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**Representations prepared on behalf of Holiday Extras Ltd as it relates to
Gatwick Airport DCO Application**

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1.00 INTRODUCTION

1.01 The accompanying representations are raised on behalf of my client, Holiday Extras Ltd, and relate to the Applicant's response contained in i) **Document REP4-019** Rule 17 letter – Car Parking; ii) **Document REP4-030 Appendix H: Note on Accepted Development** and iii) **Airport Development Principle; Document REP4-037 Actions ISH7: Other Environmental Matters.**

2.00 ISSUES CONCERNING TABLE 1 SET OUT IN DOCUMENT REP4-109

2.01 The Applicant has prepared Table 1 as part of **Document REP4-019** entitled "*Comparison of Future Baseline and Proposed Development on Airport Passenger/Visitor Parking*" in response to the Examining Authority's Point R17a.3 relating to the Car Parking Strategy itself forming the subject of **Document REP1-051**.

2.02 In Note 2 on page 5 of **Document REP4-019** concerning Table 1, the Applicant refers to Multi Storey Car Park 7 (MSCP7) which is to be delivered by GAL with an anticipated completion date of 2025, along with phased robotic parking, the first phase of which is expected to be delivered in 2025/2026¹. These two components amount in total to 6,200 passenger car parking spaces; it having been accepted at the Deadline 3 stage that the planning permission relating to the 820 additional car parking spaces at the Hilton Hotel Multi Storey Car Park had lapsed.

2.03 Note 2 on page 5 of the same document mentions a figure of 3,700 passenger car parking spaces attributable to MSCP7. This figure is inconsistent with the figure of 3,250 spaces for the same car park recorded in Figure 3.4.2 of the Car Parking Strategy [**Document REP1-051**]. To the extent that the number of existing commuter and coach parking spaces in 2019 as indicated in Table 1 of **Document REP1-051** amounts to a figure of 292, the difference between the car parking provision associated with MSCP7 cannot be attributable to the commuter and coach parking figure.

2.04 Although the Applicant insists on the 5,750 spaces being included within the Future Baseline by virtue of their anticipated completion date, there is no reason why the same passenger car parking spaces are excluded from the figures for the Proposed Development in Table 1, especially as they will clearly be available for passengers in the

¹ Paragraph 3.4.2 of **Document REP1-051** refers)

period post 2025/26. Furthermore, there is no logical justification why transfer passengers are included in these passenger car parking spaces, as they have no need for car parking spaces.

- 2.05 The contents of Table 1 reveal a loss of existing passenger car parking associated with the Proposed Development during construction of the Northern Runway Proposals in 2026-2029, as well as during the period 2032-2033. In 2026 the Proposed Development will see a loss of 8,540 spaces when compared with the number of passenger car parking spaces associated with the Future Baseline, by which time total passenger throughput, including transfer, is expected to reach 50.9mppa. This is 10.6mppa above the 2023 figure, equivalent to a loss of 1,241 spaces per million passengers. In contrast, as a consequence of the completion of both MSCP7 and robotic car parking, there will be an addition of 5,700 passenger car parking spaces under the Future Baseline, assuming the higher figure is relied upon in terms of the calculating the passenger car parking spaces attributable to MSCP7.
- 2.06 It is only in 2029 that the total number of passenger car parking spaces associated with the Proposed Development approaches the equivalent number of passenger car parking spaces existing in 2023, by which time estimated total passenger throughput including transfer passengers will have increased by 21m. These figures are required to be compared with the Future Baseline figure in 2029, at which time there will be 6,200 additional passenger car parking spaces and an estimated increase in total passenger throughput including transfer passengers of 17mppa.
- 2.07 Table 1 reveals that in 2033 the total number of spaces associated with the proposed development amounts to 41,300, which is only 980 passenger car parking spaces above the 2023 figure at which time it is estimated passenger throughput will have reached 72.9mppa, or 32.6mppa above the 2023 figure.
- 2.08 It is only in 2038, in 14 years' time, when the total estimated passenger throughput at London Gatwick Airport reaches 75.6mppa, or 35.3mppa above the 2023 figure, that the total number of on-airport passenger car parking spaces is expected to exceed the total number of spaces currently available in 2023, at which time the additional 1,100 spaces referred to in Table 5.2.3 of **Document REP1-016** will begin to have an impact.

3.00 FACTORS ARISING FROM CLARIFICATIONS AND SUPPORTING INFORMATION IN DOCUMENT REP4-019

I. Notes 3 and 7 of Table 1

- 3.01 My clients consider there is a need to elaborate upon the methodology referred to in Notes 3 and 7 relating to Table 1. It is said the estimated peak day parking demand for both the Future Baseline and the Proposed Development are based on observed occupancy at 2023 (aggregated across all parking products and values for 2029, 2032 and 2038 taken from the Transport Assessment Modelling Factors from a June Weekday to an August Busy Day (using factors set out in Table 40 of the Transport Assessment Annex B: Strategic Modelling Report [APP-260]). All other values are interpolated based on estimated trends.

II. Robustness of Estimated Parking Demand

- 3.02 It is indicated in paragraphs 3.1.5 and 3.1.6 of **Document REP4-019** that in order to manage parking effectively and efficiently, temporary reductions in the number of staff spaces available in the peak summer period may arise during the periods when there is a loss of existing on-airport car parking spaces as a consequence of construction work occurring during the period 2026 to 2029 and to a lesser extent 2032-2033. This is because additional passenger capacity may be required to avoid pressure on off-airport capacity and support sustainable mode share targets.
- 3.03 This statement would seem to imply that the estimated parking demand concerning the Proposed Development in Table 1 is not as robust as suggested, requiring additional flexibility to be incorporated into the methodology employed to calculate the estimated peak day parking for the Proposed Development.

III. Flexibility and Policy GAT3

- 3.04 The Applicant in proposing what is referred to as a flexible proactive approach to on-airport passenger car parking, seeks to justify its incorporation by reference to the delivery of surface access commitments and the wider surface access strategy at the airport; before distinguishing it from off-airport car parking, where it is said the operator only seeks to promote car travel. This stance however fail to take into account choice.
- 3.05 Long term off-airport car parking offers the passenger choice, consistent with those consumer principles included within CAA's Consumer Strategy, published as recently as

29th September 2023. Of particular importance in the context of aviation, CAA's Consumer Strategy states:

*"One of the CAA's purposes is to support consumers in relation to **choice, value and fair treatment**. The consumer principles can help provide a framework to enable this.*

Access

Consumers should be able to access services at a price and quality that sits their needs. Barriers to access should be identified and addressed. Barriers could include price or difficulty finding relevant information for example.

Choice

Where consumers have choice, they should be able to affect the way goods and services are provided through the choices they make in the marketplace. In order to exercise choice, consumers need to be able to find meaningful information, at the right time, and in a format that makes it easy to compare. To be able to exercise choice confidently consumers also need a strong regulatory framework to protect them if things go wrong." (highlighting as per original document)

3.06 Appeal decisions involving long term off-airport car parking uses have demonstrated the significance to be attached to customer choice in the provision of surface access to an airport. In two separate appeals allowed by The Planning Inspectorate on 18th May 2011² involving Austin Hayes (UK) Ltd and land at Sentinel Car Park, Warren House Lane, Yeadon, Leeds LS19 7FT; and Learmonth Property Investment Co Ltd on land at Unit 1A Leeds Bradford Airport Industrial Estate, Harrogate Road, Leeds LS19 7WP, the Inspector Mr. P.J. Asquith MA(Hons) MA MRTPI concluded on the topic of "customer choice":-

"55. A further factor to be borne in mind is that the proposals for off-airport parking provision would provide an element of customer choice compared with the near-monopolistic offer that would exist in their absence. Increased choice is a thrust of PPS4 and one which is repeated in the Ministerial Statement of 23 March 2011, Planning for Growth by the Minister for Decentralisation."

3.07 A similar conclusion was reached in two appeals concerning land at City Place, Crawley, West Sussex, allowed on appeal on 17th August 2012³, in which the Inspector had the following comments to make on the subject of "consumer choice":-

"23. However, the Council states the Annual Parking Survey indicates that the existing long-term sites, both within and outside the airport boundary, are not fully occupied. While this may be so, there are many reasons for airport visitors

² PINS Ref. No. APP/N4720/A/10/2139567 and APP/N4720/A/10/2138849 refer

³ PINS Ref. No. APP/Q3820/C/12/2171971 and APP/Q3820/C/12/2171972 refer

choosing a particular car park, including, price, type of parking offered, (e.g. self-drive, meet-and-greet, open air, covered multi-storey), proximity and ease of access to terminal, ease of access from their point of origin, security, and reliability of the parking operator.

24. Although full occupation of the existing car parks cannot be guaranteed, and thus there is some spare capacity to cater for future needs, this does not mean that all parking proposals for new car parking should necessarily be refused. The Gatwick Master Plan Draft for Consultation 2011 (some two years after the Car Parking Strategy) identifies that attractive long-term parking is shown to be successful in reducing the proportion of passengers being dropped off, thereby reducing the volume of road trips to and from the airport."

IV. Obligation 5.6.1 of the 2019 Gatwick Airport Legal Agreement

- 3.08 The Applicant was required in accordance with Obligation 5.6.1 comprising part of the Section 106 legal agreement in force at the time Application CR/2019/0878/CON was submitted, to provide sufficient but no more on-airport car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by 2022. The Section 106 Agreement referred to by the Applicants in Application No. CR/2019/0878/CON was not solely concerned with on-airport car parking spaces in terms of meeting sustainable transport modes, but also off-airport supply. There is an absence of any evidence to demonstrate that the Applicant has sought to comply with the terms of this Obligation included in the Section 106 Agreement then in force. Indeed, compliance with the same Obligation is conspicuous by its absence in all recent Gatwick Airport Monitoring Reports pursuant to the same respective Section 106 legal agreements.

V. On-Airport Car Parking and Policy GAT3

- 3.09 The Applicant states that in their view "*on-airport*" means airport-operated on-airport spaces only. It is on the basis that the Applicant goes on to mention that these are the only spaces which they "*can influence and control directly, and are therefore the only spaces within the capacity to flex [sic] to contribute to sustainable travel*". My clients accept what is stated by GAL in respect of the control of these spaces, but the Applicant's comment has to be considered in context, namely that regard is required to be paid to current emerging and adopted Crawley Borough Local Plan relating to Gatwick Airport Car Parking provided by Policy GAT3, as otherwise the development plan where it is concerned with the same topic can be summarily dismissed as being irrelevant to the

provision of on-airport passenger car parking within the Operational Land boundary of the London Gatwick Airport.

- 3.10 It is important to state that the provisions of Policy GAT3 contained in both the adopted and emerging Crawley Borough Local Plans reveal that the boundary of London Gatwick Airport on the relevant Proposals Maps is not contiguous with the Operational Land boundary of the same airport. This is a matter which has been referred to in my client's representations at the Deadline 4 stage where reference was made to a number of hotels, a multi-storey car park and a privately operated airport car parking facility known as the Purple Parking site at Lowfield Road; all of which are situated within the boundary of London Gatwick Airport as shown on the Proposals Maps forming part of the emerging and adopted Local Plan.
- 3.11 Passenger car parking spaces falling outside of what is referred to by the Applicant as "*airport-operated on-airport spaces*", but within the boundary of London Gatwick Airport on the Proposals Maps accompanying the emerging and adopted Crawley Borough Local Plans, are all found in an area in which Policy GAT3 is the appropriate policy when considering Gatwick Airport car parking. The 2019 Gatwick Car Parking Survey reveals that approximately 4,939 spaces are available in this area, which in my client's view cannot be artificially dismissed as being "*off-airport*". They are considered to be "*on-airport*" by Crawley Borough Council when determining applications in the same area, and not "*off-airport*" as now being advanced by the Applicant.

VI. Car Parking Provision and the Waste Water Treatment Facility

- 3.12 In addition to this point, reference is also required to be made to the Second Notification of a Proposed Project change by the Applicant, namely the provision of a waste water treatment facility on what is known as Self-Park North. This development results in the permanent loss of approximately 1,162 passenger car parking spaces, and the further loss of approximately 250 car parking spaces on a temporary basis, as a result of the temporary construction of compound areas.
- 3.13 It is proposed to increase the approximate dimensions of the decked area relating to the North Terminal Long Stay Car Park from 350m x 225m at a height of 11m above ground level, to 350m x 325m to accommodate the permanently lost spaces, along with the

relocation of 425 spaces from Car Park X. In this way the Project's additional car parking space growth figure of 1,100 is retained.

- 3.14 In my client's opinion these amendments are required to be incorporated into Table 1 of **Document REP4-019**, thereby allowing the Examining Authority to appreciate the full implications arising from those passenger car parking spaces lost in any one year of the Proposed Development. It is also considered pertinent to be aware of the years when the passenger car parking spaces are intended to be re-provided in the form of the enlarged North Terminal Car Park decking. In this regard paragraph 2.1.20 of the Second Notification of a Proposed Project change states:

"All of the Project's currently proposed wastewater works would take place between 2024 and 2029. It is anticipated that construction of the on-airport WWTWs would take 2-years, commencing in 2026 and completing in 2028, and therefore be within the existing core years of waste water construction works already anticipated for the Project".

- 3.15 The construction of the on-airport waste water treatment works in accordance with the indicative construction sequencing set out in **Document REP2-016** is due to commence in 2025 and be completed by 2027, which is inconsistent with the contents of paragraph 2.1.20 referred to in the previous paragraph. The indicative construction sequencing associated with car parking provision associated with the Proposed Development remains unchanged between **Documents APP-088** and **REP2-016**, with the North Terminal Long Stay Car Park decking shown to commence in 2027 and completed by 2030.
- 3.16 This means that the time period when the waste water treatment works are to be completed, i.e. 2027 or 2028, will be commensurate with the commencement date of construction of the North Terminal Long Stay decking, which will not be completed until the beginning of 2030. In these circumstances, the loss of the 1,162 permanent passenger car parking spaces on the site known as Self Park North (formerly comprising Car Park Zone W) could extend over a period of five years, and not be replaced until the beginning of 2030. This will occur at a time when estimated passenger throughput at London Gatwick Airport will substantially increase from 47.5mppa in 2025 to 65.1mppa in 2029.

VII. Financial Contributions and the Nature of Recent Long Term Off-Airport Car Parking Sites

- 3.17 The Applicant refers to **Document REP2-004** comprising the Draft Section 106 Agreement and in particular paragraph 7 of Schedule 3 which it is understood is being discussed with Local Authorities, as part of its intention to *“restrict any increases in airport-related car parking remote from the airport as being less sustainable locations than sites within the airport boundary”*. As stated earlier, what the Applicant refers to as *“on-airport”*, being *“airport-operated on-airport spaces”* is not contiguous with the airport boundary referred to in the emerging and adopted Crawley Borough Local Plan.
- 3.18 Although it is acknowledged that the surrounding local planning authorities have sought assistance from GAL with enforcement cases relating to unauthorised long term off-airport car parking sites, requiring the Applicant to demonstrate there is sufficient on-airport supply, it is worth highlighting that more recent increases in long term off-airport car parking have arisen primarily from the grant of Certificates of Existing Lawful Use or Development. They now make up a sizeable contribution of long term authorised off-airport passenger car parking spaces, with the deciding issue in these cases having nothing to do with whether or not there is sufficient on-airport passenger car parking supply. There is no reason to suggest that this trend will not continue into the future.
- 3.19 What is apparent is that the sites granted lawful development certificates for long term off-airport car parking purposes are overwhelmingly used for meet-and-greet customers, as opposed to the traditional park and ride model of off-airport car parking. The majority of sites granted lawful development certificates are situated outside Crawley BC’s administrative area, with the consequence that seen from this aspect alone, the off-airport parking support contribution in the draft Section 106 agreement should be extended beyond Crawley Borough Council’s administrative area.
- 3.20 It is noted that the same contribution is also expected to provide for off-airport traffic management and/or parking control, and enforcement with the intention of limiting unauthorised parking, deterring rat-running and maintaining traffic flow. It follows that the off-airport parking contribution is to extend beyond matters of enforcement of unauthorised long term off-airport car parking, to controlling parking in streets, traffic restrictions and general traffic management around the airport. It is considered that an

annual sum of £35,000 paid on or before the first anniversary of the commencement of dual runway operations and expected to last until the end of the monitoring period is inadequate to ensure meaningful enforcement covering all these various aspects of unauthorised parking/traffic regulation. No basis is provided as to how the figure of £35,000 has been derived or how that figure is considered to be justified.

VIII. Long Term Off-Airport Car Parking and Their Impact on Sustainable Transport Modes

- 3.21 Importantly, no evidence has been produced by the Applicant beyond assertion which reveals that long term off-airport car parking has had a material impact preventing previous sustainable mode share targets of travel to the airport from being achieved. The Applicant has consistently offered its support to Policy GAT3 and to its underlying intentions, which are formulated to relate solely to sites located within the airport boundary. In these circumstances, it is only appropriate that the Applicant complies with the provisions of the same policy, so that any additional or replacement airport related car parking within the boundaries of London Gatwick Airport are justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. This is the fulcrum ensuring compliance with the underlying intention of achieving sustainable mode share targets, both now and into the foreseeable future.

IX. What is Meant by Parking Flexibility

- 3.22 What the Applicant seeks is maximum flexibility over and beyond the requirements set out in Policy GAT3. Where reliance is placed on the phrase “*parking flexibility*” it is used as a euphemism to be seen to comply with the intentions of same policy, but in whatever ways are considered beneficial to the airport in maximising car parking provision on their sites under the guise of efficiency measures.

4.00 COMMENTS RAISED BY THE APPLICANTS TO HOLIDAY EXTRAS LTD'S SUBMISSION IN DOCUMENT REP4-019

I. The Need for Further Information Regarding On-Airport Car Parking Provision

- 4.01 It is important for the specific number of parking spaces to be identified on each car parking site, when considering the overall provision of car parking spaces in the Future Baseline and with the Proposed Development. The reluctance on the part of the Applicant to provide this information for each specific car park is not understood,

particularly when for certain individual car parks, both Table 4.2.2 of **Document APP-029** and Table 1 of **Document REP1-051** reveal the relevant car parking figures. In other cases, the same Tables provide amalgamated figures, for example, for Self-Park South and North, Valet Courtland and Valet North Flying Pan.

- 4.02 In addition, information is required in assessing how many passenger car spaces are to be lost on the relevant car park and over what duration, particularly where contractors compounds are to be provided on the site in association with the Northern Runway Proposals; or where the construction of water storage facilities are envisaged under certain car parking locations. The extent to which existing staff/passenger car parking spaces are displaced through proposed multi storey car parks or where other forms of development associated with the Project are proposed should be clearly identified.
- 4.03 The provision of these passenger car parking figures allows the numbers of permanently lost spaces and proposed replacement spaces in Table 5.2.4 entitled “*Car Parking Proposals*” found in **Document APP-030** to be more readily understood. The same exercise is relevant when examining car parking figures set out in earlier consultation applications relating to the same car parks which reveal discrepancies in their numbers when compared with the contents of Table 5.4.2, i.e. Valet North Flying Pan. Recent Annual Gatwick Airport Car Parking surveys show only combined long stay and short stay car parking figures, whilst the impact seen in terms of numbers of car parking spaces, of switching spaces from self-park to block park, as part of the overall provision of passenger car parking, both now and into the future, whether associated with the Future Baseline or the Proposed Development cannot be readily assessed.

II. Valet Car Park MA-1

- 4.04 Particularly important when considering the on-airport passenger car parking provision is the site referred to Valet MA-1 which according to Table 4.2.2 of **Document APP-029** and Table 1 of **Document REP1-051** accommodates 5,372 cars, being shown in earlier versions of the Annual Gatwick Airport Long Term Car Parking Monitoring Statement as an amalgamation of a number of individual car parking areas on the southern side of the airport. The writer can find no consultation application having been submitted to the local planning authority relating to Car Park Valet MA-1, casting doubts on its lawfulness in the light of the provisions of Schedule 2 Part 8 Class F.2 of the Town &

Country Planning (General Permitted Development) (England) Order 2015 (As Amended):

“Development is permitted by Class F subject to the condition that the relevant airport operator consults with the local planning authority before carrying out any development unless that development falls within the description in paragraph F.4.”

- 4.05 No information is available confirming that the valet parking taking place on Valet Car Park MA-1 was *“urgently required for the efficient running of the airport”* in accordance with paragraph F.4. The consultation process does not give rise to planning permission as defined in the Town & Country Planning Act 1990 (As Amended) and to this end doubts must be expressed as to whether car park Valet MA-1 is capable of being granted retrospective planning permission in accordance with Section 73A of the same Act.
- 4.06 Valet Car Park MA-1 comprises 13% of total passenger car parking provision as at 2019 and its use as a main contractor’s compound is not without implications, seen in terms of future on-airport passenger car parking provision, especially when assessing permanently lost and proposed replacement spaces as part of Table 5.2.4 in **Document APP-030**.

III. Financial Contributions and Long-Term Off-Airport Car Parking Sites

- 4.07 The Applicant in its response to Holiday Extras Ltd’s submissions draws the Examining Authority’s attention to the requirement to be able to respond flexibly within the car parks identified across the airport in order to ensure on-airport spaces reflect changes in demand for each parking product, albeit it is well-known fact that on-airport car parking is more expensive than authorised long term off-airport car parks, being a contributory factor in the provision of unauthorised long term off-airport car parking provision.
- 4.08 The comment is made by the Applicant, somewhat disingenuously, that off-airport passenger car parking providers seek to increase car parking and maximise the use of spaces, whether authorised or unauthorised, with no regard paid to sustainability objectives. On those occasions where applications for long term off airport car parking purposes have been submitted to a local planning authority, no approaches have been made by the Council concerned seeking a financial contribution towards the promotion

of sustainable surface access modes to Gatwick Airport, and neither has GAL suggested as part of its consultation response to the same applications that a similar contribution be sought, preferring to oppose the development. On the one occasion where a contribution towards sustainable travel modes was offered, coincidentally by my clients, the response was to dismiss the offer out of hand.

IV. On-Airport Car Parking Revenue

4.09 The same comment originating from the Applicant has to be seen in the light of the Annual Report and the Consolidated and Parent Company Financial Statements for the year ends 31 December 2022 and 2023. I have set out below in Table 1 financial information relating to revenue from car parking from 2019 to 2023 from which it can be seen that on-airport passenger related car parking provision is an important source of revenue for the Applicant. Car parking revenue is derived from various products across the airport (including short stay, long stay and valet operations), together with forecourt charges for passenger drop-offs, including it should be said, revenue sought from lawful long term off-airport car parking providers in accessing the airport.

TABLE 1
Car Parking Revenue (£m)- London Gatwick Airport

2019	2021	2022	2023
87.2	18.0	101.7	132.8

Source: Annual Report and the Consolidated Parent Company Financial Statements

4.10 For the year ending 31st December 2022 the increase in car parking revenue was driven by four factors:

- The higher proportion of UK-originating departing passengers than seen in 2022;
- A different mix of parking products at different times of the year, in effect highlighting the importance which the airport places on flexible parking.
- The impact from forecourt charging including higher revenue from penalty charge notices; and
- Increased demand for parking on days affected by rail strikes, or what may be termed the hidden unsustainable mode of access, itself capable of influencing peak day car parking supply.

4.11 The latest financial information for the year ending 31st December 2023 reveals that when compared with the year ending 31st December 2022, car parking revenue increased in comparable percentage terms with other principal revenue streams at the airport. Car parking revenue increased by 30.6%, whilst airport and other traffic charges increased by 34.5%; retail revenue increased by 31%; property income increased by 0.6%; operational facilities and utility income increased by 19%, whilst other income increased by 25%.

V. Future Requirement for On-Airport Car Parking and the Role Played by Off-Airport Car Parking

4.12 The Applicant refers to the requirement to respond flexibly within the car parks identified across the airport to ensure the on-airport spaces it operates reflects changes in demand for each parking product. It is said that changes in pricing enables the Applicant to reduce demand for parking in line with its sustainable mode share targets. In this way, it seeks to ensure that on-airport capacity remains in balance with demand and mode share.

4.13 In promoting this view, the Applicant is wholly dependent on existing lawful long term off-airport car parking providers who contribute a sizeable segment of the airport related passenger car parking market, and which based on the latest 2023 Annual Gatwick Airport Long Term Car Parking Survey amounts to approximately 16,170 spaces or approximately 26% of total authorised passenger related car parking capacity.

4.14 The Applicant's basis in deriving the additional passenger parking provision for the project as set out in Table 2 of **Document REP1-051** relies on a figure of 21,200 authorised off-airport car parking spaces. The source of this figure is not divulged, and neither does it appear that the Applicant has carried out a comprehensive study of the planning history of each off-airport car parking site to investigate the extent to which individual figures relating to the authorised capacity set out in recent Annual Gatwick Airport Car Parking Surveys are a true reflect of their lawful planning status. Instead, it would appear that GAL rely on the Annual Gatwick Airport Car Parking Survey of 2018 to justify the 21,200 figure relied upon, but if this is the case, my clients would seriously challenge its accuracy for the three main reasons.

- 4.15 Firstly, as outlined earlier in these representations, Policy GAT3 is applicable in respect of airport related passenger car parking on sites within the airport boundary as shown on the Proposals Maps accompanying the emerging and adopted Crawley Borough Local Plans, irrespective of whether they comprise on-airport passenger car parking spaces operated by the Applicant or not. A total of 4,919 passenger car parking spaces is required to be added to on-airport passenger car parking provision, where they do not consist of on-airport passenger car parking operated by the Applicant, with the same figure deducted from authorised long term off-airport car parking sites.
- 4.16 Secondly, aside from a number of planning permissions and lawful development certificates restricting off-airport car parking on a seasonal basis, doubts exist over the lawfulness of off-airport car parking taking place at certain hotels, including whether a material change of use has occurred involving a mixed or composite use of hotel and an off airport related car parking use, a consideration raised at the Deadline 4 stage by Holiday Extras Ltd in **Document REP4-108**.
- 4.17 Thirdly, for identical reasons to those set out in Table 2 of **Document REP4-108** prepared on behalf of Holiday Extras Ltd, but taking into account the same 10 sites and analysing them against the 2018 Annual Gatwick Airport Car Parking Survey, produces an overestimate of 1,772 car parking spaces. The overestimate of 1,772 spaces when added to the 4,919 spaces referred to in the paragraph 4.15 above, results in a total of 6,691 car parking spaces which are required to be deducted from Row B from the authorised off-airport car parking provision in Table 2 of **Document REP1-051**.
- 4.18 These amendments when incorporated into Table 2 of **Document REP1-051** would result in over-supply of approximately 3,952 to 4,402 passenger car parking spaces, dependant on whether the future baseline figure for MSCP7 is 3,250 or 3,700 spaces. In effect, it would mean that Application No. CR/2022/0707/CON concerning the construction of MSCP7 which led to no objection being raised by Crawley BC on 3rd March 2023 is surplus to requirements, despite currently being delivered by GAL.

VI. Network Rail's Infrastructure Comments

- 4.19 Network Rail have indicated in their representations that there is an absence of spare capacity on the Brighton Mainline, with a requirement for extremely costly interventions to improve rail infrastructure on the same line. The Applicant has referred

to a figure of £10m to be used to fund proposed Transport Mitigation approved by the Transport Mitigation Fund Decision Group, consistent with 7.5% of total car parking revenue in 2023, but no indication is provided as to how this figure has been arrived at, or the extent to which it may result in meaningful long-term improvements to transport, and in particular rail infrastructure. In these circumstances, Holiday Extras Ltd would defer to the comments made in **Document REP4-080**, prepared by Network Rail Infrastructure Limited.

5.00 INDEPENDENT ADJUDICATION AND THE NEED FOR A CAP HAVING REGARD TO DOCUMENTS REP4-019; REP4-030 AND REP4-037

5.01 The Applicant in promoting the need for flexibility pays no regard to Policy GAT3 in the adopted and emerging Crawley Borough Local Plan, in which it is said the provision of additional or replacement airport-related parking will only be permitted where i) it is located within the airport boundaries; and ii) it is justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.

5.02 That said, the Applicant is in a position to legitimately ignore the requirements of Policy GAT3 by relying on permitted development rights set out in Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As amended). In proceeding along the permitted development rights route, the respective development plan policy is rendered meaningless where it concerns Operational Land within the airport. The Applicant is well aware of the lack of significance to be attached to Policy GAT3 where the resultant development can be carried out lawfully under permitted development rights, a factor which becomes evident from GAL's statement accompanying the consultation application concerning the construction of MSCP7 (Crawley BC Reference No. CR/2022/0707/CON), in which was said under the title "*Overview of Planning Considerations*"

"The development is therefore permitted development in accordance with the provisions of Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) (England) Order 2015.

Although development plan policies have no weight for permitted development, GAL has had regard to national and local plan policy as it planned this development, in accordance with commitments from GAL's Section 106 Agreement with CBC and West Sussex County Council (WSSCC)."

- 5.03 Indeed the same comment as outlined in the second paragraph of the quotation above, was made by the Applicant in earlier consultation applications, concerning land forming part of the South Terminal Long Stay Car Park. It was referred to in Application No. CR/2017/0523/CON concerning the construction of a single decked car park over the existing surface car parks on Zones F and G to provide additional passenger car parking; as well as in Application No. CR/2018/0935/CON concerning the provision for a trial period of robotic automated valet parking on Zone B. The latter proposal seeking robotic automated valet car parking is now proposed as part of the Future Baseline in the current DCO application.
- 5.04 It remains my client's opinion that the Examining Authority should consider imposing a cap on the provision of on-airport passenger car parking within the airport boundary, having regard to the contents of the Applicant's supporting statements in recent consultation applications⁴, and where no such controls are currently in force in respect of the Operational Land situated at London Gatwick Airport.
- 5.05 In this way, a mechanism is required to ensure that surface access provisions set out in the Draft Section 106 Agreement [**Document REP2-004**] relating to the DCO application can be controlled, where otherwise no independent procedure exists of a comparable kind set out in the Green Controlled Growth Framework forming part of the Luton Rising DCO application. In this way a mechanism is in place governing the enforcement of with resultant penalties should non-compliance arise with respect to sustainable mode shares into the future where they concern surface access.
- 5.06 The same restriction was found acceptable at the time of the T5 Inquiry at London Heathrow Airport at a time when permitted development rights governing aviation were not materially different from that in evidence today, and with no fundamental changes having occurred with regard to Government advice on the use of planning conditions in planning permissions.

⁴ See paragraphs 5.02 and 5.03 of these representations

- 5.07 The absence of any material change in permitted development rights relating to transport related developments with particular reference to aviation development becomes apparent by comparing the contents of Schedule 2 Part 8 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended), with similar provisions set out in Schedule 2 Part 18 of the Town & Country Planning (General Permitted Development) Order 1995. The same contention equally applies with respect to the use of conditions in planning permissions, as a reading of the National Planning Practice Guidance on the same topic read in conjunction with DoE Circulars 1/85 and 11/95 confirms.
- 5.08 To this end, there has been no material alteration in permitted development rights or in terms of Government guidance/policy relating to the use of conditions in planning permissions, since the time of the T5 London Heathrow Airport Inquiry which began in May 1995 and concluded in February 1999, with the resultant decision issued in November 2001.
- 5.09 It may be considered prudent to allow for some additional car parking spaces to reflect the specific loss of existing on-airport passenger car parking provision during those years when the same sites are being used for other purposes associated with the development of the Northern Runway Proposals e.g. temporary construction compounds. In these circumstances, reliance can be placed on the delivery of MSCP7 which is currently under construction.
- 5.10 It would also mean that in terms of an over-supply of additional passenger parking provision for the Project in any re-worked Table 2 found in **Document REP1-051**, robotic valet car parking intended to take place on Zone B of the Southern Long Stay Car Parking area, would no longer be required. This is particularly relevant at a time when no consultation application has as yet been submitted for the same development.
- 5.11 This is entirely justified for two interrelated reasons. Firstly, it would accord with what the Applicant confirms in its response to Holiday Extras Ltd's representations in **Document REP4-019**, namely that they seek to "*proactively and in a timely manner ensure that on-airport capacity remains in balance with demand and modal share*". A permanent permission, or taking advantage of permitted development rights in respect of the robotic valet car parking would appear at variance with this stated objective. It would

result in an absence of need for additional passenger car parking associated with the Project following the same methodology as outlined in Table 2 of **Document REP1-051**, taking into account the correct Policy interpretation regarding on-airport car parking and the correct planning status of certain off-airport car parking sites.

- 5.12 Secondly, no demonstrable need would exist for the same robotic valet car parking in the context of proposals for achieving a sustainable approach to surface transport access to the airport in accordance with Policy GAT3 of the emerging and adopted Crawley Borough Local Plan.
- 5.13 In the event that all authorised long term off-airport car parking provision were suddenly to become unavailable, the resultant supply could not be provided on-airport in a way consistent with the Applicant's requirement to meet sustainable modes of surface access to the airport. The likelihood is that there would be an increase in unauthorised off-airport car parking, including on-street parking in neighbouring residential streets, along with an increase in the "*kiss-and-fly*" mode. It is considered that for the Applicant to suggest other sustainable modes would become increasingly more attractive to passengers pays no regard to survey information analysing the reasons why passengers choose a particular mode of access to the airport.

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