

THE LONDON RESORT

The London Resort Development Consent Order

BC080001

Environmental Statement Volume 1: Main Statement

Chapter 5 – Relevant law and policy

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Planning Act 2008

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

Regulation 5(2)(a)

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Regulation 12(1)

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Chapter Five ◆ Relevant law and policy

INTRODUCTION

- 5.1. This chapter provides an overview of law and policy that are relevant to the development of the London Resort ('the Resort') and the assessment of its environmental effects. Further law and policy relevant to the assessment of individual environmental topics are identified in the topic-based chapters (chapters 7 – 20, documents reference 6.1.7 to 6.1.20) of this Environmental Statement (ES).

INFRASTRUCTURE PLANNING

Planning Act 2008

- 5.2. The Planning Act 2008 (the '2008 Act') introduced a new consenting regime for the development of nationally significant infrastructure projects (NSIPs) in the fields of energy, transport, water, wastewater and waste. The intention of the 2008 Act was to speed up the delivery of NSIPs through a consenting process that incorporates:
- extensive pre-application consultation;
 - a 'front-loaded' design and Environmental Impact Assessment (EIA) process with limited scope to amend a proposal once an application is submitted;
 - the incorporation of a wide range of consents and authorisations in a single Development Consent Order (DCO) application in addition to planning permission, including the compulsory acquisition of land;
 - a clearly timetabled process for examining the application once submitted;
 - applications determined in accordance with National Policy Statements ('NPSs') approved in Parliament.
- 5.3. The 2008 Act was amended by the Localism Act 2011, which transferred responsibility for determining DCO applications from an Infrastructure Planning Commission to the relevant Secretary of State. In the current instance the DCO application will be determined by the Secretary of State for Housing, Communities and Local Government. Applications are administered by the Planning Inspectorate (PINS), which acts as the Examining Authority (ExA) on the Secretary of State's behalf.
- 5.4. The Resort does not meet the criteria of a NSIP under the 2008 Act. However, on certain criteria being satisfied, section 35 of the 2008 Act sets out that the Secretary of State may

give a direction for development to be treated as development for which development consent is required.

Infrastructure Planning (Business or Commercial Projects) Regulations 2013

- 5.5. The Infrastructure Planning (Business or Commercial Projects) Regulations 2013 ('the 2013 Regulations') widened the range of projects that can be consented under the 2008 Act to include a specified list of business and commercial developments, including major leisure projects that meet specified criteria. In March 2014, the Applicant London Resort Company Holdings (LRCH) wrote to the Secretary of State for Communities and Local Government (now Housing, Communities and Local Government) to request a direction under section 35 of the 2008 Act allowing the Proposed Development to be treated as development of national significance, for which a DCO is required.
- 5.6. In a letter dated 9 May 2014, the Secretary of State confirmed that the Resort qualifies as a nationally significant business or commercial project under the 2013 Regulations, and that the Resort should thus be the subject of a DCO application under the 2008 Act. The Resort was the first project to be so accepted under the 2013 Regulations.
- 5.7. The Secretary of State for Housing, Communities and Local Government will thus determine the Resort proposal, having regard to the recommendations of the Planning Inspectorate in its capacity as the ExA.
- 5.8. Unlike other forms of development that can be determined under the 2008 Act, there are no NPSs in respect of business and commercial developments.

Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 5.9. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations 2017') set out the procedural requirements for undertaking EIA in relation to projects requiring development consent under the 2008 Act.
- 5.10. Under regulation 8(1) of the EIA Regulations 2017, a person who proposes to apply for a DCO must, before carrying out consultations under section 42 of the 2008 Act, either request an EIA screening opinion or notify the Secretary of State in writing that the applicant will provide an environmental statement in respect of the Proposed Development. Regulation 8(1) of the EIA Regulations 2017 replaced regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, under which LRCH confirmed to the Secretary of State that it will provide an environmental statement for the Resort (then the London Paramount Entertainment Resort) (paragraph 2.25 of the LRCH's EIA Scoping Report, November 2014, refers). This intention was reaffirmed in an e-mail between LRCH's agent and the Planning Inspectorate on 1 June 2020, in accordance with regulation 8(1)(b) of the EIA Regulations 2017.
- 5.11. In accordance with regulation 10 of the EIA Regulations 2017, an application for a new EIA scoping opinion was made in June 2020 (document reference 6.2.1.3), with the Scoping

Opinion being issued on behalf of the Secretary of State in July 2020 (document reference 6.2.1.4).

- 5.12. Regulation 11 of the EIA Regulations 2017 concerns the procedure to be undertaken to facilitate the preparation of environmental statements and regulation 12 relates to consultation requirements, under which an applicant must publicise and consult on preliminary environmental information. In accordance with regulation 12(2) a *Preliminary Environmental Information Report* ('PEIR') was produced and made available for the purposes of a statutory consultation on the emerging proposals that took place between July and September 2020. Details of this and earlier public consultations on the Resort are set out in the London Resort Consultation Report (document reference 5.1) that accompanies the current DCO application.
- 5.13. Regulation 14 (1) states that '*An application for an order granting development consent for EIA development must be accompanied by an environmental statement*'. Regulations 14 (2) - (4) set out the requirements for the environmental statement, including its general contents and requirements concerning the professional experience or qualifications of its authors. This ES complies with regulation 14.

OTHER RELEVANT PROVISIONS

Marine and Coastal Access Act 2009

- 5.14. The Marine and Coastal Access Act 2009 ('the 2009 Act') committed the UK to an ambitious approach to managing the marine environment. This includes provisions relating to marine functions and activities, marine navigation, migratory and freshwater fish, the establishment of coastal walking routes and rights of access to English and Welsh coastlines more generally. Central to the implementation of these provisions was the creation of the Marine Management Organisation (MMO) – the primary body to have the functions conferred on it by or under the 2009 Act.
- 5.15. The MMO exists to make a significant contribution to sustainable development in the marine area, and to promote the UK government's vision for clean, healthy, safe, productive and biologically diverse seas.
- 5.16. The MMO acquired responsibility for licensing arrangements under the 2009 Act. Works relevant to the delivery of the Resort that require a marine licence include the removal of existing objects from the river bed, dredging and the construction of a pier, jetty and wharf structures. These works are described in this ES in chapter 3: *Project description* (document reference 6.1.3) and assessed in chapter 10: *River transport* (6.1.10), chapter 13: *Marine ecology and biodiversity* (6.1.13) and chapter 17: *Water resources and flood risk* (document reference 6.1.17). Schedule 11 of the draft DCO (document reference 3.1) explains the scope of the Deemed Marine Licence that LRCH will apply for.

Environmental Permitting (England and Wales) Regulations 2016

- 5.17. The Environmental Permitting (England and Wales) Regulations 2016 (the '2016 Regulations') provide a unified permitting system embracing integrated pollution prevention and control and waste management.
- 5.18. The primary aims of the regime are to:
- protect the environment;
 - deliver permitting, and compliance with permits and certain environmental targets, effectively and efficiently, in a way that provides increased clarity and minimises the administrative burden on both the regulator and operators; and
 - encourage regulators to promote best practice in their operation of facilities.
- 5.19. The 2016 Regulations make it possible to issue standard permits (encompassing standard conditions) and, in more complex instances, tailored permits. DCO application document *Other consents and licences* (document reference 5.3) explains the scope of the environmental permit that LRCH is applying for. Works and activities potentially required for the construction and operation of the Resort that require an environment permit include:
- land decontamination and the use of mobile plant for this purpose;
 - works affecting licensed landfill sites;
 - water discharge,
 - works in, under, over or within eight metres of a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert;
 - operations involving effluent treatment or storage; and
 - waste management operations.
- 5.20. The environmental effects of these works are assessed in the relevant topic-based chapters of this ES, namely chapter 10: *River transport* (document reference 6.1.10), chapter 13: *Marine ecology and biodiversity* (6.1.13), chapter 17: *Water resources and flood risk* (6.1.17), chapter 18: *Soils, hydrogeology and ground conditions* (6.1.18) and chapter 19: *Waste and materials* (6.1.19).

Port of London Act 1968

- 5.21. The Port of London Act 1968 ('the 1968 Act') sets out the purposes of the Port of London Authority ('PLA') for administering, preserving and improving the port of London, and for other purposes provided set out within the Act. Notable amendments were made under the Port of London Acts 1970 and 1982.
- 5.22. The PLA is responsible for operations covering 95 miles of the River Thames, working to maintain safety, protect and enhance the environment and promote the use of the river for trade and travel. The PLA and the MMO work jointly in accordance with the Thames Concordat, which sets out that the principles to be applied by MMO and PLA staff when considering applications for regulated activities in the tidal Thames where both organisations have a regulatory remit. The PLA also manages the use of the Thames for passenger and freight traffic, of which the Resort anticipates significantly increased demand (see chapter 10: *River transport* of this ES - document reference 6.1.10).
- 5.23. The draft DCO of the Resort (document reference 3.1), under article 50, seeks to disapply certain provisions of the 1968 Act which conflict with the efficiency of LRCH's running of the Resort. Those sections of the Act that LRCH seek to disapply are as follows:
- Port of London Act 1968 – sections 21, 22, 60, 66, 70, 73, 75, 92, 121, 124; and,
 - Port of London Thames Byelaws 2012 – byelaws 5, 9, 12, 13, 15, 48, 55.

Wildlife and Countryside Act 1981

- 5.24. The Wildlife and Countryside Act 1981 ('the 1981 Act') contains much of the relevant law on nature conservation. It gives protection to native species, especially those under threat, and controls the release of non-native species (Part I). The 1981 Act also enhances the protection of Sites of Special Scientific Interest (Part II) and extends the rights of way rules in the National Parks and Access to the Countryside Act 1949 (Part III). The 1981 Act was amended significantly by the Countryside and Rights of Way Act 2000.
- 5.25. As explained in chapters 12: *Terrestrial and freshwater ecology and biodiversity* and 13: *Marine ecology and biodiversity* of this ES (document references 6.1.12 and 6.1.13), a range of protected wildlife species are present in and around the Project Site. The Baker's Hole Site of Special Scientific Interest (SSSI) is located in the Ebbsfleet Valley to the north-west of Ebbsfleet International Rail Station lies within the proposed DCO Order Limits for the Resort. Further SSSIs are located nearby, including the Swanscombe Skull SSSI (also designated as a National Nature Reserve) and the West Thurrock Lagoon and Marshes SSSI. In a letter dated 30 November 2020 Natural England advised LRCH of its intention to consider most undeveloped areas of the Swanscombe Peninsula for potential notification as a Site of Special Scientific Interest (SSSI), in view of the presence of habitats attractive to invertebrates, scarce plants and breeding birds).

- 5.26. Section 28E of the 1981 Act requires that operations affecting SSSIs are subject to consent from Natural England. DCO application document *Other consents and licences* (document reference 5.3) explains the scope of works for which LRCH proposes to seek consent from Natural England.

Natural Environment and Rural Communities Act 2006

- 5.27. The Natural Environment and Rural Communities Act 2006 ('the 2006 Act') defines Natural England's statutory responsibilities for conserving, enhancing and managing England's natural environment for the benefit of current and future generations.
- 5.28. The 2006 Act makes provision in part 3 in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species. It sets out enforcement powers and time limits in connection with wildlife protection and prosecution. Part 4 of the 2006 Act concerns SSSIs and part 6 concerns rights of way, which are also relevant in the current context. The ES addresses parts 3 and 4 through chapter 12: *Terrestrial and freshwater ecology and biodiversity* and chapter 13: *Marine ecology and biodiversity* (document references 6.1.12 and 6.1.13), and part 6 of the 2006 Act is addressed in chapter 11: *Landscape and visual effects* (6.1.11).

Water Resources Act 1991

- 5.29. The Water Resources Act 1991 ('the 1991 Act') seeks to prevent and minimise the pollution of water, with enforcement a responsibility of the Environment Agency. The 1991 Act introduced water quality classifications and objectives for the first time. Under the 1991 Act it is an offence to cause or knowingly permit any poisonous, noxious or polluting material, or any solid waste to enter any controlled water.
- 5.30. Part IV of the 1991 Act concerns flood defences and is particularly relevant to the Resort. Chapter 17: *Water resources and flood risk* (document reference 6.1.17) of this ES assesses the measures that LRCH proposes to ensure that the Resort complies with the 1991 Act.

Land Drainage Act 1991

- 5.31. The Land Drainage Act 1991 ('the Land Drainage Act') consolidated previous legislation relating to internal drainage boards, and to the functions of such boards and of local authorities in relation to land drainage. It has itself been amended, including by the Flood and Water Management Act 2010 ('the 2010 Act').
- 5.32. The Land Drainage Act requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded, and thus requires the consent of the relevant body prior to structures (such as culverts or modifying an existing culvert) where this would obstruct the flow in the watercourse. The London Resort will affect watercourses in this regard and as such, the provisions of the Land Drainage Act are a relevant consideration. Chapter 17: *Water resources and flood risk* (document reference

6.1.17) of this ES assesses the measures that LRCH proposes to ensure that the Resort complies with the Land Drainage Act and the 2010 Act.

Flood and Water Management Act 2010

5.33. This legislation requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions. Key aspects include, but are not limited to:

- risk management and responsibilities;
- administration and power of water companies;
- sustainable drainage;
- reservoirs.

5.34. The 2010 Act is relevant to the Resort given its proximity to the River Thames and associated flood defences. Chapter 17: *Water resources and flood risk* (document reference 6.1.17) of this ES assesses the measures that LRCH proposes to ensure that the Resort complies with the 2010 Act.

Conservation of Habitats and Species Regulations 2017

5.35. The Conservation of Habitats and Species Regulations 2017 (‘the ‘Habitats Regulations 2017’) make provision for the selection, designation, registration and notification of sites to be protected under European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’). The Habitats Regulations 2017 also implement aspects of the 2009 Act.

5.36. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Habitats Directive lays down rules for the protection, management and exploitation of such habitats and species.

5.37. There are no European protected sites either within or immediately adjacent to the Project Site, the nearest sites being:

- Thames Estuary and Marshes SPA/Ramsar (approximately 4.3 km east of the Essex Project Site and 7.5 km east of the Kent Project Site);
- Medway Estuary and Marshes SPA/Ramsar (approximately 16 km east of the Essex Project Site and 19 km east of the Kent Project Site);
- Swale SPA/Ramsar (approximately 29 km east of the Essex Project Site and 32 km east

of the Kent Project Site).

- 5.38. Based on the nature and scale of the Resort and the proximity to European protected areas, a Habitats Regulations Assessment (HRA) has been undertaken in order to understand if the Resort is likely to have a significant effect on a protected habitats site (either individually or in cumulation with other plans or projects). A shadow HRA report is submitted as part of the DCO application (document reference 6.2.12.4). The context of the HRA is described in chapter 12: *Terrestrial and freshwater ecology and biodiversity* and chapter 13: *Marine ecology and biodiversity* (document references 6.1.12 and 6.1.13) of this ES.

Other law and regulations

- 5.39. Other law and regulations are identified, as appropriate, in the relevant topic-based chapters (chapters 7 – 20) of this ES.

NATIONAL PLANNING POLICY

Relevant policy

- 5.40. For a development of this scale and complexity it should be emphasised from the outset that a very wide range of policy is of relevance to the Resort EIA. The particular concern of this section is to identify policy considerations relevant to the EIA for the Resort. Further policy and guidance are identified in the topic-based chapters of this ES. The *Planning Statement* (document reference 7.4) that accompanies the London Resort DCO application examines the extent to which the Resort complies with relevant planning policy in the round.
- 5.41. NPSs provide the framework within which the ExA will make their recommendation to the Secretary of State and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which applicants should address within their ES.
- 5.42. In policy terms, business or commercial NSIPs, such as the London Resort, have an unusual status. For a defined range of energy, transport, water, wastewater and waste NSIPs, identified in part 3 of the Planning Act 2008, section 5 of the 2008 Act enables the relevant Secretary of State to 'designate' a NPS to guide the determination of DCO applications. NPSs are presented to Parliament for approval. Section 104 of the 2008 Act requires the Secretary of State to have regard to any NPS that has effect in relation to development to which the application relates.
- 5.43. There is no specific NPS for business or commercial NSIPs to guide the determination of DCO applications. In these circumstances section 105 of the 2008 Act requires the Secretary of State to have regard to any local impact reports produced by local authorities in the area affected by the project and to any matters prescribed in relation to the type of

development involved and which the Secretary of State considers to be important and relevant to the determination of the DCO application.

- 5.44. In the current context, LRCH considers that these relevant matters will include the National Planning Policy Framework (NPPF, February 2019), local plans prepared by the relevant planning authorities in the area affected by the Resort and the Ebbsfleet Implementation Framework prepared by Ebbsfleet Development Corporation.
- 5.45. Although not a transport NSIP, a substantial component of the Resort comprises transport infrastructure, including a dedicated road link from the A2 trunk road (A2(T)), an interchange at Ebbsfleet International Station, a people mover route running between Ebbsfleet International Station, the Resort's leisure core and a new passenger pier on the Thames, further facilities for ferry passengers at Tilbury and coach and car parking at both Tilbury and on the Swanscombe Peninsula. With these transport facilities in mind, the ES has regard to the NPS for National Networks, which sets out policies for road and rail networks, and to the NPS for Ports, which includes policies relating to tourism. The transport context is specifically addressed in chapter 9: *Land transport* and chapter 10: *River transport* (document references 6.1.9 and 6.1.10) of this ES.

NPS for National Networks (December 2014)

- 5.46. This NPS sets out the need for, and government's policies to deliver, the development of nationally significant road and rail network infrastructure in England. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and provides the basis for the examination of applications by the Examining Authority and decisions by the Secretary of State.
- 5.47. Chapter three of this NPS summarises government policy on national networks, including the need to take into account the positive and negative social and environmental impacts of transport infrastructure and the government's general approach to safety, the reduction of emissions and the uptake of new transport and traffic management technology.
- 5.48. Chapter four of this NPS identifies assessment principles for road and rail infrastructure. Chapter five of this NPS sets out general policy in respect of the assessment, mitigation and examination of generic impacts, including air quality, carbon emissions, biodiversity, landscape, noise, flood risk and the wider impact on transport networks. The topic-based chapters (chapters 7 – 20, document references 6.1.7 to 6.1.20) of this ES show how the EIA has applied these principles in the assessment of environmental effects arising from the transport components of the Resort, this is particularly relevant in regard to chapters 9 and 10, *Land transport* and *River transport* (6.1.9 and 6.1.10) and chapter 16: *Air quality* (6.1.16) of this ES.

NPS for Ports (January 2012)

- 5.49. The NPS for Ports provides the framework for decisions on proposals for new port

development. It is also a relevant consideration for the MMO, established in the Marine and Coastal Access Act ('the 2009 Act'), which decides other port development proposals, and for local planning authorities where they have a role to play.

5.50. The NPS for Ports is considered potentially to be a relevant consideration in the context for three reasons.

- i). The London Resort has a significant marine dimension, involving development on both sides of the River Thames and a substantial reliance on river transport for the movement of construction materials, the supply of goods for the operational Resort and the ferrying of resort visitors and staff between the Resort, central London and the Port of Tilbury.
- ii). Both the Kent and Essex Project Sites are adjacent to the Port of Tilbury, which is London's primary freight port and a strategic logistics hub for the nation as a whole. As explained in chapter two, site description, of this ES, the port is being expanded through the construction of Tilbury2 to the east of LRCH'S Essex Project Site. Tilbury2 is an NSIP for which a DCO was made in February 2019, and will include a roll-on / roll-off ('RoRo') terminal and a construction materials and aggregates terminal, with associated infrastructure including rail and road facilities and modifications to the existing marine infrastructure.
- iii). Section 4.6 of the NPS for Ports addresses tourism specifically. According to paragraph 4.6.1:

Port developments that include a passenger or cruise terminal may have a positive impact on tourism in the local area by increasing accessibility, particularly in outlying regions. This should be taken into account in assessing the overall benefits. Where increased tourism is likely significantly to affect demand for local services, this impact should be assessed. Additional benefit should also be identified through promoting the historical legacy of working ports; this is important in terms of the changing economic life of ports and how such change is compatible with conserving heritage assets.

LRCH proposes to share the Grade II* listed floating landing stage and former Riverside station building at Tilbury with the London International Cruise Terminal and wants to ensure that resort and cruise operations work harmoniously together.

5.51. These interactions between the port of Tilbury and the London Resort have the potential to give rise to a range of economic, transport and environmental effects. To ensure that these effects are understood and assessed in the context of national ports policy, The EIA for the Resort has had regard to relevant NPS policies on the economic importance of ports and port infrastructure (NPS chapter 3), assessment principles (NPS chapter 4) and generic impacts (NPS chapter 5), this is of particular relevance to chapter 7: *Land use and socio-economics* (document reference 6.1.7) and chapter 10: *River transport* (6.1.10) of the ES.

National Planning Policy Framework (February 2019)

5.52. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England. The document covers a wide variety of planning matters, providing advice to Local Planning Authorities (LPA) on plan making and development management.

5.53. NPPF paragraph 5 advises that:

'The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications'.

5.54. In the absence of a NPS for business and commercial developments, regard has been had to the relevant parts of NPPF, particularly during the site design and assessment process, as a material consideration. Chapters of the NPPF of relevance to the design and EIA for the London Resort include:

Table 5.1: NPPF chapters of relevance to the design and EIA for the London Resort and where they are addressed in the ES

NPPF Chapter	ES Chapter(s) of relevance <i>with document reference numbers in parenthesis</i>
Chapter 6 – Building a strong, competitive economy	Chapter 7 – Land use and socio-economics (6.1.7)
Chapter 8 – Promoting healthy and safe communities	Chapter 8 – Human health (6.1.8)
Chapter 9 – Promoting sustainable transport	Chapter 9 - Land transport (6.1.9); Chapter 10 – River transport (6.1.10)
Chapter 11 – Making effective use of land	Overarching theme
Chapter 12 – Achieving well-designed places	Overarching theme
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change	Chapter 17 – Water resources and flood risk (6.1.17); chapter 20 – Greenhouse gases and climate change (6.1.20)
Chapter 15 – conserving and enhancing the natural environment	Chapter 11 –Landscape and visual (6.1.11); Chapter 12 – Terrestrial and freshwater ecology and biodiversity (6.1.12); Chapter 13 – Marine ecology and biodiversity (6.1.13)
Chapter 16 – conserving and enhancing the historic environment	Chapter 14 – Cultural heritage and archaeology (6.1.14)
Chapter 17 – facilitating the use of minerals	Chapter 19 – waste and materials (6.1.19)

- 5.55. Relevant topic-based guidance from National Planning Practice Guidance has also been considered.
- 5.56. The presumption in favour of sustainable development that, according to NPPF paragraph 10, lies at the heart of the NPPF ties together economic, social and environmental objectives, summarised in NPPF paragraph 11. LRCH has adopted a similar approach to the design of the London Resort and as such sustainable development considerations are inherent in this ES, rather than being presented in a ‘bolt-on’ assessment.
- 5.57. According to NPPF paragraph 24:
- ‘Local planning authorities... are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.’*
- 5.58. Paragraph 26 continues:
- ‘Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy.’*
- 5.59. For a project spanning four county and local authority jurisdictions and a Development Corporation area, joint working is important. To assist this LRCH undertook a series of meetings and consultations with the relevant planning authorities (including EDC) and the statutory agencies throughout the EIA process.

Marine planning

- 5.60. The Order Limits extend to include parts of the River Thames. As such, matters relating to marine planning are pertinent to the DCO application. Under section 104(2)(aa) of the 2008 Act, the Secretary of State must have regard to the UK Marine Policy Statement (September 2011) in determining a NSIP application where a NPS has effect.
- 5.61. The UK Marine Policy Statement aims to contribute to the achievement of sustainable development in the United Kingdom marine area and is the framework for the preparation of Marine Plans and for decisions affecting the marine environment. It was prepared and adopted for the purposes of section 44 of the 2009 Act. The UK Marine Policy Statement has been taken into account in the EIA for the Resort project.
- 5.62. Between January and April 2020 the MMO undertook a final consultation on the South East Marine Plan before submitting it to the Secretary of State for Environment, Food and Rural Affairs for adoption. The draft plan adopts an integrated approach to the management of the marine environment, taking into account fishing, marine aggregates, marine energy developments, biodiversity, tourism and recreational demands.
- 5.63. Once published as a consultation draft, marine plans become a material consideration and upon adoption become statutory. As such, the draft South East Marine Plan has been taken into account in the EIA for the Resort. Chapter 10: *River transport* and chapter 13:

Marine ecology and biodiversity (document references 6.1.13) of this ES address the requirements of the plan.

Tourism Action Plan 2016

5.64. In August 2016 the government published its Tourism Action Plan. The Action Plan has five main themes:

- tourism landscape;
- jobs and skills;
- common-sense regulations;
- transport; and
- a GREAT welcome.

5.65. Published in the aftermath of the UK referendum on leaving the European Union, the Tourism Action Plan includes a series of new initiatives and measures to help Britain compete with other international tourism destinations, welcoming more overseas visitors and encouraging British residents to holiday at home. The specific aims of the strategy are to:

- build awareness of Britain’s attractiveness as a tourism destination among those who have not yet visited Britain;
- encourage prior visitors to return;
- provide a series of opportunities and incentives, working in partnership with the private sector, to visit Britain now.

5.66. In October 2018, the government published the *Tourism Action Plan – One Year On*. This sets out progress that had been made in the preceding twelve months and areas where the government will seek to deliver further change for the rest of the plan period.

5.67. The Tourism Action Plan (and subsequent update) is not a statutory planning document and does not refer to the London Resort concept specifically. However, it is considered relevant to the socio-economic assessment of the Resort (see chapter 7: *Land use and socio-economic effects* of this ES – document reference 6.1.7).

Tourism Sector Deal – June 2019

5.68. This initiative was launched by the Departments of Business, Energy and Industrial Strategy (BEIS) and Digital, Culture, Media and Sport (DCMS) to promote the future development of the UK tourism industry in the light of a projected increase in annual visitor numbers of 23% by 2025. Catering for this increase will require significant investment in the infrastructure to accommodate and entertain the additional visitor, including the provision of an additional 130,000 hotel rooms. The UK also has the ambition to become the most accessible tourism destination in Europe by 2025, increasing

the number of international visitors with disabilities by 33%.

5.69. The Deal has five ‘foundations’:

- *Ideas* – promoting innovation in new technology and data-sharing;
- *People* – the UK tourism industry will seek to attract, train and retain a more skilled workforce;
- *Infrastructure* - public and private sector investment in attractions to transport and accommodation;
- *Business environment* - enabling the UK to maintain its position as a leading destination for hosting international business events in Europe; and
- *Places* - managing growth so that investment enhances the lives of local residents as well as visitors.

5.70. Chapter 7: *Land use and socio-economic effects* of this ES (document reference 6.1.7) identifies some of the ways in which the London Resort responds to the Tourism Sector Deal, including strategies for training and skills and the creation of new venues such as the proposed Conferention Centre for hosing business events.

Visit Britain / Visit England – Our Five Year Strategy 2020-2025

5.71. Tourism in Britain is worth £127 billion, contributing 9% of GDP and accounting for 10% of all jobs. Until the COVID-19 pandemic, spending by overseas visitors was predicted to reach a record £26.6 billion in 2020 with overseas visits growing to 39.7 million, the highest ever. The national tourist agency’s new five-year strategy sets an ambitious growth target for Britain - to attract 49 million visits by 2025, spending £35 billion.

5.72. To this end the strategy has five main objectives, described as follows:

- *Focusing on the most valuable visitors to Britain and those with the highest propensity to travel, we will **grow the value** of both leisure and business tourism to Britain through our new market strategies and support venues and industry to win international business events. We will also encourage more people to holiday at home through our domestic marketing activity.*
- *Driving the **dispersal of tourism value across Britain**, we will develop products to appeal to our best prospect visitors, working with destinations across England, Scotland and Wales on our global marketing campaigns. Building on our commercial activity, our partnerships will be integrated further and deepened to leverage even greater reach, innovation and value.*
- *We will **support productivity optimisation**, through the development of product that*

extends the season and length of stay for both international and domestic visitors, as well as through the distribution of that product through platforms such as Tourism Exchange Great Britain (TXGB).

- *In line with our statutory role as advisor to Government and industry, we will continue to be the **expert body on growing tourism**, trusted to provide unique insights and guidance so that the economic importance of tourism is understood by politicians, Government departments and the media.*
- *The three-year £40m Discover England Fund helped stimulate new product development in England, but there is still a wealth of opportunities for growth in England's regions. We will **deliver a clear strategy for England**, continue to be a 'voice for England' and work with industry to support productivity, grow value and reach new markets and segments.*

*Through working together, we will achieve our ambition, united behind a clear mission: **to make tourism one of the most successful and productive sectors for the UK economy.***

- 5.73. By providing a visitor attraction of international status, open throughout the year, in an area that is not currently a premier tourism and leisure destination, the London Resort will make a significant contribution to the attainment of Visit Britain / Visit England's objectives, along with those of Visit Kent. In the absence of an NPS for tourism and leisure, the Five Year Strategy represents an important expression of national need against which the DCO application for the Resort can be assessed. The strategy has been taken in to account in chapter 7: *Land use and socio-economic effects* of this ES (document reference 6.1.7).

LOCAL POLICY

Overview

- 5.74. Local plans can be an important reference source for the preparation of an EIA. Amongst other things they assist the EIA team to identify:
- environmental objectives, constraints and data sources;
 - land and features subject to protective environmental designations;
 - future development of socio-economic significance that should be taken into account in the assessment of cumulative effects; and
 - environmental management strategies.
- 5.75. This section identifies the local plans that have been consulted during the EIA for the Resort. The plans have been produced by:

- Dartford Borough Council (DBC);
- Gravesham Borough Council (GBC);
- Kent County Council (KCC); and
- Thurrock Council (TC).

- 5.76. In addition to these local authorities, Ebbsfleet Development Corporation (EDC) also falls to be considered, as it has important planning powers in its administrative area (see below) and has published the Ebbsfleet Implementation Framework 2017 for the delivery of Ebbsfleet Garden City.
- 5.77. South of the River Thames there is a two-tier local government structure, with DBC and GBC being district authorities and KCC retaining its responsibility as the county planning authority. Responsibilities for local services are split between the two tiers. In addition, in 2015, the EDC was set up by the government to deliver up to 15,000 homes and create a 21st Century garden city, known as Ebbsfleet Garden City. EDC's area includes land within the boundaries of DBC and GBC and contains a number of strategic sites, including the Swanscombe Peninsula. EDC has development management responsibilities across its area.
- 5.78. North of the River Thames, Thurrock Council is a unitary authority, bordered by areas administered by other district councils and Essex County Council, and with the London Borough of Havering on Thurrock's western boundary.
- 5.79. Planning policy and development management responsibilities for each of these local authorities are set out in Table 5.2 overleaf.
- 5.80. An overview of the relevant development plan documents is provided in the following paragraphs and summarised in Table 5.3 at the end of this chapter. The extent to which the Resort complies with development plan policies and those of EDC's Ebbsfleet Implementation Framework 2017 is considered in a Planning Statement (document reference 7.4) that accompanies the DCO application for the Resort.
- 5.81. Several authorities are also progressing new development plan documents, and these emerging plans have also been considered during the design and assessment of the Resort's proposals where relevant. Appropriate weight has been given to draft documents.

Table 5.2: Summary of planning policy and development management responsibilities

Local Authority	Type	Planning policy			Development management		
		General	Minerals	Waste	General	Minerals	Waste
Dartford Borough Council	Borough (District)	Y	N	N	Y	N	N
Gravesham Borough Council	Borough (District)	Y	N	N	Y	N	N
Ebbsfleet Development Corporation	Development Corporation	N	N	N	Y	Y	Y
Kent County Council	County	N	Y	Y	N	Y	Y
Thurrock Council	Unitary authority	Y	Y	Y	Y	Y	Y

Dartford Borough Council

5.82. DBC is a district-tier council and the local planning authority. Responsibilities for highways and mineral and waste planning remain with KCC. The current development plan documents are as follows:

- Dartford Core Strategy (September 2011);
- Dartford Development Policies Plan (July 2017); and
- Dartford Local Plan Policies Map (July 2017).

5.83. Paragraph 2.6 of the Dartford Development Policies Plan states that:

‘The ‘London Resort’ leisure proposal is located in the EDC area at Swanscombe Peninsula. This is expected to be considered as a National Significant Infrastructure Project (NSIP) and be determined directly by the Planning Inspectorate’.

5.84. DBC is producing a new local plan covering the period to 2036. A preferred options public consultation (a 'Regulation 18' consultation) was held in January – February 2020, setting out emerging proposals alongside alternative approaches.

Gravesham Borough Council

5.85. GBC is a district-level authority and the local planning authority. Responsibilities for highways and mineral and waste planning remain with KCC.

5.86. The current development plan documents are as follows:

- Gravesham Local Plan Core Strategy (September 2014);
- Gravesham Local Plan First Review (November 1994) Saved Policies;

- Gravesham Local Plan Core Strategy Policies Map (September 2014).

5.87. GBC completed a review of its planning policies in 2018 and 2019. GBC is now undertaking a regulation 18 (stage 2) consultation on the Partial Review of the Local Plan Core Strategy, Site Allocations and Development Management Policies Document, this started on the 23 October 2020 and closes on 31 December 2020. This is seeking views on sites proposed to be allocated for housing and employment in addition to those areas already allocated in the Local Plan Core Strategy and the updated policies in the Development Management Policies document. The publication draft of the Local Plan is expected to be published in 2021 prior to its submission to the Planning Inspectorate for examination.

Ebbsfleet Development Corporation

5.88. The EDC assumed responsibility for some planning functions in its area on 1 July 2015. The Designated Garden City area includes much of the Swanscombe Peninsula, the Ebbsfleet Valley to the south, Eastern Quarry and two smaller areas on the banks of the Thames at Northfleet and Gravesend. Whilst the EDC has development management functions and a master-planning role for its area, it does not prepare statutory development plan documents but relies upon the development plan context formed by DBC, GBC and KCC to determine planning applications submitted to it.

5.89. In 2017, EDC published the *Ebbsfleet Implementation Framework* (the 'Framework'). The Framework was developed together with the city's developers, local authorities and local people to create a shared vision for Ebbsfleet. Its aim is to inform, shape and support the EDC's delivery work and it is positioned as a statement of ambition and is not a statutory plan. The Framework sets out six delivery themes:

- quality homes and neighbourhoods;
- enterprising economy;
- connected people and places;
- healthy environments;
- civic community; and
- resilient and sustainable systems.

5.90. On page 83 of the Framework a large central area of Swanscombe Peninsula is identified as '*Land subject to London Entertainment Resort NSIP process*' and proposes that the marshes and other open land around it should be '*an open estuarine ecological park*'. The Framework has been a consideration throughout the DCO process and has been taken into account in the relevant technical assessments reported in this ES.

Kent County Council

5.91. KCC is the minerals and waste planning authority for Kent. The development plan documents for minerals and waste comprise of:

- Kent Minerals and Waste Local Plan (July 2016);

- Kent Minerals and Waste Local Plan Early Partial Review (September 2020); and
- Kent Minerals Sites Plan (September 2020).

5.92. KCC adopted a Minerals and Waste Local Plan (KMWLP) in 2013, setting out the vision and strategy for waste management and mineral provision up until the year 2030. The KMWLP underwent an ‘early partial review’ in 2016-2020. In September 2020 the KMWLP as amended by the early partial review was adopted by KCC. In September 2020, the Minerals Site Plan was also adopted by KCC. This allocates sites in Kent for mineral extraction. There are no allocated sites inside the Resort DCO Order Limits.

5.93. KCC also acts as the highway authority for the county and is responsible for transport and highway policies of relevance to the Kent Project Site. The relevant plan document in this regard is the *Kent Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031*, which is taken into account in chapter 9: *Land transport* of this ES.

Thurrock Council

5.94. TC is a unitary authority, having responsibilities that include highways and minerals and waste planning in addition to district planning functions.

5.95. The current development plan documents are as follows:

- Core Strategy and Policies for Management of Development (January 2015); and
- Thurrock Borough Local Plan (September 1997) Saved Policies.

5.96. The Core Strategy was adopted on 21 December 2011 and updated on 28 January 2015, following an independent examination focussing on its consistency with the NPPF.

5.97. In February 2014 TC commenced work on a new Thurrock Local Plan. This will consolidate work started and subsequently suspended on the Core Strategy Broad Locations and Strategic Sites, the Site Allocations Local Plan and the Minerals and Waste Local Plan for Thurrock. The Issues and Options (Stage 2) consultation took place between December 2018 and March 2019.

5.98. As a unitary authority, TC functions also as the highways authority. Relevant transport policy requirements are set out in the Thurrock Transport Strategy 2013-2026, which is taken into account in chapter 9: *Land transport* of this ES.

Summary

5.99. Table 5.3 below provides an overview of the local plans that have been referred to during the EIA for the London Resort.

Table 5.3: Summary of development plan and other planning policy

Local Authority	Adopted	Emerging
Dartford Borough Council	<ul style="list-style-type: none"> • Dartford Development Policies Plan (July 2017) • Dartford Core Strategy (September 2011) 	<ul style="list-style-type: none"> • New Local Plan (Preferred Options)
Gravesham Borough Council	<ul style="list-style-type: none"> • Gravesham Local Plan Core Strategy (September 2014) 	<ul style="list-style-type: none"> • Local Plan Partial Review, Site Allocations and Development Management Policies (Stage 2 consultation)
Ebbsfleet Development Corporation	<ul style="list-style-type: none"> • Ebbsfleet Implementation Framework 2017 	-
Kent County Council	<ul style="list-style-type: none"> • Kent Minerals and Waste Local Plan (KMWLP) (July 2016) • Early Partial Review of the KMWLP 2020 • Kent Minerals Sites Plan 2020 • Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031 	-
Thurrock Council	<ul style="list-style-type: none"> • Core Strategy and Policies for Management of Development (January 2015) • Thurrock Borough Local Plan (September 1997) Saved Policies • Thurrock Transport Strategy 2013-2026 	<ul style="list-style-type: none"> • Thurrock Local Plan (Issues and Options stage 2)