

National Infrastructure Planning
 Temple Quay House
 2 The Square
 Bristol BS1 6PN

Date: 30th March 2021
 Our ref: 128917.793
 E-mail [REDACTED]

Dear Sirs,

**LONDON RESORT DEVELOPMENT CONSENT ORDER (“DCO”) PLANNING INSPECTORATE REF. BC080001
 RELEVANT REPRESENTATIONS ON BEHALF OF TARMAC CEMENT AND LIME LIMITED (“TARMAC”)**

This representation is made on behalf of Tarmac who are an Affected Party pursuant to the Planning Act 2008 in respect of London Resort Holding Company’s (“the Applicant”) application for a DCO for the London Resort theme park, Swanscombe, Kent (“the Scheme”). Please note that this representation is made in addition to an earlier consultation response, dated 18th September 2020 (copy attached), that was prepared by Tarmac’s planning consultants Heaton’s.

Tarmac own the freehold interest in a 22.5 ha parcel of land on the east of Southfleet Road, Swanscombe which is an actively gassing, permitted closed landfill site. The land (registered at HM Land Registry under Title Number K831453) is entirely included within the Applicant’s DCO Order Limits. Pursuant to the draft DCO the Applicant is seeking compulsory purchase powers for a combination of permanent and temporary land acquisitions and permanent acquisition of rights (including restrictive covenants) as follows:

Summary table of the Applicant’s proposed powers under the DCO

Plot Number	Description of Land	Compulsory Powers	Acquisition
307	6,498 m ² of land and overhead transmission lines, grassland including Baker’s Hole SSSI and a scheduled monument Palaeolithic site near Baker’s Hole	Permanent acquisition of land	
308	206,275 m ² of land and overhead transmission line, grassland and woodland including Baker’s Hole SSSI and a scheduled monument Palaeolithic site near Baker’s Hole	Acquisition of permanent rights (including restrictive covenants) over and temporary possession of land	
309	7,877 m ² of land, and overhead transmission line, grassland and woodland including Baker’s Hole SSSI and a scheduled monument Palaeolithic site near Baker’s Hole	Permanent acquisition of land	



One Eleven Edmund St gateleyhamer.com
 Birmingham B3 2HJ
 DX 13033 Birmingham 1
 0121 234 0000

Gateley Hamer is a limited company incorporated in England and Wales and regulated by the Royal Institution of Chartered Surveyors. Registered Number: 3948095. VAT Registered Number: GB 991 2809 90. Registered Office: One Eleven, Edmund Street, Birmingham B3 2HJ.

310	9,204 m ² of land, footpath, grassland and woodland including Baker's Hole SSSI and a scheduled monument Palaeolithic site near Baker's Hole,	Permanent acquisition of land
-----	--	-------------------------------

Option Agreement

To facilitate the development, the Applicant is relying on an option agreement dated 23rd December 2014 ("Agreement") (a copy of the plan to the Agreement which shows the potential easement land cross-hatched orange is attached ("Option Plan")). However, the rights granted in the Agreement do not align with the DCO Order Limit or the permanent land acquisition requirements set out in the relevant Land Plans. Specifically, the concerns are that:

- 1) The Order Limit extends significantly beyond the extent of land in respect of which the Applicant enjoys the primary benefits under the Agreement, which is referred to in paragraph 7.6 of the Statement of Reasons and that Agreement contains limitations on the exercise of the rights which they enjoy including (without limitation) an obligation to minimise the area affected which does not appear to have been taken in to account. Adopting the plot number set out in the draft DCO documentation, the anomaly affects the majority of Plot No. 308 (comprising a land parcel of 206,275 m² or thereabouts) where the Applicant is seeking acquisition of permanent rights (including restrictive covenants) over and temporary possession of land.

We have highlighted this discrepancy to the Applicant's Land and Property Acquisition agent and in reply we have been informed that it is expected that over time the red line boundary will be reduced to coincide with the Option Plan, *"and in the event that there is a risk that we will need to acquire interests outside of the areas identified within the Option agreement but within your client's other land we will contact you again"*.

- 2) The Land Plans indicate that the Applicant is seeking compulsory purchase powers for the permanent land acquisition of Plot 307 (comprising a parcel of land extending to 6,984 m² or thereabouts) and Plot 309 (comprising a parcel of land extending to 7,877 m² or thereabouts). Substantial parts of both of these plots are outside the extent of the Option Agreement and there have been no reasonable steps taken by the Applicant to acquire the land by agreement.

Section 122 of the Planning Act 2008 ("the Act")

In regard to obtaining compulsory purchase powers, S.122 of the Act provides that a DCO that includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the Act are met:

122 Purpose for which compulsory acquisition may be authorised

- (1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the decision-maker is satisfied that the conditions in subsections (2) and (3) are met.

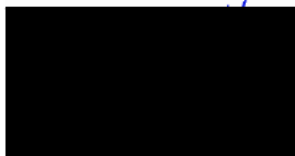
- (2) The condition is that the land—
- (a) is required for the development to which the development consent relates,
 - (b) is required to facilitate or is incidental to that development, or
 - (c) is replacement land which is to be given in exchange for the order land under section 131 or 132.
- (3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.

It is our opinion that the tests that the Applicant is required to meet in order to obtain compulsory purchase powers have not been satisfied. The compulsory purchase powers being sought are contingent on the Applicant being able to demonstrate that they have shown the land is required for the Scheme and in respect of this the draft DCO simply advises that Plot No. 308 is required for *“Works to the existing landfill infrastructure including gas pipes and flares in order to construct Work No. 11 [the resort access road].”*

Tarmac maintain that no explicit justifications have been provided to warrant the need to temporarily acquire the whole of Plot No. 308 (for construction of the resort access road) nor has there been adequate engagement to understand and investigate the challenges that will need to be addressed on this managed landfill site. Consequently, Tarmac objects to the compulsory acquisition powers being sought and maintains that the tests that the Applicant is required to meet in order to justify the use of compulsory purchase powers have not been satisfied and that the draft DCO should not therefore be confirmed.

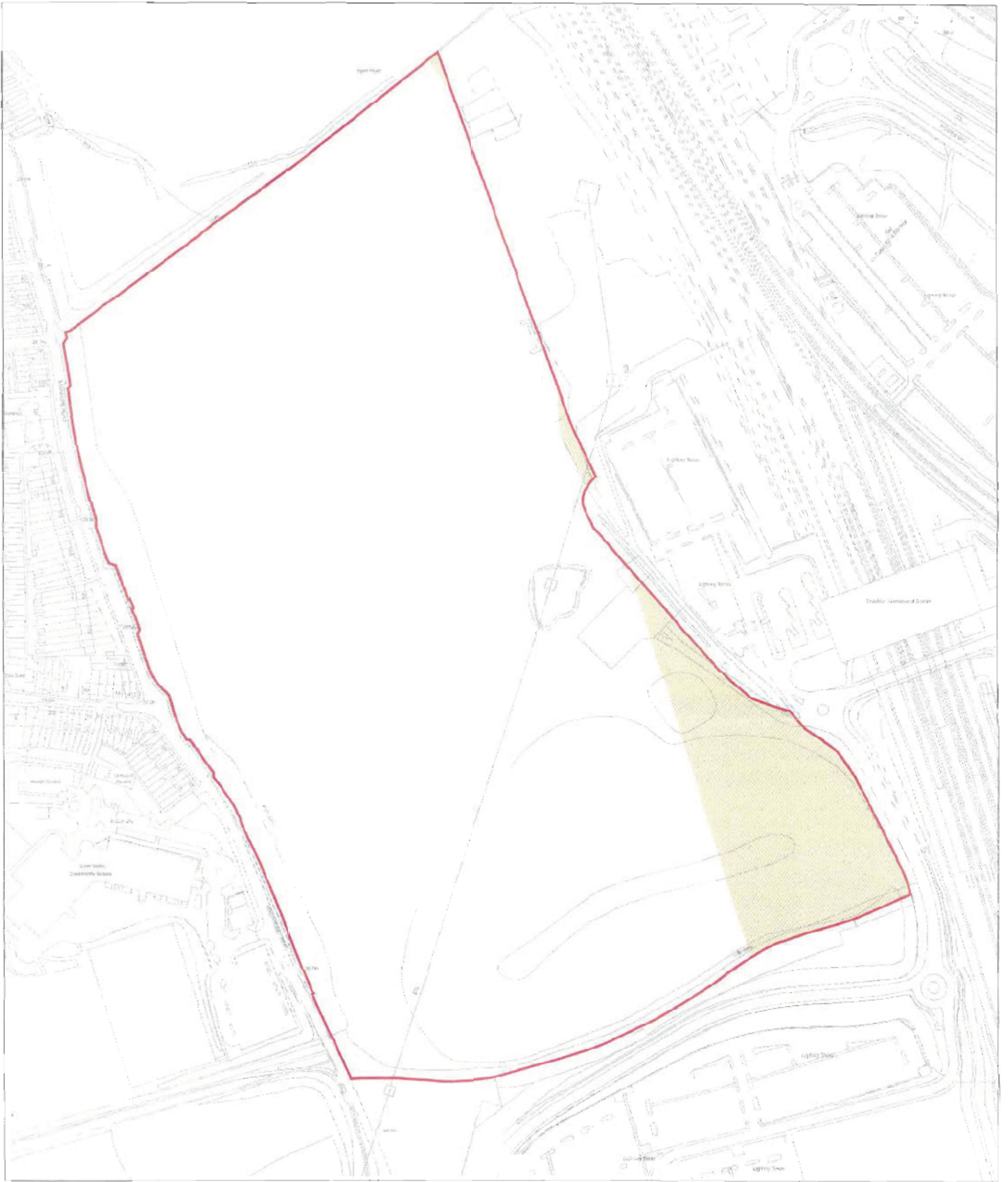
Despite the above, Tarmac (who have not joined the Peninsula Management Group) and their representatives remain willing to engage with the Applicant and their representatives to clarify the Applicant’s intentions for the site, and the extent of land and rights required with a view to coming to an agreement with the Applicant. However, until the Applicant demonstrates a similar commitment to engage, Tarmac maintains its objection to the DCO.

Yours faithfully,





Piers Collacott MRICS
Senior Associate
for Gateley Hamer

Enc. Option Easement Plan



Legend

-  Lafarge Tarmac Landfill Site
-  LRCH to be granted an easement over the site



Site Name N338 Northfleet	
Drawing Name Northfleet Landfill Site	
Drawn By S JLSLEY	Scale @ A1 1:2500
Date 13/12/2014	Drawing No. D14-161



This drawing is produced for the use of the client and is not to be used for any other purpose without the written consent of the client. © 2014 Lafarge Tarmac. All rights reserved.