



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

Customer Services: 0303 444 5000  
e-mail: [LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@planninginspectorate.gov.uk)

---

To:  
London Resort Company Holdings  
All Interested Parties

Our Ref: BC080001  
Date: 5 May 2021

---

Dear Sir/ Madam

**The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 9 and 17**

**Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort**

**Procedural Decisions made by the Examining Authority in connection with a request that the Examination be deferred**

I write to you as the Lead Member of Examining Authority (ExA) for this application to advise you of the appointment of the ExA and of the initial procedural decision that the ExA has made to assist all parties to prepare for the Examination.

On 13 April 2021, I (Stuart Cowperthwaite) was appointed as Lead Member of the ExA and Simon Warder, Deborah McCann and Richard Jones, were appointed as members of the ExA. A copy of the appointment notice can be viewed here:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000865>

I refer to the Applicant's request to defer the start of the Examination by four months. The details of and reasons for this request are set out in the Applicant's letter dated 15 April 2021. Principally they relate to Natural England's Notification of the Swanscombe Peninsula Site of Special Scientific Interest, which includes a large part of the land within the Order Limits. The letter from the Applicant can be viewed here:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000878>

Natural England's Notification of the Swanscombe Peninsula Site of Special Scientific Interest can be viewed after page 44 of their Relevant Representation, which can be viewed here:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000883>

DCLG Guidance<sup>1</sup> states that a delay to the start of the Examination may be appropriate, depending on the circumstances, but should be kept to the minimum period necessary. It is explained that this will limit the risk that the application, including pre-application consultation and environmental information, will no longer be sufficiently current to form the basis of an Examination. The Secretary of State's (SoS's) expectation is that Examining Authorities will not normally agree to postpone the start of the Examination for longer than three months.

The ExA agree that the SSSI notification, post acceptance of the Application by the SoS, and the implications for the ecological status of the Kent site, represent circumstances that justify delaying the start of the Examination. Although the four months sought is longer than that normally expected by the SoS, we recognise that several Application documents will require revision to be sufficiently current and to form the basis for the Application. Consequently, to commence the statutory Examination period in this knowledge would represent a risk to being able to carry out a fair process within the statutory six-month Examination period.

Nevertheless, to ensure currency of all environmental information, and to minimise uncertainty for Interested Parties and Affected persons, it is important that projected timescales are met. To that end, the ExA request that the Applicant provides a comprehensive list of the documents that will be submitted and a programme setting out when they will be submitted. In doing so, the ExA agree that it is sensible that the Applicant takes the opportunity to comprehensively respond to Natural England's Relevant Representation.

The Applicant is reminded of the need to comply with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. It is suggested that the Applicant consider publicising and consulting in the way set out in Regulation 20(3) on any additional environmental information that they consider is necessary to include in the Environmental Statement for it to satisfy the requirements of Regulation 14(2).

The ExA request that the Applicant's programme be provided by Wednesday 12 May 2021 and include a projected date for the Preliminary Meeting, reflecting the four-month period sought. It is requested that the programme include for progress reports to be submitted by the Applicant at 4-week intervals, starting on Wednesday 12 May, with each progress report including the following:

1. A schedule of all updated and new documents that will be submitted, setting out the following for each document:
  - the title of the document;
  - the anticipated scope of any changes or new material;
  - the reasons for any changes or new material;
  - the percentage completion; and
  - the anticipated date for submission.
  
2. A schedule of consultation, setting out the following for each consultee:

---

<sup>1</sup> Paragraph 45 of the Department for Communities and Local Government – Planning Act 2008: Guidance for the examination of applications for development consent (March 2015)

- the anticipated scope of the consultation;
- the dates of any completed consultation and the matters discussed; and
- the dates for any future consultation and the matters to be discussed.

The Applicant's programme and progress reports will be published on the London Resort project page on the Planning Inspectorate website.

It is clearly in the Applicant's interest to maintain progress towards the Examination. It is anticipated that the Applicant's provision of a programme and progress reports will allow the ExA and Interested Parties to maintain momentum by giving certainty as to what material will and will not be revised. This will reduce the risk of any abortive work and minimise the delay that the ExA later considers necessary to the start of the Examination. The ExA is conscious of the benefits that such an approach should have for local authorities as they progress their Local Impact Reports, and of the benefits to other parties as they progress their Written Representations.

To assist in the consideration of any changes, the Applicant is requested to provide both clean and tracked change copies of any updated Application documents when they are submitted. Changes to any updated plans should be highlighted clearly.

The ExA notes that at this stage the Applicant does not anticipate that the SSSI Notification should necessitate any material change to the Application. However, the Applicant is advised to carefully consider the advice set out in PINS Advice Note 16 on materiality when the full extent of the changes they will be seeking becomes clear and to provide justification for any assertion that the change(s) sought to the application are not material.

## Decision

The ExA has considered the need to be able to complete the examination of the Proposed Development within the statutory timeframe with the required information to conduct that process fairly. The ExA has also considered the impact of a delay to the start of the Examination period on Interested Parties and Affected Persons. The ExA has decided that there should be a delay to the start of the Examination but that, as described in detail above, there needs to be a programme in place, there needs to be 4-weekly progress reports, and any changes to Application documents need to be identified clearly. Additionally, when requesting that the ExA accept any updated or new documentation, the Applicant should clearly set out their position on the materiality of the change requested and consider whether the combined impact of changes to Application documents and/ or the submission of new documents would collectively result in a material change to the Application.

Yours faithfully

*Stuart Cowperthwaite*

**Stuart Cowperthwaite, Lead Member of the Examining Authority**