

**Responses to Written Questions ExQ1 on behalf of Marathon Asset Management MCAP Global Finance (UK) LLP**  
**Interested Party Number: 20044640**

These written responses to the Examining Authority’s Written Questions (ExQ1) are made on behalf of Marathon Asset Management MCAP Global Finance (UK) LLP (‘**Marathon**’), HI (London Gatwick) Limited and HICP Limited (together ‘**our Clients**’), Relevant Representation Number RR-2703.

Marathon manages assets for HI (London Gatwick) Limited and HICP Limited. HI (London Gatwick) Limited is the long leasehold owner of land (HM Land Registry title SY574001) held under a headlease between (1) The Metropolitan Railway Surplus Lands Company Limited and (2) Trusthouse Forte (UK) Limited dated 30 April 1987, for a term of 99 years expiring on 31 October 2085. HICP Limited (a group company of HI (London Gatwick) Limited) is the occupational tenant of this land pursuant to an underlease granted by HI (London Gatwick) Limited on 31 March 2016, for a term of 20 years expiring on 1 April 2035 (HM Land Registry title SY836088). Together these interests are referred to as ‘the Property’ for the purpose of these responses. The Property is used for the purposes of the Holiday Inn Hotel Business.

Although none of ExQ1 are addressed to Marathon directly, a small number raise issues relevant to Marathon’s representations or interests and so it would wish to comment upon them.

<b>ExQ1</b>	<b>Question</b>	<b>Response</b>
<b>Compulsory Acquisition and Temporary Possession</b>		
<b>CA.1.7</b>	<b>Acquisition of Other Rights or Land</b> Are any land or rights acquisitions required in addition to those sought through the draft DCO (dDCO) before the Proposed Development could become operational?	Marathon’s Written Representations (‘WR’) identify a direct impact on the Property and Hotel operations through the construction of highway works in proximity to the Property. This would cause disruption, in particular in respect of preventing access to the Property and increased traffic. Through recent engagement with GAL, a proposal has emerged for a temporary access to be created to the north of the Property (Plot 1/057) which is necessary to resolve the access concerns but would require land in which our Client has an interest but is outside of Order Limits. Whilst the feasibility of this design is currently being considered in greater detail, it is noted that GAL will need to secure from Marathon additional land rights in order to provide this. Marathon is willing in principle to agree to alongside resolution of its other concerns.
<b>CA.1.9</b>	<b>Scope and Purpose of Compulsory Acquisition Powers</b> It is stated that land within the Order Limits (OL) will be subject to a statutory authority to override easements and other rights, and to extinguish private rights of way upon the appropriation of the land for the purposes of the DCO. Please explain in further detail: a) The need to seek such a wide-ranging power and why all such rights and	Marathon’s concern is to maintain at all times adequate access to the Property and rights for utilities that service the Property. As it is currently unknown what services are present under the parts of the Property proposed to be acquired, if any are found during surveys or construction, our Client would require that (1) these services are protected and provided continuously during construction by GAL appointed contractors and (2) that Marathon has the right to access and maintain to protect the running of the Hotel business. It should be noted that drainage has historically been a particularly challenging issue in this location and Marathon would not wish to see any deterioration in the drainage now serving the Property.

	<p>easements cannot be specifically identified. b) Why it is necessary to include powers of CA as a means of overriding existing rights and interests in or over land, as well as creating new rights over land, and granting the right to take temporary possession (TP) of land? c) The nature and extent of any delay to the project that might otherwise result. d) What alternatives to this approach have been explored?</p>	
<b>CA.1.10</b>	<p><b>Scope and Purpose of Compulsory Acquisition Powers</b></p> <p>The SoR, paragraph 6.2.6 [AS-008], states that the OL have been defined to allow sufficient flexibility to enable the final detailed design of the Proposed Development to be optimal [AS-008]. In addition, paragraph 3.2.3 indicates that flexibility is required particularly for the highways works and some of the runway exit/ entrance taxiways.</p> <p>a) For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of Limits of Works and parameters providing dimensions where relevant.</p>	<p>Marathon considers this flexibility indicates that more land is being acquired than needed, particularly in relation to highways works around the Longbridge Roundabout (see CA.1.43 referencing Plot 1/062). Marathon would welcome the ability to see what flexibility has been applied in the locality of the Property and in Works Package No.37 to understand where land take could be minimised.</p>
	<p>b) How would it be ensured that powers of CA would not be exercised in respect of land not ultimately required as a result of the detailed design process?.</p>	<p>Consistent with our response to a) above, Marathon considers that excessive permanent land take is proposed at this stage. Whilst Marathon's preference is to see the permanent land take in the vicinity of the Property reduced prior to the grant of the DCO (which discussions are ongoing with GAL), it is concerned that there should be some means in reserve by which GAL can be held to account to ensure that powers of CA would not be exercised over land not actually required</p>
<b>CA.1.12</b>	<p><b>Whether a Compelling Case in the Public Interest Exists</b></p> <p>The SoR, paragraph 8.2.1 [AS-008], states that the Applicant has taken steps to engage with these persons through formal consultation to understand</p>	<p>Whilst Marathon welcomes recent engagement from GAL and their technical team, as discussed in its Written Representations, GAL has only recently begun to fulfil the obligations set out in Paragraph 8.2.1 of the Statement of Reasons (SoR) [AS-008]. GAL have only just begun to meaningfully engage and attempt to understand the impact of the proposed Project on our</p>

	<p>the direct and indirect impacts on them. Paragraph 8.2.2 explains that the Applicant has engaged directly with individual landowners and those with an interest in the affected land. As a result of this engagement GAL has had a better understanding of the direct and indirect impacts on individual landowners. Please provide further details, with examples where available:</p> <p>a) How has such engagement helped to shape the proposals and enabled the Applicant to make changes to designs to minimise the private loss?</p> <p>b) How has the direct engagement with individual landowners given the Applicant a better understanding of the direct and indirect impacts on them?</p> <p>c) Please provide detail, where available, of the direct and indirect impacts thereby identified.</p>	<p>Client’s Property. We do however look forward to this continuing in future discussions and will keep the Ex A appraised of progress.</p>										
<p><b>CA.1.29</b></p>	<p><b>Scope and Purpose of Compulsory Acquisition Powers</b></p> <p>Paragraph 5.4.3 of the SoR [AS-008] explains that Art. 38 (time limit for exercise of authority to temporarily use land for carrying out the authorised development) would provide that GAL must exercise its power to temporarily use land or interests within ten years of the Order being granted. However, this leaves the period of TP open-ended from the date the power is exercised. Should there not also be a time limit after which the TP of the land or interests must cease?</p>	<p>Marathon’s land is not presently identified for temporary use albeit it could be so used in accordance with art.37 of the draft DCO if GAL had not sought to permanently acquire it. Marathon is also in discussions with GAL about permitting temporary possession instead of permanent acquisition for the purposes of constructing Work No. 37. Marathon does have concerns about the ability for GAL to leave the period in which temporary possession is taken open ended. Having no time limit on temporary possession powers increases the uncertainty of the impact of the Project on the Property and the likely period of disruption. This is likely to have serious implications for the unimpeded operation of the Hotel business. As such, Marathon will need confirmation of the maximum timeframe in which temporary land is to be acquired for.</p>										
<p><b>CA.1.32</b></p>	<p><b>Accuracy of the Book of Reference, Land Plans and Points of Clarification</b></p> <p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1-009 and REP1-011], SoR [AS-008] or Land Plans [AS-015 and AS-016]? If</p>	<p>As outlined in paragraph 5.1 of our Client’s WR, we have identified the following inaccuracies in the published Book of Reference, which we repeat for the avoidance of doubt:</p> <table border="1" data-bbox="974 1252 1995 1321"> <thead> <tr> <th data-bbox="974 1252 1137 1321">Plot Number</th> <th data-bbox="1137 1252 1429 1321">Cat 1 - Owner or Reputed Owners</th> <th data-bbox="1429 1252 1697 1321">Cat 1 - Lessees or Tenants</th> <th data-bbox="1697 1252 1995 1321">Cat 1 - Occupiers</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Plot Number	Cat 1 - Owner or Reputed Owners	Cat 1 - Lessees or Tenants	Cat 1 - Occupiers				
Plot Number	Cat 1 - Owner or Reputed Owners	Cat 1 - Lessees or Tenants	Cat 1 - Occupiers									

	<p>so, please set out what these are and provide the correct details.</p>	<p>1/042</p>	<p>Peak Securities Limited Russell House 140 High Street EDGWARE HA8 7LW</p>	<p>HI (London Gatwick) Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p> <p>HICP Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p>	<p>HICP Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p>
		<p>1/073</p>	<p>Peak Securities Limited Russell House 140 High Street EDGWARE HA8 7LW</p>	<p>HI (London Gatwick) Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p> <p>HICP Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p>	<p>HICP Limited St. James House 27-43 Eastern Road ROMFORD Essex RM1 3NH</p>
<p><b>CA.1.33</b></p>	<p><b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected</b> Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p>	<p>Similarly as in response to CA.1.9, CA..1.10 and CA.1.29, Marathon has concerns regarding the legitimacy, proportionality and necessity of the CA and TP powers being sought by the Applicant, namely the amount of proposed land being acquired permanently, the ability to extinguish existing rights over land and the period of any temporary possession of our Client’s land. As stated in paragraph 1.7 of our Client’s Written Representations, we outline the significant concerns the above mentioned powers would have on the Property:</p>			

		<ul style="list-style-type: none"> <li>• The Project would adversely impact the Property and Hotel operations through excessive and unjustified permanent land take. For the reasons explained below, the proposed land take would also have a detrimental impact on future proposals for expansion of Hotel operations at the Property.</li> <li>• During the construction period, the need to divert the 24-hour shuttle bus service that runs between the hotel and the airport terminals (known as the Hoppa bus) is likely to have a detrimental impact on its reliability and consequently on a significant proportion of the Hotel's business operations.</li> <li>• The construction of highway works in proximity to the Property would cause disruption, in particular in respect of preventing access to the Property and increased traffic.</li> <li>• Both during the construction and operation of the Project, the noise effects arising from aircraft, ground sources, road traffic and construction are likely to be detrimental to the Hotel's business operations. Apparent methodological errors in the assessment of noise effects by GAL mean that, at present, the noise effects on the Property cannot be properly understood.</li> </ul>
<b>CA.1.43</b>	<p><b>Objections to Compulsory Acquisition and Temporary Possession Powers</b></p> <p>In respect of Marathon Asset Management MCAP Global Finance (UK) LLP, please clarify whether rights which are proposed to be acquired over Plot 1/062 would have a material impact on the future redevelopment of the land?</p>	Marathon would welcome further information on the temporary powers and / or rights being sought over Plot 1/062, as this currently remains unclear and does not look to be within the boundary for Works Package No.37 [AS-017]. Once this information is provided, Marathon would welcome discussion with GAL and their technical team to ascertain the impact of development potential.
<b>Noise and Vibration</b>		
<b>NV.1.1</b>	<p><b>Replacement Noise Bund</b></p> <p>Paragraph 5.2.72 of the ES [APP-030] describes the existing bund which attenuates noise as having a height of up to 12m. It is to be replaced with a new bund and wall which would be up to 8m high in the west and 10m in the east. Why is the height of the replacement lower than the existing?</p>	<p>Marathon note that the question being posed to the Applicant queries why a lower bund than existing is being proposed, which is not a matter within Marathon's knowledge. However, Marathon wish to draw the ExA's attention to the fact that, even with the current 12 m high bund arrangement, ground noise associated with larger aircraft is currently audible at the Holiday Inn premises. Marathon are therefore concerned that a reduction in height of the existing bund arrangement, combined with increased frequency of large aircraft movements, will serve to increase the impact of ground noise at the Holiday Inn.</p> <p>Limited information has been provided to date with respect to levels of noise that are expected to arise at the Holiday Inn premises during each stage of the Project programme and Marathon</p>

		are therefore interested in reviewing the additional details that are submitted in response to this query so that it may better understand the likely noise impacts of the proposal upon the Hotel.
<b>NV.1.8</b>	<p><b>Description and Character of Aviation Noise</b></p> <p>Paragraph 5.52 of the ANPS states that the noise assessment should include a description of the noise sources and the characteristics of the existing noise environment, including noise from aircraft. ES Appendix 14.9.3 on Ground Noise Modelling [APP-173] presents sound power levels for taxiing aircraft. At 3.1.2 it says “The calculated sound power levels for each aircraft type are presented in octave bands at Table 3.1.1 below. It should be noted that due to difficulties with accurately measuring in the 31.5 Hz octave band, calculated levels in the 63 Hz band have been assumed to be representative of levels in the 31.5 Hz band”.</p> <p>a) Can the Applicant explain the difficulties with measuring and justify this assumption?</p> <p>b) Can the Applicant confirm that:</p> <ol style="list-style-type: none"> <li>i. This assumption only applies to ground noise?</li> <li>ii. Air noise is modelled using the complete audible sound spectrum based on traceable and verifiable information?</li> <li>iii. Can the Applicant provide the noise source sound power values for aircraft used in the modelling, as octave band or more granular information, either with reference to an application document, an additional submission or other publicly accessible source over the normal range of operation for those aircraft?</li> </ol>	Marathon welcomes the opportunity to review further information about the ground noise impact likely to occur at the Holiday Inn premises. Ground noise remains a major area of concern in terms of impact upon the Hotel business and Marathon have not yet seen sufficient reliable information to be satisfied as to the likely impact upon the Holiday Inn.

<p><b>NV.1.15</b></p>	<p><b>Noise Insulation Scheme (ES Appendix 14.9.10 [APP-180])</b>          Can the Applicant explain why it cannot identify dwellings eligible as a result of total aviation noise, that is to say air and ground noise combined, based on calculations, rather than wait until measurement of ground noise have been made after the Proposed Development becomes operational?</p>	<p>Marathon notes that the above question relates specifically to assessment of the combined impact of air and ground noise at “dwellings”. As noted in previous correspondence, the Holiday Inn premises provides rooms for residential-type purposes and in fact has increased sensitivity, owing to the need to provide suitable conditions for sleeping during the daytime and night-time periods in order fulfil terms of cabin crew contracts. Marathon would therefore request that the Holiday Inn also be included within the combined impact assessment.</p> <p>Marathon welcomes the opportunity to review additional information that will allow it to independently assess the potential noise impact at the Holiday Inn premises. If information can only be provided after the scheme has been delivered, then there is no opportunity to pre-empt potential negative impacts in a meaningful way and Marathon are therefore keen to also understand what is preventing the Applicant from undertaking predictions of the combined air and ground noise impact in advance of completion of the works. Marathon are not aware on any practical inhibition on the production of the such assessment.</p>
<p><b>NV.1.20</b></p>	<p><b>Construction Noise and Vibration</b>          The CoCP [REP1-021] includes various topic-based Annexes [APP-083 to APP-087]. The Applicant is asked to consider including a noise and vibration management plan as an Annex.</p>	<p>Given the heightened noise and vibration sensitivity of the Holiday Inn due to it holding cabin crew contracts requiring suitable conditions for sleeping during night and day, there is significant potential for disturbance to be caused during the planned construction works period. Marathon have therefore requested that a Construction Noise and Vibration Management Plan be developed for the Holiday Inn premises, which includes a set of agreed trigger action limits for noise and vibration, along with a suitable regime of monitoring throughout the construction period. Marathon therefore welcome the request for the Applicant to develop plans for how they will suitably mitigate the noise and vibration impacts of the wider construction works that are planned.</p>

**18 April 2024**