

**Town and Country Planning Act 1990**

**Appeal by Bristol Airport Limited**

**Bristol Airport, North Side Road, Felton, Bristol**

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

**Closing Statement on behalf of BALPA**

**October 2021**

**(amended to correct 2 typing errors)**

## **Introduction**

1. Within the context of the wide range of issues which have been addressed at the inquiry, BALPA's case concerns only a relatively narrow area of the appeal. That should not obscure the importance or validity of the points BALPA makes.
2. Principally, it is BALPA's case that the appellant has not considered the reasonable alternative to the proposed extension to the Silver Zone car park of the relocation of the staff car parking area within the Green Belt inset. The failure to consider seriously this reasonable alternative undermines BAL's case that the very special circumstances test has been met, in respect of the airport's proposal to use 3.73 hectares of additional Green Belt land for 2,700 low cost parking spaces.
3. In addition, BALPA contends that the Parking Strategy is in conflict with policy CS11. The breach of policy CS11 relates to the issue of staff travel and future staff parking requirements, where BALPA demonstrated that even if the challenging target of no more than 70% of staff travelling in single occupancy vehicles was achieved, there would still be a considerable increase in staff travelling to work by car and seeking parking at the airport. The draft workplace Travel Plan states clearly that no additional staff parking will be provided, even at 12m ppa.
4. Following a ruling from the Inspectors, BALPA did not pursue the argument that was made in its Statement of Case and in its Proof of Evidence that there are significant flight safety implications arising from the separation of the staff car park from the northside of the airport.

## **Green Belt Very Special Circumstances/Reasonable Alternatives**

- 5 In its evidence, BALPA demonstrated the current inefficiency of using land within the Silver Zone car parking area for parking staff vehicles, due to the differing parking arrangements for staff and passengers in the Silver Zone. No evidence was produced by the appellant to dispute BALPA's calculations that the 1000 staff car parking spaces in the Silver Zone area could yield at least 1400 spaces for passengers. Mr Hatton considered in paras 17 and 18 of his proof of evidence (BALPA W2/1) that this was a conservative estimate. Neither was there any challenge to the calculations produced by Mr Hatton in appendix J to his proof (BALPA W2/2), that if staff were to revert to parking in the Green Belt Inset, the net financial cost to the airport would be negligible.
- 6 There was no challenge either to the further benefit on sustainable transport grounds of BALPA's parking strategy from the calculation that over 150,000

miles per annum run by BAL's buses taking staff to and from the staff car park to the airport could be avoided (para 6.2.3 of Mr Renshaw's proof), as well as the financial benefit to BAL of not having to operate the staff park and ride service.

- 7 Unlike the council, BALPA did not challenge the calculations of parking demand set out in BAL's Parking Demand Study and the Parking Demand Study Update (CDs 2.11 and 2.23). However, what was not understood or accepted in answers given in cross examination by Mr Witchalls on Day 20 or Mr Melling on Day 30 was that BAL's calculated total requirement of parking need at 12m ppa fails to distinguish between low cost requirement and premium priced parking provided within MSCPs. Mr Witchalls referred to the model which established a demand profile, but no evidence is available as to the outcome of the model in terms of the need for low cost or premium car parking.
- 8 Document INQ 52 showed that as a result of the provision proposed, at 12mppa, in accordance with the application details, the nature of the parking would look very different in type to what it does today. The higher cost premier parking in MSCPs would amount to 26% of the total, compared with 11% currently. Low cost provision would correspondingly drop from 70% to just under 63%, which does not correspond to the findings of the PDSU. There is a clear inconsistency between the balance of parking proposed and likely demand.
- 9 BAL's evidence is that it seeks to provide low cost parking as a priority to reduce the demand for unauthorised off site parking in the Green Belt. BAL says that unless low cost parking is provided at an early stage, demand for surface parking from passengers will likely be met by unauthorised parking in the Green Belt. Provision of MSCP 3 is of lower priority and, as BALPA pointed out, the phasing of MSCP provision proposed as part of the airport's expansion to 10 mppa was deferred for demand and financial reasons, as set out in paras 3.1.16 to 3.1.21 of Mr Renshaw's proof (BALPA W1/1).
- 10 BALPA has proposed a means by which 1400 additional low cost spaces can be provided, which would not otherwise be available and at a very early stage without the need for planning permission. BAL's highways and planning witnesses both argue that this would cause a lack of spaces in the northside car parking area, which is more expensive. Mr Hatton's proof of evidence (paras 19-22) disputes this and BAL has not provided actual data to support its case. The Inspectors will have to come to a view on this. In examination in chief on Day 20, Mr Renshaw advised that currently all staff are parking in the northside multi storey car park without any capacity issues.

- 11 BALPA also consider that the reallocation of staff parking northside will, through increasing demand for parking there, itself help to bring forward demand for MSCP 2 and MSCP3. No response has been made by the appellant to this argument, other than the assertions that the airport needs all the spaces it has made provision for in its application.
- 12 BALPA acknowledges that its option does not avoid the need for the airport to expand low cost parking into the Green Belt, but it does reduce the extent and defer the need to do this, potentially allowing other solutions to the need to expand into the Green Belt to come forward in the meantime.
- 13 BALPA fails to understand the airport's resistance to its simple strategy that would add to the provision of low cost parking – parking which BAL's evidence says will be most needed – without requiring further incursion into the Green Belt, at an early stage. BAL failed to consider this strategy when asked to do so by the council during consideration of the application and has offered the same response to BALPA outside of this inquiry.
- 14 It follows that the failure by the appellant to consider the reasonable alternative to the Silver Zone extension of relocating some or all of the staff car parking to the Green Belt inset, nearer to the terminal, undermines BAL's very special circumstances case.

#### **Staff Travel and Adequacy of Parking**

15. Core Strategy policy CS11 requires that adequate parking must be provided and managed to meet the needs of anticipated users.
16. The strategy set out in the draft workplace travel plan is to provide no more staff parking than is available at present. Mr Witchalls acknowledged in cross examination on Day 20 that not increasing staff parking would be a challenge and he indicated that this was a requirement of the council. If so, neither the council nor BAL are being realistic, nor acknowledging what the text to policy CS11 says, that despite its commitment to sustainable travel, it acknowledges that cars are still essential for many journeys in the District and people will still need space to park.
17. BALPA has recognised that the airport is rightly looking to promote sustainable travel, but has pointed out the issues arising due to unsocial shift working undertaken by 60% of the workforce that makes this difficult for the majority of the workplace to consider (para 6.3.1 of Mr Renshaw's proof W1/1).

18. In cross examination on Day 20, using table 3.12 of the Transport Assessment Addendum (CD2.20.3) provided by the appellant and table 6.9 in Mr Witchall's proof of evidence (BAL 4/2, p74), Mr Renshaw was able to demonstrate that even if the challenging target of no more than 70% of staff travelling in single occupancy vehicles is met, the employment forecast for 12m ppa suggests that a further 491 staff cars would be travelling to the airport above baseline numbers, leading to the need for just under 400 extra spaces.

19. Accordingly, BALPA has demonstrated that the parking strategy for staff is contrary to Core Strategy policy CS11.

### **Conclusion**

20. BALPA agrees with the council that BAL has not demonstrated that very special circumstances exist to justify the extent of the incursion into the Green Belt. This is because BAL have not considered the alternative to the proposed extension to the Silver Zone car park of relocating staff parking to the northside of the airport, closer to the terminal.

21. During this inquiry, it has been shown that the relocation of staff car parking would be reasonable. It is readily and easily achievable, without the need for planning permission. There is sufficient capacity in the Green Belt Inset area to accommodate the relocated staff car parking, including within the existing and consented MSCPs. BAL have failed to counter BALPA's evidence which indicates that the relocation would not be financially disadvantageous to BAL.

22. This is a reasonable alternative that BAL could and should have considered before applying for an expansion of the Silver Zone car parking to the extent proposed.

23. In addition, for the reasons advanced above, BALPA considers that the Parking Strategy for staff is contrary to Core Strategy policy CS11.

24. BALPA has considered the wording of the different conditions proposed by the council and the appellant to address the issue of airport parking, condition 6. Neither of these address the concerns raised by BALPA, so BALPA has provided a form of words, which would, at least, go some way to addressing the concerns BALPA raised.

25. BALPA's suggested amendment to the council's proposed condition would have the effect of preventing the expansion of car parking into the Green Belt until and unless BAL had shown to the satisfaction of the council that the relocation of the staff car parking to the Green Belt Inset was not feasible.

This condition is necessary because it is only when it has been demonstrated that the relocation of the staff car parking is not a reasonable alternative, would special circumstances exist for the for the extension of low cost parking into the Green Belt to the extent proposed, subject of course to the consideration of the other arguments in this respect by the council and others.

26. BALPA's suggested amendment to BAL's proposed condition requires that, as part of the annual Parking Demand and Capacity Report, there is a review of the feasibility of relocating the existing staff car park from the Silver Zone within the Green Belt to a location within the Green Belt Inset. This is less satisfactory because it leaves much to be agreed at a later date, which provides little certainty that BALPA's objection can be overcome. Unless the Inspectors are persuaded that the conditions proposed address the omission in BAL's very special circumstances case, the appeal should not be upheld.
27. Neither condition would overcome the concerns raised in relation to the inadequacy of the parking strategy insofar as it addresses future staff parking need and, therefore, without a suitable condition in this respect, upholding the appeal and granting planning permission would be unsafe for this reason.