



**Responses to Written Questions ExQ2 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 (ExQ2) 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 CA 2.6, CA 2.11 and CA 2.13 are not addressed to Marathon directly, they raise issues relevant to Marathon's representations or interests and therefore it has made comments upon them.

ExQ2	Question	Response
<b>Compulsory Acquisition and Temporary Possession</b>		
CA.2.6	<b>Engagement and communication</b>  Airport Industrial Property Unity Trust (AIPUT) [REP6-117] and Marathon Asset Management MCAP Global Finance (UK) LLP (MAMGF) [REP6-128] have raised concerns regarding lack of engagement and/ or slow communication by the Applicant, particularly in relation to responding to correspondence and returning or sending documentation. AIPUT [REP6-117] also noted that the status update provided in the Land Rights Tracker v3 [REP5-033] did not accurately reflect their position. The ExA acknowledges the scale of the Proposed Development but is keen to ensure effective engagement for all parties. Please advise if there are any specific barriers facing the Applicant in respect of continuing to undertake meaningful	<p>MAMGF set out in its ISH8 post hearing submission (Ref: REP6-128) concerns over the status and speed of negotiations with the Applicant and requested a CAH which has now been fixed for 30<sup>th</sup> July.</p> <p>There has been some further progress over the past two weeks, with the heads of terms returned to MAMGF (and then returned back to the Applicant by MAMGF). MAMGF remain concerned that they have still not received a draft of the legal agreement from the Applicant's solicitors. Heads of Terms are non-binding and will not provide the necessary assurance to MAMGF that its position is protected. It is a concern for MAMGF that time is rapidly running out to get an agreement in place before the close of the Examination.</p> <p>Recently, MAMGF has engaged with its team of advisors on the proposed Third Change Application (at short notice) that the Applicant intends to bring forward in relation to the necessary access proposals. Both the Applicant's and MAMGFs' technical teams have concluded that creation of a new temporary access is the only feasible solution to ensure continuity of access and business at the hotel during the Longbridge Roundabout construction works. The proposed solution is the preferred option of both the Applicant and MAMGF.</p>

	<p>engagement and communication with Affected Persons?</p>	<p>Unless significant progress is made on progressing the legal agreement in the next two weeks leading up to CAH2, Marathon will be left with no alternative than to object to the compulsory acquisition of its land in order to protect its assets and the operation of the hotel. In such a scenario, Marathon would wish to make oral submissions to the Ex A on its objection and matters pertaining to the legal and policy tests which GAL must satisfy in order for compulsory acquisition powers to be approved as part of the DCO.</p> <p>The root of matters on a draft agreement being progressed at such a late stage of the Examination is that inadequate <u>meaningful</u> consultation was undertaken by the Applicant at the pre-application stage. It has therefore being playing catch up. It has only been during the period of the Examination that the required information on the access and noise impacts has started to be provided by the Applicant, albeit slowly. Technical details are still being worked through and there are aspects still to be agreed, particularly in relation to noise mitigation. This has significantly added to MAMGF's costs, which could have been avoided with earlier engagement by the Applicant.</p> <p>Discussions are continuing between the parties and. MAMGF continue to hope that matters can be progressed towards a legal agreement and are fully committed to that. If substantial progress is made in the next two weeks, that may negate the need for MAMGF to appear at CAH2.</p> <p>To avoid incurring further costs, MAMGF have not yet submitted draft Protective Provisions to the ExA. MAMGF will review the position on 19<sup>th</sup> July and if further progress is not made, it is likely it will prepare and provide draft Protective Provisions to the Applicant in advance of CAH2. MAMGF will keep the Ex A appraised of progress.</p>
<p><b>CA.2.11</b></p>	<p><b>Marathon Asset Management MCAP Global Finance (UK) LLP</b>  The ExA notes that at section 6.2 of their submission, Marathon Asset Management MCAP Global Finance (UK) LLP (MAMGF) state they are still awaiting the assessment results at the Holiday Inn hotel in respect of the anticipated A23 Bridgeworks activities during the day and night, inclusive of piling works [REP6-128].</p>	<p>Marathon Asset Management acknowledges that high level information on the planned A23 Bridgeworks piling was provided in the DCO documentation, but Holiday Inn facade incident noise level predictions for this works period, were noticeably absent from the recent GAL Holiday Inn Noise Impact Report.</p>

	<p>Please signpost to where this information is located or if it has not been provided to date, please confirm when it will be provided?</p>	<p>Given the anticipated 3-week duration of night-time piling works, we believe that there is potential for significant disruption to the hotel operations and would therefore welcome the opportunity to fully assess the likely impact.</p>
<b>CA.2.12</b>	<p><b>Marathon Asset Management MCAP Global Finance (UK) LLP</b></p> <p>In section 4 of Appendix 3 [REP6-128] MAMGF state that during construction works their internal noise criteria would be exceeded at all stages of the works and as such, they consider the proposed mitigation to be inadequate. Section 4 of [REP6-128] also identifies mitigation which would be acceptable during construction by MAMGF.</p> <p>Please review and provide comment as to whether the Applicant considers the proposed mitigation both technically feasible and reasonable?</p>	<p>Discussions have been held with GAL's acoustic consultant and whilst they acknowledge that MAMGF's proposed mitigation is "technically feasible and reasonable", they have proposed an alternative noise mitigation approach which they believe is more cost effective.</p> <p>The alternative approach is to replace the existing trickle vent and include a further trickle vent within a new secondary glazing framing arrangement.</p> <p>Whilst we accept that the principle of the proposed alternative arrangement is acoustically valid (subject to details), we have concerns that the increased pressure drop across the two trickle vents will fail to maintain current ventilation rates into guestrooms.</p> <p>We are awaiting further details on GALS' noise mitigation proposal and also confirmation that the current ventilation rates will be maintained with their alternative solution.</p> <p>If they are not able to confirm that ventilation rates will be maintained, we would suggest that the proposed mitigation measures should revert to that suggested by MAMGF instead (i.e. sealed secondary glazing frame with a separate in-wall high performance acoustic vent provided).</p>
<b>Traffic and Transport</b>		
<b>TT.2.4</b>	<p><b>Pedestrian Access to Holiday Inn</b></p> <p>Currently there is no footway connecting the hotel entrance to the pedestrian network on the adjacent highways. The only hard surfaced routes are the vehicle entrance carriageway directly from the A217 or via the car park carriageway exit onto Povey Cross Road. There is no hard surfaced segregated pedestrian or cycle access to the hotel. The Applicant's highway improvements to the</p>	<p>MAMGF would in principle welcome consideration of the provision of a link to the Active Travel network to the hotel if funded by the Applicant as part of the works. It has not been identified at this stage as a priority in the discussions with the Applicant given the need to resolve the fundamental question of maintaining adequate access to the hotel during the constructions works and following completion. MAMGF will engage further with the Applicant if any proposals come forward.</p>

	<p>Longbridge Roundabout include pedestrian and cycle circulation.</p> <p>The ExA would like to understand given that active travel to the Airport may become a realistic option should the highway improvements take place, whether your client will be considering pedestrian and cycle access on the hotel site.</p>	
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15th July 2024