

Local Plan Representation

FPLP524873354

PART A Personal details

Title	Mr.
First name	Howard
Last name	Dove
Organisation	HX Properties Ltd
Is the address	Outside Crawley, or not found
Flat name or number	none
House name or number	none
Street	Ashford Road
Neighbourhood	Newingreen
Town	Hythe
County	Kent
Postcode	CT21 4JF
Email	Howard.dove@holidayextras.com
Confirm email	Howard.dove@holidayextras.com
Mobile number	07974141696
Has a planning agent been appointed?	Yes

PART A Agent details

Title	Mr.
First name	Tim
Last name	North
Organisation	Tim North & Associates Ltd
Need to enter address manually?	Outside Crawley or not found
House name or number	Maple Gate
Street	Abbotts Field
Neighbourhood	Brampton Abbots
Town	Ross-on-Wye
County	Herefordshire
Postcode	HR9 7JD
Email	Timnorth.associates@btinternet.com
Confirm email	Timnorth.associates@btinternet.com
Mobile (Please remove spaces)	07836678903

PART B Your representation

Which document would you like to make a representation on?	Crawley submission Local Plan
Which part of the Local Plan does this representation relate to?	Policy
Please give details.	Policy GAT3 and supporting paragraphs 10.24 to 10.27 inclusive
Legally compliant?	No
Sound?	No
Compliant with the duty to co-operate?	Yes
Please give details explaining your response.	See letter dated 18th June 2023 from Tim North & Associates Ltd
Please set out what modification(s) you consider necessary to resolve the issues you have identified above.	See letter dated 18th June 2023 from Tim North & Associates Ltd
If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings?	Yes, I wish to participate in the examination hearings

If you wish to participate in the public examination hearings, please outline why you consider this to be necessary.

Policy GAT3 along with paragraphs 10.24 to 10.27 inclusive are fundamentally flawed and hence are unsound

Do you wish to upload any supporting documentation or files?

Crawley Borough Local Plan 2024-2040 Submission consultation Draft May 2023.pdf

Form submitted by:

Mr. Tim North of Tim North & Associates Ltd on 18/06/2023

Our Ref: TFN/emn/21/19

Yr Ref:

Date: 18 June 2023



Tim North
& Associates
Limited

Chartered Town Planning
& Development Consultants

Strategic Planning
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex RH10 1UZ

17A Reading Road
Pangbourne
Berkshire RG8 7LR
T 0118 984 3333
F 0118 984 3332
E Timnorth.associates@btinternet.com

Dear Sirs

Crawley Borough Local Plan 2024 – 2040: Submission Consultation Draft May 2023

My clients, HX Properties Ltd, object to Policy GAT3 of the Crawley Borough Local Plan 2024-2040 Submission Consultation Draft (hereinafter referred to as the CBLP 2024-2040) including paragraphs 10.24 to 10.27 inclusive, which provide the reasoned justification to the same policy. It is considered that both the policy and its supporting text are unsound. These representations should be taken as superseding those submitted to your Council under the Regulation 19 Consultation on the 27th February 2020.

Policy GAT3 is concerned with “*Gatwick Airport Related Car Parking*” effectively reintroducing Policy GAT3 from the statutorily adopted Crawley Borough Local Plan 2015-2030, but clarifying the interpretation afforded to the same policy where previously it was unclear. Both limbs i) and limb ii) are required to be met before additional or replacement airport-related parking can be permitted on-airport. Limb ii) of Policy GAT3 in the CBLP 2024-2040 has become less onerous as there is no mention of the fact that any proposal “*must*” be justified by demonstrable need before being acceptable on-airport.

The reasoned justification behind Policy GAT3 is based on a false premise and is fundamentally flawed, in that it takes no account of, and is inconsistent with, the provisions of Schedule 2 Part 8 Class F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended). The Airport Owner on “*Operational Land*”¹ can construct surface car parking or build multi-storey car parks in accordance with the permitted development rights, for which no express planning permission is required, and without having to justify “*...a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport*”.

This can only mean that Policy GAT3 set out in the CBLP 2024-2040 is unnecessary and serves no valid purpose, completely nullifying the reasoned justification set out in paragraph 10.24 to 10.27 inclusive.

¹ “*Operational Land*” is defined in Section 263 and 264 of the Town & Country Planning Act 1990 (As Amended)



This position appears to be accepted by Gatwick Airport Ltd (hereinafter referred to as GAL) as evident from the comment set out in their statement accompanying the planning consultation submitted to Crawley Borough Council relating to a Proposed Multi-Storey Car Park 7 (MSCP7), the subject of Application No. CR/2019/0878/CON, reveals: "... *development plan policies have no weight for permitted development.*"

In the opinion of HX Properties Ltd, if Policy GAT3 is to be retained in the CBLP 2024-2040, then consideration should be given to removing permitted development rights where it relates to car parking provision on "*Operational Land*" within London Gatwick Airport through an Article 4 Direction. The Article 4 process will then provide the appropriate reasoned justification and purpose behind the same policy, allowing decisions to be more transparent, with Gatwick Airport Limited (hereinafter referred to as GAL) having to justify a demonstrable need in respect of any application involving on-airport car parking, ensuring compliance with Policy GAT3.

It is a well-known fact that Crawley Borough Council rely on GAL in providing evidence on the central issue of "*demonstrable need*" to support its case in refusing proposals for long term off-airport car parking in its administrative area. The involvement of GAL means that, by association, the same company occupies a key position in the decision-making process, particularly in cases where an applicant proceeds to appeal against the Local Planning Authority's refusal, or non-determination of a long term off-airport car parking proposal.

GAL as a private company, has a dominant position in surface access facilities provided at London Gatwick Airport, being present in the upstream market (i.e. facilities at an airport, such as bus stations or car parks), as well as the downstream market (i.e. allowing providers to access the facilities at an airport), where they relate to levels of surface access provision. To this end, GAL is an important beneficiary of the same policy, meaning that fundamental issues governing customer choice in terms of airport related car parking are removed from the planning process. This is in spite of the fact that lawful long term off-airport car parking proposals have an important role to play in airport related car parking supply, to the extent that without their involvement, GAL would face serious difficulties in accommodating all airport related passenger car parking needs on-airport.

These are important material considerations not only from a town planning perspective but also seen in terms of competition law. Furthermore, factors surrounding airport related passenger car parking influence decisions taken by GAL through its Capital Investment Programmes concerning future levels of on-airport car parking expenditure.

My clients consider a methodology should be agreed in which to assess long term demand and supply issues relating to both on and off airport-related car parking provision. This process would involve your Authority, GAL and representatives of those involved in lawful long term off-airport car parking facilities. This will enable broad agreement to be obtained on source material relating to the various CAA metrics concerned with private vehicle car mode share. Following discussions between the various parties, if it is found that GAL's own in-house data known as the "*retail profiler*" is more reliable than the surveys produced by CAA, final agreement can then be reached on an important data source considered fundamental to the issue of future long term on and off airport related car parking.



This will reduce issues of dispute, or at least highlight those specific areas where agreement cannot be reached surrounding existing and future demand for and supply of airport related car parking, including the concept that the same two factors are “*in balance*”. To this end, through collaboration, a sound base for deciding applications will be provided, not dissimilar to the way in which the NPPF requests Local Planning Authorities to use the standard methodology in order to establish a minimum local housing needs figure (LHN) in their administrative areas.

With these considerations in mind, reference should be made to the latest version of the Airport Surface Access Strategy 2022-2030 (hereinafter referred to ASAS 2022-2030) published in October 2022, in which it is said:-

“One of the most important aspects of our surface access approach is to work together with a wide range of stakeholders and business partners. Only by doing this we can achieve a co-ordinated approach to meeting shared objectives.” (my emphasis)

This important quote falls under the title The Gatwick Area Transport Forum set up in 1998, consisting of GAL, local authorities, transport providers and agencies, business representatives, airlines and other interested parties. The ASAS 2022-2030 confirms that membership of the Gatwick Transport Forum Steering Group has fluctuated over the past two decades, before going on to state:-

“We consider now would be a good time to undertake a refresh of the Terms of Reference and the membership of the Steering Group who will consult with the existing group members, airport representatives and other stakeholders to ratify any changes in the next few months.”

Unfortunately, Holiday Extras Ltd/ Airparks, and to their knowledge, all other long term off-airport car parking providers, have at no time been invited to attend the Gatwick Transport Forum Steering Group, which in the light of the need for a “*co-ordinated approach*” is difficult to understand. It becomes even more surprising when assessing other projects, initiatives and achievements made against the Target and Action plan set out in the previous ASAS covering the period 2018-2022. Under the title “Car Parking Strategy” Action 13 it is said:-

“Convene a regular stakeholder working group relating to Local Community Access and off-airport parking to deliver specific actions and outcomes through partnership.”

In answer to the question - what did we achieve? the following response is provided: *“One of the achievements is the need to reinvigorate post pandemic typical topics/issues, including facilities for Uber/taxi providers and managing parking in residential streets close to the airport.”* These issues are equally relevant to lawful long term off-airport car parking providers, if only for sustainability reasons along with matters relating to general amenity.

The contents of supporting paragraph 10.24 to Policy GAT3 refers to the May 2022 Section 106 Planning Obligation entered into between Crawley Borough Council, West Sussex CC and GAL, in which an obligation concerning a target of 48% of passengers travelling to the airport by public transport is referred to. Regrettably, Obligation 5.6.1 has been misquoted. Clause 5.6.1 taken from the Section 106 Planning Obligation executed on 24th



May 2022 is reproduced below, from which it can be seen that the target of 48% of passengers travelling to the airport by public transport involves an assessment of **combined on- and off-airport supply**, and not simply on-airport public car parking spaces.

“5.6.1 Provide sufficient but no more on-Airport public car parking spaces than necessary to achieve a combined on and off airport supply that is proportionate to 48% of non-transfer passengers choosing to use public transport for their journeys to and from the airport by end of 2024.”

This clause contained in an up-to-date Section 106 Planning Obligation clearly points to the need for a joint approach with long term off-airport car parking providers. The error in the wording of Clause 5.6.1 also manifests itself in paragraph 3.7.3 of Topic Paper 2: Gatwick Airport dated May 2023, highlighting the approach taken by the Local Planning Authority when considering the contribution made by lawful long term off-airport car parking uses.

The ASAS 2022-2030 goes further than the recently executed Section 106 Planning Obligation, in that Target 1 seeks to achieve 52% of passenger journeys to the airport by public transport by 2030 under the scrutiny of the Transport Forum Steering Group, as part of meeting a target of 60% by sustainable modes and ultra-low or zero emission vehicles.

It is argued that neither the 48% figure set out in the May 2022 Section 106 Planning Obligation nor the 52% figure in the latest version of the ASAS is considered to be a challenging target, given that in the fourth quarter of 2017 (October to December), CAA's O & D reveals that a public transport modal share figure of 48.3% was achieved.

Equally relevant is the fact that no evidence has been produced to demonstrate that any long term off-airport car parking uses has prevented the modal share in favour of public transport from being reached, whether in an ASAS or a Section 106 Planning Obligation. On the contrary, the target figure of 52% is, in all probability likely to be met, when it is realised that visitors to the UK are always more likely to use public transport than those living and working in the UK.

As with all matters concerning airport access, the Airport Operator is reliant on stakeholders who pursue different priorities from those of the airport company. In the case of rail companies, there are capacity issues around East Croydon, which have an impact on the extent to which additional rail services can be accommodated on the network particularly in journeys made to principal London Stations and beyond to Bedford. Improvements to the strategic road network, especially the M23 Motorway can result in unintended consequences in terms of attracting less sustainable modes of access to the airport, i.e. kiss-and-fly.

GAL has a vested interest in ensuring that new long term off airport car parking sites do not materialise, especially as car parking represents an important revenue stream for the Airport Operator. This becomes evident from the latest financial statement for the year ending 31st December 2022 prepared on behalf of the group of companies that owns London Gatwick Airport. The financial statement shows an increase in car parking revenue of £14.5m compared with the Pre-Covid 19 year of 2019, being the only category



to show a rise in revenue of all the remaining principal components contributing to total revenue, save for what is termed “*other income*”. In contrast, airport and other traffic charges; retail revenue; property income; operational facilities and utilities income, all reveal declining revenues. The increase in car parking revenue of £14.5m is equivalent to 13.1% of total revenue received by the airport in 2022, largely due to the introduction of forecourt charges paid for by passengers, along with long term off-airport car parking operators.

The contents of supporting paragraph 10.25 indicate that there are a significant number of car parking spaces provided on airport locations within the airport boundary. At the time of writing these representations GAL is yet to submit its DCO application to the Secretary of State concerning the use of the existing Northern Runway, currently restricted to a stand-by for emergency purposes only, into routine operation alongside the main runway. An expected increase in passengers amounting to approximately 75.6m passengers in 2038 and around 80.2m passengers in 2047 is envisaged. HX Properties Ltd support this proposal, although they have reservations on the levels of future on-airport car parking to meet this level of increased passenger throughput.

In advance of studying the documents forming part of the DCO application, reliance can only be placed on the consultation document Summer 2022 entitled “*Our Northern Runway: Making Best Use of Gatwick*”. An examination of “*Our Northern Runway: Making Best Use of Gatwick*” reveals that in terms of the future baseline scenario, an additional 6,034 spaces would be created. This figure takes into account those spaces lost from Staff Car Park M at the same time showing the net increase in new spaces provided by the Hilton Multi-Storey Car Park, as set out in Application No. GR/2020/0575/NCC.

In the case of the Northern Runway project scenario, GAL reveal that 7,780 passenger and staff car parking spaces will be permanently lost to other developments, although this figure is an considered to be an underestimate, as not all staff car parks which will be lost are included, whilst in the case of passenger valet parking at Car Park MA-01, there is no reference to a consultation application having been lodged with Crawley Borough Council.

An assessment carried out on behalf of HX Properties Ltd reveals that the number of permanently lost spaces on airport is far greater between 11,070 and 14,070. The proposed additional car parking spaces relied upon by GAL as part of the northern Runway project does not meet the higher of the two figures of permanently lost spaces shown by HX Properties Ltd, and is just over 1,000 spaces more than the lower figure of permanently lost spaces assessed by my client.

The purpose of highlighting these figures at this stage is that in advance of the submission of the DCO application, there is no evidence to justify the proposition that the Northern Runway project will provide sufficient on-airport passenger car parking spaces to cater for the anticipated increase in passenger throughput. My clients reserve the right to amend their position following the submission by GAL of their DCO application. GAL’s DCO application is anticipated to be submitted to the Secretary of State in the second quarter of 2023, which it is understood is imminent.

To the extent that long term off-airport car parking provides an important contribution to airport related car parking, means that it has a role to play in the supply of the same



product, meeting a quantitative as well as a qualitative need; despite the fact that there has been a consistent and marked reduction in the supply of long term off-airport car parking provision since the Gatwick Airport Interim Master Plan was published in 2006. The figure set out in the Gatwick Airport Masterplan 2018 of 21,196 authorised long term off-airport car parking spaces is strongly disputed.

This aside, a number of long term off airport car parks have been found to occupy “sustainable locations” whilst at the same time offering “customer choice”². This becomes evident from various Inspectors’ appeal decisions including those in your Council’s administrative area, further supported by the contents of Case Officers’ reports granting planning permission for the same use outside the Operational Area of London Gatwick Airport.

Since the Crawley Borough Local Plan 2015-2030 became a statutorily adopted document, the Government has published a number of documents, the most recent of which place increasing important emphasis on issues such as cleaner engine technology, electrification of cars and decarbonisation of rail electricity, as a means of reducing surface transport carbon emissions, in terms of future surface access journeys to the airport.

In April 2018 the government published a document entitled “Beyond the Horizon: The Future of UK Aviation – Next Steps Towards an Aviation Strategy” which took into account responses obtained from the Call for Evidence, as part of an early stage in formulating an updated aviation strategy. It placed at the forefront of the aviation strategy the requirement to encourage aviation which it stated “helps to ensure that customers get the best deals and a quality of service”, with the government committing itself to continue “to work with industry to make sure that the right level of competition exists to bring benefits to passengers.”

The Aviation Strategy included six core objectives: paragraphs 6.42 and 6.43 being of relevance when examining surface access considerations:-

“6.42 As airports grow, surface access options need to be developed in tandem to cater for increased passenger numbers travelling to and from the airport. As highlighted in a number of call for evidence responses, this coordination of public and private investment is difficult and at time can seem uncoordinated. This challenge can often be compounded by the private ownership structure of UK airports, which can potentially make providing necessary funding for road and rail infrastructure in line with government expectations and timescales difficult.

6.43 It was also noted in a number of responses that consumer access to appropriate sustainable travel solutions and environmentally beneficial mode-share targets are important considerations in the provision of surface access links to airports. Historically, there has been an emphasis on moving traffic from roads to coach and rail, however, in the longer term, government would like to consider the impact of surface

² See appeal decisions at Acacia Grove, Copthorne (PINS Ref 2153589); City Place, Crawley (PINS Ref 2171971 & 2071972); and the Case Officer’s report at Southways Business Park (Crawley BC Ref. No. CR/2033/0094/FUL); Site E2 Crawley Business Quarter (Crawley BC Ref. No. CR/2014/0080/FUL and the Former BOC Edwards Site (CR/2014/0615/FUL).



access planning that incorporates likely environmentally friendly technological developments such as the use of electric vehicles.”

The Airports National Policy Statement (hereinafter referred to as the ANPS) was released in June 2018, paragraph 5.9 of which placed emphasis on air quality and carbon emissions when considering airport surface access strategies.

“5.9 ... The airport surface access strategy must reflect the needs of the scheme contained in the application for development consent, including any phasing over its development, implementation and operational stages, reflecting the changing number of passengers, freight operators, and airport workers attributable to the number of air traffic movements. The strategy should reference the role of surface transport in relation to air quality and carbon. The airport surface access strategy must contain specific targets for maximising the proportion of journeys made to the airport by public transport, cycling or walking ...”

In December 2018 the Government published a Green Paper entitled “*Aviation 2050 – The Future of UK Aviation*” which comprised its draft Aviation Strategy, where the aim was to achieve a safe secure and sustainable aviation sector that meets the needs of consumers and of a global outward-looking Britain. The draft strategy was based on seven key themes which are set out at paragraph 1.35 of the same document, having been drawn from six core objectives highlighted in the document “*Beyond the Horizon: The Future of UK Aviation – Next Steps Towards an Aviation Strategy*” published in April of the same year. One of these seven key themes has been set out below:

- ***Ensure that aviation can grow sustainably*** - moving beyond an artificial ‘choice’ between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts.

In May 2022, the Government published “*Flightpath to the Future*” outlining a strategic framework for aviation over the next ten years. Reference was made in this document to existing policy frameworks for airport planning, being the Draft Aviation Strategy “*Aviation 2050: The Future of UK Aviation*” published in December 2018 covering all aspects of airport growth, along with the ANPS, which at the present time comprise the most up-to-date policy on planning for airport development.

“*Jet Zero Strategy: Delivering Net Zero Aviation by 2050*” was published by the Government in July of last year, and recognised the impact aviation has on global warming and the essential need to decarbonise. In terms of influencing consumers, paragraph 3.54 states:

“3.54 Our aim is to preserve the ability for people to fly whilst supporting consumers to make sustainable aviation choices. Our focus on influencing and informing consumers is an important part of our overall approach to Jet Zero. We want to empower consumers and business to make the greenest choices when flying and by doing so, reward those parts of the sector who move quickly to decarbonise.”

Local planning policies and the NPPF do not have specific policies governing carbon emissions derived from aviation. The role of national policy in this respect is recognised in the document “*Beyond the Horizon; The Future of UK Aviation – Making Best Use of Existing runways*” in which it is said:-



“There are however some important environmental elements which should be considered at a national level. The Government recognises that airports making the best use of their existing runways could lead to increased air traffic which could increase carbon emissions.”

Before adding:

“We shall be using an aviation strategy to progress our wider policy towards tackling aviation carbon.”

It can be seen that recent documents concerning Government aviation policy have sought to concentrate attention, to place increased importance on climate change, and in particular a reduction in greenhouse gas emissions and decarbonisation of the airport industry generally, in response to allowing for growth in aviation. In terms of surface access provision, the issues extend beyond whether airport related car parking should be concentrated solely on-airport, as opposed to alternative locations outside the airport's Operational Area Boundary. A more nuanced approach is now sought in which customer choices are expected to be embodied in aviation policy, with the focus of attention concentrating on setting and adhering to CO₂ emissions, improving air quality, and supporting a decarbonisation agenda, in order to reduce the impact on climate change, since it is these major factors which lie at the forefront of Government aviation policy.

My clients are committed to these aims and are well placed as a traditional park and ride long term off-airport car park operator to assist in the reduction in vehicle emissions, reduce congestion on the local highway network in close proximity to the airport and thereby improve air quality. These are important considerations which have not been taken into account by your authority in the re-introduction of Policy GAT3.

Yours faithfully

T.F. North

T.F. North

Cc: Howard Dove, HX Properties Ltd