposal when the benefits of expansion, and the limited adverse impacts, will still materialise albeit over a slightly longer timeframe than envisaged in the original application.

2.4.4 Overall, therefore, I maintain that significant weight should be afforded to the benefits of the Appeal Proposal.

3. Main Issues for the Appeal

3.1 Introduction

- 3.1.1 In Section 4 of my Proof of Evidence, I consider the main issues for the appeal. I conclude that NSC's reasons for refusal are not valid nor based on any substantive evidence and that the Appeal Proposal is in accordance with those policies of the Development Plan and NPPF that relate to the main appeal issues.
- 3.1.2 In this section of my Rebuttal, I address the matters raised by the planning witnesses of NSC and the Rule 6 Parties on the planning aspects of these topics.

3.2 Surface Access

Highway and Traffic Impacts

- 3.2.1 It is Mr Gurtler's opinion, as he sets out at paragraph 222 of his Proof of Evidence, that the Appeal Proposal is not in accordance with Development Plan Policies CS10 and CS23 and, therefore, national aviation policy, due to the impacts of additional traffic on highways safety and the road network at key junctions.
- 3.2.2 Mr Gurtler's assessment is based on the evidence of Mr Colles²⁸, NSC's transport witness. In summary, Mr Colles alleges in his Proof of Evidence that the Transport Assessment (TA)²⁹ and its Addendum (TAA)³⁰ have a number of deficiencies which do not allow the effects of the Appeal Proposal to be fully understood. Mr Colles also now raises concerns regarding the design of the proposed A38 highway improvement scheme, despite the fact that this was previously agreed with NSC officers and is not cited in NSC's reasons for refusal of the planning application. This leads Mr Colles to conclude that BAL has not demonstrated that the impact of the Appeal Proposal on congestion and safety has been mitigated to an acceptable degree and that there is inadequate surface infrastructure to accommodate the Appeal Proposal.
- 3.2.3 In rebuttal, Mr Witchalls concludes that the matters raised by Mr Colles are either incorrect, misinterpreted or can be overcome through usual post consent design development. On this basis, Mr Witchalls maintains that the assessment presented in the TA and TAA is robust and that the addition of 2 mppa will not result in significant impacts on highway safety or the junctions of

²⁸ Reference NSC/W4/1.

²⁹ CD 2.9.1: Stantec (2018) Development of Bristol Airport to Accommodate 12 mppa: Transport Assessment (December 2018).

³⁰ CD2.20.3: Stantec (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Transport Assessment Addendum (TAA) (November 2020).

concern identified by Mr Colles. Importantly, this is the same conclusion as that reached by NSC's officers and their expert advisors in recommending approval of the original planning application. On this matter, the Officers' Report (page 99) concluded:

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

- 3.2.4 With specific regard to the A38 highway improvement scheme, Mr Witchalls also demonstrates in his Rebuttal that the scheme meets appropriate standards and is deliverable.
- 3.2.5 In consequence, I do not agree with the conclusion of Mr Gurtler and I maintain my position that the Appeal Proposal is in accordance with Development Plan Policies CS10 and CS23, as well as Policies DM24 and DM50, the NPPF and national aviation policy.

Sustainable Travel

- 3.2.6 At paragraphs 223 to 225 of his Proof of Evidence, Mr Gurtler contends that BAL's passenger public transport mode share target is not appropriate due to, in part, a perceived over provision of car parking. Again, Mr Gurtler's judgement on the appropriateness of BAL's proposed public transport mode share target is based on the evidence of Mr Colles. Mr Colles contends that:
- there is a lack of an up-to-date Airport Surface Access Strategy (ASAS) and passenger travel plan which is contrary to the NPPF, National Planning Practice Guidance (NPPG)³¹, the APF, Aviation 2050³² and Policy DM26 of the Development Plan;
 - mode share targets have not been updated to reflect CAA data and the public transport mode share target previously agreed between BAL and NSC's officers is inadequate - at least an additional 5% increase should be achievable;
 - there is no commitment or certainty that a new Public Transport Interchange (PTI) facility will be delivered;
 - further opportunities are not being taken up by BAL to maximise public transport, such as the feasibility of mass transit; and
 - further justification for the proposed funding is required.

³¹ CD 5.9: MHCLG (2019) Planning Practice Guidance (Travel Plans, Transport Assessments and Statements). Available from <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements> [Accessed June 2021].

³² CD 6.5: HM Government (2018) Aviation Strategy 2050: The Future of UK Aviation (December 2018). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769696/aviation-2050-print.pdf [Accessed June 2021].

- 3.2.7 On this matter, Ms Beth erroneously claims at paragraph 4.1 of her Proof of Evidence that Bristol Airport has one of the lowest public transport mode share splits of any airport in the UK and that the provision of additional car parking as part of the Appeal Proposal would perpetuate this situation. She goes on to imply that BAL's proposed mode share target is not ambitious nor matched by appropriate funding, that there are no proposals for robust public transport infrastructure and that the cost of public transport undermines its use and fares should therefore be reduced by BAL.
- 3.2.8 On the basis of the above, both Mr Gurtler and Ms Beth conclude that the Appeal Proposal is contrary to Development Plan Policies CS1 and CS10 and the NPPF. I respectfully disagree.
- 3.2.9 I have already highlighted in Section 4.2 of my Proof of Evidence that at 22.3% (as at 2019), Bristol Airport has the highest public transport mode share of the regional airports cited in the 2019 Civil Aviation Authority (CAA) data³³. As previously agreed with NSC's officers, BAL is now proposing a further, 2.5% increase in passenger public transport mode share that will be supported by significant investment and the delivery of a new PTI facility. With reference to the evidence of Mr Witchalls³⁴, I confirm in my original Proof that a 2.5% increase in public transport mode share is a stretching but realistic and deliverable target and (in Section 5) that the quantum of car parking to be delivered as part of the Appeal Proposal represents a balanced approach to the provision of additional capacity that will not undermine public transport use (I discuss this matter in more detail in **Section 4.3** of my Rebuttal). I consider that this balanced approach is consistent with the NPPG³⁵ which sets out that:
- "While Travel Plans are intended to promote the most sustainable forms of transport, such as active travel, they should not be used to justify penalising motorists – for instance through higher parking charges, tougher enforcement or reduced parking provision (which can simply lead to more on street parking)...Maximum parking standards can lead to poor quality development and congested streets, local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable".*
- 3.2.10 Mr Witchalls deals with the specific matters raised by Mr Colles in his Proof of Evidence and rebuttal. He highlights that whilst BAL hasn't published an updated ASAS, it has shown significant commitment to maximising public transport mode share. Mr Witchalls also maintains that a 2.5% increase in public transport is a stretch target, whereas the target of 5% proposed by Mr Colles is

³³ CD 7.10.

³⁴ BAL/4/2.

³⁵ CD 5.9: MHCLG (2019) Planning Practice Guidance (Travel Plans, Transport Assessments and Statements), paragraph 008. Available from <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements> [Accessed June 2021].

not realistic and, further, that mass transit is not practical or cost-effective within the timescales of growth to 12 mppa. He also notes that BAL proposes to undertake a multi-modal pricing review within six months following consent with the scope and methodology to be agreed with NSC, the aim being to ensure that options higher up the modal hierarchy are supported and enabled financially through cost comparison analysis.

- 3.2.11 Taking into account the evidence of Mr Witchalls, I therefore reject the conclusions of Mr Gurtler and Ms Beth that BAL's proposed public transport mode share target is in any way inadequate.
- 3.2.12 Mr Renshaw contends in his Proof of Evidence that the Appeal Proposal has not made adequate provision for staff parking which, he argues, has health and safety implications for aircrew and that BAL's proposed staff travel targets are unrealistic due to accessibility to the airport by public transport. On this basis, Mr Renshaw concludes that the Appeal Proposal conflicts with Policy CS11 of the Development Plan.
- 3.2.13 I deal with the matter of staff car parking in Section 5.5 of my Proof of Evidence and I address Mr Renshaw's evidence on this matter in **Section 4.3** of my Rebuttal. In terms of BAL's proposed staff travel target (which is to achieve a 30% share of staff travel by non-single occupant vehicle), Mr Witchalls explains in rebuttal that BAL is committed to exploring ways to make it possible for staff to travel to the airport by public transport. This includes a review of staff home locations and shift patterns to explore the potential for new services (including demand responsive shuttle services) and improve the viability of public transport. I therefore reject Mr Renshaw's assessment of this target.
- 3.2.14 Overall, I remain satisfied that the Appeal Proposal is in accordance with Development Plan Policies CS1, CS10 and CS23, as well as Policies CS11, DM50 and DM54, the NPPF and national aviation policy on matters concerning sustainable travel and airport surface access.

3.3 Air Quality

- 3.3.1 At paragraph 183 of his Proof of Evidence, Mr Gurtler determines that the Appeal Proposal will result in a 'breach' of Development Plan Policies CS3, CS23 and CS26 due to the air quality impacts associated with an additional 2 mppa on health and wellbeing.
- 3.3.2 Mr Gurtler draws extensively on the evidence of NSC's air quality witness, Dr Broomfield³⁶. Dr Broomfield alleges that the approach adopted in the Environmental Statement (ES)³⁷ and

³⁶ Reference NSC/W3/1.

³⁷ CD 2.5.19: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (Air Quality) (December 2018).

Environmental Statement Addendum (ESA)³⁸ of assessing the Appeal Proposal against air quality limit values is overly simplistic because air pollutants (in particular, nitrogen dioxide (NO₂) and fine particulate matter (PM_{2.5}) have adverse effects on health at levels below the adopted air quality standards. It is also the view of Dr Broomfield that the fleet mix assumptions used in the assessment are over optimistic and that the impact of increases in ultrafine particles (UFP) should have been considered.

- 3.3.3 The matters raised by Dr Broomfield concerning the air quality assessment and the health impacts of the Appeal Proposal are addressed in the Proofs of Evidence of Mr Peirce and Mr Pyper and in their respective rebuttals.
- 3.3.4 Mr Peirce concludes that none of the matters raised by Dr Broomfield affect the outcome of the air quality assessment presented in the ES and ESA. Mr Pyper explains that for both PM_{2.5} and NO₂ there is no identifiable threshold below which there is no risk to health. He highlights that this has been taken into account in the ES and ESA by recognising the scientific evidence for non-threshold health effects of certain air pollutants (alongside the Government's clearly stated statutory position on what constitutes an acceptable level of air pollution in health protection terms). In this context, the health assessment presented in Chapter 16 of the ES and Chapter 9 of the ESA has recognised that some adverse health effects would arise due to emissions to air but it confirms that they would not constitute a significant population health effect being at levels below current air quality standards and objectives. Mr Pyper points to paragraph 9.5.13 of the ESA which states:
- "The conclusion reflects the UK Government view that compliance with UK Air Quality Objectives demonstrates an acceptable level of health protection and that these air quality protection measures are produced in the knowledge that particular groups within a population will have particular health vulnerabilities. The minor adverse (rather than negligible) score for vulnerable groups represents a conservative assessment on the basis of scientific uncertainty (and emerging evidence) about non-threshold health effects of NO₂ and PM_{2.5}. This is a public health acknowledgement of the incremental contribution to air pollution that the Proposed Development would make, but also recognition that, at the project level, this should not be considered a significant effect on population health".*
- 3.3.5 I would also highlight that NSC officers had previously accepted that the approach adopted to the air quality assessment contained in the ES was robust. Indeed, the Officers' Report concluded (at page 83) that the *"method used to establish the air quality results and the number and distribution of*

³⁸ CD 2.20.1 (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement Addendum (November 2020).

the assessment locations provide a realistic projection of the impacts" and, more generally (at page 135), that "There are no overriding health or well-being impacts which would warrant refusal of the application, albeit this is contingent on impacts being mitigated in accordance with the planning conditions and planning obligations recommended in this report".

3.3.6 On this basis, the approach adopted in the air quality assessment is robust.

3.3.7 Both Mr Gurtler and Dr Broomfield now contend that, as the Appeal Proposal will result in an increase in emissions to air, then it is in conflict with Development Plan policy, the NPPF and national aviation policy. Dr Broomfield states at paragraph 53 of his evidence that the APF and Aviation 2050 require that airports *"demonstrate ongoing improvements in air quality"* and at paragraph 58 that the NPPF sets out an overarching framework to improve air quality meaning that *"Emissions to air associated with airports should thus be expected to reduce over time, and not increase"*. In terms of the Development Plan, Dr Broomfield states at paragraph 133 of his evidence that *"the application does not consider or identify gains that could be made in relation to the air quality impact of the proposed development. I conclude that the proposed development does not achieve the policy objective of CS26"*.

3.3.8 In short, Dr Broomfield asserts that, for planning permission to be granted, the policy test is that development must not give rise to an increase in air pollution (taking into account the future baseline without that development). This leads Dr Broomfield to the following conclusion (at paragraph 103 of his evidence):

"Applying this test, I conclude that the proposed development would give rise to increases in air pollution. I do not disagree with the description of these increases within the terms of guidance relevant for the EIA process, but these increases in air pollution will result in increases in health burdens for the local population. This is because the air pollutants under consideration (in particular, nitrogen dioxide and PM2.5) present risks to health at levels below the currently applicable air quality standards. Furthermore, because of uncertainty in the timing of the airport development and in the aircraft fleet composition, the forecast impacts are subject to uncertainty, and could be greater than those set out in the ES".

3.3.9 I deal with this matter in Section 4.3 of my Proof of Evidence where I highlight that there is no express requirement in the Development Plan, in the NPPF or in national aviation policy for development proposals to improve baseline air quality conditions. Instead, the policy framework quite clearly recognises that proposals for development may result in an increase in emissions to air and that impacts should be mitigated to an acceptable level (see Development Plan Policy CS3) to ensure compliance with national air quality standards (see paragraph 181 of the NPPF). Indeed, this

is the same conclusion as that reached by Inspectors in relation to the recent London Stansted Airport appeal. The Appeal Proposal clearly meets this test and it remains my judgement that it will not result in significant adverse air quality or health-related effects.

3.3.10 At paragraph 182 of this evidence, Mr Gurtler states that *"the mitigation proposed by BAL does not demonstrate that all reasonably practicable innovative solutions and incentives and mitigation will be brought forward"* and I note that Dr Broomfield has identified other measures which he believes would satisfy this requirement. On this matter, Mr Peirce sets out in his Rebuttal Proof of Evidence that the process for developing the initial Air Quality Action Plan (AQAP), which BAL has committed to prepare and implement, will include consideration of a range of possible mitigation measures, including those suggested by Dr Broomfield. I am therefore satisfied that the mitigation proposed by BAL is appropriate.

3.3.11 Overall, I maintain that the Appeal Proposal is in accordance with Development Plan Policies CS3, CS23 and CS26 and paragraphs 170(e) and 181 of the NPPF and I therefore reject the claims made by Mr Gurtler and Dr Broomfield on the planning matters relating to air quality.

3.4 Noise

3.4.1 Mr Gurtler contends at paragraph 171 of his Proof of Evidence that the air noise impact of the Appeal Proposal would be in conflict with paragraphs 170(e) and 180 of the NPPF, the APF and Development Plan Policies CS3, CS23 and CS26. It is my opinion that Mr Gurtler's assessment is based on an incorrect interpretation of national and local policy on noise.

3.4.2 At paragraph 157 of his evidence, Mr Gurtler refers to the NPPG³⁹ which states that noise above the Significant Observed Affect Level (SOAEL) should be avoided. Mr Gurtler interprets the use of the term "avoided" in the NPPG as meaning that development which results in noise impacts above the SOAEL should be refused planning permission. Based on this interpretation of the NPPG, he deduces (at paragraph 166 of his evidence) that the 150 additional dwellings that are predicted to be exposed at or above the SOAEL level at night⁴⁰ in 2030 due to air noise *"warrants refusal of the planning application"*.

3.4.3 It is my view that Mr Gurtler has, critically, misunderstood the guidance contained in the NPPG. To be clear, the NPPG does not state that development giving rise to noise impacts above the SOAEL should be refused planning permission. The NPPG actually states:

³⁹ CD 5.9: MHCLG (2019) Planning Practice Guidance (Noise). Available from <https://www.gov.uk/guidance/noise--2> [Accessed June 2021].

⁴⁰ See Chapter 6 of the ESA. The SOAEL level at night is defined in the ESA and being 55 dB.

"If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused".

- 3.4.4 In other words, where noise exposure above the SOAEL is to be caused, this should be mitigated where possible and taken into account in the overall planning balance; it does not automatically mean that planning permission should be refused. Indeed, this is exactly why the NPPG introduces the 'Unacceptable Adverse Effect Level' (UAEL) where noise should be "prevented"; if all development resulting in noise exposure above the SOAEL was to be refused planning permission then, clearly, there would be no requirement for a UAEL.
- 3.4.5 Mr Pyper highlights in his Rebuttal Proof of Evidence that, even with the increase in the number of people experiencing noise above the SOAEL, it is reasonable to conclude that significant adverse population health effects are unlikely. He shows that treating the SOAEL as a hard threshold that triggers a significant population health effect does not reflect the actual change in population health outcomes that would be expected when the SOAEL is experienced by a small minority of the population and the relative change in noise levels is small. In this context, Mr Pyper explains that, relative to the population, the increase of 150 dwellings at the SOAEL at night is a small minority. He states that, in his professional opinion, the relative change in noise level would not give rise to significant population health effects; I would add that these effects would be further avoided or reduced through BAL's proposals for an improved noise insulation scheme.
- 3.4.6 On this basis, Mr Pyper maintains that, in public health terms, the Appeal Proposal is unlikely to give rise to a significant change in population health and that an increase in the number of people above the SOAEL is, in and of itself, not a valid reason to suggest that the ES and ESA conclusions are incorrect. Indeed, NSC officers reached the same conclusion⁴¹ that, with mitigation, *"there would not be an unacceptable adverse impact arising from the proposed increase in day time flight numbers or the variation of the night time flights caps between British Summer Time (BST) and British Winter Time (BWT)".*
- 3.4.7 In terms of the requirements of national aviation policy, Mr Gurtler states at paragraphs 150 to 151 of his Proof of Evidence:

⁴¹ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 70.

"In essence the APF policy approach is one in which Government recognised that future technological improvement would create headroom...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".

3.4.8 Mr Fiumicelli, NSC's noise witness, adopts the same interpretation of the APF. At paragraph 3.6 of his Proof of Evidence he states:

"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 therefore growth that accords with the policy objectives of the APF".

3.4.9 From this starting point, Mr Gurtler and Mr Fiumicelli conclude that, as the Appeal Proposal would result in increased noise, planning permission should be refused. Mr Gurtler states at paragraph 172 of his Proof of Evidence:

"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".

3.4.10 Mr Fiumicelli states at paragraph 10.3 of his Proof of Evidence that the Appeal Proposal *"results in a worsening of an already stressed and adverse and significantly adverse noise environment for the local community and not the improved one which the APF and MBU requires to be delivered if additional use of existing capacity is to be permitted"*.

3.4.11 Mr Gurtler and Mr Fiumicelli have clearly misinterpreted national aviation policy in this context. As I have already established in **Section 2.2** of my Rebuttal, nowhere in the APF is there reference to any kind of headroom approach. Further, as I make clear in Section 4.4 of my original Proof of Evidence, the APF unequivocally does not state that proposals for additional capacity should be refused if they would result in additional noise but, instead, that noise impacts should be balanced against positive economic impacts and that operators should provide compensation where

proposals result in increased noise. Similarly, I cannot find anything in MBU which requires the noise environment to be improved if additional capacity is to be permitted, as Mr Fiumicelli claims.

3.4.12 The ES and ESA have clearly established that the air noise impacts arising from the Appeal Proposal will not be significant and that there will be no significant adverse population health effects. As I set out at paragraph 4.4.6 of my Proof of Evidence, whilst the number of properties predicted to experience average night-time air noise levels above the SOAEL will increase, the changes in noise level would be less than 1 dB and below the significance threshold adopted in the ES and ESA. In accordance with the NPPG and APF, BAL has also proposed a number of conditions and obligations that control noise effects to acceptable levels including a comprehensive enhanced noise insulation scheme that actually goes beyond both the requirements of the APF and the recommendations contained in Aviation 2050.

3.4.13 Additionally, in accordance with paragraph 3.12 of the APF, BAL will share the benefits of expansion. For example, in 2011, planning permission was granted for the expansion of Bristol Airport to accommodate 10 mppa on the basis of forecast noise impacts relating to a daytime 57 dB noise contour area of 12.42 km². Due to improvements in technology, it is now expected that Bristol Airport will produce less noise than previously forecast and, therefore, BAL is proposing a decrease in the permitted noise contour area (as well as other controls) whilst seeking permission to grow Bristol Airport to 12 mppa, delivering benefits to the community.

3.4.14 At paragraphs 168 to 169 of his Proof, Mr Gurtler goes on to summarise the evidence of Mr Fiumicelli who alleges that the noise assessment presented in the ES and ESA is "*unsafe*" as (inter alia) the metrics adopted in the ES and ESA are not appropriate, impacts of noise on health such as cardiac effects, stroke and hypertension have not been assessed and the future fleet mix is likely to include a larger number of older, noisier aircraft than assumed in the ES and ESA. He also claims that the findings of the ES and ESA are "*overoptimistic*" as the Appeal Proposal would (inter alia):

- increase the number of people experiencing significant adverse and adverse impacts on health and quality of life from air noise;
- not sufficiently reduce noise to an acceptable level and mitigate and minimise adverse impacts on health and quality of life;
- contribute to a deterioration in health and quality of life by worsening the significant adverse and adverse effects of noise associated with the operation of the airport; and
- not contribute to improving the health and well-being of the local population.

- 3.4.15 The issues raised by Mr Fiumicelli in respect of the noise assessment presented in the ES and ESA are addressed by Mr Williams and My Pyper in their original Proofs of Evidence and in rebuttal. They have confirmed that the noise and health assessments are robust, that they have been undertaken in accordance with policy and the approach agreed with NSC officers and that the Appeal Proposal will not result in noise impacts that are significant.
- 3.4.16 With specific regard to Mr Fiumicelli's assertion that the Appeal Proposal will not contribute to improving the health and well-being of the local population (Dr Broomfield makes a similar claim in respect of air quality), Mr Pyper highlights in rebuttal that this policy test can only be usefully explored based on the overall balance of effects from the Appeal Proposal, including giving more weight to those effects that are shown to be significant. Mr Pyper notes that the phrasing *"contribute to improving the health and wellbeing of the local population"* appears only in Policy CS26 of the Development Plan. The supporting text to this policy (Core Strategy paragraph 3.320) specifically states that it is the Health Impact Assessment that is the *"tool used to assess how development proposals will contribute to improving the health and wellbeing of the local population"* including identifying both the *"potential health gains and potential risks to health"*. On balance, Mr Pyper concludes that the Appeal Proposal is likely to contribute to improving the health and well-being of the local population more than it detracts from it.
- 3.4.17 Turning to the appropriateness of mitigation, I would note that NSC's officers had previously accepted that the measures proposed by BAL were acceptable; page 70 of the Officers' Report concludes that *"Officers consider that the combination of the revised operational restrictions, enhanced acoustic mitigation grant scheme and air noise control scheme would provide an acceptable form of mitigation for air noise having regard to current policy"*. This conclusion is consistent with the findings of the ES and ESA.
- 3.4.18 I note that Mr Fiumicelli proposes in Section 9 of his Proof of Evidence further draft conditions. These conditions are considered by Mr Williams in rebuttal.
- 3.4.19 Overall, I maintain that the Appeal Proposal is in accordance with Policy CS3, Policy CS23 and Policy CS26 of the Development Plan, the NPPF, the Noise Policy Statement for England⁴² and national aviation policy. I therefore reject the assessment of Mr Gurtler.

⁴² CD 10.4: Defra (2010) Noise Policy Statement for England (March 2010). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69533/pb13750-noise-policy.pdf [Accessed June 2021].

3.5 Climate Change

3.5.1 Drawing on the evidence of Dr Hinnells⁴³, Mr Gurtler contends that the policy approach in MBU and the APF has not been tested against the Sixth Carbon Budget, the UK's 2050 'net zero' target or on a basis which includes international aviation in these targets. Mr Gurtler's view is that the Government's making best use policy would not meet these targets, rendering it out of date. Ms Beth and Mr Hunter⁴⁴ make similar points in their respective Proofs of Evidence. For example, Mr Hunter states (at paragraph 6.5 of his evidence):

"...to my knowledge, no net reduction in capacity at other UK airports is currently proposed that would allow for an increase in capacity at Bristol Airport in line with the CCC's advised capacity restriction. Indeed, as noted above, I understand that current planned airport expansions, including the proposed development, would increase total UK passenger airport capacity to over 455 million passengers per year if approved. This level of capacity would exceed by some 90 million passengers per year the 365 million passengers per year modelled by the CCC under the Balanced Pathway in 2050 (which allows for a growth of 25% above 2018 levels assuming technological change occurs at a sufficient rate)".

3.5.2 I have already addressed this matter in **Section 3.2** of my Rebuttal where I make clear that any assertion of a requirement to constrain capacity at UK airports constitutes speculation on what form future national aviation policy may take. In Section 3.4 of my original Proof of Evidence, and with reference to the evidence of Mr Ösund-Ireland⁴⁵, I have demonstrated that even if the figure of 23 MtCO₂/annum by 2050 for international, domestic and military aviation used by the CCC in its 'balanced pathway' option to 'net zero' is considered as a comparator, the contribution of Bristol Airport at 12 mppa would still be small and, moreover, the share of the airport's emissions as a proportion of the UK's international aviation emissions will be unlikely to increase. How these emissions are managed is, in any case, a matter for Government to determine through its national aviation policy and the carbon permits granted and traded under the UK Emissions Trading Scheme (ETS).

3.5.3 Contrary to the view expressed by Mr Gurtler at paragraph 188 of his evidence and by Mr Hunter at paragraphs 4.6 to 4.11 of his Proof, I do not believe that Inspectors for the Stansted Airport appeal failed to consider the extent to which the APF and MBU support for airport expansion can be

⁴³ Reference NSC/W6/1.

⁴⁴ Reference BAAN/W3/1.

⁴⁵ Reference BAL 6/1.

achieved in a manner which is consistent with the current climate change obligations. Indeed, this matter is discussed at length in the Inspectors' decision (see paragraphs 18 to 21, 94 and 153).

- 3.5.4 Ms Beth and Mr Hunter contend that carbon emissions should be taken into account in decisions on airport expansion proposals. Mr Hunter cites MBU's requirement that proposals should be determined by local planning authorities taking account of all relevant considerations whilst Ms Beth argues that the NPPF does not make exceptions to this. I have already considered this matter in Section 3.3 of my Proof of Evidence where I explain that paragraph 1.9 of MBU sets out that *"for the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes"* before going on to state at paragraph 1.11 that, in the context of carbon emissions, *"There are, however, some important environmental elements which should be considered at a national level"*.
- 3.5.5 At paragraph 6.1.2 of her Proof of Evidence, Ms Beth contends that Development Plan Policy CS1 and national policy require carbon emissions reductions. I address with this matter in Section 4.5 of my Proof of Evidence, highlighting that nowhere in the Development Plan, NPPF or in national aviation policy is it stated that proposals that result in an increase in emissions should be refused.
- 3.5.6 Overall, I maintain that the Appeal Proposal is in accordance with Development Plan Policy CS1, the NPPF and national aviation policy and that it will not affect the ability of the UK to meet its climate change commitments.

3.6 The Benefits of the Appeal Proposal

- 3.6.1 I have dealt with comments raised by Mr Gurtler and Ms Beth in relation to the benefits of the Appeal Proposal in **Section 2.4** of my Rebuttal and, therefore, I do not repeat this here. On this basis, I maintain that the benefits of the Appeal Proposal will be significant, that the Appeal Proposal is in accordance with Development Plan Policy CS23 and the NPPF and that increasing the capacity of Bristol Airport to accommodate 12 mppa is consistent with the objectives of the Government's national aviation policy and wider economic policies.

4. Green Belt

4.1 Introduction

4.1.1 In Section 5 of my Proof of Evidence, I deal with the development of additional car parking in the Green Belt, namely the proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park. I confirm that these components of the Appeal Proposal are inappropriate development in the Green Belt but that they would result in only limited harm to openness. I then go on to set out the very special circumstances that outweigh any harm to the Green Belt caused by these elements which are:

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

4.1.2 Mr Gurtler, Ms Beth, Ms Sutherland and Mr Renshaw raise a number of points in their respective proofs of evidence concerning these very special circumstances which I address in this section of my Rebuttal. In addition, Mr Gurtler contends that there are other components of the Appeal Proposal that are inappropriate development in the Green Belt; I deal with this matter first.

4.2 Inappropriate Development in the Green Belt

4.2.1 Mr Gurtler and I agree that the proposed year-round use of the existing seasonal car park and the extension to the Silver Zone Car Park are inappropriate development in the Green Belt (although we disagree on the level of harm that would be caused to the Green Belt by these components of the Appeal Proposal). It is Mr Gurtler's assessment that the proposed improvements to the A38 and enhancements to airside infrastructure, components of the Appeal Proposal that would be located in the Green Belt, are also inappropriate development in the context of paragraph 143 of the NPPF. This is despite the Officers' Report confirming (at page 106) that these elements are not inappropriate development and them not being cited in NSC's reasons for refusal nor in NSC's Statement of Case⁴⁶ in respect of matters pertaining to the Green Belt.

4.2.2 Whilst Mr Gurtler agrees that the proposed A38 highways improvements constitute local transport infrastructure and, therefore, fall within the categories of development listed in paragraph 146 of

⁴⁶ NSC (2021) Statement of Case of North Somerset Council.

the NPPF, he states that the works would cause a loss of openness to the Green Belt in both spatial and visual terms and that the scheme would encroach into the countryside. I respectfully disagree.

4.2.3 The additional land take required for the A38 highway works will be extremely limited such that any encroachment into the countryside will be negligible. Further, where additional land is required, this will be alongside/adjacent to the existing highway meaning that there will be no material impact on the openness of the Green Belt. Finally, the nature of the works (being predominantly at ground level and benefitting from mitigation) is such that they will only have a limited visual impact, as confirmed in Chapter 9 of the ES⁴⁷. Further, I contend that the works will not conflict with the purposes of including land within the Green Belt established at paragraph 134 of the NPPF, as I set out below:

- **To check the unrestricted sprawl of large built up areas:** The proposed highways works will not result in any change to the existing built-up area and the scale and nature of the works (being at or close to ground level and involving no significant vertical elements) would not in any way constitute urban sprawl.
- **To prevent neighbouring towns merging into one another:** The proposed works will not result in towns merging into one another.
- **To assist in safeguarding the countryside from encroachment:** As I have set out above, land take associated with the works will be very small and any encroachment into the countryside will, therefore, be extremely limited.
- **To preserve the setting and special character of historic towns:** I consider that the works will not have any impact on the setting and character of historic towns.
- **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:** The proposed A38 scheme is a key component of the proposals to increase the capacity of Bristol Airport to accommodate 12 mppa. The Appeal Proposal will, in-turn, deliver regeneration benefits in terms of job creation. I also note that NSC is actually promoting the highway works as part of its A38 Major Road Network (MRN) scheme⁴⁸ to better connect communities.

4.2.4 My assessment is consistent with the view of NSC's officers; the Officers' Report confirmed (at page 106) that the works *"are likely to be at surface levels and would not harm the openness of the Green*

⁴⁷ CD 2.5.21: Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (December 2018).

⁴⁸ See <https://a38mrn-engagement.com/> [Accessed July 2021].

Belt. Since the proposed highway works are largely on developed land, it is not encroachment in to the countryside and does not conflict with the purposes of including land in the Green Belt. The proposed highway works are appropriate development in the Green Belt".

- 4.2.5 I would also highlight that my conclusion that the proposed A38 highway improvements are not inappropriate development in the Green Belt is entirely consistent with the decision of NSC and Bristol City Council in respect of the South Bristol Link (SBL) road. The SBL, which has now been completed, involved the construction and realignment of approximately 4.5 km of highway from the A370 Long Ashton bypass within North Somerset to the Cater Road roundabout within the Hartcliffe area of south Bristol. The route of the SBL crosses the Green Belt, the length of which is considerably greater than the proposed A38 highway improvements.
- 4.2.6 In that case, NSC officers concluded⁴⁹ that the SBL scheme was an engineering operation and local transport infrastructure, consistent with the exemptions listed in paragraphs 146(b) and 146(c) of the NPPF. Importantly, officers also determined that the development would preserve openness and would not conflict with the purposes of including land in the Green Belt. On this basis, NSC's officers determined that the scheme was not inappropriate development in the Green Belt. This was the same judgement as that reached by Bristol City Council's officers⁵⁰ and, in fact, it was also the same conclusion as that reached by the Inspector in his recommendations⁵¹ on the associated Compulsory Purchase Orders.
- 4.2.7 Taking the SBL decision into account, I reject Mr Gurtler's assertion that the proposed A38 highway improvements are inappropriate development in the Green Belt.
- 4.2.8 Mr Gurtler contends that the proposed airside infrastructure enhancements including taxiway widening and fillets are also inappropriate development in the Green Belt. He accepts that they constitute an engineering operation in the context of paragraph 146(b) of the NPPF but argues that these enhancements would change the physical nature and character of land at Bristol Airport due to the replacement of grass with tarmac, harming the openness of the Green Belt in both spatial and visual terms.
- 4.2.9 I fundamentally disagree with Mr Gurtler's assessment of this matter. The laying of surface level hardstanding in an area already including the airport runway and apron will quite clearly not affect the openness of the Green Belt in this location nor will it have significant visual impacts. Like the A38 highway improvements, these enhancements will also clearly not conflict with the purposes of

⁴⁹ NSC (2013) Report to North Area Committee 7 November 2013 on 13/P/1204/F2.

⁵⁰ Bristol City Council (2013) Report to Development Control (South and East) Committee 27 November 2013 on 13/03108/F.

⁵¹ The Planning Inspectorate (2014) Report to the Secretaries of State for Transport; for Environment, Food and Rural Affairs; and for Communities and Local Government by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI- 19 August 2014, paragraph 8.16.

including land within the Green Belt. Indeed, on this matter the Officers' Report stated (at page 106) that *"Officers consider the physical works would not harm the openness of the Green Belt. They would result in a slightly enlarged surface area in the airfield where aircraft movement will take place, but its impact on the openness of the Green Belt is very low and it does not conflict with the purposes of including land in the Green Belt. It is appropriate development in the Green Belt"*.

4.2.10

Overall, my assessment remains as set out at paragraph 5.1.6 of my Proof of Evidence; that both the proposed improvements to the A38 and enhancements to airside infrastructure are not inappropriate development in the Green Belt. I would therefore question the reasonableness of raising this issue at this stage when it was not cited in NSC's reasons for refusal nor its Statement of Case. Should, however, Inspectors conclude differently and determine that these components of the Appeal Proposal are inappropriate development, I submit that there are clear very special circumstances which justify their development in the Green Belt. These very special circumstances are as follows:

- **The need for the development:** Changes to airside infrastructure and facilities are required to support aircraft movements, passenger transportation and aircraft servicing for an additional 2 mppa. The proposed new eastern taxiway link will allow for improved access to the runway from the eastern apron, providing a more efficient taxiway system for sequencing aircraft and minimising ground delays for aircraft awaiting departure. Taxiway widening (and fillets) to the southern edge of the northern most taxiway (Taxiway GOLF) is required to provide a parallel taxiway system for improved access and movement of aircraft, facilitating aircraft turning and helping to ensure efficient operation, minimising delays and reducing disruption to passengers.

The TAA⁵² has demonstrated that the A38 works are required to mitigate the impacts of traffic associated with an additional 2 mppa and improve traffic movement, way finding legibility and road safety on the local road network surrounding the Bristol Airport site.

In both cases, the proposed development cannot be located elsewhere, outside of the Green Belt.

- **Negligible harm to the Green Belt:** As I have set out above, the proposed enhancements to airside infrastructure would comprise the laying of hardstanding only, whilst improvements to the A38 are alongside/adjacent to an existing highway. Both components of the scheme would clearly, therefore, preserve openness and there would be no material harm to the Green Belt.

⁵² CD 2.20.3: Stantec (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Transport Assessment Addendum (TAA) (November 2020).

- **Need for, and benefits of, the growth of Bristol Airport:** The enhancements to airside infrastructure and the A38 highway improvements are both integral to the proposals for an expanded Bristol Airport, forming part of a strategy that makes best use of the existing airport site, in accordance with national aviation policy. In turn, the Appeal Proposal will deliver substantial benefits which I have described in Section 3.5 of my Proof of Evidence.

4.2.11 I now turn to consider the matters raised by the planning witnesses of NSC and the Rule 6 Parties in respect of the very special circumstances which, in my opinion, justify the development of car parking in the Green Belt.

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

Car Parking Demand

4.3.1 Based on the evidence of Mr Colles⁵³, Mr Gurtler argues in his Proof of Evidence that there is no requirement for the proposed extension to the Silver Zone Car Park, assuming that Bristol Airport achieves a public transport mode share of 29% (in six years), and that this facility will lead to an overprovision of spaces that will undermine public transport use.

4.3.2 Mr Colles's evidence in relation to the assessment of parking demand is addressed in rebuttal by Mr Witchalls who concludes that Mr Colles's revised forecast is flawed because:

- the 29% public transport figure (from the 2018 Parking Demand Study (PDS)⁵⁴) was set against a baseline of 12.5% reflecting an unrealistic increase of 16.5%, not 7% as suggested by Mr Colles;
- the current CAA mode share (c.21.8%) is inherent in the parking forecasts with an additional 2.5% shift assumed, so no adjustment should be made to reflect increased public transport use;
- the proposed supply exceeds forecast demand by less than 0.5%, so no adjustment to allow for near 100% utilisation is necessary;
- the demand to capacity ratio is not used in the way Mr Colles assumes at all in the forecasts, so no adjustment should be made to reflect this;

⁵³ Reference NSC/W4/1.

⁵⁴ CD 2.11: Teneo Consulting (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Parking Demand Study.

- the growth in parking numbers per passenger is lower than at present, and lower than the consented provision at 10 mppa, so no adjustment should be made to reflect this;
- the sustainable transport mode share increase of 2.5% has already been applied to the parking forecasts, and in any event, a 1% increase in public transport mode share does not translate into a 1% reduction in parking demand, since a significant proportion will be a switch from taxi and drop-off trips.

- 4.3.3 On this basis, I do not agree with Mr Gurtler's judgement that there is no requirement for the proposed extension to the Silver Zone Car Park.
- 4.3.4 Ms Beth also states that the level of car parking identified in the PDS is not accurate due to the impact of autonomous vehicles and delayed passenger growth and, further, that BAL's proposals will not address unauthorised car parking (a claim also made by Mr Gurtler). She goes on to state at paragraph 4.7 of her evidence that *"BAL are effectively offering to provide inappropriate additional car parking in the Green Belt in order to deal with inappropriate car parking in the Green Belt. Their proposed solution would not improve matters; cheap parking in the Green Belt is not acceptable wherever it is"*. In this context, Ms Beth contends that the Appeal Proposal is not in accordance with Development Plan Policy DM30.
- 4.3.5 At paragraphs 5.1.16 and 6.1.2 of his Proof of Evidence, Mr Renshaw also refers to a requirement for 3,200 spaces based on a public transport mode share target of 17.5%.
- 4.3.6 Ms Beth's and Mr Renshaw's evidence does not reflect the conclusions of the Parking Demand Study Update (PDSU)⁵⁵ which has established that there is a requirement for 4,200 spaces at 12 mppa that will be met in full by the Appeal Proposal without an over provision. Further, Mr Witchalls has explained in his Proof of Evidence that BAL has set itself a tough capacity limit which is consistent with its ambitious public transport mode share target. Informed by this evidence and taking into account BAL's public transport commitments, I maintain that BAL's parking solution represents a balanced approach to the delivery of additional capacity that will not result in an uncontrolled increase in private car use, as Ms Beth claims.
- 4.3.7 Contrary to the views of Mr Gurtler and Ms Beth, it seems to me that further constraining the delivery of additional car parking (beyond that proposed by BAL) would not meet the balanced forecast demand and would, quite logically, result in this unmet demand being met by

⁵⁵ CD 2.23: Teneo Consulting (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: November 2020 Update to the Parking Demand Study.

unauthorised offsite car parking providers. This situation would result in adverse impacts on local communities and the environment and would, crucially, prejudice BAL's surface access ambitions.

- 4.3.8 In response to the evidence of both Mr Gurtler and Ms Beth, I would also reiterate that under BAL's current proposals, the delivery of the extension to the Silver Zone Car Park (and Multi-storey Car Park (MSCP) 3 in the inset) would be subject to a monitor and manage approach. Accordingly, additional car parking capacity in the Green Belt would only be brought forward when the requirement for spaces is demonstrated to ensure the provision would not undermine BAL's updated ASAS and associated public transport mode share targets.
- 4.3.9 Turning to the Appeal Proposal's compliance with Development Plan Policy DM30, I would highlight that Ms Beth has quite clearly misinterpreted the basis of this policy, which relates to off-site car parking and not provision at Bristol Airport. I therefore reject her argument that the Appeal Proposal is in conflict with this policy.

Capacity of the Green Belt Inset

- 4.3.10 At paragraph 84 of his Proof of Evidence, Mr Gurtler argues that BAL has not demonstrated that the provision of further multi-storey car parking in the Green Belt inset is not possible, stating that this is *"the foremost example of an alternative to further provision within the Green Belt"*. Similarly, in her evidence (paragraph 5.9), Ms Beth argues that the delivery of two storey decked car parking in the inset would represent a cheaper alternative to further multi-storey provision which, she contends, was not considered as an option in the Parking Strategy⁵⁶.
- 4.3.11 Mr Gurtler and Ms Beth are both incorrect. At Section 5.3, the Parking Strategy did assess an option involving further multi-storey/decked car parking to the north of the airport site in the Green Belt inset (together with a further option of decked car parking to the south in the Green Belt). The analysis highlighted that this option would only deliver circa 950 spaces and, therefore, would not negate the requirement for the provision of additional spaces in the Green Belt. Importantly, the assessment also identified that further car parking in this location would be likely to cause significant visual impacts on residential receptors along Downside Road.
- 4.3.12 As I have set out in Section 5.4 of my Proof of Evidence, it is my judgement that, having delivered MSCP1, committed to delivering MSCP2 and in proposing MSCP3, BAL has maximised development in the Green Belt inset; indeed, this is the same conclusion as that reached in the Officers' Report⁵⁷. Further to the evidence of Mr Gurtler and Ms Beth I have, however, sought

⁵⁶ CD 2.12: Wood (2018) Parking Strategy: Final Report.

⁵⁷ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 108.

expert opinion on the likely landscape and visual impacts of further multi-storey/decked car parking in the inset by way of a comparative analysis of the car parking options considered in the Parking Strategy. This analysis is presented at **Appendix A** and confirms that further multi-storey/decked car parking to the north of the airport site would be likely to have new, significant adverse effects on the visual amenity of a number of residential receptors as well as a greater level of impact on landscape character and the visual component of Green Belt openness when compared to the proposed extension to the Silver Zone Car Park. Additionally, this analysis has also confirmed that the landscape and visual impacts associated with the provision of decked car parking to the south of the airport site would also be greater than the impacts associated with the Silver Zone Car Park extension.

- 4.3.13 I also contend that, critically, further multi-storey or decked parking to the north of the airport site would not meet the forecast increased demand for low-cost car parking for reasons similar to those which I discuss below in relation to phasing.

Car Park Phasing

- 4.3.14 It is the view of Mr Gurtler that BAL should be required to maximise parking in the inset prior to the delivery of additional capacity in the Green Belt. Similarly, Ms Beth argues that MSCP2 should be prioritised, stating at paragraph 4.7 of her evidence that *"No detailed viability assessment has tested the reasonableness of the current parking strategy and pricing prior to accepting green belt construction as the first priority"*.
- 4.3.15 I have already dealt with the issues raised by Mr Gurtler and Ms Beth in Section 5 of my Proof of Evidence. In summary, BAL's proposed phasing brings forward MSCP2 (including a PTI), alongside the year-round use of the existing seasonal car park and the early delivery of public transport improvements, prior to the delivery of the extension of the Silver Zone Car Park. On that basis, the delivery of MSCP2 (and public transport improvements) have been prioritised.
- 4.3.16 I note that Mr Gurtler and NSC propose a planning condition requiring that MSCP3 is also brought forward ahead of both the proposed year-round use of the existing seasonal car park and the extension of the Silver Zone Car Park.
- 4.3.17 As I have already made clear in Section 5.5 of my Proof of Evidence, MSCP3 (and any further multi-storey car parking) would not meet the specific demand for low-cost car parking as the higher capital costs associated with the construction of a multi-storey car park facility would mean that BAL would have to impose a higher parking charge for these spaces than for surface car park

spaces. In-turn, not meeting this specific demand would lead to an increase in unauthorised off-site car parking.

4.3.18 I am aware that Mr Gurtler states at paragraph 80 of his evidence that, in fact, he does not consider that there is a preference for low-cost parking *"given the clear evidence that passengers are seeking an improved experience"*. However, he fails to provide any evidence to substantiate his claim which is in stark contrast to that of NSC's transport expert, Mr Colles, who states (at paragraph 5.1.4 of his Proof of Evidence) that *"...unofficial offsite car parking will always be able to undercut on site airport parking and therefore there will remain a demand for it and it will continue to be provided"*. I maintain that BAL has submitted evidence by way of the PDS and PDSU that clearly establishes the increased demand for low-cost parking at Bristol Airport that was accepted by NSC officers.

4.3.19 In the same paragraph of his Proof, Mr Gurtler goes on to argue that BAL has not produced any evidence to demonstrate that low-cost parking could not be provided in the Green Belt inset through a MSCP. Similarly, at paragraph 5.8 of her evidence, Ms Beth states:

"BAL do not suggest that the Airport will not be viable without the proposed additional parking in the Green Belt. They make a case that low-cost parking is easier to sell and in more demand, but this is a business case for their greater profitability. Silver Zone parking may be in greater demand, but alternative parking nearer the airport in the GBI is also well-used. The commercial viability of the Airport does not require parking to be provided at surface level in the Green Belt therefore. The business case for more low-cost parking is contrary to planning policy promoting sustainable transport as well as protecting the Green Belt. While the LPA may have been legally justified in coming to a decision that commercial considerations outweighed other planning considerations, it was in our opinion not the rational decision, nor one that complied with their own planning policy. The Planning Committee were fully justified in coming to the opposite decision with regard to the 'very special circumstances' not having being met. The Officer Report has also accepted the case for inappropriate development on commercial grounds in the Green Belt without sufficient and robust evidence".

4.3.20 It seems to me that, consistent with the pricing structures adopted at other UK airports, and reflecting the substantial cost associated with bringing forward a facility like MSCP3, BAL would necessarily charge a higher rate for parking in a MSCP facility close to the airport terminal. I note that this was the same conclusion as that reached by NSC officers in recommending approval of the planning application⁵⁸, is consistent with previous decisions taken by NSC relating to airport car

⁵⁸ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, page 107.

parking in the Green Belt and is a view that has been upheld in the Courts⁵⁹. I therefore maintain that these important commercial considerations constitute a very special circumstance which supports the provision of additional car parking in the Green Belt to meet the specific demand for low-cost parking.

4.3.21 I note that Mr Gurtler argues at paragraph 38 of his evidence that previous decisions taken by NSC on car parking in the Green Belt “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”.

4.3.22 I disagree with Mr Gurtler. In my view, there are a number of similarities with past decisions, not least the simple fact that they relate to the provision of additional car parking at the airport site including to accommodate growth of the airport. Further, I would contend that the policy context (in terms of the requirement to demonstrate very special circumstances and the Government’s support for making the best use of runways) has not materially changed. In consequence, I contend that the previous decisions taken by NSC are very much relevant to the Appeal Proposal and indeed, these are referenced in the Officers’ Report. BAL has now also received legal advice (see **Appendix B**) which indicates that, if it were to build MSCP2 and MSCP3 and offer parking in either or both of these facilities at prices similar to those in the Silver Zone Car Park (as is suggested by Mr Gurtler), this may give rise to competition law risks under the Competition Act 1998⁶⁰.

4.3.23 My final point on this matter is that both the extension to the Silver Zone Car Park and MSCP3 will be required to accommodate 12 mppa. As I set out in Section 5.5 of my Proof of Evidence, from a Green Belt perspective, when they are brought forward is surely, therefore, irrelevant as the same limited harm to the Green Belt will occur. Further, the delivery of car parking could be subject to BAL demonstrating, through a monitor and manage approach, that there is a need for these facilities in the context of an updated ASAS and public transport mode share targets. This will

⁵⁹ CD 15.1: Parking Operators Against Monopolies Limited versus North Somerset Council: Ref CO/6483/2016.

⁶⁰ Competition Act 1998. Available from <https://www.legislation.gov.uk/ukpga/1998/41/contents> [Accessed June 2021].

further ensure that the right facility is brought forward at the right time to meet overall passenger demand.

4.3.24 At paragraph 4.5 of her evidence, Ms Beth states that passenger growth should be restricted until additional parking capacity and public transport improvements are delivered and that *“the parking aspect of the development is not clearly tied to convincing promotion of sustainable travel modes; either as a planning condition or as part of the draft legal agreement”*. She contends that the current proposals are in conflict with Development Plan Policy CS10 and the NPPF.

4.3.25 I maintain that BAL's car parking solution represents a balanced approach to the delivery of additional capacity that necessarily meets parking demand whilst delivering significant investment in public transport infrastructure. BAL's proposed phasing is that there will be early investment in public transport (including the delivery of a PTI) and this will be secured by way of a planning obligation. On this basis, I reject Ms Beth's judgement that the Appeal Proposal is contrary to Development Plan Policy CS10 and the NPPF.

Staff Car Parking

4.3.26 Mr Renshaw's position is that BAL's approach to the provision of additional car parking to the south of the airport site undermines its commitment of maximising development in the inset on the basis of:

- the development of BAL's administrative offices at the entrance to the Silver Zone;
- delays to building out approved multi storey car parks;
- insistence in providing 3,900 additional spaces, rather than the 3,200 NSC considers appropriate;
- BAL's car parking proposals not aligning with the requirement for low cost parking; and
- a failure to respond to BALPA's strategy of making more efficient use of the staff car parking area.

4.3.27 I do not consider that BAL's decision to locate its administrative offices to the south of the airport site is a matter for this inquiry but would, in any case, note that it is BAL's view that locating its offices next to the terminal (as originally envisaged in the 10 mppa permission) would impede future Master Plan options. I have also already dealt with the overall demand for car parking and delivery of MSCP2 in my Proof of Evidence and in this section of my Rebuttal and, therefore, do not repeat this here.

- 4.3.28 In Section 5.5 of my Proof of Evidence, I have considered BALPA's proposal of moving staff car parking to the north of the airport site. I highlight that the relocation of staff car parking to the south of the airport site was a matter dealt with as part of the planning application for the growth of Bristol Airport to 10 mppa submitted to NSC on 17 July 2009 which, to the best of my knowledge, BALPA did not object to. I also highlight that, as all of the parking elements of the Appeal Proposal are required to accommodate growth to 12 mppa, moving staff car parking to the north of the airport site would simply act to displace passenger parking in the inset that would then need to be accommodated to the south of the airport. In this regard, I would add that the evidence provided Mr Renshaw and Mr Hatton⁶¹ relating to occupancy levels in MSCP1 (which they contend indicates spare capacity to accommodate staff parking northside) is misleading as it is based on only two months of data in the period shortly after the facility had opened and when pricing levels were still being established. In addition, BALPA have stated average occupancy, when it is peak occupancy that determines any spare capacity. Indeed, occupancy levels have typically been much higher since then; for example, between May 2019 and February 2021, average occupancy was actually circa 80% with occupancy peaking in the summer months at circa 90%. This indicates that there is actually very little residual capacity, even at a passenger throughput of circa 8.96 mppa.
- 4.3.29 Ultimately, even allowing for the additional circa 400 spaces that BALPA claims could be created through a block parking arrangement, moving staff car parking northside would not negate the need for the proposed extension to the Silver Zone Car Park. I would further add that displacing parking in the inset would likely result in insufficient premium parking northside at 12 mppa.
- 4.3.30 Based on the evidence of Mr Hatton and Mr Williams⁶², Mr Renshaw argues in his evidence that the current parking arrangements for staff at Bristol Airport have health and safety implications for aircrew as a result of the pressure placed on their rest periods. Mr Renshaw contends that this is in breach of the requirement of Development Plan Policy CS11 that parking provision is "*adequate...to meets the needs of anticipated users.*"
- 4.3.31 However, I understand that BAL has not received any representations, formal or otherwise, from its airline partners at a corporate level relating to the car parking relocation to southside, which has been the situation since 2018. Further, it is my understanding that the arrangements for staff parking at Bristol Airport are similar to other regional UK airports where staff parking is located away from the terminal. Indeed, BAL has analysed staff car parking provision at other airports (see

⁶¹ Reference: BALPA W/1/1.

⁶² Reference: BALPA W/3/1.

Table 4.1) which clearly highlights that the journey time of staff at Bristol Airport to reach the terminal, and bus transfer frequency, are similar to, if not less than, many other UK airports.

Table 4.1 Staff parking provision at UK airports (operational staff)

Airport	Walk or Bus Transfer	Journey time to Terminal (minutes)	Frequency of Buses (minutes)
Bristol Airport	Bus	5	10
Gatwick	Bus / Walk	varied	n/a
Birmingham	Bus / Walk	10	15
Liverpool John Lennon	Walk	7	n/a
Luton	Bus	8	15
Edinburgh	Bus	10	Unknown
George Best Belfast City	Walk	5	n/a
Newcastle	Bus	3	10

Source: BAL

4.3.32 I would also contend that:

- whilst Mr Hatton may be correct that 36% of pilots and 48% of cabin crew live more than one hour away from Bristol Airport by car, it is not BAL's responsibility to mitigate the health and safety implication of pilots and aircrew driving to and from work and BAL cannot be expected to offset travel time due to longer driving distances arising from the aircrew choice of home location;
- BAL's parking arrangements for staff do not significantly increase vehicle miles and associated emissions, as Mr Renshaw and Mr Hatton contend. The distance between the A38 roundabout and the MSCP1 entrance is circa 1.2 km compared to the distance from this roundabout and the southside staff hub which is circa 1.3 km; and
- BAL cannot offer alternative arrangements for aircrew and staff providing other essential services such as security.

4.3.33 This leads me to the conclusion that the arrangements for staff parking at Bristol Airport are appropriate and, therefore, that the Appeal Proposal is in accordance with Policy CS11 of the Development Plan.

4.3.34 In support of his argument, Mr Renshaw contends that BAL's proposed parking solution is not consistent with the demand for low-cost parking. At paragraph 5.1.17 of his Proof of Evidence, he states:

"In addition to the 4,850 spaces proposed as part of the appeal application, there remains 1,800 spaces to be provided in MSCP2. Thus of the 6,650 spaces that BAL are seeking or have outline planning permission to provide, only 2,700 are 'low cost' spaces. It is questionable whether this reflects the stated emphasis on the requirement for 'low cost' parking".

4.3.35 I disagree with Mr Renshaw's analysis. BAL has extant consent for MSCP2 that will meet the demand for premium spaces up to 10 mppa only and, further, the facility will not deliver (net) 1,800 spaces due to the loss of capacity associated with the delivery of the development. In consequence, it is misleading to refer to MSCP2 in the context of the growth of Bristol Airport from 10 mppa to 12 mppa. The PDSU has identified that, in order meet demand associated with an additional 2 mppa, 4,200 further spaces are required, of which 2,700 will be delivered in the Silver Zone Car Park, helping to meet the demand for low-cost parking. The remaining spaces to be delivered in MSCP3 will meet the additional demand from 2 mppa for premium car parking; however, I would again highlight that the net provision of spaces associated with the MSCP3 facility will be less than assumed by Mr Renshaw.

4.3.36 I note from Mr Renshaw's evidence that BALPA is now proposing a condition or unilateral undertaking requiring that staff parking not related to BAL's administration building be relocated to the north of the airport site. For the reasons I have already set out above, BAL rejects any such proposal.

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

4.4.1 Ms Sutherland dedicates a great deal of her Proof of Evidence in seeking to criticise Policy DM30 of the Development Plan and the enforcement actions of NSC. For example, at paragraph 6, she alleges:

"Local Plan policy supports a monopoly for the Airport by requiring any airport parking provision off site to be acceptable only in association with hotel or overnight stay provision...It is unsustainable to continue to allow BAL to expand and encroach into the Green Belt when other more suitable off-site provision can be delivered without impact on the services the airport provides and without further development in the Green Belt".

4.4.2 At paragraph 9, Ms Sutherland goes on to state:

"The LPA hold historical evidence (submitted during a historical attempt to use an Article 4 notice to prevent use of the Permitted Development Rights under which many OACPs operate), that demonstrate the contribution to the rural economy that the OACP sector create in terms of jobs and businesses. It appears this evidence has been overlooked by the parties in this process. The LPA accepted the significant loss of employment would be a factor in the proposal and the Article 4 notice was withdrawn. I confirm that over 140 people are employed by the operators I am aware of with a parking spaces total of approximately 2500 spaces. Effectively, BAL seek to retain the monopoly they hold on airport parking at present and the LPA have failed to address it at policy level."

- 4.4.3 Whilst this is clearly a matter for NSC, I would reiterate the point made in my Proof of Evidence that, in my opinion, there are no more suitable sites outside of the Green Belt at locations remote from Bristol Airport. Further, I would argue that, unless linked to BAL's ASAS, there is a real risk that any such provision will in fact impact on public transport services, a point that has been made by Inspectors in respect of numerous appeal decisions⁶³.
- 4.4.4 More broadly, I note that Ms Sutherland does not provide any new, substantive evidence in her Proof to demonstrate that the proposal to construct a 3,101 space capacity Park & Ride (P&R) facility on land adjacent to Heathfield Park to the south of the A370 at Hewish (hereafter referred to as 'Heathfield Park') (reference no. 20/P/1438/FUL) should be brought forward as an alternative to the extension to the Silver Zone Car Park. In fact, I understand that NSC has now confirmed that it has an in principle objection to the Heathfield Park planning application on the basis of its potential impact on BAL's ASAS. As such, I maintain that this scheme cannot be relied upon to accommodate the additional, residual demand for parking associated with the growth of Bristol Airport to accommodate 12 mppa.
- 4.4.5 At paragraph 5.7 of her Proof of Evidence, Ms Beth alleges that *"there are alternative commercial proposals, more conveniently located by the motorway network, that should be given serious consideration as preferred alternatives if the need for additional parking is accepted"*. However, Ms Beth does not indicate where these proposals are located and, therefore, her claim would appear to be without any credence.

⁶³ See CD 15.14: The Planning Inspectorate (2021) Appeal Decisions in Respect of Field in Rocks Lane, Felton, Somerset (references APP/D0121/C/17/3175493, APP/D0121/C/17/3175494 and APP/D0121/C/17/3175495) by Jessica Graham BA (Hons) PgDipL – 8 January 2018; CD 15.5: The Planning Inspectorate (2021) Appeal Decisions in Respect of Birds Farm, Kingdown Road, Bristol by JP Roberts BSc(Hons) LLB(Hons) MRTPI (references APP/D0121/C/20/3250491 and APP/D0121/C/20/3250492) – 16 March 2021; and CD 15.16: Planning Inspectorate (2013) Appeal Decision in Respect of 137 Parson Street, Bristol by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS (reference APP/Z0116/C/12/2183376) – 2 May 2013.

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

- 4.5.1 With reference to paragraph 144 of the NPPF, Mr Gurtler contends that the benefits of the Appeal Proposal do not outweigh the harm to the Green Belt, and other harm, caused by the development. I disagree.
- 4.5.2 As I set out in Section 5.4 of my Proof of Evidence, the provision of additional parking is integral to the proposals for an expanded Bristol Airport and forms part of a strategy that makes best use of the existing airport site, in accordance with national aviation policy. It is my view that the need for, and benefits of, the Appeal Proposal amount to a very special circumstance that outweighs any harm to the openness of the Green Belt. In terms of other harm arising from the development, in my overall planning balance presented at Section 8 of my original Proof, I conclude that benefits of the Appeal Proposal outweigh the adverse impacts of the Appeal Proposal.
- 4.5.3 Mr Gurtler also questions why BAL refers to paragraph 80 of the NPPF in the context of the Green Belt stating at paragraph 247 of his evidence that *"I see no reason why this is a provision which is specific to the Green Belt"*. Whilst Mr Gurtler is correct that paragraph 80 of the NPPF is not specific to the Green Belt, it clearly establishes the weight that should be afforded to the economic benefits of the Appeal Proposal when undertaking the balancing exercise required by paragraph 144 of the NPPF. I therefore argue that paragraph 80 of the NPPF is wholly relevant in this case.

5. Other Issues

5.1 Introduction

- 5.1.1 In Section 6 of my Proof of Evidence, I deal with those planning issues that do not form part of NSC's reasons for refusal but which have been raised in the Statements of Case of NSC and third parties and/or in representations on the ESA and appeal. These matters include the landscape and visual impacts of the Appeal Proposal.
- 5.1.2 XR Elders has now provided additional evidence to the inquiry in the Proofs of Ms Beth and Ms Tudor⁶⁴ relating to the landscape and visual impacts of the Appeal Proposal and, more specifically, effects on the Mendip Hills Area of Outstanding Natural Beauty (AONB). I address the evidence of Ms Beth on this matter in this section of my Rebuttal.⁶⁵

5.2 Landscape and Visual Impacts

- 5.2.1 Based on the evidence of Ms Tudor, Ms Beth contends that the Appeal Proposal would affect the setting and character of the Mendip Hills AONB due to impacts on tranquillity associated with increased aircraft overhead, vehicle traffic movements and lighting. Citing Policies CS5, DM10 and DM11 of the Development Plan, as well as the NPPF (paragraphs 172 and 180), she alleges that the impacts on the AONB would be significant and that these effects were not properly considered in the Officers' Report. At paragraph 37 of her evidence, Ms Beth goes on to conclude:

"Given the new uncertainty around future expansion of passenger numbers, there is no longer a public interest in allowing further expansion of an airport with significant adverse impact on a nationally protected landscape. The Application was not refused on grounds of unacceptable impact on the AONB, in our view a mistake at the time. With the changed circumstances of future projections of passenger numbers and tighter regulation of carbon emissions, the potential impact on the AONB has become significantly more difficult to justify. There are now clearly no exceptional circumstances that would point to the Application on balance being acceptable despite the adverse impact on the AONB".

⁶⁴ Reference XR/W5/1.

⁶⁵ Mr Colles has raised concerns regarding the proposed A38 highway improvement scheme. This matter is addressed in rebuttal by Mr Witchalls and in Section 3.2 of my Rebuttal. Mr Gurtler alleges that the highways works, together with the proposed enhancements to airside infrastructure, are inappropriate development in the Green Belt. I deal with this matter in Section 4.2 of my Rebuttal. These matters were not raised in NSC's reasons for refusal.

Assessment Summary

- 5.2.2 I deal with the landscape and visual impacts of the Appeal Proposal, including in respect of the Mendip Hills AONB, in Section 6.3 of my Proof of Evidence. I explain that the Landscape and Visual Impact Assessment (LVIA) presented in Chapter 9 of the ES identified that the Appeal Proposal will only result in negligible impacts on the AONB. This is because Bristol Airport is, and will continue to be, rarely visible; only a small proportion of flight paths are and will continue to be routed over the AONB and only a small proportion of traffic associated with the operation of the airport passes through the AONB.
- 5.2.3 In response to comments from Natural England, the AONB Partnership and NSC officers on the original planning application, impacts upon the AONB were further considered in BAL's response to NSC's Regulation 25 request for further environmental information⁶⁶. This confirmed that any increase in noise in the AONB associated with aircraft movements and road traffic generated by an additional 2 mppa would be extremely small (less than 1 dB(A)).

XR Elders' Evidence

- 5.2.4 In her Proof of Evidence, Ms Tudor alleges that the LVIA contained in the ES is inadequate, claiming that it has not followed relevant guidance, is not objective and that it has underestimated the adverse effects associated with the Appeal Proposal on the AONB and its setting. She goes on to conclude that the Appeal Proposal will have a significant adverse impact upon the essential character and setting of the AONB and, further, that it fails to ensure the AONB and its setting are conserved and enhanced. I understand that Ms Beth's assessment of policy compliance is based on this evidence.
- 5.2.5 The issues raised by Ms Tudor are comprehensively addressed by Mr Furber in his Rebuttal Proof of Evidence. He highlights that Ms Tudor's evidence contains a number of inaccuracies concerning the assessment presented in the ES and that her conclusions in respect of impacts on the AONB are unsubstantiated. Mr Furber also notes that Ms Tudor has failed to take proper account of the landscape mitigation measures proposed by BAL and that she has misinterpreted the policy requirements of the NPPF and the Development Plan.
- 5.2.6 Mr Furber confirms that the LVIA has been undertaken in accordance with an approach agreed with NSC officers and, moreover, the Mendip Hills AONB Planning Liaison Officer and that it is fully compliant with relevant guidance⁶⁷. Taking into account evidence relating to noise effects and

⁶⁶ CD 3.4.6 and to CD 3.4.8: BAL Response to Formal Request for Further Information Under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (18 April 2019).

⁶⁷

vehicle movements in the AONB, he substantiates the findings of the ES in concluding that the Appeal Proposal will not result in any significant effects on the Mendip Hills AONB landscape and/or its setting.

5.2.7 I have taken into account Mr Furber's rebuttal in my consideration of policy compliance below.

5.2.8 I would also contend that the Officers' Report gave more than cursory consideration to the impacts of the Appeal Proposal on the AONB, as Ms Beth alleges. Indeed, as I have outlined above, officers requested further information on this matter from BAL during the determination of the planning application and the Officers' Report subsequently assessed the impacts of the Appeal Proposal upon tranquillity, lighting, landscape character and setting, concluding that there would be no significant effects on the AONB. On this basis, Members also determined that the landscape and visual impacts of the Appeal Proposal, including in respect of the AONB, did not amount to a reason to refuse planning permission.

Policy Compliance

5.2.9 Development Plan Policies CS5, DM10 and paragraph 170 of the NPPF require that development proposals protect and enhance the character, distinctiveness, diversity and quality of the landscape. Policy DM11 and paragraph 172 of the NPPF require that proposals conserve, and where possible enhance, the landscape and scenic beauty of the AONB and its setting. Policy DM11 sets out that:

"Development which would have an adverse impact on the landscape, setting and scenic beauty of the Mendip Hills AONB, including views into and out of the AONB, will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest".

5.2.10 The ES and supplementary information provided by BAL to NSC has established that the Appeal Proposal will not result in adverse impacts on the AONB or its setting as a result of additional flights, road traffic or lighting. This conclusion was supported by NSC's officers⁶⁸ and has been confirmed in the evidence of Mr Furber. On this basis, I do not consider that there is a policy requirement to demonstrate, as Ms Beth infers in her evidence, exceptional circumstances and that the Appeal Proposal is in the public interest. Even if Inspectors were to conclude differently, then I would contend that the need for, and benefits of, the Appeal Proposal (which I describe in Section 3 of my Proof of Evidence) would outweigh the impacts on the AONB and, further, that improving regional transport infrastructure does amount to a public interest in the context of Development Plan Policy DM11.

⁶⁸ CD 4.11: NSC (2020) Report to Planning and Regulatory Committee 10 February 2020 on 18/P/5118/OUT, pages 113, 115 and 139.

5.2.11

Overall, having considered the findings of the ES, the conclusions of the Officers' Report and the evidence of Mr Furber, it is my judgement that the Appeal Proposal will not result in significant effects on the AONB or its setting and that it is, therefore, in accordance with Development Plan Policies CS5, DM10 and DM11, as well as the NPPF.

6. Conditions and Obligations

6.1 Conditions

- 6.1.1 At Appendix D to my Proof of Evidence, I presented BAL's comments on the draft planning conditions circulated by NSC to all parties on 18 May 2021 including, where relevant, BAL's proposed alternative conditions.
- 6.1.2 On 14 June 2021, NSC circulated a further set of draft conditions that incorporated additional amendments. Due to timing, BAL did not have the opportunity to provide comment on these draft conditions prior to the exchange of evidence; however, BAL's expert witnesses have now considered the revised draft conditions issued by NSC and have provided comments, as appropriate, in their respective Rebuttal Proofs of Evidence.
- 6.1.3 As requested by Inspectors at the second Case Management Conference, I understand that BAL will also submit its comments on the draft conditions as a separate document. This is to facilitate further engagement between all parties so that, as far as is possible, a single set of proposed conditions can be agreed during the course of the inquiry.

6.2 Section 106 Agreement

- 6.2.1 At the time of writing, BAL is continuing to engage with NSC on the form and content of the draft Section 106 Agreement. An update on negotiations will be submitted to the inquiry by 9 July 2021.

7. Planning Balance and Conclusion

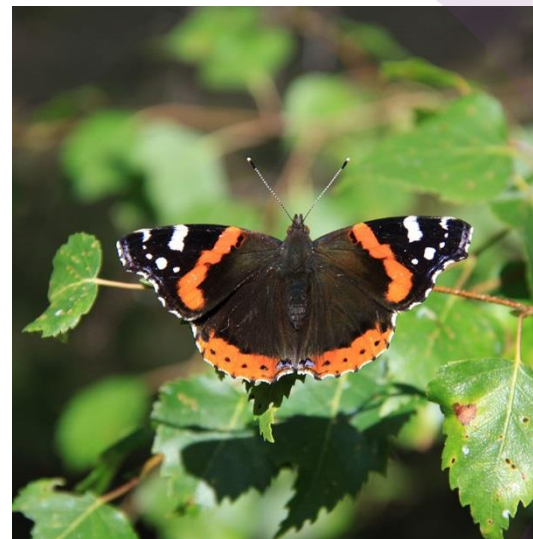
- 7.1.1 I have considered the evidence presented by the planning witnesses of NSC and the Rule 6 Parties and can conclude that the matters they have raised do not alter my conclusions, as set out in Section 8 of my Proof of Evidence, that the Appeal Proposal is in accordance with the Development Plan and national planning policy and that there are no other material considerations which indicate that planning permission should be refused. I maintain that the Appeal Proposal is sustainable development and that it will make best use of Bristol Airport's existing runway, delivering the UK Government's national aviation policy and wider economic objectives.
- 7.1.2 I am aware that Mr Gurtler and Ms Beth claim that the benefits of the Appeal Proposal should be afforded limited weight due to uncertainty in relation to forecast passenger demand and the Government's climate change commitments and, conversely, that the adverse impacts associated with an additional 2 mppa give rise to a conflict with the Development Plan and should be afforded more weight. However, as I have demonstrated with reference to the robust evidence provided by BAL's expert witnesses, these arguments are unjustified. I therefore maintain that the significant benefits of the Appeal Proposal outweigh the adverse impacts associated with increasing the capacity of Bristol Airport to accommodate 12 mppa.

Appendix A

Landscape and Visual Comparative Study

Technical Note

Alternative Car Parking Options: Landscape and Visual Comparative Study



Technical Note for

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1. Introduction

1.1 Purpose of this Technical Note

- 1.1.1 This Technical Note sets out an appraisal of the likely visibility of alternative decked/multi-storey car parking options compared with the proposed Phase 2 extension of the Silver Zone Car Park which forms part of Bristol Airport Limited's (BAL) proposals for the development of Bristol Airport to accommodate 12 million passengers per annum (the Appeal Proposal)¹.
- 1.1.2 The proposed Phase 2 extension to the Silver Zone Car Park is on land that is currently in agricultural use and adjoins the existing Phase 1 seasonal extension of the Silver Zone Car Park. Both the Phase 1 and Phase 2 extensions of the Silver Zone Car Park are located in the Green Belt, on the southern edge of the Bristol Airport site.
- 1.1.3 The Parking Strategy² submitted with the planning application considered options involving further multi-storey/decked car parking to the northside of the airport site in the Green Belt inset (hereafter referred to as the Northside Option) and decked car parking to the southside of the airport (the Southside Option). The Parking Strategy highlighted that additional multi-storey/decked car parking to the north, beyond that associated with Multi-storey Car Park 1 (MSCP1), MSCP2 and MSCP3 would likely result in the overdevelopment of the northside of the airport and significant visual impacts on residential receptors along Downside Road. It identified that this would particularly be the case given the topography of this area and the requirement for a gyratory to improve traffic flows within the airport site which significantly limits siting options.
- 1.1.4 Alternative decked car parking in the southside of the airport would be located over the existing Silver Zone Car Park and be within the Green Belt. Due to the nature and scale of development in this location, the Parking Strategy concluded that landscape impacts and harm to the openness of the Green Belt would likely be greater than a solution involving surface level car parking (i.e. the proposed Phase 2 Silver Zone Car Park extension).
- 1.1.5 Further to the evidence presented by North Somerset Council (NSC)³ and Bristol XR Elders Group (XR Elders)⁴, the potential visibility of the two alternative car park options comprising multi-storey/decked car parking to the northside of the airport and decked car parking to the southside of the airport has been analysed in this Technical Note and compared with the proposed surface level Phase 2 Silver Zone Car Park extension.

1.2 Zone of Theoretical Visibility

- 1.2.1 A comparative Zone of Theoretical Visibility (ZTV) of the proposed Phase 2 Silver Zone Car Park extension and the two alternative car park options to the northside and southside of the airport have been prepared and are shown in **Figures 1 and 2**. The ZTVs are based on Ordnance Survey (OS) Terrain 5 Digital Terrain Model (DTM) data which illustrates the topographic constraints on the visual influence of development but does not take account of the built elements or vegetation within the study area. The parameters used in the modelling of the ZTVs are as follows:

¹ Reference 18/P/5118/OUT.

² Wood (2018) Parking Strategy: Final Report.

³ Reference NSC/W7/1.

⁴ Reference XR/W4/1.

- For the proposed Phase 2 Silver Zone Car Park extension, the ZTV has been created using representative points modelled at a height of 2m AGL (Above Ground Level); and
- For the alternative northside decked/multi-storey car park and the southside decked car parks options, ZTVs have been created using representative points modelled at a height of 8.8m AGL⁵.

⁵ The location of the decked/multi-storey car parking to the north of the airport site (the Northside Option) is assumed to be in the vicinity of the proposed gyratory. The Southern Option is assumed to be located to the south east of the existing Silver Zone Car Park where ground levels are generally lower than in many other locations in the Silver Zone Car Park. Precise building heights would depend on detailed scheme design but the dimensions used in this analysis are considered to be representative of decked/multi-storey car parking comprising of two decks.

2. Findings of the Comparative Study

2.1 Alternative Decked/Multi-storey Car Park: Northside Option

- 2.1.1 The comparative ZTV in **Figure 1** indicates the main areas from which elements of the Northside Option may be visible but where there would be no visibility of the Phase 2 Silver Zone Car Park extension. These areas would be concentrated to the north, north-west, north-east and east of Bristol Airport.
- 2.1.2 Visual receptors within these areas include:
- Residential visual receptors in the communities of:
 - ▶ Downside;
 - ▶ Lulsgate Bottom;
 - ▶ Felton; and
 - ▶ The eastern part of Winford and outlying suburbs to the north-west.
 - Recreational receptors using:
 - ▶ Public Rights of Way (PROWs) on the southern side of Backwell Hill (close to Backwell Hill Farm and Home Farm);
 - ▶ A section of National Cycle Route (NCR) 410 as it follows Downside Road between the settlements of Downside and Lulsgate Bottom;
 - ▶ The northern section of the Tall Pines Golf Course;
 - ▶ Felton Common;
 - ▶ PROWs around the settlements of Lulsgate Bottom and Felton;
 - ▶ A section of NCR 334 as it follows Felton Way, Ragland Lane and Kingston Lane to the east of Felton; and
 - ▶ An additional section of the Monarch's Way to the south of Dundry.
- 2.1.3 All of the visual receptor groups above that are identified as lying within the ZTV for the Northside Option only, are assessed in the Environmental Statement (ES)⁶ as being of high sensitivity to visual change. This is a consequence of their high susceptibility in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)⁷ best practice guidance and the high likelihood that these receptors attach medium or high value to the views that are available. This has the consequence that even a low magnitude of visual change has the potential to give rise to a significant effect under the methodology set out in Appendix 9A of the ES.
- 2.1.4 In terms of landscape receptors, there is the potential for a greater geographical extent of theoretical visibility from the Northside Option compared with the Phase 2 Silver Zone Car Park

⁶ Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (December 2018).

⁷ Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment – 3rd Edition.

extension across a number of landscape character areas (LCA) within the Green Belt as set out below.

North Somerset Landscape Character Assessment:

- E6: Cleeve Ridge LCA: where the proposed Phase 2 Silver Zone Car Park extension would not be visible from this LCA;
- J3: Chew Rolling Valley Farmland LCA: where the proposed Phase 2 Silver Zone Car Park extension would not be visible from this LCA;
- G1: Broadfield Down Settled Limestone Plateau LCA: where the proposed Phase 2 Silver Zone Car Park extension and the Northside Option would be theoretically visible, but the latter to a much greater geographical extent;
- H1: Dundry Settled Hill: LCA where the proposed Phase 2 Silver Zone Car Park extension and the Northside Option would be theoretically visible, but the latter to a greater geographical extent.

- 2.1.5 A review of the ZTVs included in Figures 9.2 to 9.4 of the ES indicates that the landscape and visual receptors identified above as potentially sustaining intervisibility with the Northside Option coincide with areas already lying within the ZTVs where the existing and consented components approved under the extant 10 mppa permission⁸ may be visible.
- 2.1.6 The potential for the greatest increase in overall magnitude of change as a result of the Northside Option would be experienced by residential receptors in the community of Lulsgate Bottom, close to the northern boundary of Bristol Airport. Residential receptors are located at properties within a sub-group to the east of the A38; a sub-group to the south of the eastern section of Downside Road; and a sub-group along the north side of the eastern section of Downside Road and off the cul-de-sac of Coombe Dale. The sub-group to the south of the eastern section of Downside Road is likely to experience the greatest level of adverse visual effects as a result of the Northside Option, noting that rear garden boundaries of several properties lie close to, or follow, the perimeter of the airport.
- 2.1.7 The perceived scale of the Northside Option would be exacerbated in south facing views from properties on Downside Road by the local topography. The decked/multi-storey car park, at ~8.8m high would be elevated ~14m above typical levels on Downside Road, with the likelihood that lighting columns ~6m high would need to be installed on the top deck in line with the existing and consented multi-storey car parks and consequently artificial light sources could be set ~20m above typical ground levels on Downside Road. Mature and predominantly deciduous tree cover is located along the boundary of the airport and this planting would restrict visibility from properties to varying degrees and according to the season. In addition, the integrated /embedded mitigation masterplan (see Appendix 11K of the ES⁹) proposes that parkland trees would be planted in the grassland field between the rear gardens of the properties and the airport boundary.
- 2.1.8 In conclusion, the Northside Option is likely to result in a Low to Medium magnitude of change and a Moderate effect that would be significant at Operation Phase Year 1 and Year 15.
- 2.1.9 In addition to the likely significant adverse effects upon the visual amenity of some residents of Downside Road, Lulsgate Bottom, the Northside Option could constitute a noticeable increase in the massing of built form perceived on the airport site from a number of high sensitivity residential and recreational receptors in the surrounding landscape, as set out in paragraph 2.1.2 of this Technical Note. In the context of existing and proposed built elements within the airport boundary,

⁸ Reference 09/P/1020/OT2.

⁹ As amended – see 40506-Bri075c Integrated/embedded Landscape, Visual and Ecology Mitigation Masterplan.

visibility of the Northside Option would unlikely result in any new significant effects upon visual amenity; however, it would likely have a greater adverse impact upon landscape character and the visual component of Green Belt openness compared with Phase 2 Silver Zone Car Park extension.

2.2 Alternative Decked Car Parks: Southside Option

2.2.1 The comparative ZTV in **Figure 2** highlights the main areas from which elements of the Southside Option may be visible and there would be no visibility of the Phase 2 Silver Zone Car Park extension. These areas would be concentrated to the south, southeast, east and north of Bristol Airport.

2.2.2 Visual receptors within these areas include:

- Residential visual receptors in the settlements and communities of:
 - ▶ Hyatts Wood Road/Oatfield;
 - ▶ Burrington;
 - ▶ Rickford;
 - ▶ Langford Green;
 - ▶ Upper Langford;
 - ▶ Sandford; and
 - ▶ Ubley (southern edge).
- Small groups of residential properties:
 - ▶ Near Hailstones Farm and the A38 (northernmost dwellings only); and
 - ▶ Properties around Hunter's Hall.
- Recreational receptors using:
 - ▶ Public Rights of Way (PRoWs) in the vicinity of Hunters Hall;
 - ▶ PRoW southwest of Winford Manor;
 - ▶ PRoW) southwest of Kingdown;
 - ▶ PRoW north of Butcombe Court;
 - ▶ PRoWs north of Regilbury Court;
 - ▶ PRoWs north of Nempnett Thrubwell;
 - ▶ PRoWs in the vicinity of Burrington;
 - ▶ PRoWs in the vicinity of Upper Langford and Langford Green;
 - ▶ PRoWs south of Langford; and
 - ▶ PRoWs north of Churchill.

2.2.3 All of the visual receptor groups above that are identified as lying within the ZTV for the Southside Option only are assessed in the ES as being of high sensitivity to visual change. This is a

consequence of their high susceptibility in accordance with GLVIA3¹⁰ best practice guidance and the high likelihood that these receptors attach medium or high value to the views that are available. This has the consequence that even a low magnitude of visual change has the potential to give rise to a significant effect under the methodology set out in Appendix 9A of the ES.

- 2.2.4 In terms of landscape receptors, there is the potential for a greater geographical extent of theoretical visibility from the Southside Option compared with the Phase 2 Silver Zone Car Park extension, across a number of LCAs within the Green Belt as set out below.

North Somerset Landscape Character Assessment:

- G1: Broadfield Down Settled Limestone Plateau LCA: where the proposed Phase 2 Silver Zone Car Park extension and the Southside Option would be theoretically visible, but the latter to a much greater geographical extent;
- H1: Dundry Settled Hill: where the proposed Phase 2 Silver Zone Car Park extension and the Southside Option would be theoretically visible, but the latter to a slightly greater geographical extent;

Bath and North-East Somerset Landscape Character Assessment:

- Thrubwell Farm Plateau LCA: where the proposed Phase 2 Silver Zone Car Park extension and the Southside Option would be theoretically visible, but the latter to a much greater geographical extent;
- Chew Valley LCA: where the proposed Phase 2 Silver Zone Car Park extension and the Southside Option would be theoretically visible, but the latter to a greater geographical extent.

- 2.2.5 A review of the ZTVs included in Figures 9.2 to 9.4 of the ES indicates that the landscape and visual receptors identified above as potentially sustaining views of the Southside Option coincide with areas already lying within the ZTVs where the existing and consented components approved under the extant 10 mppa permission may be visible.

- 2.2.6 With reference to the ZTV in **Figure 2**, there are areas where the Phase 2 Silver Zone Car Park extension only (and not the Southside Option) may be visible. These areas include high sensitivity receptors to the south of Bristol Airport that have been assessed in detail in the ES i.e. the network of PRoW west and north of Redhill, the PRoW north of Hailstones Farm and properties around Winters Lane. In addition, beyond 5km to the south of the airport, there would be the potential for distant views of the Phase 2 Silver Zone Car Park extension only from the fringes of the Mendips Hills Area of Outstanding Natural Beauty (AONB). It is noted that the majority of this area of the AONB is covered by woodland that substantially limits the availability of outward views and that the ES concluded that no significant effects would be sustained by this receptor.

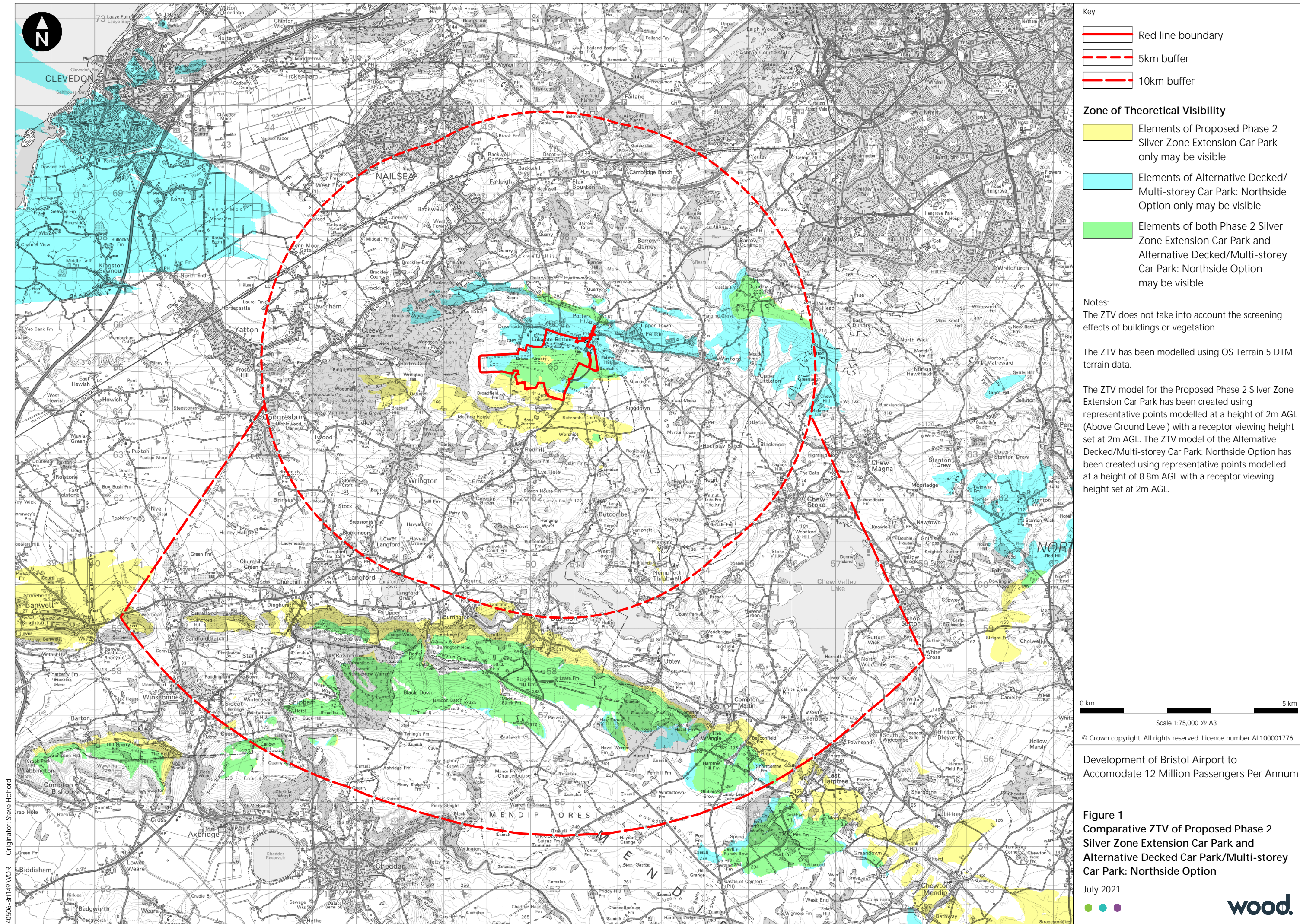
- 2.2.7 In the context of existing and consented built components within the airport boundary, visibility of the Southside Option would unlikely result in any new significant effects upon visual amenity. There is, however, likely to be a requirement for ~6m high light columns that would be elevated above ground level and located on the top floor of the ~8.8m high decked car park that would have a greater night-time impact than the at grade lighting of the Phase 2 Silver Zone Car Park extension. The Southside Option would likely have a greater localised adverse impact upon landscape character, and the visual component of Green Belt openness compared with Phase 2 Silver Zone Car Park extension.

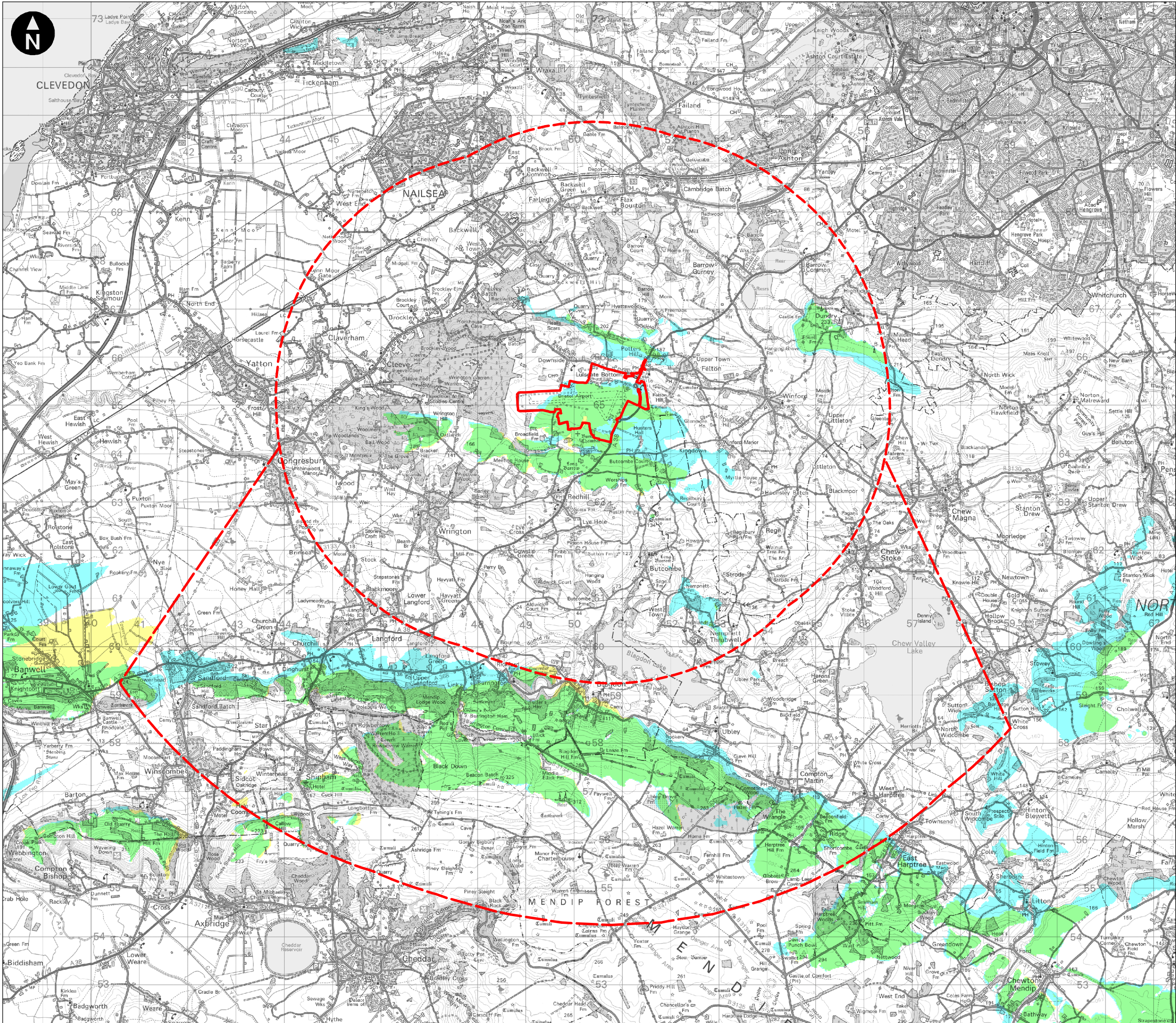
¹⁰ Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment – 3rd Edition.

3. Summary

- 3.1.1 This Technical Note has set out an appraisal of the likely visibility of alternative decked/multi-storey car parking options from the landscape surrounding Bristol Airport compared with the proposed Phase 2 Silver Zone Car Park extension.
- 3.1.2 ZTV plans have been prepared to compare the theoretical visibility of the alternative car park options comprising a decked/multi-storey car park to the northside of the airport and decked car parks to the southside of the airport with the Phase 2 Silver Zone Car Park extension that forms part of the Appeal Proposal.
- 3.1.3 In conclusion, the ZTVs and associated analysis contained in this Technical Note indicate that both the Northside Option and Southside Option would be theoretically visible from a greater number of high sensitivity visual receptors, compared with the surface-level Phase 2 Silver Zone Car Park extension that forms part of the Appeal Proposal. The Northside Option would result in new significant adverse effects upon the visual amenity of a number of residential receptors in Lulsgate Bottom off Downside Road. Both alternative northside and southside car park options are likely to have a greater level of intervisibility from the landscape within the Green Belt, compared with the Phase 2 Silver Zone Car Park extension. Affected receptors include a number of LCAs in the Green Belt and an increased visual impact at night due to the requirement for elevated lighting columns on the decked/multi-storey car parks.

Figure 1





Key

- Red line boundary
- 5km buffer
- 10km buffer

Zone of Theoretical Visibility

- Elements of Proposed Phase 2 Silver Zone Extension Car Park only may be visible
- Elements of Alternative Decked Car Parks: Southside Option only may be visible
- Elements of both Phase 2 Silver Zone Extension Car Park and Alternative Decked Car Parks: Southside Option may be visible

Notes:
The ZTV does not take into account the screening effects of buildings or vegetation.

The ZTV has been modelled using OS Terrain 5 DTM terrain data.

The ZTV model for the Proposed Phase 2 Silver Zone Extension Car Park has been created using representative points modelled at a height of 2m AGL (Above Ground Level) with a receptor viewing height set at 2m AGL. The ZTV model of the Alternative Decked Car Parks: Southside Option has been created using representative points modelled at a height of 8.8m AGL with a receptor viewing height set at 2m AGL.

0 km 5 km
Scale 1:75,000 @ A3
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Development of Bristol Airport to Accomodate 12 Million Passengers Per Annum

Figure 2
Comparative ZTV of Proposed Phase 2 Silver Zone Extension Car Park and Alternative Decked Car Parks: Southside Option

July 2021

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Appendix B

Legal Advice Regarding Competition Law

Competition Law implications arising from MSCP2 and MSCP3

1. Womble Bond Dickinson (UK) LLP is advising Bristol Airport Limited (**BAL**) in connection with their planning appeal against North Somerset Council's (**NSC**) refusal of planning permission to expand Bristol Airport to 12mppa. NSC and other third parties have suggested in their evidence for the appeal that Multi-Storey Car Parks (**MSCP2 and MSCP3**) at Bristol Airport could be constructed and offered for parking at prices similar to those associated with surface car parking in the Silver Zone.
2. At a purely economic level, it costs considerably more to construct a multi-storey car park than a surface car park. Hence, the suggestion that BAL construct MSCP2 and MSCP3 and offer parking at either or both of these facilities at rates akin to the rates charged for a surface car park some distance away from the airport terminal building, would arouse suspicions if BAL were to do so. There is also the legal position to consider. Here, BAL is concerned that competition law risks may arise if it were to adopt the suggested approach and has asked for legal advice on this issue.
3. The UK Competition Rules contained in the Competition Act 1998 apply to both anti-competitive agreements/arrangements, and to unilateral conduct by a business with market power. They are enforced by the Competition and Markets Authority (**CMA**), by relevant sector regulators (including the Civil Aviation Authority), and by the Courts.
4. Any requirement by NSC, or others, that BAL builds MSCP2 and MSCP3 and uses either or both of these facilities to provide a low cost parking solution, could be deemed to be an anti-competitive agreement contrary to the Chapter I Prohibition (see section 2 Competition Act 1998). BAL takes great care to ensure that its practices are compliant with all relevant Competition Rules applicable to its business, and would be concerned by any perception that it was party to an anti-competitive arrangement. One of the Rule 6 parties, Sutherland Property & Legal Services Ltd, has already claimed BAL has a monopoly on airport parking. Whilst BAL certainly does not accept that to be the case, it demonstrates the Competition Law risk for BAL (and shows how easily a Competition Law risk can arise for those imposing pricing requirements on BAL). In such circumstances, BAL cannot be expected to, nor is it prepared to, take action which could expose it to Competition Law risk.
5. This risk is not simply theoretical, as the CMA has previously taken action against Heathrow Airport and Arora's Sofitel Hotel at Heathrow Terminal 5, because the arrangements between the parties included a clause restricting how parking prices should be set by Arora for non-hotel guests. In a situation where NSC requires BAL to build MSCP2 and MSCP3 and imposes a requirement as to the parking charges to be levied by BAL for the use of these facilities, this is

likely to be viewed as a de facto price restriction contrary to the UK Competition Rules.

Andrij Jurkiw, Partner

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