



# **The London Resort Development Consent Order**

BC080001

## **Application Letter**

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009  
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31 December 2020



Kay Sully  
Infrastructure Planning Lead  
The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Chris Potts  
E: [REDACTED]@savills.com  
DL: +44 (0) 29 2036 8901

33 Margaret Street  
London W1G 0JD  
T: +44 (0) 29 20 368901  
F: +44 (0) 29 20 368999  
savills.com

Dear Ms Sully,

## **APPLICATION FOR A DEVELOPMENT CONSENT ORDER FOR THE LONDON RESORT**

### **PLANNING INSPECTORATE REFERENCE BC080001**

### **PLANNING ACT 2008**

1. On behalf of London Resort Company Holdings Limited (LRCH or the Applicant), Savills is pleased to submit this application for a Development Consent Order (DCO) to the Secretary of State for Housing, Communities & Local Government (SoS) under Section 37 of the Planning Act 2008 (the 2008 Act) for the London Resort.

### **Background**

2. On 9 May 2014 the Secretary of State for Communities & Local Government (as it then was) issued a Direction under Section 35 of the 2008 Act (the Direction) confirming that the London Resort (known then as London Paramount Entertainment Resort) qualified as a nationally significant business or commercial project for which development consent is required under the 2008 Act. As such, LRCH is hereby applying to the SoS for a DCO to develop a world-class, sustainable, next-generation entertainment resort on the banks of the River Thames focused primarily on the Swanscombe Peninsula in north Kent.
3. Since 2014 LRCH has undertaken considerable technical work and undertaken five rounds of public consultation (three non-statutory and two statutory) to arrive at a comprehensive scheme that has generated significant support on a local, regional and national basis. The project would deliver the regeneration of significant areas of previously developed (brownfield and contaminated) land, representing in excess of £2 billion investment that will generate significant employment opportunities both during construction and operationally in the decades to come.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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## Application fee and documentation

4. An 'acceptance fee' of £7,227 has been submitted by BACS transfer to the account of the Planning Inspectorate (PINS). The reference was 'The London Resort BC080001'. Safe receipt has previously been provided.
5. Electronic file transfer of all application documents has been provided via box.com, as agreed with PINS and in compliance with PINS Advice Note Six: *Preparation and submission of application documents* (Version 9, December 2020).
6. A completed *Section 55 Checklist* (document reference 1.3) has been included as part of the application illustrating how the application meets the PINS' tests for acceptance.
7. The application also includes a *Guide to the Application* (document reference 1.4) which describes the application documentation and the document reference system that has been deployed to aid navigation.
8. The *Electronic Application Index* (document reference 1.5) and Order Limits GIS shape file has been submitted to the PINS to aid the administrative tasks associated with the acceptance process.

## Specific matters

9. Further to the feedback received from PINS at various stages during pre-application dialogue, the following matters are specifically drawn to your attention to assist with confirming acceptance of the application.
  - a) **Project Name.** London Resort Company Holdings was formed in 2011 to promote the development of a global entertainment scheme. As a result of commercial discussions with a particular partner (Paramount Studios) and the identification of the Swanscombe Peninsula location, the project name was stated as "London Paramount Entertainment Resort". At the time the request for the Direction was made in March 2014, and confirmed by the Secretary of State in May 2014 the project name was still "London Paramount Entertainment Resort". In 2016, LRCH reviewed the overall commercial approach to the project and renamed the project as "The London Resort". The basic scheme remained the same, in terms of the theme parks, leisure development, hotels and related infrastructure and the scheme footprint remained very similar. The PINS project website was updated to reflect the new project name.

It clearly remains the same project as the subject of the Direction and has the same promoter. By way of comparison, the Triton Knoll Electrical System application was made in April 2015, and its corresponding Section 35 Direction issued in November 2013 calls it the Triton Knoll grid connection project.

- b) **The Order Limits include the Essex Project Site.** At the time of the Direction in May 2014 the project description and accompanying site boundary plan was focused on the Swanscombe Peninsula and other land, all on the south side of the River Thames. As a result of significant feedback during the four phases of consultation in 2014 and 2015, and following the grant of the Tilbury2 Development Consent Order in February 2019, the opportunity arose to extend the Proposed Development to allow for a proportion of London Resort visitors to arrive at a new facility at the Port of Tilbury and then access the London Resort by ferry. The area of land known as the Essex Project Site was included in the draft Order Limit for the statutory consultation in July 2020. The inclusion of the Tilbury facilities was strongly supported in the consultation and is included within the Order Limits now submitted. The inclusion of the Essex Project Site is wholly consistent with the Direction which, by definition, defines the Nationally Significant Infrastructure Project (NSIP) and the Applicant is able to add whatever Associated Development it sees fit to that. The facilities at the Port of Tilbury fall under Associated Development in Schedule 1 of the *draft DCO* (document reference 3.1).
- c) **Related housing.** Since the Direction in May 2014, the 2008 Act was amended by Section 160 of the Housing and Planning Act 2016 (the 2016 Act) to allow for the inclusion of ‘related housing development’ within the NSIP process where there is a functional need or it is in geographical proximity to the project. The 2016 Act therefore changed the approval system to allow applicants to include an element of housing as part of their application for consent for an infrastructure project deemed of national significance. The housing must be on the same site, next to, or close to the relevant infrastructure development, or otherwise associated with it. Guidance published in March 2017 sets a maximum limit of 500 dwellings<sup>1</sup>.
- LRCH’s detailed review of its Business Plan during 2019 established that the inclusion of 500 dwellings would provide a significant benefit, providing a functional need by delivering high quality and affordable accommodation for staff directly employed in the management and operation of the Resort while also being in geographical proximity to the Resort, within the same contiguous Order Limit. Legal advice has confirmed the acceptability of introducing 500 dwellings after the SoS Direction in 2014. The merits of including related housing are discussed in Chapter 2 and Chapter 8 of the *Planning Statement* (document reference 7.4).
- d) **Pre-notification of the Swanscombe Peninsula as a potential Site of Special Scientific Interest (SSSI).** LRCH, with the agreement of the main landowners, has been undertaking ecological surveys on a regular basis across much of the Swanscombe Peninsula since 2012. The Swanscombe Peninsula contains significant areas of brownfield land (some of which is contaminated) as a result of the extensive chalk extraction (upon which the built element of the London Resort will be located), and also contains several marshes of

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<sup>1</sup> Planning Act 2008: Guidance on Nationally Significant Infrastructure Projects and Housing (DCLG, March 2017)



differing quality. LRCH has engaged with Natural England (and others) over a number of years and has shared various findings, including publication as part of formal consultation phases. LRCH has engaged specialist environmental and ecological advisers in recognition that where there will be effects on any habitats then there will be a need to minimise these and provide suitable mitigation on and off-site. LRCH has engaged with Natural England and shared strategies to this effect.

LRCH was notified by Natural England in May 2020 of its Thames Estuary review for potential locations that may be considered for SSSI designation. Natural England again referred to the process in its consultation response of September 2020. In late November 2020 Natural England issued a 'Pre-Notification' to LRCH, other landowners and various stakeholders and interested parties. LRCH is in dialogue with Natural England regarding the process, which if it does progress will take between 15-18 months. LRCH recognises that this carries weight as a planning consideration, and has taken the potential designation into consideration in the *Environmental Statement* (document reference 6.1.1-6.1.22) (and mitigation strategies). On a specific matter it is noted the draft pre-notification SSSI boundary includes the area known as Craylands Lane Pit where the staff accommodation is proposed and so regard has been had to Guidance<sup>1</sup> however in the absence of any such existing designation in the location of the staff accommodation, the merit of the inclusion of related housing remains. The outcome of any consideration of whether to confirm the Swanscombe Peninsula SSSI will not be known until into 2022. Further discussion on this topic is provided in Chapter 8 of the *Planning Statement* (document reference 7.4).

- e) **Virtual consultation.** As a result of the COVID-19 pandemic, the final stage of statutory consultation (Stage 5) undertaken from 27 July to 21 September 2020 was held virtually, in the interests of public health and in line with Government advice at the time. This approach was previously discussed with PINS and the relevant local authorities and a full explanation as to the adequacy of this means is provided within the *Consultation Report* (document reference 5.1). The *Consultation Report* identifies the measures taken to comply with Government guidance issued in light of COVID-19. As identified within the Consultation Report, response levels during Stage 5 exceeded any prior stage demonstrating considerable reach and adequacy of the consultation.
- f) **Rochdale Envelope approach.** For practical reasons LRCH wishes to maintain flexibility about the detailed design of elements of the Proposed Development, including the content of much of the main leisure core which includes Gates 1 & 2 as rides and attractions change over time. At the same time, LRCH acknowledges the essential need to provide sufficient information about the project to inform the Environmental Impact Assessment (EIA). As a result, the EIA has been undertaken in accordance with what are known as 'Rochdale Envelope' principles, as explained in PINS Advice Note Nine: Using the 'Rochdale Envelope' (Version 3, July 2018). Further explanation on this approach is

found within Chapter 1: *Introduction* of the Environmental Statement (document reference 6.1.1).

- g) **Lower Thames Crossing.** Highways England has promoted the Lower Thames Crossing (LTC) scheme for some years and there has been regular engagement with LRCH given the juxtaposition of these projects. The LTC DCO application (reference TR010032) was submitted in October 2020 and withdrawn in November 2020, and PINS has issued a note regarding the issues identified in the LTC application. Given the geographic proximity, and some commonality such as the River Thames and similar host local authorities, a summary is provided below to identify LRCH’s position with regard to the items raised by PINS regarding the LTC. It is worth noting, however, that the projects are very different in their nature. The LTC is a road scheme and thus focused its effects on the road network, and the environmental impacts. The London Resort is a unique scheme being the UK’s first global scale entertainment project focused on a leisure based regeneration proposal utilising multi-modal transport networks, is underpinned by sustainability and creates very substantial long-term employment and will transform this part of north Kent.

The numbering below follows the paragraphs in Annex A to the note of the PINS and Highways England meeting that took place on 26 November 2020 in respect of that project.

**Table 1-1: Commentary on Lower Thames Crossing matters in respect of the London Resort**

Para	Issue	Comments in respect of the London Resort
1	Lack of assessment of construction impacts on the local highway network	Construction impacts are assessed on 282 road links, the vast majority of which are local roads (they are shown on Figure 9.1 of the <i>Transport Assessment</i> (document reference 6.3.9.1)).  The impacts of construction traffic on all these links are in dedicated Appendix 9.4 (document reference 6.2.9.4).
2	Lack of detail on mitigation of construction traffic impacts	A detailed <i>Construction Traffic Management Plan</i> (document reference 6.2.9.2) is provided with the application and its provisions are secured directly by requirement 15 of the <i>draft DCO</i> (document reference 3.1).
3	The environmental effects from construction traffic	The principal impacts on the environment from construction (and indeed operational)

	increases have not been assessed	<p>road traffic are those affecting ambient noise and air quality.</p> <p>Construction traffic impacts on both human and biodiversity receptors are given extensive consideration in both Chapter 15: <i>Noise and vibration</i> (document reference 6.1.15) and Chapter 16: <i>Air quality</i> (document reference 6.1.16) of the Environmental Statement.</p>
4	Effects on local roads can be of particular concern	See response to paragraph 1 above.
5	The application should provide enough information on effects, or mitigation	This DCO application does both – the topic chapters of the Environmental Statement and the accompanying figures and appendices provide detailed information on the predicted effects of the construction and operation of the Proposed Development on the environment, and the <i>draft DCO</i> (document reference 3.1) secures the proposed mitigation listed in Chapter 22 – <i>Conclusion and mitigation commitments</i> of the Environmental Statement (document reference 6.1.22) by means of the requirements in Schedule 2.
6	Discrepancies about use of a jetty	The application clearly sets out the uses for piers at Tilbury (extended) and Swanscombe (new); the <i>draft DCO</i> (document reference 3.1) permits one of three options (in the deemed marine licence at Schedule 11, paragraphs 5(f), (g) or (h)) and the Environmental Statement assesses each of them (see paragraph 10.6 of Chapter 10: <i>River transport</i> (document reference 6.1.10).
7	Lack of clarity on vessel movements	The application includes a dedicated river transport chapter at Chapter 10: <i>River transport</i> (document reference 6.1.10).



		The effects of construction and operational vessel movements are set out from paragraphs 10.72 to 10.92.
8	Lack of a navigation assessment	The Applicant has prepared a <i>Preliminary Navigational Risk Assessment</i> (document reference 6.2.10.1) in collaboration with relevant interested parties such as the Port of London Authority and Port of Tilbury (London) Limited.
9	Lack of a navigation assessment	See response to paragraph 8 above.
10	Jetty proposals have not been assessed	This application's jetty proposals are assessed in Chapter 10: <i>River transport</i> (document reference 6.1.10) of the Environmental Statement.
11	Examples of barge movements not assessed	See response to paragraph 7 above.
12	Further reference to river vessel movements	This application fully sets out, assesses, and indeed encourages, the use of the river for transporting materials and people.
13	There is no site waste management plan	This application is accompanied by both an <i>Outline Construction Waste Management Plan</i> (document reference 6.1.19.2) and an <i>Outline Operational Waste Management Strategy</i> (document reference 6.2.19.1), which are both secured directly in the <i>draft DCO</i> (document reference 3.1) in requirement 11 in Schedule 2.
14	The Environmental Statement does not consider a multi-modal approach to waste	This application seeks to minimise the use of road transport for the handling of both construction and operational waste and considers the use of the river for waste transportation in Chapter 10: <i>River transport</i> (document reference 6.1.10) of the Environmental Statement as does Chapter 9:

		<i>Land transport</i> (document reference 6.1.9), for example at paragraph 9.379.
15	Habitats Regulations Assessment does not consider in-combination effects	This application is accompanied by a <i>Shadow Habitats Regulations Assessment (SHRA)</i> (document reference 6.2.12.4). As stated at paragraph 2.4 of the <i>SHRA</i> , in combination effects are assessed at stage 1.
16	Effects therefore not considered in SHRA	They are considered at both stage 1 and stage 2 in this application (see paragraphs 2.4 and 7.3 of the <i>SHRA</i> (document reference 6.2.12.4)).
17	Lack of evidence to support assessments, e.g. construction traffic and non-native species	Within the <i>SHRA</i> the footnotes to the integrity matrices clearly cover construction impacts (see footnote 'a' on page 152) and invasive non-native species (see footnote 'f' on page 160), with evidence. Reference should also be made to the <i>Construction and Environmental Management Plan</i> (document reference 6.2.3.2), specifically Chapter 5.
18	Integrity matrices are not clear	The matrices at Annex 4 of the <i>SHRA</i> (document reference 6.2.12.4), e.g. Table A5-2, use the standard tick and cross format.
19-44	Adequacy of consultation	This application is accompanied by a robust <i>Consultation Report</i> (document reference 5.1) that sets out the extensive engagement that has been undertaken particularly with local authorities over the previous six years, the project's evolution following feedback and the on-going dialogue.
45	No outline Landscape and ecology management plan provided	This application is accompanied by a 58-page <i>Landscape and Ecology Management Plan</i> (document reference 6.2.11.8).

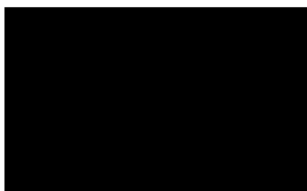
- h) **Engagement with the Port of London Authority (PLA).** LRCH and its representatives have been in regular dialogue with the PLA in progressing its proposals, most notably

since the inclusion of the Port of Tilbury within the DCO draft Order Limits in early 2020 and the greater use of the River Thames as part of a comprehensive transport strategy. Detailed discussions around the format and content of the *Preliminary Navigational Risk Assessment* (NRA) (document reference 6.2.10.1) and detailed design considerations relating to the Port of Tilbury landing stage to ensure appropriate sizing and for the number of vessels proposed are ongoing with further details expected to be provided during examination.

## Summary

10. The above and enclosed provide the rationale for the acceptance of the DCO application for examination by PINS.
11. The *Electronic Application Index* (document reference 1.5) contains the required and prescribed submissions but also a significant number of additional reports that show the breadth of assessments and considerations. The London Resort is a unique scheme proposing a scale of leisure and entertainment development not presently offered in the UK, and with very significant economic dividends including a projected £50bn in Gross Economic Activity and the creation of up to 48,000 direct, indirect and induced jobs by 2038.
12. The London Resort has been influenced significantly through the five stages of consultation and the on-going stakeholder engagement. It is considered the proposal is ready for examination.
13. I note that the SoS is required under Section 55 of the 2008 Act to decide whether to accept this application within 28 days, beginning on the day immediately after the day on which this application is received. I therefore look forward to hearing from you on or before 28 January 2021.

Yours sincerely,



**Chris Potts**  
Director

Cc. PY Gerbeau (Chief Executive, London Resort Company Holdings Limited)