

Closing Statement for Inquiry into Expansion at Bristol Airport – XR Elders
APP/D0121/W/20/3259234

We have got to the end of a very long inquiry, and XR Elders are grateful to the Inspectors for their patience in considering the reams of evidence presented.

This is a summary of our evidence as presented to the Inquiry, which did not cover every aspect of the proposal and its impacts. We specifically dealt with surface access issues, development on the green belt, impact on the AONB and forecasting inaccuracies and their implications. I will deal with these in turn, discussing the planning policy implications as I proceed.

1. Impact on the AONB

1.1 Adverse impact on the Mendip Hills AONB was not a reason for refusal, although in our opinion it should have been. Bristol Airport is 3km north of the AONB boundary, and activity at the airport, including vehicle traffic as well as aeroplanes, impacts significantly on the AONB and its setting. The Landscape Character Areas discussed in Ms Tudor's proof (*XRE/W5/1*) demonstrate this.

1.2 It was accepted at the inquiry that the setting of the AONB includes that section of the airport site that slopes down to the south from the runway. The landscape here is complementary to the AONB, and forms a valley from which the AONB rises to the south. This southern section of the airport site is visible from many places on the slopes up to the northern ridge of the AONB opposite the airport, as demonstrated well in Appendix B of Mr Melling's rebuttal proof (*BAL/W7/3 - figures 1 and 2*). The NPPG states that land within the setting of an AONB often makes an important contribution to maintaining their natural beauty, and that poorly located development can do significant harm. (*ID 8-042-20190721*).

1.3 Tranquillity is a special quality of the AONB that contributes to its natural beauty. Increased aircraft and road traffic arising from the development proposals will all adversely impact on the tranquillity of the AONB, which is already being eroded by the number of aircraft movements below the sensitive 7,000 ft height, as Mr Fiumicelli's proof (*NSC/W2/1 figs 7 and 8*) showed.

1.4 The evaluation of impact of the proposed 13 extra low-level flights a day over the AONB were assessed by Bickerdike Allen as not significant as they only amounted to a small average increase in noise (*quoted in Furber BAL/W9/1*). While this may be a legitimate measure of noise impact, it is not a legitimate measure of impact on tranquillity, where the noise event of a low-flying aeroplane breaks the enjoyment of an otherwise peaceful rural landscape. It is a point Mr Fiumicelli also makes (*para 4.98*), in his opinion the ES is silent on the issue of tranquillity and how the proposed development may adversely affect it within the AONB and its setting (*para 4.96*).

1.5 The process of LVIA as set down in GLVIA 3 is largely followed, but associated guidance within GLVIA 3 is not - serving to downplay the assessment of significance. For example criteria used to inform magnitude of change contribute to the unsatisfactory assessment of significance, leading to an unsafe conclusion that effects of the development proposals are minor and not significant.

1.6 During the presentation of her evidence, Ms Tudor pointed out that there were 2 different matrices of EIA Significance. Had Table 4.1 in the ES been used in the ES LVIA then a more balanced and informed assessment of significance of effects might have been reached with 5 levels of difference. The table in the LVIA has only 4 levels of difference which over-simplifies assessment. Given the weight government places on nationally designated landscapes the AONB should be assigned a 'very high' value overall, but this is not available in the LVIA table. Mr Furber stated in cross-examination that this is because it is already impacted by the airport. This is true, but does not justify the AONB being less valued in an assessment of the impact of new development.

1.7 The proposed Silverzone extension into the Green Belt has an adverse impact on the AONB, because it is on the southern slope of the airport site, within the setting of the AONB. Besides the visual intrusion of acres of parked cars and vehicle movements, there will also be adverse impact on tranquillity from increased lighting and intermittent lights and headlights after dark. Dark skies are also a special quality of the AONB.

1.8 The NPPF (*CD5.8.1 para 176*) requires that nationally designated landscapes and their setting should have great weight attached to the conservation and enhancement of landscape and scenic beauty. The Development Plan: policy DM11 (*CD5.4 page30*) states that development with an adverse impact on the AONB **and setting** to not be permitted unless it is in the public interest to do so. Policy CS5 of the Core Strategy (*CD5.6 page40*) requires development to conserve and enhance the natural beauty of the AONB.

1.9 It is our view that in order to properly implement national policy and their own development plan policies, North Somerset officers should have given greater weight to the need to conserve and enhance the AONB. Our concerns are shared by representations to North Somerset from the AONB Partnership (*XRE/W5/2 appendix 4*) and Natural England (*INQ 69 page3*). Officers should also have considered whether the progressively adverse impact of the airport and its traffic on the AONB over the years needed to be halted. That the public interest may no longer be served by overlooking one more adverse impact judged 'not significant' in the interests of further growth of the airport.

2. Surface Access

2.1 Much of the airport site is dedicated to providing car parking, and BAL has a high private car journey modal share compared with other airports, as shown in the CAA statistics (*CD7.10 Table 7A*). This leads to very significant pressure for places to park, both on and off site. Policy W1 in the JLTP (*CD7.05*) requires the improvement of public transport options, and Policy W3 in this document supports demand management for modal shift from private car use, including using parking charges to do this (*page67*). The Development Plan Policy DM50 (*CD5.4 page116*) requires improvements to public transport as part of any development within the GBI, and national policy (*CD5.08.1: para 104/5*) also require the promotion of public transport and sustainable travel modes.

2.2 The solution to relieving local environmental problems caused by this parking pressure is encouraging more journeys to be made on public transport, as required by policy. Parking enforcement and restrictions – possibly including residents’ parking schemes will also be needed. We have argued that support measures for public transport to date, and proposed within this application, are not robust enough for the very significant additional travel requirements of the proposed 20% increase in passengers. None of them address the issue of reducing the cost of public transport to make it more attractive. There is a small subsidy of the Flyer service already, this needed to be re-assessed with cheaper ticket costs. We have shown (*INQ 047*) that in the major market of Bristol, the Airport Flyer is not competitive for couples and families travelling together, particularly with the additional time and financial cost of getting to the bus, and the extra inconvenience of managing luggage on public transport. The high price of the Airport flyer from Bristol Temple Meads also impacts on rail journeys to the airport from further afield.

2.3 Negotiations with Metrobus and extending the route to the airport should have been worked up as part of the application, particularly in view of the support for this in Policy W2 of the JLTP (*CD7.05*). The Transport Interchange should have been an integral part of the development proposals. This development was required as part of the previous permission to expand to 10mppa, but was not constructed prior to this application being lodged. Given the policy requirements and planning history, I find it unacceptable that the negotiations on this development proposal did not include a Transport Interchange as part of the development.

2.4 The severe restrictions on using taxis to get to the airport effects those, such as the disabled and elderly, who have no other option besides informal drop-off. The approved monopoly taxi company for the airport is substantially more expensive. The proof of Mr Witchall (*BAL/W4/2 fig4.6*) shows the ASAS hierarchy ranking journeys by private car parked at the airport above taxi use, even when the taxi has a fare each way. This is contrary to all sustainable travel hierarchies, which aim to reduce travel by private car. The Department of Transport acknowledge that taxi journeys are part of the wider public transport offer. They support lower car ownership and widening access to mobility, especially for people who cannot drive themselves. They are a legitimate alternative to the private car for journeys to the Airport at unsocial hours, when public transport services are reduced. The ASAS in its promotion of sustainable travel needs to recognise that the carbon footprint of alternative travel modes is more complex than the number of journeys made. Encouraging car ownership and building car parks both increase carbon emissions.

3. Car Parking – some overlap with Green Belt issues

3.1 BAL and NSC officers agreed that the provision of low-cost parking discourages people from choosing to use public transport (*page 103 of CD4.11 and Melling PoE BAL/W7/2 para 5.4.17*). BAL however only acknowledges this problem in the context of off-site parking provision, which is priced on average at about £50 for a week (*INQ 051*). Off-site parking is often collectively referred to as ‘Un-authorised’, although a considerable proportion of the off-site provision would appear to be legal – there is no data on this. Besides legitimate parking businesses around hotels and other sites, there is use of land during the summer peak demand under permitted development rights. Those that are not legal are quite rightly enforced against, and the action of BAL in supporting this is commendable.

3.2 It is agreed by all that parking provision in the green belt is inappropriate development, and various enforcement and appeal decisions support this. BAL seek to justify their proposal to intensify and develop new parking areas in the green belt by arguing that only in this way can they provide lower cost parking that will effectively compete with the (unauthorised) off-site provision. It would not be a legitimate planning concern of course if they were looking to more effectively compete with legal off-site providers. In fact BAL’s ability to compete with alternative providers with low overheads and an inferior product may be limited. Cheaper parking on the airport may just drive off-site parking prices down – further reducing the competitiveness of public transport use.

3.3 If BAL are serious in their intentions to promote sustainable travel, there is a fundamental flaw in the argument that they need to compete with off-site low cost parking. Low cost parking is acknowledged to take modal share away from public transport. If BAL effectively compete at the low cost end of the market then they will also undermine attempts to shift modal share towards greater public transport use. The Joint Local Transport Plan (JLTP) (*CD7.05 page 39*) specifically refers to the need to limit the increase in demand for car parking at the airport.

3.4 BAL argues that prioritising the expansion of lower cost surface parking is needed because this is the only measure that can improve the parking problems in residential areas and avoid a significant increase in unauthorised off-site car parking. Beyond alternative measures discussed above to reduce these problems, there is also an indication in the Parking Demand Study (PDS) (*CD2.11 para 3.15*) that a natural upper limit to the opportunities for off-site parking may have been reached. The study states that

“we assume that the proportion of on-airport parking increases over time, due in part to limited possibilities of further unauthorised expansion in the green belt”.

The case for extending the Silverzone car park to better compete with off-site provision, and reduce adverse impact on residents, is further undermined by the fact that although the Silverzone car park has been operating from 2017, no such benefits were evident prior to the pandemic.

3.5 Viability: A review of the costs of car parking at the airport reveals a complex pricing strategy based – it would appear - on date of travel, current demand and location of the parking. Silverzone quotes are frequently not low-cost or that much less than parking options in the GBI (*as demonstrated in INQ 060 and BAL/W4/2 page 91 table 9.2*). A complex algorithm is determining the price of parking, and will be maximising the return it makes over all available airport sites. Something it is quite reasonable for a business to do.

3.6 BAL have provided legal opinion (*BAL/W7/3 Appendix B*) that the LPA cannot control the price of car parking at the Airport in any legal agreement. So there can be no effective limitation placed on the pricing of the proposed additional green belt parking, and no guarantee that it would be competitive with off-site provision. Indeed if it were, it would further discourage the use of more sustainable modes of travel.

3.7 The pricing structure evidence, and variation within it as to particular product and times, indicates that the algorithm BAL uses for pricing car parking operates over the whole product range. Price varies it would appear with the current demand and capacity at the site together with the distance from the airport, whether a bus is needed for transport on, and quite possibly other factors.

3.8 I am not qualified to comment on assertions, as I heard them, from Mr Melling that competition law could also apply to a business applying internal cross-subsidy between their products, and that for this reason pricing has to be proportionate to the costs of construction. However the pricing structure at the airport strongly suggests that cross-subsidy between products such as the MSCP and the Silverzone is currently operating. Our estimates of construction costs (*XRE/W4/1 page 17 table 1*) suggests they are nearly three times greater for a MSCP compared with surface parking: a difference which is not reflected in the quotes for these two products (*INQ 060*). Price primarily reflects the relative attractiveness of parking products, not the construction costs.

3.9 BAL's justification for providing cheaper parking in the green Belt is also based on customer preference for low-cost parking, that they need to provide. Preference for lower prices is hardly surprising: customers generally prefer lower costs where the product is broadly similar. But when low costs have adverse implications, they need to be resisted. Cheap airport parking leads to the suppression of demand for public transport, with resulting problems of increased traffic, pollution, and parking pressure on the green belt. As the average household income of leisure passengers is over £50,000 pa according to the 2019 CAA survey (*INQ91*), low prices are not required in order that the product is affordable for the customer base.

3.10 Viability is a planning issue, and if it was not possible for BAL to provide the extra parking required at an economic rate, then consideration of cheaper sites within the green belt would have some justification. However no viability study supporting the need to build car parking with cheaper construction costs in the green belt has been provided, or been required to be provided by North Somerset Council officers. There is no evidence that it is essential for BAL's business case that they provide additional parking in the green belt.

3.11 Negotiating better public transport provision and reducing parking requirements at the airport should have been undertaken by the LPA. BAL cannot be blamed for not offering proper support for public transport – it will directly impact on their profitability, and they have a duty to shareholders to maximise this. But this conflict of interest made it imperative that the LPA ask for robust evidence, including viability evidence, before accepting proposals for inappropriate car parking development in the Green Belt.

4. Green Belt

4.1 It has generally been accepted that BAL gave three over-arching reasons for there being very special circumstances that justified their proposed development in the green belt (*BAL/W7/2 para 5.1.2*). The first, that there is a need for low cost parking that can only be provided in the green belt, I have dealt with already and discounted. There is no justification for providing low cost parking: parking should be priced at a level that properly encourages increased use of public transport. The unauthorised parking and other off-site parking problems should be dealt with by enforcement and other measures, including reducing the demand for parking.

4.2 The second very special circumstance is that there are no alternative locations, on or off site, for the parking needed. Leaving aside that better promotion of public transport could reduce the parking requirement for the expansion, we have presented evidence during the inquiry that alternative solutions to increasing parking provision in the Green Belt Inset (GBI) have not been properly assessed.

4.3 In my Proof of Evidence (*XRE/W4/1 para 5.9*) I suggested that the capacity of the extensive areas of surface parking in the GBI could be significantly increased with the use of single decked parking added over some of it. The construction costs for this simple form of decked parking are less than those for constructing a MSCP.

4.4 Several witnesses to the inquiry besides ourselves have suggested that there is room for expansion of car parking within the GBI beyond the current proposals. In response to these suggestions, Mr Melling's rebuttal proof (*BAL/W7/2 Appendix B*) has included a visual impact study of a proposal referred to as decked/MSCP, located on the Silverzone car park or the GBI. The proposal assessed was a fourth MSCP or decked parking to a height of 8.8m, and this height informed the resulting ZTV (zone of theoretical visibility) assessed. Therefore our more modest proposal for single decked construction has not been considered in this study. Single decking, with one extra storey of parking over surface parking, will have a height of little over 4m and not be visible above the ridge of the airport site. The surface parking areas of the GBI are mostly located 10m or more below this ridge (*as shown in INQ65 and INQ66*).

4.5 During the inquiry it was suggested that with the necessary provision of ramps and access, the extra parking provided by a single decked construction would be limited. However there is also an option of using valet parking more widely in the GBI, and this could include the upper deck of single storey decking - where no columns would impede vehicle movements. Extending the use of higher density valet parking in the GBI does not appear to have been considered either, beyond stating that it is not suitable for MSCPs.

4.6 The need for, and benefits of, airport expansion was also considered a very special circumstance justifying development in the green Belt. This depends of course on it not being possible to reduce the parking requirement, and locate that reduced parking requirement elsewhere on the site. XR Elders have not presented evidence concerning the economic and social benefits of the expansion of the airport, or dis-benefits that could weigh against them in the planning balance. We have however looked at the forecasting evidence, and factors that are likely to influence future demand for flying. It is our case that as the likely expansion in passenger numbers recedes further into the future, and becomes less certain, the benefits become less secure and do not justify development in the Green Belt.

4.7 Green Belt Policy Considerations: Inappropriate development in the Green Belt, not justified by very special circumstances, is not permitted either by national policy (*CD5.8.1 para 147*) or the development plan, policy DM12 (*CD5.04 page32*). The proposed extension to the Silverzone car park is located on the southern slope of the airport site, within the setting of the AONB and thus a particularly sensitive landscape. The extension site (Cogloop2) is currently an important buffer for the green belt, as it is the first green field containing the airport site to the north. Development here would be green field development, and the NPPF at para 119 states that brownfield development is to be preferred to greenfield in order that land is used efficiently. It is also a requirement of Policy CS1 (8) in the Core Strategy (*CD5.6 page22*) There is potential to expand parking within the GBI, and national and local policy requires that this option is prioritised over development on green fields.

4.8 Not only did officers in their report (*CD4.11*) accept inappropriate development in the Green Belt without adequate evidence, they also agreed a proposed phasing that made this development the first priority. This phasing is now proposed in negotiations around any s106 agreement to differ, a sign that BAL understands that the previous position was not compatible with the protection of the green belt required by national and local planning policy. Policy requirements that brownfield sites are developed first should also be applied to the phasing of parking development in the potential draft s106: greenfield and greenbelt land needs to be held back until all other options have been provided.

5. Premature and unjustified: The formal definition of premature development in relation to emerging planning policy documents may not be met in the policy context of this development. However there is a stated expectation in the justification for planning policies in the Development Plan (*CS23 of CD5.06 and DM50 of CD5.04*) that further expansion beyond 10mppa should be informed by the production of a development plan document. This would of course be subject to greater public involvement and scrutiny. This has not been done, and consultation on the proposals has been cursory, which may partly account for the large numbers of objections from local residents.

5.1 XR Elders consider that the application is unjustified and premature in the wider sense of the word, in that the need for this further expansion is not clear at present. The airline industry has suffered particularly badly during the pandemic, and it could be well into the future before the already allowed expansion to 10mppa is reached.

6. Forecasting

6.1 The forecasts for likely increase in passenger numbers over time were originally prepared before the pandemic. Given the drastic reduction in flights caused by the pandemic, revised forecasts were submitted by YAL in November 2020 (CD2.21). The Core Case prediction in these revised forecasts of 8 mppa for 2021 is likely to be reduced to less than a half of this figure. Passenger numbers for the first half of 2021 were under 200,000. Further waves of infection and new variants of the COVID19 virus rendered the revised forecasts out of date within months. In 2021, forecasts from airline industry organisations were all significantly more pessimistic than the revised forecasts from YAL. YAL's slower growth predictions were higher than the fastest growth scenarios of the airline industry's most recent predictions. There are no more recent forecasts offering a more optimistic assessment that we can find, and according to recent business surveys, Europe, BAL's main destination, has been particularly hard hit.

6.2 YAL considers that whatever the drastic impact on the airline business at present, once the pandemic is over, demand will bounce back quickly and continue on its previous upward trajectory. The Chief Executive of BAL is not so optimistic however, stating in an interview with Business Live in May that it would take the industry years, rather than months, to recover, with many people remaining cautious about travelling overseas.

6.3 We presented evidence on the pandemic that suggested the future trajectory of the COVID virus, variants of concern and even further lockdowns cannot be discounted. There is a threat from the slow roll-out of vaccination to populations in developing countries. There will be a continuing adverse impact on air travel from restrictions on destinations and requirements for testing and vaccination. We will learn to live with the virus, but recovery in the airline industry to pre-COVID levels cannot be assumed to happen by next year – which is what the Core Case of the revised forecasts predicts.

6.4 Mr Brass in his forecasting proof accepted that the YAL faster growth projection is now unlikely, he used the words “just about credible” (*BAL/W1/2 para 3.4.4*). BAL and NSC are now both effectively using just the Core Case and Slower Growth Case. In our rebuttal proof (*XRE/W3/4*) we argued that the forecasts should be redone because they were now so out of date. This fudging of predictions and growth trajectories is not in our view good practice, particularly in the light of developments in other areas that are likely to also impact adversely on future passenger growth.

6.5 Mr Brass acknowledged that the 6th Carbon Budget could cause some reduction in passenger demand (*para 2.7.2*). More recently the Government have issued revised guidelines for the valuation of greenhouse gas emissions (*2nd Sept 2021 – no INQ number found?*). The view from expert witnesses to this inquiry is that the far higher carbon values to be used in project evaluation, will eventually feed through to carbon price, and cause this to rise significantly (*INQ 72 and INQ 73*). Our submission quotes government intentions to stimulate reduction in greenhouse gases through financial and regulatory instruments including carbon pricing.

6.6 Our witness Mr Devas in his proof (*XRE/W3/1: section 5*) argued that YAL’s forecasts had not given sufficient weight to likely future rises in fuel price, carbon price and Air Passenger Duty. The new government carbon valuation guidance makes it certain that the levels of these variables used in the forecasting model are far too low. It follows from this that the predictions from YAL are now seriously flawed and over-optimistic, as increases in the cost of flying will reduce demand.

6.7 Future expansion at the airport has already begun to run into the head winds of increased carbon taxes, as climate change obligations tighten. Delay to the forecast expansion caused by the pandemic has placed the rate of future expansion in doubt. The airline industry and its carbon burden is now in a significantly more challenging financial environment. Additionally social attitudes to flying and airport expansion are changing as people become more conscious of the risks and causes of climate change. We presented evidence that a shift in attitudes can already be seen (*XRE/W1/1: para 3.2*) with people increasingly accepting that there is a need to limit air travel.

6.8 If the 2030s are the likely earliest opportunity for numbers at the Airport to approach 12mppa, developments at Heathrow, particularly the third runway, but also the possible rail link to the west of England, will reduce demand for flights from BAL. The third runway is forecast to reduce demand at BAL by 1mppa according to the DfT 2017 Aviation Forecasts (*CD6.02*). Vehicle technological change could also impact on demand for parking after 2030, as acknowledged by the PDS and update (*CD2.11 para5.1 and CD2.23 fig 9*).

6.9 **Why does this matter?** There are significant dis-benefits with this proposal that will impact immediately if permission is granted, including extra night flights in the summer months and potential harm to the green belt and AONB (although phasing changes may mitigate this to some extent). Given the additional carbon taxes not factored into the YAL forecasts, and the delayed recovery from COVID and ongoing restrictions on travel, it is quite possible that the already permitted expansion to 10mppa does not happen before 2030. As timelines become more distant, accurate forecasting becomes increasingly difficult. In the case of this proposal, threats to expansion loom in the near future.

6.10 We have demonstrated there are no very special circumstances justifying the inappropriate development in the Green Belt. As the benefits of the proposal become more distant and less certain, the harm to the Green Belt, and the AONB is even harder to justify in terms of being in the public interest. The planning balance of North Somerset officers was in our view always too skewed in favour of economic development and gave too little weight to all the adverse impacts evidenced at this inquiry. This led to clear policy mistakes such as the allocation of land for parking in the green belt being given first priority. The refusal of the application by Councillors, despite an officer recommendation to approve, is to be commended. It was a necessary correction to the planning balance, with due regard and weight given to all policy concerns and impacts of the development.

7. Conclusion: The reasons for refusal were sound, and are supported by the evidence. We respectfully request that this appeal is dismissed.

Abbreviations used:

AONB Area of Outstanding Natural Beauty

BAL Bristol Airport Limited

CAA Civil Aviation Authority

DfT Department for Transport

GBI Green Belt Inset

LPA Local Planning Authority

LVIA Landscape Visual Impact Assessment [GLVIA] Guidance on LVIA

JLTP Joint Local Transport Plan 4

mppa million passengers per annum

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

NSC North Somerset Council

YAL York Aviation Ltd

XR Elders
5th October 2021