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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 Applicant at the Issue Specific Hearing 8 (“ISH8”) on Environmental Matters concluded in the morning of Tuesday 18th June 2024, that Table 1 set out in **Document REP4-019** was inaccurate and a revised table would be produced at Deadline 6. Holiday Extras Ltd reserve the right to consider this revised table once it is submitted at the Deadline 6 stage.
- 1.02 It is relevant to point out that in the intervening period the Applicant calculates there is a need for an addition 1,100 on-airport passenger car parking spaces to cater for an increase in passenger throughput from 40.3mppa in 2023 to an estimated 76.8mppa in 2040 associated with the proposed development. It is only in 2038, in 14 years’ time, when the estimated passenger throughput forming part of the proposed development at London Gatwick Airport reaches 75.6mppa, or 35.3mppa above the 2023 figure. In effect, it is not until 2038 that the total number of on-airport passenger car parking spaces is expected to exceed to the total number of on-airport passenger car parking spaces currently available in 2023.
- 1.03 The Applicant confirmed at ISH8 that there is inconsistency with the number of passenger car parking spaces attributable to MSCP7 between **Document REP4-109** and Figure 3 .4.2 of the Car Parking Strategy. **[REP1-051]**.

2.00 FUTURE ON-AIRPORT PASSENGER CAR PARKING REQUIREMENTS IN 2047 WITH THE PROPOSED DEVELOPMENT

- 2.01 My clients at the ISH8 meeting held on Tuesday 18th June 2024 referred to the representations made at Deadline 4 and Deadline 5 [**Documents REP4-018 and REP5-123**]. A number of the issues raised in those respective submissions have implications when assessing car parking requirements with the proposed development in 2047, which themselves cannot be divorced from the sustainable access commitments set out in **Document REP3-028**. I have set out on the following pages Table 1 which is based on the methodology employed in Table 2 found in the Car Parking Strategy [**Document REP1-051**].
- 2.02 The first major differences between Table 1 overleaf and Table 2 set out in **Document REP1-051** concerns the fact that the Applicant only considers on-airport passenger car parking comprising what is referred to as “*airport operated on-airport spaces*”, meaning that

TABLE 1
2047 Car Parking Requirements

		2047 With Project As Devised by the Applicant	2047 With Project As Devised by Holiday Extras Ltd
A	Current on-airport passenger parking provision (2019)	40,600	45,746*
B	Current authorised off-airport passenger parking provision (2019)#	21,200**	16,588***
C	Total passenger parking provision (2019) (A+B)	61,800	62,334
D	Peak on-airport passenger parking accumulation (August 2019)	32,000	32,000
E	Assumed peak off-airport passenger parking accumulation (August 2019) (87.5% of off-airport provision)	18,550	14,514
F	Current peak passenger parking accumulation on and off-airport (August 2019) (D + E)	50,550	46,514
G	Estimated increase factor in number of park and fly trips with Project (2019-2047)	1.2✓	1.2✓
H	Estimated total peak passenger parking accumulation, 2047 (F x G)	60,810	55,817
I	Estimated peak passenger parking accumulation accommodated off-airport (87.5% of off-airport provision)	18,550	14,514
J	Estimated on-airport peak passenger parking accumulation to be accommodated, 2047 (H - I)	42,260	41,303
K	Estimated on-airport passenger parking provision required (allowing for max occupancy of 87.5% of provision ((J / 0.875)	48,300	47,203
L	Additional on-airport passenger parking provision required (over and above current) (K - A)	7,700	1,457
M	Less future baseline projects	5,750+	5,750+
N	Additional requirement for the Project assuming 87.5% peak occupancy (L - M)	1,950	-4,293[^]
O	Expected additional passenger parking provision (in addition to row M)	1,100	1,100
P	Expected total passenger parking provision for the Project (A + M + O)	47,450	52,596

Notes to Table 1 above

* The figure of 45,746 passenger car parking spaces comprises 40,807 (2019) + 4,939 (which should be added to Row A as they are on-airport passenger spaces on sites to which Policy GAT3 applies).

The Applicant states on page 15 of the Response to Rule 17 Letter on Car Parking [**Document REP4-019**] *"It should be noted that the figure for 2019 reflects the position as at Summer 2019 and therefore pre-dates the 2019 September survey and should be aligned to the September 2018 survey, noting the distinction that "on-airport" spaces in the context of the DCO submission relates to airport-operated spaces only. All other spaces are included as "off-airport" capacity provided by third parties over which the Applicant has no control"*. It is contended that that part of the quote which has been underlined represents an artificial distinction, whose primary purpose is designed to provide further advantage to on-airport passenger car parking operated by GAL. This is despite the fact that both emerging and adopted Crawley Borough Local Plan policy do not seek any equivalent differentiate between the operator of the on-airport passenger car parking spaces within the boundaries of London Gatwick Airport on the Proposals Maps accompanying the same two local plans.

** The figure of 21,200 passenger car parking spaces is incorrect. In the Applicant's response to Deadline 2 submissions [**Document REP3-106**] on page 158, it is said: *"The Gatwick Car Parking Survey 2019 details a total of 22,819 spaces that are not controlled by the Applicant, slightly in excess of the 21,200 spaces, including in the modelling and transport assessment. The previous survey in 2018 noted 22,320 spaces that were not controlled by the Applicant, including 671 spaces not held by the Applicant but within short walking distance of the terminals."* The 2018 Gatwick Airport Car Parking Survey recorded a total of 22,567 spaces which were not controlled by the Applicant, and not as indicated 22,320 spaces.

*** The figure of 16,588 passenger car parking is derived from 22,567 (i.e. spaces not controlled by the Applicant in the 2018 Gatwick Airport Car Parking Survey) - 4,939 (should be deducted from off-airport parking as it is on-airport provision) -1,040 (should be deducted as it represents an over-supply having regard to the lawful status of the 10 sites referred to in the accompanying e-mail)

✓ The Applicant states on page 158 of its Response to Deadline 2 Submissions [**Document REP3-106**] concerning matters raised by the West Sussex Joint Local Authorities to the Car Parking Strategy that the 1.2 factor is *"derived from initial estimates of the change in the number of Fly and Park trips between 2019 and 2032 with the Project, which were available at that time from the mode choice modal, together with the anticipated growth in passenger throughput between 2032 and 2047. The factor therefore combines a factor of 1.08 for Park and Fly trips between 2019 and 2032 drawing on information in Table 133 of Transport Assessment Annex B: Strategic Transport Modelling Report (APP-260) and a factor of 1.11 for growth in passenger throughput between 2032 and 2047 (from 72mppa to 80.2mppa), giving an overall factor of 1.2."*

+ Row M takes into account MSCP7, with 3,750 spaces + robotic parking at 2,500 passenger spaces. MSCP7 is shown in Note 2 relating to Table 1 in **Document REP4-019** as having 3,700 passenger car parking spaces, whilst in the Car Parking Strategy [**Document REP1-051**] MSCP7 is said to include an additional 3,250 passenger car parking spaces (para 3.4.2 refers). It follows the figure of 3,750 is the highest car parking space given for MSCP7.

^ The figure of **minus 4,393** in Row N is an over-supply of passenger car parking spaces, given that the additional on-airport passenger parking provision required is only 1,457 spaces, whilst the figure with the Future Baseline Project is 5,750 spaces. The expected total passenger parking provision for the Project is 5,393 passenger car parking spaces above the estimated on-airport passenger parking provision required, allowing for a maximum occupancy of 87.5% of provision (Row P – Row K).

passenger car parking spaces that are not operated by the Airport within the boundary of London Gatwick Airport as shown on the Proposals Maps accompanying both the adopted and emerging Crawley Borough Local Plan are considered by GAL as “*off-airport*”.

- 2.03 This position is inconsistent with the “*development plan*” policy position operated by the local planning authority in whose administrative area London Gatwick Airport is situated, in that it seeks to impose an artificial and unnecessary distinction concerning on-airport car parking within the boundaries of London Gatwick Airport, between whether the landowner is GAL or someone else. It has a particular relevance when considering the provisions of Policy GAT3 concerning airport related car parking.
- 2.04 As outlined on behalf of Holiday Extras Limited at the ISH8, it remains an important and fundamental tenet of planning law that it is the character of the use of land which is important, not the particular needs of the particular occupier.¹ If the Applicant’s position were accepted, it would reduce the importance to be attached to on-airport related car parking, i.e. parking within the boundaries of London Gatwick Airport as shown on the Proposals Maps accompanying the adopted and emerging Crawley Borough Local Plan, a policy, which has hitherto been robustly supported in its present format by the Applicant.
- 2.05 To differentiate between “*airport operated on-airport spaces*” and “*non-airport operated on-airport spaces*”, both of which are situated within the boundary of London Gatwick Airport, as shown on the Proposals Maps accompanying both the adopted and emerging Crawley Borough Local Plan, provides an opportunity for the Applicant to monopolise on-airport passenger car parking provision.
- 2.06 This is achieved by the Applicant having the advantage and relying on permitted development rights set out in Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) Order 2015 (As Amended). In contrast, where the car park is not operated by the airport, i.e. it does not constitute “*airport operated on-airport spaces*”, but the site still lies within the London Gatwick Airport boundary on the

¹ *East Barnet UBC v British Transport Commission (1962) QB 484; Lewis v Secretary of State for the Environment (1971) 23 P & CR 125 DC*

Proposals Map accompanying both the adopted and emerging Crawley Borough Local Plan, the applicant is required to comply with the provisions of Policy GAT3, meaning that they would have to justify a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.

- 2.07 This would not produce a level playing field, insofar as the Applicant is able to benefit from the ability to take advantage of permitted development rights, without any requirement to justify a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport; yet a non-airport operator of on-airport spaces is obliged to meet the requirements of Policy GAT3.
- 2.08 This situation places the Applicant in a decidedly advantageous position in that by taking advantage of permitted development rights, it has the ability to prevent rival *“non-airport operated on-airport spaces”*, although located within the boundaries of London Gatwick Airport, from being able to justify a demonstrable need.
- 2.09 There are a number of *“non airport operated on-airport spaces”* situated within the boundary of London Gatwick Airport to which Policy GAT3 is applicable, including the Purple Parking site of Lowfield Road; hotel provision at the Hilton South Terminal; the Travelodge at Povey Cross Roundabout; the Airport Inn Britannia and the Arora, formerly known as the Sofital on Southgate Road. These sites accommodate approximately 4,939 passenger car parking spaces in accordance with the 2018 Gatwick Airport Car Parking Survey, which having regard to Policy GAT3 outlined in the adopted and emerging Crawley Borough Local Plan are all on-airport. It means that the figure of 4,939 on-airport passenger car parking spaces should be added to the on-airport passenger car parking provision in Row A of Table 1, and similarly deducted from authorised long term off-airport passenger car parking figure in Row B of the same table.
- 2.10 It follows, that passenger choice in terms of airport related car parking would be further reduced with an ensuing benefit resting solely with the airport. That position cannot be said to comply with CAA’s Consumer Strategy published as recently as 29th September 2023, which in the context of aviation, has as its purposes to support consumers in relation to choice, value and fair treatment. In this regard and as referred to in paragraph 4.09 of **Document REP5-123**, car parking represents is an important source of revenue to London Gatwick Airport, a matter evident from the Annual Reports and Consolidated

and Parent Company Financial Statement for the years ending 31st December 2022 and 2023.

- 2.11 These circumstances aside, the airport already enjoys flexibility in being able to alter its on-airport car parking product dependent on the season of the year along with car parking demand and capacity considerations. This is in spite of the Examining Authority raising concerns at ISH8 with regard to the relationship between future on-airport passenger car parking provision involving the proposed development, and future modal share sustainable access commitments. Indeed, there is a contradiction in the approach taken by the Applicant in terms of future on-airport passenger car parking provision, and modal share by sustainable transport modes, a matter best illustrated by the contents of paragraph 3.1.6 of **Document REP4-019**, viz *“The Applicant will also support temporary reductions in the number of staff spaces available in the peak summer period should additional passenger capacity be required to avoid pressure on off-airport capacity and support sustainable mode share targets.”*
- 2.12 It has been noted that in response to Action Point 12 in **Document REP4-037**, the Applicant seeks to rely in paragraph 12.1.2 in which it is said that the National Planning Policy Framework indicates that planning conditions should not be used to restrict permitted development rights unless there is clear justification for doing so.
- 2.13 The contents of these representations reveal there is justification, but in any event there has been no fundamental alteration since the introduction of D of E Circular 1/85 on 7th January 1985, at which time similar provisions were set out in government advice to that now found in the most up to date version of the NPPF. That did not prevent a cap being placed on future on-airport car parking provision as part of decision relating to the T5 inquiry at London Heathrow Airport, and there is no reason why a similar cap should not be placed on future on-airport passenger car parking provision associated with the current DCO application. Indeed, the provision of a cap allows for a degree of independent governance representing a proportionate and reasonable response at a time when the Transport Forum Steering Group and the Transport Mitigation Fund Decision Group consist of organisations set up by and under the auspices of the Applicant.
- 2.14 Secondly, no robust assessment of authorised off-airport passenger car parking spaces has been undertaken by the Applicant. No attention has been paid to the planning status

of individual sites, some of which only benefit from a lawful seasonal use. In respect of off-airport hotel sites, no account has been taken of the extent to which the car parking is ancillary or incidental to the hotel use, and the extent to which car parking spaces can be lawfully used in connection with off-airport car parking on a site which benefits from a lawful mixed or composite use of hotel and off-airport car parking.² Put simply, it has been assumed that the capacity of car parking spaces at off-airport hotels can all be used lawfully for off-airport car parking purposes, which is not the case.

- 2.15 What has occurred is that the figure of 21,200 authorised off-airport passenger car parking spaces in Row B of Table 2 of **Document REP1-051** is the difference between the authorised capacity of combined long and short stay on-airport operated spaces as recorded in the 2018 Gatwick Airport Car Parking Survey, and the total authorised capacity of all passenger car parking infrastructure project, at a time when the DCO application has been five years in the making, with no proper account taken of the lawful status of individual sites off-airport.
- 2.16 There are in any event inaccuracies in the snapshot in time approach set out in the Gatwick Airport Car Parking Surveys in circumstances where no material change in planning circumstances has occurred between individual surveys; a factor which becomes evident between successive years where no planning applications have been granted or Lawful Development Certificates have issued in the intervening period to justify a change in approach.
- 2.17 I have looked at a sample of ten sites comprising part of the 2018 Gatwick Airport Car Parking Survey; those ten sites being the same ten sites referred to on pages 20 to 27 of Holiday extras Limited's Deadline 4 Submission [**Document REP4-108**]. This assessment reveals an overestimate of approximately 1,040 spaces when comparing the lawful use of the same sites, i.e. the revised capacity, seen against the authorised capacity in the 2018 Gatwick Airport Car Parking Survey. A similar over-supply figure of authorised long term off-airport passenger car parking spaces derived from the same ten sites occurred in 2019 and 2023.

² *Harrods Ltd v Secretary of State for the Environment Transport & The Regions (2003) JPL 108*

- 2.18 The overestimate of approximately 1,040 authorised off-airport passenger car parking spaces is required to be added to the 4,939 spaces, which from the Applicant's point of view comprise authorised off-airport car parking spaces, albeit situated on sites within the London Gatwick Airport boundary on the Proposals Maps accompanying the emerging and adopted Crawley Borough Local Plan. This results in a combined total of 5,979 authorised off-airport passenger car parking spaces.
- 2.19 The figure of 5,979 authorised off-airport car parking spaces should be deducted from the total capacity of authorised off-airport car parking spaces of 22,567, as taken from the 2018 Gatwick Airport Car Parking Survey (Row B of Table 1), resulting in a total authorised off-airport passenger car parking space figure of 16,588. It also means that a figure of 4,939 spaces should be added to the 40,807 spaces in Row A as the 4,939 spaces are on-airport passenger car parking spaces. This results in a total for Row A of 45,746 on-airport passenger car parking spaces.
- 2.20 In conclusion, by carrying out this exercise and adopting the same methodology as employed by the applicant in Table 2 of their car parking strategy (**Document REP1-051**) reveals an expected total passenger car parking provision for the Project of 5,393 passenger car parking spaces **above** the estimated on-airport passenger car parking provision required, allowing for a maximum occupancy of 87.5%.
- 2.21 The figure of expected total passenger car parking spaces of 5,393 comprises an over-provision, made up of 4,293 spaces (Row N) + 1,100 additional spaces (Row O). It means there is no need for the additional 2,500 robotic car parking spaces, or indeed any other provision relying on permitted development rights as part of the consultation application under Schedule 2 Part 8 Class F of the 2015 Order.

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