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

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CONTENTS

| | <u>Page</u> |
|--|-------------|
| 1.00 INTRODUCTION | 3 |
| 2.00 MODE SHARE COMMITMENTS | 3 |
| I. Issues Relating to the Definition of “ <i>Airport Related Facilities</i> ” | 3 |
| II. The Need for Independent Governance and Flexibility Issues | 4 |
| III. Improvements to Bus and Coach Services and Viability Considerations | 5 |
| IV. Issues Surrounding Compliance and Commitment 8A | 6 |
| V. Commitment 14 Considerations | 7 |
| VI. Timing Associated with Measures set out in Action Plans/SAC Mitigation Plan Arising from Commitment 16 | 8 |
| 3.00 PRINCIPAL DEFICIENCIES SURROUNDING ON-AIRPORT CAR PARKING PROVISION AND DISCREPANCIES IN THE NUMBERS OF OFF-AIRPORT CAR PARKING SPACES | 10 |
| I. The Lawfulness of On-Airport Car Parking Site MA-1 | 10 |
| II. Discrepancies Surrounding the Number of Off-Airport Car Parking Spaces | 11 |
| 4.00 RESPONSES TO THE SUGGESTIONS IN REQUIREMENT 20 GOVERNING THE NEED FOR A CAP AND THE REMOVAL OF PERMITTED DEVELOPMENT RIGHTS | 13 |
| I. The Requirement for a Cap | 13 |
| II. The Need to Restrict Permitted Development Rights Concerning Airport Related Car Parking | 14 |

1.00 INTRODUCTION

1.01 In order to provide meaningful sustainable access commitments with regard to achieving specific passenger sustainable travel mode shares, requires reliance on a sound evidence base, which indicates the current state of play with regard to both lawful on-and off-airport car parking provision. It is contended by Holiday Extras Ltd that the foundations on which the sustainable access commitments are based in **Document REP7-043** lack robust evidence.

2.00 MODE SHARE COMMITMENTS

I. Issues Relating to the Definition of “Airport Related Facilities”

2.01 It has been noted in **Document REP6-031** that the Applicant introduced a definition for the phrase “*airport related facilities*” to be used in mode share commitments. This phrase was defined as meaning “*those hotels which are within or adjacent to the airport boundary and provide accommodation to passengers prior to departure, and airport-related car parking (including both on-airport and off-airport car parking) whether operated by GAL or not.*” This amendment was incorporated into the previous version of the Environment Statement Appendix 5.4.1: Surface Access Commitments comprising **Document REP7-043**.

2.02 Commitment 1 places a mandatory requirement on GAL to provide a minimum of 55% of air passenger journeys to and from the airport to be made by public transport. This commitment cannot be considered in isolation from the Applicant’s Car Parking Strategy [**Document REP1-051**], and the approach confirmed in paragraph 3.1.8 of **Document REP6-068**, in which “*on-airport*” means airport-operated on-airport spaces only. The same paragraph goes on to state: “*These are the only spaces that the Applicant can influence and control directly and are therefore the only spaces within the capacity to flex to contribute to sustainable travel.*”

2.03 Different definitions are being relied upon in documents produced by the Applicant, where the same documents assess surface access commitments. To this end, reliance on the phrase “*airport related facilities*” does not sit comfortably with what is referred to as “*off-airport*” in the Annual Gatwick Car Parking Survey on which the Applicant relies to justify the amount of lawful off-airport car parking facilities. In this regard paragraph 3.1.9 of **Document REP6-068** states:-

“3.1.9 In the same context, “off-airport” refers to all the spaces and locations operated by third parties and counted in the Annual Gatwick Parking Survey, published by Crawley Borough Council for each local authority area. For the avoidance of doubt this includes those sites located within or adjacent to the airport boundary but not limited to the Hilton Hotel, Sofitel Hotel, Purple Parking and Povey Cross Travelodge”

II. The Need for Independent Governance and Flexibility Issues

- 2.04 On 26th February 2016 the House of Commons Transport Committee (HC516) published a report on Surface Transport to Airport, in which the second recommendation stated:-

“There is too little scrutiny of individual strategies and plans which is akin to letting airports set and mark their homework themselves. We recommend that the Government consult on the institutional and governance arrangements needed to ensure airport operators are setting meaningful targets and being held to account for their performance. Any arrangements for greater scrutiny should provide the Department with an assurance that such targets and actions are aligned with the Department’s own policy objectives on modal shift.”

- 2.05 In considering the above statement, it is a fact that the Applicant is responsible for convening and holding meetings of both the Gatwick Air Transport Forum and the Transport Forum Steering Group, revealing a lack of independent governance. This is important when considering situations such as Commitment 1 where there is a mandatory requirement to be met. The extent to which Commitment 1 represents a meaningful figure on which the Environmental Statement is based, and the degree to which the Applicant seeks to incorporate what is referred to as “flexibility” into the delivery of surface access commitments is evident from the contents of paragraphs 3.1.6 and 3.1.7 of **Document REP6-068**, viz:

“3.1.6 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. It should be noted that in all cases the annual number of parking spaces shown assumes all car parks are open and available. Should there be less than the predicted demand for spaces some car parks will be withheld, except where it would reduce the parking product choice offered to passengers.

3.1.7 To achieve this the Applicant is proposing to continue the flexible, proactive approach that has helped to deliver an increase in sustainable mode shares whilst accommodating growth. This flexibility is essential to contribute to the delivery of the Surface Access Commitments and wider surface access strategy at the airport and distinguishes airport-operated car parking from that provided by other, commercial “off-airport” providers who seek only to promote car travel.”

- 2.06 The aim of introducing flexibility is inconsistent with setting meaningful surface access targets governing the performance of certain commitments, diluting the basis on which the Environmental Statement is founded. This is particularly the case given that the Applicant controls the amount of available capacity in terms of on-airport operated spaces and seeks to flex the number of spaces provided with different parking products and their prices. Too little governance can result in the Applicant abusing their position in the supply of airport related passenger car parking, with GAL justifying its position on the basis of managing supply to meet surface access commitments, whilst at the same time avoiding unlawful off-airport car parking.
- 2.07 Effective independent governance of mode share commitments has the ability to impose consequences in terms of a commitment not being met, for instance providing a necessary safety mechanism in circumstances where the reduction in air passenger drop-off and pick up car journeys at the airport exceeds as a mode share more than 12% of surface access commitments, as set out in Commitment 3.

III. Improvements to Bus and Coach Services and Viability Considerations

- 2.08 The Applicant sets out at Table 1 of **Document REP7-043** a list of “*Proposed Routes and Frequencies for New Regional Bus or Coach Services*” as part of Commitment 5, and similarly Table 2 “*Proposed Routes and Frequencies for Proposed Bus Services*” in accordance with Commitment 6. A bus and coach services fund is to be set up in which the Applicant is intending to invest a minimum of £10 million to support the financial commitments not only in Commitments 5 and 6, but also in respect of direct services from Crawley Down and Copthorne to Gatwick.
- 2.09 There appears to be no indication of the extent to which pump priming of those new regional bus and coach services and those enhanced local bus services is required to ensure their collective viability over time. It is noted that in both Tables 1 and 2 of **Document REP7-043** there is an identical footnote in which it is said “*Daytime: Between the hours of 0700 – 1900*”. This note assumes that the same services will not be available between 1901 hrs and 0659 hrs, and to that extent what is sought would not meet the requirements of passengers who have booked for an early morning flight, or those passengers arriving back late in the evening. Similarly, it casts doubts on whether any surveys have been undertaken as to the level of patronage anticipated from these new regional bus or coach services and enhanced local bus service routes.

- 2.10 These comments cannot be considered in isolation from the contents of Commitment 13 (4) whereby GAL are not expected to make payments into the Sustainable Transport Fund pursuant to paragraph (3) in any year, to the extent that such payment would increase the unallocated funds in the Sustainable Transport Fund, to or above a value of £10 million.

IV. Issues Surrounding Compliance and Commitment 8A

- 2.11 Commitment 8A introduced at Deadline 6 and retained in **Document REP7-043** states as follows:

“GAL shall assess the need for additional parking over and above that required to replace capacity lost as a result of construction in connection with the Project and provide sufficient but not more additional on-Airport public car parking spaces than necessary to achieve a combined on and off-airport supply that is consistent with mode share commitments (commitments 1-4); and GAL shall consult with the TFSG in advance of providing such parking.”

- 2.12 As indicated in **Document REP7-134** in Deadline 7 submission on behalf of Holiday Extras Ltd, the wording of Commitment 8A is consistent with Obligation 5.6 of the current Section 106 Agreement, with the intention along with other commitments to give joint local authorities comfort that the sustainable access commitments provide effective control, avoiding the scenario of excess parking being provided which the same joint local authorities say may contribute to the same sustainable access commitments not being met.
- 2.13 It can be seen that Commitment 8A requires an assessment to be made on the combined on and off-airport supply. No mechanism has been put in place by the Applicant to ensure that there is ongoing dialogue with long term off-airport car parking providers to ensure the Commitment 8A requirement is met, and neither have there been any moves made by the Applicant to invite long term off-airport car parking providers onto the Airport Transport Forum. In this regard, Schedule 3 of the Draft Section 106 Agreement relating to the Northern Runway Project reveals that the definition of a Gatwick Parking Meeting is a meeting of the Councils, the adjoining authorities and GAL to discuss any issues relating to long term Gatwick Airport parking, both on and off-airport, in order to minimise the level of unauthorised car parking. The fact that lawful long term off-airport car parking providers do not form part of the process is a major omission given the requirements of Commitment 8A.

V. Commitment 14 Considerations

- 2.14 Commitment 14 states that GAL will also set aside a Transport Mitigation Fund (TMF) to support further interventions, particularly should the need arise for additional measures in the area surrounding the airport as a direct result of airport-related growth. The most recent version of the Section 106 Agreement at **Document REP6-064** states that any TMF application must include evidence of an impact on the highway network, the railway network or the public right of way network, and evidence that the identified impact is directly related to the authorised development. Commitment 14 in **Document REP7-043** appears to expand the basis of the Transport Mitigation Fund and the nature of schemes that might be eligible beyond that set out in the Draft Section 106 Agreement, in that it states *“This may relate to physical infrastructure, changes to public transport services or facilities off-airport.”*
- 2.15 It is not clear how applications under the TMF where they relate to changes in public transport services on the railway network will be eligible for funding at a time when a separate Rail Enhancement Fund has been introduced in Commitment 14A, comprising a sum of £10 million, whose intention is to provide funding for initiatives and measures aimed at improving reliability of the rail network or enhancing the rail network or rail services as part of an overall increase in sustainable modes of access to the airport. Furthermore, there is an absence of any evidence to support the figure of £10 million, and the extent to which it is considered to be sufficient to meet the expensive infrastructure improvements necessary on the Brighton Mainline, particularly in respect of the Croydon Area Restructuring Scheme, being particularly important in order to make a meaningful improvement to the numbers of passengers on the rail network accessing the airport in the future.
- 2.16 As concluded in Network Rail Infrastructure Ltd’s **Document REP1-090**:
- (a) Accounting for both airport staff and passengers, Gatwick’s model suggests a near doubling in rail trips to and from the airport by 2032 when the Northern Runway Project is factored in – an extra 47,000 additional two-way trips compared to 2016 (which is broadly similar to current passenger volumes).

- (b) Of this growth, according to the GHOST model, around 60% of these additional trips are forecast to occur without the Northern Runway Project and the remaining 40% directly as a result of the Northern Runway Project.
- (c) The 40% increase directly attributable to the Northern Runway Project equates to at least an additional 19,000 daily rail trips in 2032 when compared to the 2016 base. This is irrespective of the current variants between the future baseline level of demand indicated by the GHOST model for rail passengers at Gatwick Airport, and that forecast by the Department of Transport Exogenous Demand Growth Estimator (EDGE model) used as the basis for rail industry demand forecasting.

VI. Timing Associated with Measures set out in Action Plans/SAC Mitigation Plan Arising from Commitment 16

- 2.17 Commitment 16 is concerned with the preparation of an Annual Monitoring Report (AMR) which is to be produced no later than 6 months before commencement of the dual runway operation in 2032. The AMR is to be provided to the Transport Forum Steering Group (TFSG) prior to publication so that a response may be received, following which GAL will publish the AMR and TFSG's response simultaneously. It is said that in addition GAL will report quarterly to TFSG and will be given access to data collected for the purposes of monitoring, except where it is considered to be commercially sensitive. Pausing there, the publication of the AMR and the role of the TFSG has to be seen in the light of the fact that GAL is responsible for the administration of convening and holding meetings of the TFSG in accordance with its terms of reference, indicating that the two organisations are not wholly independent of each other.
- 2.18 It is said in addition to the AMR and quarterly reporting to the TFSG; GAL will continue to produce an Action Plan in line with the Airport Surface Access Strategy, with the intention of achieving the targets set out in the ASAS and Decade of Change, which will support mode share commitments. The ASAS Action Plan will be reviewed with the TFSG quarterly and recorded at the annual meeting of the Gatwick Area Transport Forum.
- 2.19 This seems to be an approach in which those who are not party to the TFSG or member of the Gatwick Area Transport Forum are excluded from the process, despite the fact that long term off-airport car parking contributes to the success of the airport on which the

Applicant is dependent, since without its contribution, sufficient car parking could not be provided on airport. This is in spite of what is required to ensure compliance with Commitment 8A.

- 2.20 If the AMR shows the mode share commitment has not been met, or in GAL's or the TFSG's reasonable opinion, it is suggested they may not be met, GAL in consultation with TFSG will prepare an Action Plan to identify such additional interventions which are considered reasonably necessary to correct such actual or potential non-achievement of the mode share commitment. The Action Plan is to be the subject of approval by the TFSG.
- 2.21 If two successive AMRs continue to show the mode share commitments have not been met, or in GAL's or the TFSG's reasonable opinion they may not be met, GAL will then prepare a further Action Plan referred to as an SAC Mitigation Action Plan, and this is to be provided to TFSG for consideration, comment and approval or rejection. There is also the question of incidences where the TFSG does not agree with the reasons put forward on non-inclusion of the proposed measures. In these circumstances TFSG must give GAL its reasons in writing and within 90 days of receiving the TFSG's written reasons, following which GAL must submit the SAC Mitigation Action Plan and the proposed measures to the Secretary of State.
- 2.22 What is lacking from this exposition of the process concerning the provision of AMRs and the SAC Mitigation Action Plan is a timeline to indicate the extent in terms of numbers of years this process is intended to cover. To this consideration should be added that the Applicant through being responsible for the administration of and convening and holding meetings with the TFSG, means that the process does not comprise a degree of independence or governance surrounding the provision of AMRs and SAC Mitigation Action Plans. It is only at the end of the process when the Secretary of State becomes involved that an independent adjudicator is in position.

3.00 **PRINCIPAL DEFICIENCIES SURROUNDING ON-AIRPORT CAR PARKING PROVISION AND DISCREPANCIES IN THE NUMBERS OF OFF-AIRPORT CAR PARKING SPACES**

I. The Lawfulness of On-Airport Car Parking Site MA-1

- 3.01 In the opening paragraph of these representations raised on behalf of Holiday Extras Ltd, reference was made to the need for a sound evidence base to support meaningful sustainable access commitments with regard to achieving specific passenger sustainable travel mode shares.
- 3.02 As part of the representations submitted on behalf of my clients, Holiday Extras Ltd, [Document REP1-195] reference was made to three separate areas situated on the southern side of the airport known as MA-1 used for long term valet passenger car parking, which in accordance with Table 4.2.2 Existing Car Parks comprising part of Document APP-029 and Table 1 of Document REP1-051 comprise 5,372 spaces. The largest of the three individual areas comprising part of the site known as MA-1 amounts to approximately 4ha, being the main contractor construction compound associated with “the Project” in use from 2024 through to 2035 in accordance with Document APP-088. It is here where the majority of the daily construction workforce and project management team is to be based.
- 3.03 The writer can find no application having been submitted by the Applicant to Crawley Borough Council relating to Car Park MA-1. Reference is first made to MA-1 in the September 2014 Gatwick Airport Car Parking Survey prepared by Crawley Borough Council, where it is combined with Valet North, Holiday Parking and Short Stay Parking, as well as in the September 2015 Survey where it forms part of a single entry along with Valet North, Storage Area and Staff Car Park X. In the period from September 2016 up until the present day, on-airport car parking is simply differentiated by long stay and short stay car parks.
- 3.04 There is no reference to Car Park MA-1 in the planning history Document REP7-056 prepared by the Applicant and nor is it found in either Document REP1-068 or Document REP1-069 produced by the Joint West Sussex Authority. No information has been provided as to how many passenger parking spaces will be retained in the two smaller areas forming part of MA-1.

- 3.05 These factors cast doubts on the lawfulness of Car Park MA-1 which should have been the subject of consultation with Crawley Borough Council. The provisions of Schedule 2 Part 8 Class F.2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended) state:-

“F.2 Development is permitted by Class F subject to the condition that the relevant airport operator consults the local planning authority before carrying out development unless that development falls within the description in paragraph F.4.”

- 3.06 No evidence has been provided to confirm that the valet parking areas taking place on MA-1 was *“urgently required for the efficient running of the airport”* in accordance with paragraph F.4 referred to above. 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 on whether Car Park MA-1 is capable of forming part of a retrospective application in accordance with Sections 73A or 73B of the Principal Act.
- 3.07 The overall provision of car parking spaces in MA-1 amounts to 13% of the total of all short and long stay provision on-airport or 15% of all long stay on-airport car parking. The question arises as to whether, given these facts, the 5,372 spaces relating to MA-1 should be shown as permanently lost, which has implications on the Applicant’s Car Parking Strategy **Document REP1-051**.

II. Discrepancies Surrounding the Number of Off-Airport Car Parking Spaces

- 3.08 **Document REP6-127** sets out at Table 1 car parking requirements in 2047, having taken into account the fact that as stated in their Car Parking Strategy, the Applicant considers that on-airport passenger car parking comprises what is referred to as *“airport-operated on-airport spaces”*. This means that passenger car parking spaces which are not operated by the airport within the boundaries 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 and treated as such.
- 3.09 The contents of paragraph 2.09 of **Document REP6-127** reveals that there are approximately 4,939 passenger car parking spaces situated within the boundaries of London Gatwick Airport, which are not defined as *“on-airport, airport operated”*, and hence should be categorised as *“off-airport”* To this figure should be added the results of

an assessment of ten individual car parking sites comprising part of the 2018 Gatwick Airport Car Parking Survey. These ten sites have been referred to on pages 20-27 of Holiday Extras Ltd's Deadline 4 submission [**Document REP1-108**] revealing an over-estimate of approximately 1,040 spaces when comparing the lawful use of the same sites from the individual local authority's records, with 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 is derived from the same sites in the 2019 and 2023 Gatwick Airport Car Parking Surveys.

- 3.10 What this means is that there is a figure 5,979 authorised off-airport car parking spaces (4,939 spaces + 1,040 spaces) which should be deducted from the total capacity of authorised off-airport car parking spaces of 22,567 spaces (Row B) recorded in the 2018 Gatwick Airport Car Parking. The figure indicated in Row B of Table 2 of the Applicant's Car Parking Strategy [**Document REP1-051**] amounting to 21,200 is incorrect.
- 3.11 The purpose of referring to this earlier exercise in **Document REP6-127** is twofold. Firstly, in carrying out a careful assessment of each lawful long term off-airport car parking site from the planning records of the respective Councils reveals that the figures relied upon in the Gatwick Airport Car Parking Surveys are not accurate, and at best represent a crude approximation. To provide the best available evidence from individual local planning authorities is not considered to represent a "*disproportionate approach*" as outlined by the Applicant in paragraph 3.1.14 of **Document REP6-078**, given the considerable volume of information comprising part of the same major infrastructure project, with significant positive and negative consequences. It is nothing less than what would be expected from a major infrastructure development which has taken place over a period of 3 years prior to submission to the Secretaries of State.
- 3.12 Secondly, by relying on a more robust analysis of the information obtained from individual local planning authorities' records, reveals an over-provision of 5,393 passenger car parking spaces associated with "*the Project*" made up of 4,293 spaces (Row N in Table 1 of **Document REP6-127**) + 1,100 additional spaces (Row O in Table 1 of **Document REP6-127**). In short, 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 any consultation application under Schedule 2 Part 8 Class F of the 2015 Order.

4.00 RESPONSES TO THE SUGGESTIONS IN REQUIREMENT 20 GOVERNING THE NEED FOR A CAP AND THE REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

I. The Requirement for a Cap

- 4.01 An important point to note from the ISH9 meeting which took place on 30th July 2024 is recognition on the part of the Applicant that they have now given further thought to the imposition of a cap on the overall number of parking spaces that could be included in a draft DCO, in order to achieve the same objective as would rise from the removal of permitted development rights. In this regard my client welcomes the suggestion made for a new requirement capping the number of on-airport car parking spaces, but would reserve the right to consider the details, which it is understood are expected to be submitted by the Applicant at the Deadline 8 stage.
- 4.02 Requirement 20 as recommended by the Examining Authority is strongly supported by Holiday Extras Ltd where it relates to surface access. As indicated in **Document REP4-108** prepared by this company on behalf of Holiday Extras Ltd, the lack of independent governance arrangements surrounding on-airport car parking provision is such that it is considered appropriate to impose a cap to control on-airport staff and passenger car parking in a similar way to that considered appropriate at the time of the T5 inquiry involving London Heathrow Airport. My client's concerns in this respect surround the effectiveness of the enforcement measures governing on-airport car parking provision whether for staff or passengers referred to in paragraphs 6.2.1 to 6.2.11 of **Document REP7-043**.
- 4.03 Their concerns in this respect are given added weight by the Applicant's requirement for "*flexibility*" as reflected in the provisions of paragraph 3.1.6 of **Document REP6-068**, and the need to support a temporary reduction in the number of staff spaces available in the peak summer period should additional passenger capacity be required, along with the ability to alter the car parking product to suit different segments of the market.
- 4.04 I have demonstrated in the previous section of these representations with reference to representations raised on behalf of Holiday Extras Ltd at the Deadline 6 stage [**Document REP6-127**], that it is highly questionable that there is a need for additional spaces, if reliance is placed on accurate lawful off-airport passenger car parking provision.

4.05 Action Point 6 set out in **Document REP4-019** refers to Surrey County Council’s Local Impact Report [**Document REP1-097**] which raised the same primary consideration, namely there is no need for additional on-airport passenger car parking spaces associated with the Project, which elicited the following response from the Applicant:-

“The additional spaces are required both in the short term to supplement parking capacity during construction, when several existing car parks will be unavailable and in the longer term when peak parking demand is more sustained due to peak spreading as well as to accommodate an additional 13 million passengers.

An increase in the capacity of North Terminal Long Stay is required to provide sufficient capacity both during and post construction when existing sites are either temporarily or permanently unavailable. This includes re-provision of other parking products which need to be relocated due to construction that require the intensification (through decking) of existing long stay spaces.”

4.06 The Applicant’s response in this regard casts doubt on the robustness of its evidence base to support additional car parking to meet the needs of the Project, representing a further strand governing its requirement for “flexibility” surrounding future on-airport passenger car parking.

4.07 The same considerations have implications on the number of on-airport passenger car parking spaces, and the need for compliance with Commitment 8A, involving consideration of both on- and off-airport car parking provision when assessing the need for additional parking over and above that required to replace capacity lost as a result of construction of the Project. If left unchecked and without the imposition of a cap, doubts arise on the veracity of the Applicant’s Car Parking Strategy; the effectiveness of enforcement provisions relating to AMRs and SAC Mitigation Plans as a result of a lack of independent governance, with consequential impacts on surface access considerations generally.

II. The Need to Restrict Permitted Development Rights Concerning Airport Related Car Parking

4.08 The Applicant’s suggestion to agreeing to a cap on the number of on-airport related car parking spaces is advanced as an alternative to the imposition of a condition removing “permitted development rights” relating to on-airport car parking. Holiday Extras Ltd acknowledge that there is a relationship between the use of a cap and the removal of “permitted development rights”, the intentions behind both mechanisms being to control on-airport related car parking.

4.09 The Applicant has arrived at a decision to adhere to a cap, but there are other equally important considerations why the removal of “permitted development rights” regarding on-airport car parking is particularly applicable in the circumstances of the current DCO application at London Gatwick Airport. These considerations have as their basis the need for consistency surrounding the application of Local Plan policy relating to airport related car parking, being necessary to secure a coherent and consistent performance of Policy GAT3, without appearing discriminatory and avoiding arbitrariness.

4.10 Policy GAT3 in the adopted Crawley Borough Local Plan 2015-2030 is concerned with “Gatwick Airport Related Parking”, which for ease of reference is set out below. This policy is specific to London Gatwick Airport and to this end it is unique to the same airport.

Policy GAT3

“The provision of additional or replacement airport parking will only be permitted within the airport boundary.

All new proposals must be justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.”

4.11 Policy GAT3 in the emerging Crawley Borough Local Plan 2024-2040 is reproduced below. It can be seen that it takes an almost identical form to the version of the same policy in the adopted Local Plan. Emerging Policy GAT3 could be said to be less onerous than the adopted version of the same policy. Although a proposal no longer “must” be justified by a demonstrable need, there still remains a requirement to justify a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. before being deemed acceptable within the boundary of London Gatwick Airport.

Policy GAT3

“The provision of additional or replacement airport related parking will only be permitted where:

- i) It is located within the airport boundary; and*
- ii) It is justified by demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport.”*

4.12 The Applicant has consistently remained supportive of the intentions and justification behind Policy GAT3. It means that for applications for airport related car parking to be acceptable they are required to meet both paragraphs, or limbs, of Policy GAT3. In this

regard the airport boundary is shown on the Proposals Maps, which it should be said is not consistent with the definition of “Operational Land” as defined in Section 263/264 of the Town & Country Planning Act 1990 (As Amended).

- 4.13 In this way, within the airport boundary on the respective Proposals Maps there is firstly, land operated by the Applicant being on-airport operated car parking; and secondly, what GAL have referred to as off-airport car parking which comprises car parking on sites within the airport boundary on the Proposals Map but which are not operated by the Applicant.
- 4.14 The Applicant can, nevertheless, construct on “Operational Land” surface car parking; build multi storey car parks, or construct decking over existing car parks in accordance with 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), without taking into consideration the provisions of Policy GAT3.
- 4.15 This effectively means that insofar as Policy GAT3 is concerned the Applicant on “Operational Land” can construct replacement or additional airport related car parking without the need to comply with the provisions of the same policy, and in particular, without having to justify “a demonstrable need in the context of proposals for achieving a sustainable approach to sustainable access to the airport.” Such a provision could easily undermine the basis of the DCO application where it is concerned with surface access provision, especially future on-airport car parking.
- 4.16 In this way, the Applicant as a private company enjoys a dominant position in the market place for airport related car parking within the boundaries of London Gatwick Airport, as shown on the Proposals Maps accompanying both the adopted and emerging Crawley Borough Local Plans, a position which they are able to use to their benefit. This does not produce a level playing field.
- 4.17 The same position is not afforded to those private companies who are situated within the boundary of the same airport, but which do not benefit from “permitted development rights” in the same way as the Applicant. These private companies seeking airport related car parking are required to meet the provisions of Policy GAT3, despite the same policy

only allowing airport related parking within the boundary of London Gatwick Airport as shown on the relevant Proposals Maps.

- 4.18 Recent consultation applications submitted by the Applicant to Crawley Borough Council concerning additional on-airport car parking facilities reveal that GAL has sought to take advantage of this situation. Table 1 attached to these representations comprises supporting information provided by the Applicant from which it can be seen that in the past weight has been placed on submitted proposals comprising “*permitted development rights*”, with a distinct absence of any evidence proving a demonstrable need.
- 4.19 There is a need for consistency in the effective operation of Policy GAT3 which is not evident at present, with the Applicant on “*Operational Land*” being able to rely on “*permitted development rights*” and effectively disregard the provisions of Gatwick Airport related parking policy. This results in an unfair advantage to one private company, namely the Applicant, when compared with other private companies seeking on-airport parking within the boundaries of London Gatwick Airport on the Proposals Maps associated with the existing and emerging Crawley Borough Local Plans.
- 4.20 The removal of “*permitted development rights*” relating to on-airport passenger car parking in terms of Schedule 2 Part 8 Class F would lead to a consistent approach to all applicants contemplating airport related car parking within the boundaries of London Gatwick Airport, necessitating all applications having to comply with the provisions of adopted and emerging Policy GAT3. Importantly, it would allow the Local Planning Authority as guardian of the public interest to independently assess the demonstrable need case advanced by the respective applicant for on-airport car parking, irrespective of the nature of particular occupier of the land.
- 4.21 It follows that Holiday Extras Ltd are in full support of the removal of permitted development rights relating to the provision of additional car parking as set out in Requirement 20. It would provide for consistency in decision making¹, an important tenet

¹ *North Wiltshire District Council v Secretary of State for the Environment (1992) 65 P & CR 137*; *R (Baber) v Secretary of State for the Environment (1996) JPL 1034*; *JJ Gallagher Ltd v Secretary of State for Local Government Transport and the Regions (2002) EWHC 1812 (Admin)*; *Dunster Properties Ltd v First Secretary of State (2007) EWCA Civ 236*; *R (Fox Strategic Land & Property Ltd) v Secretary of State for Communities and Local Government (2012) EWCA Civ 1198*; *Pertemps Investments Ltd v Secretary of State for Communities and Local Government (2015) EWHC 2308 (Admin)*; *DLA Delivery Ltd v Baroness Cumberlege of Newick and Secretary of State for Communities & Local Government (2018) EWCA Civ 1305*

of planning law, serving to maintain public confidence in the operation of the development management system, whilst at the same time reinforcing that long established principle that the character of the occupier of the land is not relevant in determining the use of land.²

² *East Barnet Urban District Council v British Transport Commission (1962) 2 QB 484; Lewis v Secretary of State for the Environment (1971) 23 P & CR 125*

TABLE 1
An examination of consultations submitted by the Applicant to Crawley Borough Council relating to additional on-airport car parking applications seeking permission for either new car parking or variations of conditions relating to existing on-airport hotels following adoption of the Crawley Borough Local Plan 2015-2030.

| Crawley BC Ref. No. | Proposed Development | Information to Support the Proposed Development along with reasoned justification from the LPA |
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| CR/2017/0523/CON | <p>Consultation from GAL for the construction of a single decked car park over the existing surface car park at Zones F & G in the South Terminal Long Stay Car Park to provide additional Passenger car parking CONSULTATION</p> | <p>A five page document accompanied this consultation application with the following planning considerations found under the sub-title "permitted development": <i>"The proposed development is operational development to be used in connection with the provision of services and facilities at Gatwick Airport. It will be carried out by GAL and take place on operational land. The proposed works have been subject to EIA screening which has confirmed the development is not EIA development. 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."</i></p> <p>Under the sub-title "Principal of Development" It was said <i>"Although development plan policies have no weight for permitted development it is relevant to note that the development complies with the principles of Policy GAT1 and GAT3 of the Crawley Local Plan in that it will support the development of facilities which contribute to the safe and efficient operation of the airport and provide on-airport parking to meet increased passenger parking demand."</i></p> <p><u>This statement does not constitute a justifiable need in the context of Policy GAT3.</u></p> <p>The basis for recommending no objection on the application is found at paragraphs 5.6 and 5.7 of the Case Officer's delegated report viz:-</p> <p><i>"5.6 The proposal provides additional on-airport parking for passengers. Policy GAT3 recognises that while the aim should be to increase the modal share of passengers arriving by public transport, long stay car parking still plays an important role and should be managed in a sustainable way by requiring new parking to be located on-airport thereby minimising the number and length of passenger car journeys.</i></p> <p><i>5.7 Additional parking must also be justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. This proposal would result in an overall net increase of 1,126 spaces which is slightly higher than proposed in Gatwick's Interim Parking Strategy 2017. This strategy alongside the Surface Access Strategy and Capital Investment Plan form Gatwick's proposals for achieving a sustainable approach to surface transport access to the airport. In these proposals car parking provision is tied to a sustainable approach to surface access, that enough but no more than enough spaces are provided on airport which is the most sustainable location for it and public transport mode share is increased over time. The need for this additional parking is consistent with</i></p> |

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| <p>CR/2018/0337/OUT</p> | <p>Erection of multi storey hotel car park OUTLINE [All matters were required to be considered at the outline stage, except for landscaping]</p> | <p><i>this and therefore considered a logical assumption based on passenger growth and the planning policy context.</i></p> |
| <p>The 2018 application was accompanied by a Transport Statement, having been submitted by AH5 Ltd c/o Arora Management Services Ltd. It was stated in the Case Officer's report to the Council's Planning Committee meeting held on 27th August 2019 that the proposal sought 831 new parking spaces to be used by hotel guests for long stay parking and also for conferences at the Hilton (South Terminal) Hotel. The overall capacity of the hotel was stated to be 874 spaces. It was said that guests at the hotel who wished to book accommodation and parking had the following choices to make through the Hilton website. They could use (i) the Euro Car Park adjacent to the hotel; (ii) valet or long stay parking on-airport; or (iii) valet parking booked through Ace Meet and Greet, a third party operator and parked off-airport.</p> <p>GAL provided representations on this application, commenting:</p> <p><i>"5.9 ... GAL do wish to clarify that the application is for car parking for Hilton Hotel guests only. It should not be regarded as part of GAL's supply of airport parking to meet the needs of passengers using the airport. GAL is to meet their own demand for airport parking on its own land. GAL has plans in place to continue to meet incremental increased parking demand arising from projected passenger growth over the next 5 years."</i></p> <p><i>5.10 The GAL representation goes on to state: We do acknowledge that the provision of additional parking at the Hilton for its guests may avoid the need for hotel guests flying from Gatwick to drive their cars to the long-stay airport car parks or to utilise the MSCP 1 or 2, and thus may free up spaces and indirectly contribute to the overall parking capacity at the airport."</i></p> <p>The Case Officer's report went on to state in paragraphs 5.15 and 5.16:-</p> <p><i>"5.15/5.16 The development would therefore assist in making the best use of the existing runway in accordance with Government policy and the emerging Local Plan Policy GAT1 and it is therefore considered that this, in addition to its compliance with Policy GAT3, should be weighed positively against the conflict with the current GAT1 policy."</i></p> <p>It was further stated that the car parking spaces would meet the Council's adopted car parking standards of 1 space per bedroom, before going on to add:</p> <p><i>"5.22 ... For this proposal the use of the hotel by guests would almost exclusively be to stay one night and leave their car for the duration of their holiday. The standard relates to hotel use where the customer would stay longer than one night and therefore there would be a lower demand for spaces. It is therefore conceivable that demand for parking from Hilton Hotel users</i></p> | | |

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| | | <p><i>could be higher than the number of spaces proposed. As is happening currently, however, demand can be accommodated on other parking sites, although with the erection of this car park, this is likely to be lower than is currently the case."</i></p> <p>In its conclusions on Application No. CR/2018/0337/ALT, paragraph 6.2 states:</p> <p><i>"6.2 The construction of the proposed development will accord with GAT1 which supports the safe and efficient operation of Gatwick as a single runway two terminal airport, and as the location of parking is on-airport and there is a demonstrable need for the parking in the context of proposals to improve public transport access to the airport. The proposal is therefore in accordance with Policy GAT3."</i></p> <p><u>The justification for this development appears convoluted. GAL indicate that approval of the development may free up spaces and indirectly contribute to the overall parking capacity at the airport. The LPA believe that the development assists in making best use of the existing runway with the demand for hotel guests car parking, capable of being accommodated on other parking sites. The demonstrable need appears to stem from the view of the LPA that the construction of the proposed development would support the safe and efficient operation of Gatwick as a single runway two terminal airport.</u></p> |
| <p>CR/2018/0935/CON</p> | <p>Consultation from GAL for a robotic car park pilot project CONSULTATION</p> | <p>A five page document accompanied this consultation application, with the same planning considerations found under the sub-title "Permitted Development" as was the case with Application No. CR/2017/0523/CON. Under the sub-title "Principle of the Development" the same comment was made as was the case with Application No. CR/2017/0523/CON, viz:</p> <p><i>"Although development plan policies have no weight for permitted development it is relevant to note that the development complies with the principles of Policy GAT1 and GAT3 of the Crawley Local Plan in that it will support the development of facilities which contribute to the safe and efficient operation of the airport and provide on-airport parking to meet increased passenger parking demand."</i></p> <p>It was then stated under the same heading:-</p> <p><i>"Specifically in relation to Policy GAT – airport related parking – the development is within the airport boundary. The trial, if successful, will help inform future plans on the optimum way to meet parking provision for passengers in the most sustainable way in accordance with GAL's Surface Access Strategy objectives, including targets to manage supply of parking consistent with achieving passenger mode share targets."</i></p> <p>The Case Officer's delegated report reveals no objection was raised, adding at paragraphs 5.7 and 5.8:-</p> |

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| | | <p><i>"5.7 Additional parking must also be justified by demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport. This proposal would result in an overall net increase of 100 spaces for a three month period which is only a small increase in the total number of on-airport parking spaces and is not considered to have any significant impact on the longer term surface transport strategies for the airport. The trial should inform future plans in this regard and it is not considered this conflicts with planning policy GAT3.</i></p> <p><i>5.8 In relation to GATI, it is accepted that the proposal would contribute to the safe and efficient operation of the airport within its existing one runway, two terminal configuration. It is, however, recognised that the cumulative impact of this consultation, alongside several similar consultations for incremental improvements within the airport boundary, is having the effect of increasing future passenger capacity as well as facilitating the safe and efficient operation of the airport. GAL has already reported that Gatwick's passenger numbers exceeded the 45m ppa cap in the 12 months to July 2017 (Gatwick Airport Surface Access Strategy, 2018) and taken cumulatively, permitted developments are facilitating further incremental increase in capacity beyond this level. As this proposal is for a limited temporary period it is not considered there is a policy conflict with GATI in this case."</i></p> <p><u>The Council's comments justify how this process could be repeated which in turn could lead to incremental increases in on-airport car parking beyond levels set out in the DCO application appearing at variance with the Applicant's Car Parking Strategy. This LPA's comments are pertinent seen in terms of the proposed 2,500 spaces devoted to robotic car parking as part of the Future Baseline associated with the DCO application.</u></p> |
| <p>CR/2020/0575/NCC</p> | <p>Variation/removal of Condition Nos. 3 and 9 pursuant to Application No. CR/2018/0337/OUT for the erection of a multi storey hotel car park SECTION 73 APPLICATION</p> | <p>This application sought a reduction of 20 car parking spaces compared with the proposals granted outline planning permission under Ref. No. CR/2018/0337/OUT from 831 to 911 spaces, with a total of 854 spaces including the existing undercroft parking. It was considered the reduction in 20 spaces would still provide more than adequate provision for parking and comply with the Council's car parking standards. The submitted Transport Statement referred to the proposal contributing towards the reduction in vehicle trips to the airport by reducing the kiss-and-fly mode.</p> <p>The contents of paragraph 5.11 of the Case Officer's Report to the Council's Planning Committee meeting held on 12 January 2021 considered this point, stating:</p> <p><i>"5.11 The previous officer report concluded that whilst a reduction in kiss-and-fly as a result of the proposal was not clearly evidenced by the applicant, the contribution to parking capacity on-airport as passenger numbers increase provides the option of parking adjacent to the hotel/terminal rather than using kiss-and-fly or less sustainable locations off-airport. It is therefore considered in this regard that the proposal could help to discourage kiss-and-fly."</i></p> |

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| | | <p>The same report went on to add :</p> <p><i>"5.13 It should be noted under the current circumstances with the COVID 19 Pandemic, with one of the terminals shut, there is not currently such a demand for parking. However, this is anticipated to be a temporary decline which is expected [to] begin to return to normal levels in 2021."</i></p> |
| <p>CR/2019/0802/FUL</p> | <p>Erection of extension to existing hotel to provide an additional net 231 bedrooms and associated back of house and support accommodation FULL</p> | <p>The application was accompanied by separate Planning and Transport Statements. The Planning Statement prepared by Vantage Town Planning, unlike earlier proposals for additional car parking provisions at the Hilton (South Terminal) Hotel, made no reference to Policy GAT3, save to confirm that the hotel had no dedicated on-site parking. The Transport Statement, referred to the location of main car parking areas both on and off-airport, where it was said passengers could rely on long-stay car parks using frequent shuttle bus services to access the terminal.</p> <p>The Case Officer's Report on Application No. CR/2019/0802/FUL was presented to the Council's Planning Committee meeting on 10 February 2020, at which time paragraphs 5.20 to 5.22 considered "Parking and Access Considerations", viz:</p> <p><i>"5.20 No changes are proposed to the existing vehicle access or servicing arrangements for the existing hotel. The existing hotel does not have any designated car or cycle parking. All car parking for staff and guests will be expected to be accommodated within the existing general supply of staff and passenger parking available at the airport. The site is a highly accessible station just a short walk from Gatwick Station, coach station, and the bus stops including the regular Fastway bus service. The main purpose of the development will be to provide overnight accommodation for passengers flying to and from the airport.</i></p> <p><i>5.21 The proposal would not meet the Council's adopted parking standards. WSCC Highways have raised no objection and commented that as stated in the supporting Transport Statement, the expectation is that the significant majority, if not all guests using the hotel would be in association with Gatwick Airport. The hotel would effectively be ancillary to the Airport. On this understanding, the additional hotel rooms would be providing for trips that would occur irrespective of the current application. This assumption is accepted and therefore the proposed development is considered acceptable in this regard.</i></p> <p><i>5.22 WSCC Highways have not recommended any conditions. However, it is considered appropriate to condition a Travel Plan to be provided in order to encourage the use of sustainable transport by passengers and staff, and to minimise the demand for car parking. This was a condition imposed when the original BLOC hotel use was granted permission."</i></p> <p><u>No demonstrable need was advanced as part of this development.</u></p> |

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| <p>CR/2019/0878/CON</p> | <p>Consultation from GAL for the construction of a multi-storey car park (MSCP7) at the North Terminal CONSULTATION</p> | <p>GAL produced an 8-page supporting statement for what was permitted development in accordance with Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended). It was stated under the heading "Background":</p> <p><i>"The proposed MSCP7 development delivers proposals set out in Gatwick's Car Parking Strategy which sets out GAL's forecasts and investment plans for providing additional on-airport passenger car parking. This planned investment aligns with adopted Crawley Local Plan Policy GAT 3 (Gatwick Airport related parking) approach for new airport related parking to be provided on-airport – on airport parking being considered as the most sustainable location – alongside action being taken to reduce unauthorised off-airport parking operations, of which there are currently some 6,800 spaces.</i></p> <p><i>The Gatwick Airport Surface Access Strategy (May 2018) and Gatwick Airport Interim Car Parking Strategy (April 2017) specifically identify projects that GAL are intending to bring forward to deliver increased on-airport parking capacity over the next five years including 1800 spaces to be delivered in Phase 1 of a new MSCP (MSCP7) in North Terminal and a further 1200 spaces in Phase 2 of MSCP 7. The proposed 3,000 MSCP7 spaces in the Gatwick Airport Surface Access Strategies were based on initial high-level concept layout, which have been refined during the detailed design process and as a result of optimisation of the available space and the grid of the car parking system, the proposed MSCP7 development has a total of 3,200 spaces."</i></p> <p>The proposed development is to take place on the site of an existing surface car park used by staff and known as Staff Car Park M comprising approximately 1.4ha on land at the North Terminal with a capacity of 450 spaces. The proposed MSCP7 development was not to accommodate any future parking spaces allocated to staff, with the existing 450 staff car parking spaces being re-allocated to other staff car parks including W, B, H and Z.</p> <p>In the same way as Application Nos CR/2017/0523 and CR/2018/0935/CON, GAL had the following comments to make under the sub-title "Permitted Development" forming part of the heading "Overview of Planning Considerations":</p> <p><i>"The proposed development is operational development comprising the construction of MSCP7. It will be carried out by GAL and take place on operational land on the site of existing Staff Car Park M. The proposed works have been subject to EIA screening which has confirmed that the development is not EIA development.</i></p> <p><i>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</i></p> |
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| | | <p><i>development, in accordance with commitments in GAL's Section 106 Agreement, with CBC and West Sussex County Council (WSSCC)."</i></p> <p>It was further added under the sub-title "Principle of the Development":</p> <p><i>"The proposed MSCP7 development complies with the principle of CBC Local Plan Policies GAT1 and GAT3 in that it will support the development of facilities which contribute to the safe and efficient operation of the airport, and provide on-airport parking to meet increased passenger parking demand. The proposed development will intensify the current use of the site for parking and is consistent with other airport related uses adjacent to it."</i></p> <p><u>The multi-storey car park (MSCP7) is justified on the basis that it formed part of GAL's forecasts and investments plans. There is no evidence of a demonstrable need being required for these spaces, with reference made to "permitted development rights" before adding that the development would contribute to the safe and efficient operation of the airport, and provide on-airport car parking which would meet increased passenger parking demand.</u></p> |
| <p>CR/2020/0707/NCC</p> | <p>Application seeking the removal of Condition No. 3 pursuant to Application No. CR/2010/0692/FUL relating to a change of use to a hotel along with the addition of two further floors and alteration to external appearance. SECTION 73 APPLICATION</p> | <p>This application was submitted on behalf of Gatwick Propco and Sankara Hotels Gatwick Ltd, the owners of the Gatwick by Hilton Hotel and GAL. It was accompanied by a Planning Statement from Vantage Town Planning which sought the continuation of the use of the land without complying with Condition No. 3 on Application No. CR/2010/0692/FUL which read as follows:</p> <p><i>"3. The hotel shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purposes other than the parking of customers vehicles."</i></p> <p>The reason for the imposition of the condition was:</p> <p><i>"To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with Policy GD3 of the Crawley Borough Local Plan 2000."</i></p> <p>The Planning Statement referred to the fact that 60 standard car parking spaces and four blue badge spaces used in connection with the Hampton by Hilton Hotel were provided on what was known as Staff Car Park M. It was pointed out the decision to redevelop Car Park M with a new multi-storey car park (MSCP7) would mean that the hotel's car park would no longer exist, although it was indicated <i>"I can advise that on completion of the planned MSCP7, it is intended that 60 of its parking spaces will be made available for parking in connection with the hotel."</i></p> |

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| <p>As part of the justification for the proposed development the accompanying Planning Statement stated:</p> <p>"1. The hotel is a highly accessible location at Gatwick Airport, it is extremely well served by a range of public transport options. As noted, many hotel guests already use public transport.</p> <p>2. For those guests who drive and wish to park there are some 40,000 public car parking spaces within the Gatwick Airport boundary, as well as over 20,000 spaces provided by off-airport operators. Many hotel guests who require parking currently use these spaces. Even the cars of guests who make use of the Hampton by Hilton spaces tend to only occupy spaces for short periods of time for convenience purposes (e.g. dropping off luggage), before parking elsewhere in either GAL or third-party operated car parks.</p> <p>3. These existing car parks products include North Terminal, MSCPs 5 and 6, which are in close proximity to the hotel (c. 2100 spaces including blue badge spaces, cycle and motor cycle parking, and where short stay and valet parking products are based, as well as the various long stay car park offerings on and off airport (which also include blue badge spaces). In due course, hotel guests would also have access to the planned c.3200 space MSCP7 – a car park which is proposed to be used as a mid-stay product (typically 3-8 days) and which would be particularly convenient for guests of the Hampton by Hilton Hotel because of a direct pedestrian link via the existing link bridge into the hotel and again the provision of blue badge spaces.</p> <p>4. The Hampton by Hilton Hotel would not be alone in not having any designated parking – the 245-bedroom BLOC hotel at the South Terminal (permitted in 2012) has no parking, nor has any parking been required as part of a recent (2019) permission for its extension. The 46-room "Yotel" at South Terminal similarly has no car parking.</p> <p>5. Like the BLOC hotel and Yotel, the Hampton by Hilton does not offer conference or meeting facilities.</p> <p>6. Referring to the reason for the condition "To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways ...":</p> <p>(i) the location of the Hampton by Hilton, well within the airport boundary and within the North Terminal Campus, means there is little/no risk of over-flow parking occurring either on the highway or in residential areas, causing inconvenience or harm to amenities of local residents;</p> <p>(ii) there is therefore no risk of parking on public (or airport) roads creating a highway safety issue."</p> <p>The justification for seeking the removal of Condition No. 3 pursuant to Application No. C/2010/0692/FUL is based on the fact that other on-airport hotels do not have designated parking and that as the Hilton Hotel was in close range of existing on-airport car parks, these would be particularly convenient for hotel guests. There is an absence of any evidence to indicate the impact on existing on-airport passenger car parking provision as a consequence</p> | |
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| | | <p>of allowing on-airport hotels to be granted permission without designated car parking spaces for their guests.</p> |
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