

Responses to the Applicant's Response to the Marathon Asset Management MCAP Global Finance (UK) LLP's ("Marathon") Written Representation (ExQ1)

On behalf of Marathon Asset Management MCAP Global Finance (UK) LLP (Interested Party Number: 20044640)

| Topic | Matter Raised | Applicant's Response | Marathon Response |
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| <p>Compulsory Acquisition</p> | <p>Three principal concerns in respect of the proposed CPO land take under the DCO:</p> <p>The permanent land take as currently proposed is excessive and not clearly justified;</p> <p>The sole access to the Property is proposed for permanent acquisition.</p> <p>Suitable alternative access must be identified in advance of any closure, but this is not yet secured through the Order; and</p> <p>There is a lack of clarity over the need to compulsorily acquire rights.</p> | <p>In respect of permanent land take, the Applicant has provided further information to Marathon Asset Management via correspondence dated 14th March 2024 and the matter was discussed at a face to face meeting on 27th March 2024. Justification for the land required both on a Permanent and Temporary basis can be found in the Statement of Reasons [AS-008] with the land forming a part of the surface access Highway Improvement Works (Work No. 37).</p> <p>In respect of the specific mitigation measures for the sole access, mitigation options were put to Marathon Asset Management in correspondence dated 14th March 2024. Those mitigation options were then discussed at a face to face meeting with Marathon Asset Management on 27th March 2024. Marathon Asset Management expressed a preference for one of the options proposed. The option being worked on by the Applicant is to build a temporary access north of the existing entrance to be used during any closure of the permanent access point. The Applicant will now work up an outline design for this preferred option, for inclusion in a negotiated agreement.</p> <p>In respect of the need to compulsorily acquire rights, the matter was explained to</p> | <p>The main points raised in GAL's response to Marathon's WR were addressed by Marathon at the CA Hearing 1 ("CAH1") on 2nd May 2024. The Ex A are referred to Marathon's post hearing CAH1 Submissions also submitted at Deadline 4. To avoid duplication, we do not repeat the details of those submissions here.</p> <p>Marathon are still uncertain as to what land/new rights are needed by GAL and the justification for compulsory acquisition of such land/rights. Marathon are in negotiations with GAL to reach agreement but if sufficient progress is not made quickly, Marathon will be seeking protective provisions/requirements on the face of the DCO to protect the operation of the Holiday Inn and provide appropriate mitigation against the impacts of the DCO/Project.</p> <p>On review of GAL's response to Ex A Q1 CA.1.43, Marathon would again highlight that Plot 1/062 sits outside of the proposed Longbridge roundabout works package boundary. GAL's response states that permanent rights may be required for the purposes of accessing and maintaining utilities assets. GAL have not provided any plot specific justification for this or details of how the impact on Marathon's property can be minimised and/or mitigated.</p> <p>Of the two temporary access solutions that have been proposed by GAL one is located to the north of the current access, referred to as "the northern access", with an alternative being to the south in</p> |

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| | | <p>Marathon Asset Management in correspondence dated 14th March 2024 and discussed at a face to face meeting on the 27th March 2024 and confirmed the need for both the permanent and temporary land acquisition to undertake the surface access Highway Improvement Works (Work No. 37), which includes the construction of both the active travel path, and Longbridge roundabout and highway expansion works , in addition there is a requirement for permanent rights for the purposes of accessing and maintaining utility assets. The Applicant has, during negotiations, agreed to use all reasonable endeavours to reduce land acquisition where possible.</p> <p>The Applicant will continue to engage with Marathon Asset Management and seek to reach a negotiated agreement.</p> | <p>similar location as the existing access. Both access options were considered by Marathon's consultants, Stantec. They had some concerns regarding the implementation of the southern access and how it would be used by customers primarily due to its proximity to the roundabout and GAL's construction works. At this stage, Marathon prefers the northern access and this is what GAL are developing.</p> <p>An agreed action for Dalcour Maclaren and Arup at roundtable discussion on 27th March 2024 was to provide further details of the proposed northern access to enable Marathon to fully assess it. Whilst we understand that fully detailed design is not available at this time, Marathon and its consultants provided clear instructions on what was required to further progress this design to an acceptable standard. Marathon must be satisfied that the proposal is sufficiently formed especially as Stantec have advised there are still concerns regarding safety, viability and land needed to carry out works. GAL committed to providing this but have not yet done so as per CAH1. The delay is a matter of increasing concern.</p> <p>Land outside of the Order Limits is understood to be required to build the northern access - this still requires discussion as to how this is to be facilitated.</p> <p>As part of the new permanent access arrangements at the hotel, Marathon believe GAL should allow for the hotel internal pedestrian paths to link directly to the new pavement/cycle track (known as an active travel path) which GAL proposes will be constructed</p> |
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| | | | <p>on Marathon's land subject to CPO as part of the Longbridge roundabout construction works. Marathon consider that it is logical to provide access from the hotel to the active travel path given its proximity. This proposal was initially rejected by Arup with Dalcour Maclaren confirming that this position is unlikely to change. As explained in more detail in Marathon's CAH1 post hearing submissions, there is still considerable uncertainty regarding the need for permanent rights over Marathon's land for diversion of utilities. Marathon's view is that temporary rights should be sufficient over a significant part of the land that is proposed for permanent compulsory land take/rights pursuant to the DCO.</p> <p>GAL's commitment to use reasonable endeavours to reduce land take is noted, but is considered to be insufficiently robust as an approach. The detail of an appropriate mechanism, satisfactory to both parties, is therefore still to be secured and developed with sufficient clarity in a binding agreement and negotiations between the parties are ongoing.</p> <p>Marathon will seek such protection through Protective Provisions/requirements on the face of the DCO if a satisfactory agreement is not concluded.</p> |
| Noise | <p>Issues with the Applicant's noise assessment: assessment does not treat the Hotel as a noise sensitive receptor. As a result, there is limited</p> | <p>The Applicant met with Marathon Asset Management (MAM) noise consultant on 6th February 2024. Subsequently, on the 13th and 29th February, GAL has provided noise assessment information specific to the Holiday Inn London Gatwick Airport (the Hotel) to address matters raised by MAM. A</p> | <p>The main points raised in GAL's response to Marathon's WR were addressed by Marathon at CAH1 on 2nd May 2024. The Ex A are referred to Marathon's post hearing CAH1 Submissions also submitted at Deadline 4.</p> |

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| | <p>ability for our Client and the Examining Authority to understand what the impact of the Project is upon the acoustic environment enjoyed by the Hotel.</p> <p>It appears that the relative noise impact of the Project on the Holiday Inn has been severely underestimated as a result of (1) the failing referred to above, and (2) conclusions drawn about the potential noise impact relative to baseline sound data, which baseline is considered to be unreliable. Both these conclusions are considered to be invalid.</p> <p>There is a risk of:</p> <p>Significant increase in day-time and night-time instantaneous noise level events as a result of increased air traffic numbers;</p> | <p>further productive meeting was held on 27 March 2024 and at the time of writing the next meeting on site was planned for 24 April 2024.</p> <p>The information which has been provided to MAM so far is summarised below. It demonstrates that noise from the operation of the Project is likely to result in effects at the Hotel which are either Minor or Negligible. Noise from specific construction works which will be required close to the Hotel are being further assessed because MAM has stated that the Hotel is used by airline pilots for daytime sleeping and consequently there is the potential for some disturbance. GAL is considering the effect of mitigation measures that can be applied during the short term construction works that are required in the vicinity and discussions with MAM on this matter are ongoing.</p> <p>The Hotel has been assessed in the ES Chapter 14: Noise and Vibration [APP- 039] for construction noise, ground noise, air noise and road traffic noise as discussed below, however as only significant effects need to be reported, it is not specifically identified in the report. Non-residential receptors are assessed initially using the screening noise criteria for residential receptors, See ES Chapter 14: Noise and Vibration [APP-039], paragraph 14.4.76, and Applicants Response to Examiners Question NV.1.7). Where potentially significant effects</p> | <p>Marathon met with GAL's noise consultants on 24 April 2024, where more information was provided on the ground noise modelling and planned construction works.</p> <p>With regard to Ground Noise, Marathon has evidence of the operating conditions of the airport that lead to exceedance of the best practice internal instantaneous noise threshold at night (45 dB L_{Amax}). Current airport operating conditions typically see only 3 to 5 such exceedances during a worst-case night in rooms on the rear facade of the hotel, well within the recommended limit of no more than 10 times per night. The ground model approach which was shared with Marathon during the meeting, did not include simulations of the situations that have been linked to the exceedances measured at Holiday Inn.</p> <p>Specifically, it did not assess the cumulative effect of multiple aircraft in the northern area of the airport forecourt (only tracking a single aircraft route at any one time) and it only tracked the single aircraft part way up the Northern Terminal forecourt.</p> <p>Marathon therefore have concerns that the increased number of stands proposed near the existing Northern Terminal and the relocated central holding area, will result in a greater number of situations whereby multiple aircraft are operating simultaneously in the northern section of the airport and that there will be an associated increase in exceedances of the 45 dB L_{Amax} night-time in bedrooms at the hotel.</p> |
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| <p>Significant increase in ground noise levels during the night-time period;</p> <p>Significant impact during construction works related to the widening of the A217 London Road, works to the Longbridge Roundabout and the A23 Bridgeworks;</p> <p>Potential noise impact from the construction compound related to construction traffic movements and items of fixed equipment associated with the serviced site containers, e.g. welfare and office facilities; and</p> <p>Potential noise impact due to changes to road traffic volumes.</p> <p>Whilst our Clients remain keen to work with GAL to identify potential impacts from noise, at present it is considered that the Examining Authority does not have sufficient information before it to be able to accurately assess</p> | <p>are identified, receptor-specific details are then considered when assessing significance.</p> <p>Stantec UK Ltd. on behalf of MAM carried out simultaneous noise measurements inside Hotel bedrooms and outside the Hotel. These have been used to estimate a reduction in noise from outside to inside of approximately 30 dB(A). Further work will be carried out to confirm the façade performance and to understand how and which parts of the hotel is used by airline pilots for sleeping during the day.</p> <p>Road traffic noise. The highest noise effects are predicted to occur in 2032. Changes in road traffic noise from the Proposed Development are predicted to be small, see ES Chapter 14: Noise and Vibration Appendix 14.9.4 [APP-174] Table 6.3.1.</p> <p>Additional traffic flows as a result of the Proposed Development on the A217 outside the Hotel are small as it is not a main route for traffic using the airport. The predicted change in road traffic noise (using forecast data from the ES) is up to 0.2 dB and not significant.</p> <p>Traffic modelling data to take into account the impact of the Covid pandemic is being prepared and will be reported in due course. We expect that traffic flows generated by the airport will be unaffected. Therefore, the</p> | <p>In all the circumstances, the accuracy of GAL's ground noise predictions is doubted.</p> <p>For construction noise, it is noteworthy that GAL do not present their view as to the highest construction noise effects (unlike for ground and air noise).</p> <p>GAL had liaised with their design manager to identify several indicative scenarios that may reasonably occur during the construction works at various locations on and around the Longbridge Roundabout and in front of the hotel. The scenarios had then been modelled to assess their potential impact on the hotel relative to notional trigger limits.</p> <p>Firstly, Marathon disagree with the rationale behind the trigger limit criteria, citing the need to continue to provide quiet internal conditions at a similar level to those that are currently experienced in order to maintain cabin crew contracts, rather than only working to conditions suitable for "daytime resting" in bedrooms, as stated in British Standard BS8233:2014. [For reference, conditions in hotel bedrooms during the daytime are currently equivalent to conditions for ""sleeping"" at night in bedrooms and it is surmised that this a key factor associated with the Holiday Inn holding airline cabin crew contracts.]</p> <p>Notwithstanding this, Marathon also have concerns that the 'reasonable' scenarios did not include for construction works being undertaken simultaneously directly outside the hotel and also on the nearside of Longbridge Roundabout. Marathon also have</p> |
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| | <p>and report upon the likely impact of the Project upon the Hotel.</p> <p>Our Clients and their advisers have made a number of requests for information. GAL's response to these requests has been, in part, unsatisfactory. A number of these requests remain outstanding, which are set out in full in our Written Representation.</p> | <p>conclusions of the assessment are likely to remain unchanged.</p> <p>Baseline. Stantec measured sound levels outside the Hotel in 2023 and note they appear to be lower than the 2018 baseline presented in the ES, although the reasons for this are yet to be checked. Stantec has raised the concern that this difference could affect the conclusions of the ES road traffic noise assessment.</p> <p>The ES road traffic noise assessment considers the change in noise as a result of the Proposed Development when it is in operation, which is predicted to be insignificant as described above.</p> <p>Air noise. The highest noise effects are predicted to occur in 2032. Results for the Hotel can be found in the Aircraft Noise Viewer online using the hotel's postcode RH60BA. Numbers of air traffic movements forecast for each assessment year can be found in Table 14.7.1 of the ES Chapter 14: Noise and Vibration [APP-039].</p> <p>Results show predicted LAeq noise levels at the Hotel are below the LOAEL thresholds, i.e. below 51 dB, LAeq,16h during the day and 45 dB, LAeq,8h at night. The Hotel also falls outside the lowest 'Number Above' contours, i.e. it is predicted to experience less than 20 LAmx 65 dB events during the day and less than 10 LAmx 60 dB events</p> | <p>concerns that no assessment has currently been undertaken for the impact that the extensive A23 Bridgeworks are likely to have on the hotel. This is of particular concern, because noisy works will be undertaken at night during part of the A23 Bridgeworks, so there is the potential to not just affect airline contracts, but also occupants of all rooms located on the front facade of the hotel.</p> <p>A number of requests for information were made via the ExA at CAH1 in relation to all of the above matters. Discussions remain ongoing. Please see Marathon's information requests contained in Marathon's post CAH1 submissions.</p> |
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| | | <p>during the night in both the with and without Project situations. Therefore, significant effects are not expected from aircraft noise as a result of the Proposed</p> <p>Ground noise. The highest noise effects are predicted to occur in 2032. Appendix 14.9.3, Table 5.4.2 presents predicted ground noise levels for the worst-case assessment year, 2032. Results are presented for the Gatwick Park Hospital, which is near by and is a similar distance to the airport as the Hotel.</p> <p>The highest level at night is predicted to be 51 dB, LAeq,8h which is above the LOAEL (of 45 dB) but below the SOAEL (of 55 dB). However, assuming a reduction of 30 dB for the Hotel façade, this would result in an internal noise level of 21 dB, LAeq, which would have a negligible effect on the standard of internal noise levels. LAmx (maximum) noise levels are not expected to increase as a result of the Proposed Development. The highest LAmx noise level inside the Hotel as a result of taxiing noise from Gatwick airport is estimated to be 32 dB, LAmx. This is below the Pro-PG Planning and Noise; New Residential Development, 2017, guideline value of 45 dB. Therefore, significant effects are not expected.</p> | |
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| | | <p>Further ground noise assessment for the slower transition fleet has been provided in Appendix B to Supporting Noise and Vibration Technical Notes to Statements of Common Ground (Doc 10.13) which concludes the ground noise effects will be no worse. The Applicant will meet with Stantec to explain the results and address any queries.</p> <p>Construction noise. The highest predicted construction noise levels at the Hotel are expected as a result of highway works affecting the northeast façade, facing the A217. During the day, the highest noise levels are expected as a result of works at the approaches to the roundabout. During the night, the highest predicted noise levels are expected as a result of works to the A23 Brighton Road Bridge.</p> <p>The compound on the opposite side of the A217 from the Hotel is to be used as a welfare and works compound with no major construction activities generating noise.</p> <p>The ES modelling using BS 5228 is precautionary and assumes only standard noise mitigation measures. GAL is considering the effect of noise barriers to screen the Hotel from works at the approaches to the roundabout and other mitigation measures that can be applied. GAL is sharing the results of this work with</p> | |
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| | | MAM and working forward an agreement on how to manage construction noise so as to mitigate in so far as practicable impacts on the hotel. | |
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