

Date: 6 February 2024  
Our ref: EPTT/2037086.000050  
DDI: [REDACTED]  
e-mail: [REDACTED]@bclp.com; [REDACTED]@bcplaw.com;  
[REDACTED]@bcplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP  
Governor's House  
5 Laurence Pountney Hill  
London EC4R 0BR  
United Kingdom  
T: +44 (0)20 3400 1000  
F: +44 (0)20 3400 1111  
DX92 London  
[REDACTED]

FAO George Harrold  
Gatwick Airport Case Team  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**By Email Only (Delivery receipt required)**

Dear Sirs

**Interested Party 20044640, Marathon Asset Management MCAP Global Finance (UK) LLP**

**Response to Rule 6 Letter: Participation in Preliminary Meeting and Issue Specific Hearings and Requirement for Compulsory Acquisition Hearing**

**Background**

- 1 We act for Marathon Asset Management MCAP Global Finance (UK) LLP, who manage assets for HI (London Gatwick) Limited and HICP Limited. For the purpose of this letter we refer to these companies as "**our Client**".
- 2 Our Client holds land interests under title numbers SY574001 and SY836088 (the "**Property**") on which the Holiday Inn Gatwick Hotel (the "**Hotel**") is situated. Gatwick Airport Limited (the "**Applicant**"), has applied for development consent (the "**Application**") for the Gatwick Airport Northern Runway (the "**Project**"), for which our Client has submitted relevant representations and is now identified as Interested Party 20044640 in the Application.
- 3 We are writing to you in response to the Rule 6 letter dated 5 January 2024 and to set out our Client's intention to participate in the Preliminary Meeting and Issue Specific Hearings ("**ISH**" or "**ISHs**", as appropriate) detailed below and scheduled to take place under the draft Examination Timetable. Event Participation Forms registering our Client's intention to appear have been submitted to the PINS case management team for the Application.
- 4 On account of the insufficient engagement during the pre-Examination period by the Applicant and their appointed agents, Dalcour Maclaren, with regards to our Client's repeated attempts to solicit crucial information from the Applicant as to how the Project will impact on our Client's Property and the Hotel operated therein - and to also inform the Applicant of our Client's concerns regarding the same - our Client has been left with little choice but to participate in the Preliminary Meeting and relevant hearings scheduled in the draft Examination Timetable. We attach a schedule setting out the engagement from Dalcour Maclaren and the Applicant with our Client and its professional advisors at Appendix 1.
- 5 Our Client does not object in principle to the Project however has significant reservations and concerns in relation to multiple aspects of the Application, as has been previously set

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out in its relevant representations submitted to the Examining Authority on 27 October 2024 (copy provided at Appendix 2). These concerns have not been addressed sufficiently in the Applicant's inadequate pre-Examination engagement with our Client and therefore our Client feels it has little choice but to request that these concerns are heard by the Examining Authority in their assessment of the Application.

### **Participation in Examination**

- 6 For the reasons set out in paragraphs 4 and 5 above, it is our Client's intention to:
- 6.1 Participate in the Preliminary Meeting taking place on 27 February 2024;
- 6.2 Participate in the following ISHs:
- (a) Issue Specific Hearing 2 Control Documents / the Development Consent Order taking place on 1 March 2024;
  - (b) Issue Specific Hearing 3 Socio-economic taking place on 5 March 2024;
  - (c) Issue Specific Hearing 4 Surface Transport taking place on 5 March 2024;
  - (d) Issue Specific Hearing 5 Aviation Noise taking place on 6 March 2024; and
- 6.3 request at the appropriate time, a Compulsory Acquisition Hearing ("**CAH**") to be held so that our Client's objection to the compulsory acquisition of its land may be presented to the Examining Authority.
- 7 Our Client has appointed a professional team, including Counsel, valuation advisors, highways and transport planning advisors and technical acoustics experts, to advocate on its behalf at Preliminary Meeting, the ISHs and CAH detailed at 6 above, as follows:
- 7.1 Rebecca Clutton and Daisy Noble at Francis Taylor Buildings;
- 7.2 John Sayer (Valuation Advisor) at Ardent;
- 7.3 Nigel Fern (Senior Transport Planner) at Stantec;
- 7.4 Eleanor Girdziusz (Senior Acoustic Associate ) at Stantec;
- 7.5 Tom Althorpe (Senior Transport Planner) at Stantec; and
- 7.6 Katherine Bailey at Valor Europe.
- 8 We have completed Event Participation Forms on behalf of each individual to register them accordingly for the Preliminary Meeting and relevant ISHs. These forms also outline the issues on which they intend to speak.
- 9 With regards to the Preliminary Meeting and ISHs, our Client intends to address in the Preliminary Meeting about how the Examination will be heard and also will need to raise technical matters relating to the impacts of the proposed Project on the Hotel operations, traffic and highways concerns affecting the Property and Hotel and noise concerns affecting

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the Property and Hotel. The technical nature of these matters that our Client intends to raise means that they must be heard orally at the Preliminary Meeting and relevant ISHs so that the points of concern are properly presented to and understood by the Examining Authority. Our Client will also be submitting post-hearing submissions, including a written summary of oral submissions made, and full written representations (which will set out in detail the points made orally at the Preliminary Meeting and the ISHs) by 12 March, in line with the draft Examination Timetable.

- 10 Our Client's professional team will be making reference to the Application documents during the Preliminary Meeting and the relevant ISHs as set out at Appendix 3.

### **Request for Compulsory Purchase Hearing**

- 11 As introduced above, our Client, as an Affected Person, and as having not been properly consulted and engaged with by the Applicant in respect of the proposed compulsory acquisition and temporary use of the Property including rights over the same, requires, and will request at the appropriate time, a CAH so that our Client's objection to the compulsory acquisition of its land may be presented to the Examining Authority.

### **Suggested Sites for Accompanied Site Inspection**

- 12 Our Client would like to request that the Hotel, the main access routes from Gatwick Airport to the Property, and the Property's surroundings are included in the Accompanied Site Inspection so that the Examining Authority can fully understand our Client's case in respect of the Application including its objection to the compulsory acquisition and temporary use of its land. The Hotel address is set out below and Hotel site is shown on Fig. 1 below:

*Holiday Inn London - Gatwick Airport,  
Povey Cross Road  
Gatwick  
RH6 0BA*

Fig.1



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- 13 The Property is currently fully accessible via the A217 London Road or Povey Cross Road. Our Client can also provide the Examining Authority with access to any part of the Hotel that the Examining Authority requires to inspect as part of consideration of our Client's case and in order to investigate the impacts that are posed by the Project on the Property itself and the Hotel.
- 14 As highlighted in our Client's relevant representations, our Client has been unable to get full engagement from the Applicant to discuss the viable alternatives or workarounds to the Project designs and schemes which may enable both our Client's Property and Hotel to continue to operate without the significantly negative impacts currently posed by the Project, and for the Project itself to advance successfully. As set out above, our Client also objects to the compulsory acquisition and temporary use of its land on the basis that it has not been justified by reference to the relevant legal tests for compulsory acquisition nor does the requirement for the compulsory acquisition appear to be justified on a technical needs basis by the Project (see paragraph 11 above). For these reasons, our Client therefore requests that the Examining Authority inspects the Property to assess for itself the detrimental impacts currently presented by the Project on our Client.

We should be happy to discuss any of the contents of this letter. Please do not hesitate to contact James Good, Emily Pittaway or Paul Grace (details above) of this firm.

Yours sincerely



**Bryan Cave Leighton Paisner LLP**

LEGAL.227264427.3/EPTT

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**Appendix 1  
Schedule of Correspondence**

- GAL” refers to Dalcour Maclaren, agent acting for Gatwick Airport Limited
- “Client” refers to Ardent, acting agent for Marathon Asset Management MCAP Global Finance (UK) LLP (“Marathon”)
- “Client Eng” refers to Stantec Limited who provide engineering and technical advice to Marathon.
- “GAL Eng” refers to Arup and Mitchell Environmental, providing engineering and acoustic advice to Gatwick Airport Limited.

Date	From	To	Purpose	Action	Action Status
07/10/2022	GAL	Client	Letter – Outlining project and timelines for DCO	Client to respond with meeting availability	Completed – 15/11/2022
15/11/2022	-	-	Meeting – Introductory call between both parties		
15/11/2022	GAL	Client	Email – GAL confirming intention to meet with wider team	GAL to provide dates for meeting	Awaited – Superseded by other requests
30/11/2022	Client	GAL	Email – requesting information promised in meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023
12/12/2022	Client	GAL	Email - re-requesting information from meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023
13/01/2023	Client	GAL	Email – re-requesting information from meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023
13/01/2023	GAL	Client	Email – providing design drawing	GAL to provide draft heads of terms	Completed – 21/03/2023
16/01/2023	Client	GAL	Email – requesting narrative explaining significance and impact on Property.	GAL to provide narrative and timescales on Property.	Completed – 06/03/2023
23/01/2023	Client	GAL	Email – chasing GAL for Heads of Terms	GAL to provide draft Heads of Terms	Completed – 21/03/2023
15/02/2023	Client	GAL	Email – chasing GAL for Heads of Terms	GAL to provide draft Heads of Terms	Completed – 21/03/2023

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21/02/2023	Client	GAL	Email – Client expressing dissatisfaction with length of time between call and information being provided.	GAL to provide reason for delay and draft Heads of Terms	Completed – 21/03/2023
06/03/2023	Client	GAL	Email – Client chasing for Heads of Terms	GAL to provide update and Heads of Terms	Completed – 21/03/2023
06/03/2023	GAL	Client	Email – GAL apologises and reconfirms that Heads of Terms are to be provided that week	GAL to provide up draft Heads of Terms	Completed – 21/03/2023
21/03/2023	GAL	Client	Email – GAL provides Heads of Terms in secure folder	GAL to provide appropriate access to secure folder.	Completed – 22/03/2023
22/03/2023	GAL	Client	Email – GAL provides missing access to HoT's via secure folder	Client to provide comments	Completed – 22/03/2023
29/03/2023	GAL	Client	Email – referencing Heads of Terms	Client to provide comments or instruct appropriate representation.	Completed – 01/06/2023
01/06/2023	Client	GAL	Letter - Introduction of Client Team & request for fee undertaking and DCO submission date	GAL to provide response to fee undertaking and submission date.	Completed 01/06/2023
01/06/2023	GAL	Client	Email – From GAL to client team requesting further information on fee undertaking request	Client Team to provide greater detail on fee undertaking proposal.	Completed – 15/06/2023
01/06/2023	Client	GAL	Email – from client team to GAL requesting teams meeting	GAL to confirm availability	Completed 06/06/2023
05/06/2023	Client	GAL	Email – from client team to GAL chasing initial meeting	GAL to confirm availability	Completed – 06/06/2023
06/06/2023	GAL	Client	Email – from GAL providing arrangement for meeting and HoT plan	None	

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07/06/2023	-	-	Teams Call – call with GAL and Client Team where client team set out further information required and agreed to send updated fee undertaking letter.	GAL to provide response to request for further information on scheme. Client team to provide updated fee undertaking request.	
12/06/2023	Client	GAL	Email – from client team to GAL regarding list of additional information required	GAL to provide response to request for further information on scheme.	Awaited
15/06/2023	Client	GAL	Email – from client team to GAL regarding confirming professional fees will be reclaimable.	GAL to provide response on fee undertaking.	Completed – 20/06/2023
20/06/2023	GAL	Client	Email – from GAL to client team requesting hourly rates and detail of client team	Client team to provide fee undertaking letter	Completed – 07/07/2023
28/06/2023	Client	GAL	Email – from client team to GAL re timeframe for receiving requested scheme information	GAL to provide timeframe or further information on scheme.	Awaited
07/07/2023	Client	GAL	Letter – Request for fee undertaking from client team	GAL to provide response or update on fee position	Completed - 09/08/2023
13/07/2023	Client	GAL	Email – Client team requesting confirmation of receipt of fee undertaking request	GAL to provide response to and/or updated fee position	Completed - 09/08/2023
26/07/2023	Client	GAL	Email – from client team to GAL requesting update on request for fee undertaking & further scheme information	GAL to provide response on both counts.	Fee undertaking response - completed - 09/08/2023
26/07/2023	GAL	Client	Email – From GAL to client team with GIS overlay	None	
09/08/2023	GAL	Client	Email – From GAL to client team with initial	Client team to respond	Completed – 22/08/2023



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			agreement to £20,000 fee undertaking		
22/08/2023	Client	GAL	Phone Call – between Josh Puplett & Connor James regarding fee undertaking request	Client team to provide up to date WIP for fee undertaking GAL to provide previously requested information	Completed - 29/08/2023
29/08/2023	Client	GAL	Letter – Current fee position provided to GAL	GAL to provide response.	Completed 04/09/2023
04/09/2023	GAL	Client	Email – GAL requesting phone call from client team to discuss fee undertaking	Client team to call.	Completed 12/09/2023
12/09/2023	Client	GAL	Phone Call – between Josh Puplett & Connor James regarding updated fee position and request for further information	Client team to provide further rationale for fee undertaking & reiterate list of information required	Completed 19/09/2023
12/09/2023	Client	GAL	Email – Client team re-provide list of information and offer to meet again to discuss.	GAL to provide information requested and confirm availability for meeting	Partly Completed – 29/09/2023
12/09/2023	GAL	Client	Email – GAL confirms receipt of email and commits to send out meeting invitation by 15/09/23	GAL to provide date for meeting and response to re-request for information.	Partly Completed – 29/09/2023
18/09/2023	Client	GAL	Phone Call – Call from client home team chasing date for meeting & receipt of information requested	GAL to provide date for meeting and response to re-request for information	Partly Completed – 29/09/2023
19/09/2023	Client	GAL	Letter – Letter from client home team with update on fee position	GAL to provide response on professional fee undertaking.	Completed 03/10/2023
22/09/2023	GAL	Client	Email – Receipt of Letter and offer of meeting w/c 2 <sup>nd</sup> October & provide responses next week	Client Team to provide availability	Completed 29/09/2023



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25/09/2023	Client	GAL	Email – Client team offering availability for meeting	GAL to send meeting invite	Awaited – Completed by Client 02/10/2023
27/09/2023	Client	GAL	Email – chasing GAL for meeting	GAL to send meeting invite	Awaited – Completed by Client 02/10/2023
27/09/2023	GAL	Client	Phone Call – Voicemail explaining 14/16 responses have been collated and will provide dates 28/09	GAL to send across information and meeting invite	Awaited – Meeting arranged by client 02/10/2023
29/09/2023	Client	GAL	Phone Call – between Josh Puplett and Connor James re request for further information and meeting	GAL to send across information and meeting invite	Awaited – Meeting arranged by client 02/10/2023
29/09/2023	GAL	Client	Email – providing responses to 14/16 queries and dates for meeting	GAL to arrange meeting	Awaited – Meeting arranged by Client 02/10/2023
02/10/2023	Client	GAL	Meeting invite for surveyors meeting		
03/10/2023	-	-	Teams Meeting – discussing fee undertaking	GAL to send across remaining responses Client Team to send across additional justification or fees.	Awaited – GAL provided 03/11/2023
09/10/2023	GAL	Client	Voicemail – update on additional responses – awaiting GAL sign off	GAL to send across remaining responses	Awaited – GAL provided 03/11/2023
10/10/2023	Client	GAL	Email – requesting additional responses once available	GAL to send across remaining responses	Awaited – GAL provided 03/11/2023
11/10/2023	Client	GAL	Email – requesting additional responses and Arup availability to meet with Client engineers	GAL to respond with engineers availability and additional responses	Awaited
23/10/2023	-	-	Phone Call – GAL requesting exemplar Heads of Terms and further fees information. Client home team requesting	GAL to provide additional responses and engineers availability Client home team to provide additional fees justification and consult	Awaited

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			engineers meeting and additional responses.	on providing exemplar Heads of Terms	
26/10/2023	Client	GAL	Email – Client team providing minutes from 03/10/23 meeting and further requesting engineers availability and outstanding responses.	GAL to provide engineers availability and responses to outstanding queries	Awaited
03/11/2023	GAL	Client	Email – providing response to outstanding queries from 03/10/2023	GAL to provide date for engineers meeting	Awaited – originally requested 11/10/2023
06/11/2023	Client	GAL	Email – asking for GAL Engineers availability	GAL to provide date for engineers meeting	Awaited – originally requested 11/10/2023
06/11/2023	GAL	Client	Email – GAL providing Engineers availability	Client to send out meeting invite	
07/11/2023	Client	GAL	Email – Meeting invite sent for distribution to engineers	GAL to distribute to engineers	
15/11/2023	GAL	Client	Email – requesting update on ability to share exemplar Heads of Terms	Client to review HoT's for ability to share with GAL	
17/11/2023	-	-	Meeting – between Client and GAL Engineers. GAL Acoustics team unable to attend. Client sent across comments to engineers responses and traffic data.	GAL to provide responses to technical points and acceptance of meeting notes.	
22/11/2023	Client Eng	GAL Eng	Email – reiterating need for acousticians meeting	GAL Eng to provide contact details for Acoustician or meeting invite.	Awaited
28/11/2023	GAL	Client	Email – requesting update of exemplar HoT's and professional fees justification	Client to review HoT's for ability to share with GAL and provide fees update	
29/11/2023	Client Eng	GAL Eng	Email – further requesting acousticians meeting	GAL Eng to provide dates for meeting or contact details	Awaited – Originally requested 22/11/23

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29/11/2023	GAL Eng	Client Eng	Email – GAL Engineers states that GAL surveyor is coordinating	GAL surveyor to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
29/11/2023	Client Eng	GAL	Email – requesting date for acoustician meeting	GAL to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
29/11/2023	GAL	Client Eng	Email – stating aim to provide meeting invite by 31/11/23	GAL to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
06/12/2023	Client Eng	GAL	Email – requesting acoustics meeting as deadline for invite passed.	GAL to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
06/12/2023	GAL	Client Eng	Email – promises update by 07/12/2023	GAL to provide date for meeting by 07/12/23	Awaited – Originally requested 22/11/23
11/12/2023	GAL	Client	Email – requesting update on exemplar HoT's and professional fees justification	Client to review HoT's for ability to share with GAL and provide fees update	
12/12/2023	Client	GAL	Letter – providing further justification on fees alongside previous sharing of information at engineers call. Client requested outstanding points from engineers call from 17/11/23 including acceptance of minutes, replacement acoustics meeting, mitigations & tracker responses. Client confirms that work on HoT's will not continue without outstanding information being provided.	GAL to provide all outstanding information and dates for missed acoustics meeting	Awaited – requested 17/11/23
03/01/2024	Client	GAL	Email – requesting update on 4 outstanding workstreams from GAL	GAL to provide all outstanding information and dates for missed acoustics meeting	Awaited – requested 17/11/23

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03/01/2024	Client Eng	GAL	Email – requesting update on acousticians meeting	GAL to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
09/01/2024	Client	GAL	Email – requesting update on 4 outstanding workstreams from GAL	GAL to provide all outstanding information and dates for missed acoustics meeting	Awaited – requested 17/11/23
10/01/2024	GAL	Client	Email – GAL accepts meeting minutes but does not provide any additional information for review.	GAL to provide all outstanding information and dates for missed acoustics meeting	
11/01/2024	Client	GAL	Email – suggesting times for call 11/01	GAL to provide availability.	
11/01/2024	Client	GAL	Phone Call – GAL offers fee undertaking contribution of £25-30k to draw line under work currently and another tranche once HoTs are discussed. GAL confirms that engineer's response will be received by 25/01/2024 & that acoustics team are stretched and unable to meet presently	GAL to provide all outstanding information and dates for missed acoustics meeting	Awaited – requested 17/11/23
11/01/2024	GAL	Client Eng	Phone Call – GAL apologising for lack of engagement as acoustics team are dealing with relevant representation responses.	GAL to provide dates and coordinate meeting	Awaited – Originally requested 22/11/23
16/01/2024	Client	GAL	Email – noting details of call and reiterates need for outstanding information before any agreement can be discussed. Surveyor taking instructions from Client on professional fees offer	GAL to provide all outstanding information	Awaited – requested 17/11/23
23/01/2024	GAL	Client Eng	Email – asking technical question re	GAL to provide dates and coordinate meeting.	Awaited – Originally requested 22/11/23

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			noise insulation – no date for meeting provided	Client to provide technical information	
24/01/2024	Client Eng	GAL	Email – explaining client will only share information one acoustics meeting is set up.	GAL to provide dates and coordinate meeting.	Awaited – Originally requested 22/11/23
24/01/2024	GAL	Client Eng	Email – providing dates for acoustics meeting	Client to provided requested acoustic response	
25/01/2024	Client	GAL	Email – requesting update on outstanding actions as timeframe for providing lapses	GAL to provide all outstanding information	Awaited – requested 17/11/23

Outstanding Information Still to be Provided by GAL

- Further technical responses to Client engineers queries
- GAL Works Mitigations and Solutions

Updated 25/01/2024

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**Appendix 2**  
**Relevant Representations for IP 20044640**

October 2023

Dear Sirs,

**Proposed Gatwick Airport Northern Runway  
Holiday Inn London Gatwick Airport, Povey Cross Road, RH6 0BA**

This firm acts for Marathon Asset Management MCAP Global Finance (UK) LLP, who manage assets for HI (London Gatwick) Limited and HICP Limited. For the purpose of this letter we refer to these companies as “our Client”.

HI (London Gatwick) Limited is the long leasehold owner of land, which is registered at the Land Registry under title number SY574001 and is held under a headlease dated 30 April 1987 made between (1) The Metropolitan Railway Surplus Lands Company Limited and (2) Trusthouse Forte (U.K.) Limited, for a term of 99 years expiring on 31 October 2085. On 31 March 2016, HI (London Gatwick) Limited granted an underlease of this land to the current occupational tenant, HICP Limited (which is a group company of HI (London Gatwick) Limited), for a term of 20 years expiring on 1 April 2035 and which is registered at the Land Registry under title number SY836088 (with both interests now being referred to as the “Property”). The Hotel on the Property is operated under the “Holiday Inn” brand (the “Hotel”).

Our Client has been made aware that Gatwick Airport Limited (“GAL”) has applied to the Secretary of State for Transport under s37 of the Planning Act 2008 for a Development Consent Order (“DCO”) to authorise alterations to the existing northern runway at Gatwick Airport. This, alongside the lifting of the current restrictions, would allow for dual runway operations and associated development (“Project”).

The proposed Project would also include surface access (including highway) improvements and landscape / ecological planting and environmental mitigation.



Our Client is the long leasehold owner and operator of the Property known as Holiday Inn London Gatwick Airport, Povey Cross Road, RH6 0BA, over which the proposed DCO looks to:

- Acquire permanently 2,249sqm of the Property shown on the plan annexed to these Representations (Plots 1/026, 1/042, 1/057, 1/061, 1/067, 1/072 & 1/073) to make amends to the highway A217, London Road and Longbridge Road
- Acquire temporarily 316sqm of the Property shown on the plan annexed to these Representations (Plot 1/062) for the purpose of the construction of the amended A217 and Longbridge Roundabout layout.

These proposals would adversely impact our Client's Property and operation of the business through:

- Removal of part of the direct access from the main eastern entrance of the Property to the A217.
- Restricting customer access to the Car park
- Removal and reconfiguration of landscaping around the Property.
- Removal of the turning circle which allows larger vehicles to access the main eastern entrance to the Property, which is heavily utilised by the Hoppa Bus around the airport estate, a key offering of the business.
- Increase to ambient and maximum external noise levels with associated impacts on acoustic conditions for rest and sleep within the Hotel.

Having reviewed the amended plans presented in the Summer 2022 consultation, the Phased Construction Plan 2032 & the published Land and Works plans as part of the DCO submission and in response to the s51 Planning Act 2008 request by the Planning Inspectorate, our Client is concerned that the Property will be adversely affected by way of access and environmental impacts, in particular through the impact of noise and the construction works carried out adjoining and on the Property.

Those concerns are further confirmed via the terms proposed for an option agreement that was provided to our Client via GAL's Agents dated 21 March 2023 (the "Option Agreement").

The terms of the Option Agreement show a fundamental lack of understanding of our Client's use of the Property and operation of the business, which could and should have been better understood by GAL through meaningful engagement and consultation with our Client.

Our Client would like to make clear that it does not oppose the principle of the application itself but has significant concerns with the impacts of the project as it is currently permitted and the way in which they have been engaged with to date. Our Client's main concerns are related to:

- The negative impact of the proposed Project on traffic management and customer access to the Property through the temporary use and permanent acquisition of parts of the Property.
- The Project proposes to permanently acquire land that is part of the main access to the Property.
- The negative impact of proposed construction works and amended highway layouts as part of the proposed Project on the operation of the Hoppa Bus route and associated business provided by the 'Park Stay and Fly' Scheme.
- Alongside the Hoppa Bus, disruption caused by the proposed construction works along the entire A217 will adversely impact all traffic to and from the Property. Disruption caused by such an imposition of traffic management measures throughout the project, such as lane closures, diversions, and queues, will create significant uncertainty about travel times and will have the effect of marginalizing the Hotel's market appeal, resulting in a loss of business.
- The impact of construction works and future air and road traffic increases on the ability for the Hotel to fulfil ongoing and significant contractual obligations in providing airline crew rest rooms. Such obligations require quiet, restful conditions in the daytime as well as night and defaulting on this could result in the loss of contracts and potential income.
- The negative impact on trade of all of the above will result in business losses and reputational damage to our Client's business.

- The resulting landscaping works and associated remedial costs and associated professional fees that would need to be carried out to reconfigure internal vehicle access at the Property, namely the turning circle and access to customer drop off.

It is expected that our Client will received compensation and mitigation for the above concerns regarding impacts and disruption.

To date, correspondence between GAL and our Client has not been adequate nor have solutions been proposed to mitigate the impacts on the Property on account of the proposed Project. We note that prior to our Client taking control of the Property, GAL's land referencer's wrote to the previous operator in November 2019, stating that they would be applying for a Development Consent Order pursuant to which it had a duty to attempt to identify and consult with anyone who may have an interest in land potentially affected by the proposed development.

In January 2020, our Client's legal advisers completed and returned GAL's Land Information Questionnaire on the Property as requested. Stantec, our Client's technical advisers, additionally contacted GAL for more information to which they were informed the Project was on hold due to the Coronavirus pandemic. We are not aware of any further correspondence until 7<sup>th</sup> October 2022. We detail our record of correspondence post our Client taking control of the asset, as follows:

Date	From	To	Purpose	Action	Action Status
07/10/2022	GAL	Client	Letter – Outlining project and timelines for DCO	Client to respond with meeting availability	Completed – 15/11/2022
15/11/2022	-	-	Meeting – Introductory call between both parties		
15/11/2022	GAL	Client	Email – GAL confirming intention to meet with wider team	GAL to provide dates for meeting	Awaited – Superseded by other requests
30/11/2022	Client	GAL	Email – requesting information promised in meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023

12/12/2022	Client	GAL	Email - re-requesting information from meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023
13/01/2023	Client	GAL	Email – re-requesting information from meeting of 15/11/22	GAL to provide project drawings and timescale for receiving information	Completed – 13/01/2023
13/01/2023	GAL	Client	Email – providing design drawing	GAL to provide draft heads of terms	Completed – 21/03/2023
16/01/2023	Client	GAL	Email – requesting narrative explaining significance and impact on Property.	GAL to provide narrative and timescales on Property.	Completed – 06/03/2023
23/01/2023	Client	GAL	Email – chasing GAL for Heads of Terms	GAL to provide draft Heads of Terms	Completed – 21/03/2023
15/02/2023	Client	GAL	Email – chasing GAL for Heads of Terms	GAL to provide draft Heads of Terms	Completed – 21/03/2023
21/02/2023	Client	GAL	Email – Client expressing dissatisfaction with length of time between call and information being provided.	GAL to provide reason for delay and draft Heads of Terms	Completed – 21/03/2023
06/03/2023	Client	GAL	Email – Client chasing for Heads of Terms	GAL to provide update and Heads of Terms	Completed – 21/03/2023
06/03/2023	GAL	Client	Email – GAL apologises and reconfirms that Heads of Terms are to be provided that week	GAL to provide up draft Heads of Terms	Completed – 21/03/2023
21/03/2023	GAL	Client	Email – GAL provides Heads of Terms in secure folder	GAL to provide appropriate access to secure folder.	Completed – 22/03/2023
22/03/2023	GAL	Client	Email – GAL provides missing access to HoT's via secure folder	Client to provide comments	Completed – 22/03/2023
29/03/2023	GAL	Client	Email – referencing Heads of Terms	Client to provide comments or instruct appropriate representation.	Completed – 01/06/2023
01/06/2023	Client	GAL	Letter - Introduction of Client Team & request for fee	GAL to provide response to fee	Completed 01/06/2023

			undertaking and DCO submission date	undertaking and submission date.	
01/06/2023	GAL	Client	Email – From GAL to client team requesting further information on fee undertaking request	Client Team to provide greater detail on fee undertaking proposal.	Completed – 15/06/2023
01/06/2023	Client	GAL	Email – from client team to GAL requesting teams meeting	GAL to confirm availability	Completed 06/06/2023
05/06/2023	Client	GAL	Email – from client team to GAL chasing initial meeting	GAL to confirm availability	Completed – 06/06/2023
06/06/2023	GAL	Client	Email – from GAL providing arrangement for meeting and HoT plan	None	
07/06/2023	-	-	Teams Call – call with GAL and Client Team where client team set out further information required and agreed to send updated fee undertaking letter.	GAL to provide response to request for further information on scheme. Client team to provide updated fee undertaking request.	
12/06/2023	Client	GAL	Email – from client team to GAL regarding list of additional information required	GAL to provide response to request for further information on scheme.	Awaited
15/06/2023	Client	GAL	Email – from client team to GAL regarding confirming professional fees will be reclaimable.	GAL to provide response on fee undertaking.	Completed – 20/06/2023
20/06/2023	GAL	Client	Email – from GAL to client team requesting hourly rates and detail of client team	Client team to provide fee undertaking letter	Completed – 07/07/2023
28/06/2023	Client	GAL	Email – from client team to GAL re timeframe for receiving requested scheme information	GAL to provide timeframe or further information on scheme.	Awaited

07/07/2023	Client	GAL	Letter – Request for fee undertaking from client team	GAL to provide response or update on fee position	Completed - 09/08/2023
13/07/2023	Client	GAL	Email – Client team requesting confirmation of receipt of fee undertaking request	GAL to provide response to and/or updated fee position	Completed - 09/08/2023
26/07/2023	Client	GAL	Email – from client team to GAL requesting update on request for fee undertaking & further scheme information	GAL to provide response on both counts.	Fee undertaking response - completed - 09/08/2023
26/07/2023	GAL	Client	Email – From GAL to client team with GIS overlay	None	
09/08/2023	GAL	Client	Email – From GAL to client team with initial agreement to £20,000 fee undertaking	Client team to respond	Completed – 22/08/2023
22/08/2023	Client	GAL	Phone Call – between Josh Puplett & Connor James regarding fee undertaking request	Client team to provide up to date WIP for fee undertaking GAL to provide previously requested information	Completed - 29/08/2023
29/08/2023	Client	GAL	Letter – Current fee position provided to GAL	GAL to provide response.	Completed 04/09/2023
04/09/2023	GAL	Client	Email – GAL requesting phone call from client team to discuss fee undertaking	Client team to call.	Completed 12/09/2023
12/09/2023	Client	GAL	Phone Call – between Josh Puplett & Connor James regarding updated fee position and request for further information	Client team to provide further rationale for fee undertaking & reiterate list of information required	Completed 19/09/2023
12/09/2023	Client	GAL	Email – Client team re-provide list of information and offer	GAL to provide information requested and confirm availability for meeting	Partly Completed – 29/09/2023

			to meet again to discuss.		
12/09/2023	GAL	Client	Email – GAL confirms receipt of email and commits to send out meeting invitation by 15/09/23	GAL to provide date for meeting and response to re-request for information.	Partly Completed – 29/09/2023
18/09/2023	Client	GAL	Phone Call – Call from client home team chasing date for meeting & receipt of information requested	GAL to provide date for meeting and response to re-request for information	Partly Completed – 29/09/2023
19/09/2023	Client	GAL	Letter – Letter from client home team with update on fee position	GAL to provide response on professional fee undertaking.	Completed 03/10/2023
22/09/2023	GAL	Client	Email – Receipt of Letter and offer of meeting w/c 2 <sup>nd</sup> October & provide responses next week	Client Team to provide availability	Completed 29/09/2023
25/09/2023	Client	GAL	Email – Client team offering availability for meeting	GAL to send meeting invite	Awaited – Completed by Client 02/10/2023
27/09/2023	Client	GAL	Email – chasing GAL for meeting	GAL to send meeting invite	Awaited – Completed by Client 02/10/2023
27/09/2023	GAL	Client	Phone Call – Voicemail explaining 14/16 responses have been collated and will provide dates 28/09	GAL to send across information and meeting invite	Awaited – Meeting arranged by client 02/10/2023
29/09/2023	Client	GAL	Phone Call – between Josh Puplett and Connor James re request for further information and meeting	GAL to send across information and meeting invite	Awaited – Meeting arranged by client 02/10/2023
29/09/2023	GAL	Client	Email – providing responses to 14/16 queries and dates for meeting	GAL to arrange meeting	Awaited – Meeting arranged by Client 02/10/2023
02/10/2023	Client	GAL	Meeting invite for surveyors meeting		



03/10/2023	-	-	Teams Meeting – discussing fee undertaking	GAL to send across remaining responses Client Team to send across additional justification or fees.	Awaited
09/10/2023	GAL	Client	Voicemail – update on additional responses – awaiting GAL sign off	GAL to send across remaining responses	Awaited
10/10/2023	Client	GAL	Email – requesting additional responses once available	GAL to send across remaining responses	Awaited
11/10/2023	Client	GAL	Email – requesting additional responses and Arup availability to meet with Client engineers	GAL to respond with engineers availability and additional responses	Awaited
23/10/2023	-	-	Phone Call – GAL requesting exemplar Heads of Terms and further fees information. Client home team requesting engineers meeting and additional responses.	GAL to provide additional responses and engineers availability Client home team to provide additional fees justification and consult on providing exemplar Heads of Terms	Awaited
26/10/2023	Client	GAL	Email – Client team providing minutes from 03/10/23 meeting and further requesting engineers availability and outstanding responses.	GAL to provide engineers availability and responses to outstanding queries	Awaited

Our Client is willing to engage with GAL with the objective of reaching an agreement on a mitigations deed outside of the formal DCO process. Should GAL not be willing to engage meaningfully to agree to a mitigation deed that serves our Client and addresses their concerns in respect of the impacts of the Project on the operation of the Hotel, our Client will have no other option than to seek protective provisions on the face of the DCO. Our Client will also require to be heard at a compulsory acquisition hearing, which we are preparing

for, as prescribed under s92 of the Planning Act 2009 in respect of those parcels of land to be temporarily and compulsorily acquired by GAL.

A substantive written representation is being prepared to be submitted in due course.

Yours sincerely,



**Connor James  
Senior Surveyor**



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**Appendix 3**  
**List of Documents to be referred to by Professional Team**

<b>Examination Library / Relevant Representation Library Reference Number</b>	<b>Document Title</b>
APP-001	Cover Letter
APP-006/AS-004	Draft Development Consent Order
APP-009	Funding Statement
APP-010/AS-008	Statement of Reasons
APP-011/AS-010	Book of Reference Part 1
APP-12/AS-012	Book of Reference Part 2
All referenced	Book 4: Plans/Drawings/Sections
APP-026	Environmental Statement Chapter 1 Introduction, and related figures and appendices
APP-027	Environmental Statement Chapter 2 Planning Policy Context, and related figures and appendices
APP-028	Environmental Statement Chapter 3, Alternatives Considered, and related figures and appendices
APP-030	Environmental Statement Chapter 5 Project Description, and related figures and appendices
APP-031	Environmental Statement Chapter 6 Approach to Environmental Statement
APP-037	Environmental Statement Chapter 12 Traffic and Transport, and related figures and appendices
APP-039	Environmental Statement Chapter 14 Noise and Vibration, and related figures and appendices
APP-042	Environmental Statement Chapter 17 Socio-Economic, and related figures and appendices
APP-046	Environmental Statement Chapter 21 Summary of Effects, and related figures and appendices
APP-217	Environmental Statement Non-Technical Summary
All referenced	Book 6: Consultation and Engagement
APP-245	Planning Statement, including all related figures and appendices
APP-250	Needs Case , including all related figures and appendices
APP-253 to 257	Design and Access Statement (All volumes)
APP-258 to 263	Transport Assessment, including all related figures and appendices
APP-265	Statement of Statutory Nuisance
AoC-018	Submissions on Adequacy of Consultation received during Pre-application and Acceptance Adequacy of Consultation Responses
AoC-019	Surrey County Council Adequacy of Consultation Representation
AoC-003	Crawley Borough Council Adequacy of Consultation Representation Request
AoC-020	Joint Adequacy of Consultation Representation Combined (Crawley Borough Council, West Sussex County Council, Mole Valley District Council, Reigate and Banstead Borough Council, Tandridge District Council, and Surrey County Council)
RR-2703	Relevant Representation of Marathon Asset Management MCAP Global Finance (UK) LLP

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PD-001 to 009	Procedural Decisions and Notification from the Examining Authority (All documents)
EV2-001	Agendas for Issue Specific Hearings 1 to 5 to be held between Thursday 29 February and Wednesday 6 March 2024