

## Mawdsley, Edwin

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**From:** Mark Warnett [REDACTED]  
**Sent:** 27 May 2021 12:09  
**To:** London Resort  
**Subject:** Re: Application for an Order Granting Development Consent for the London Resort - Additional Submission by Save Swanscombe Peninsula

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Additional Submission, EO

Dear Kath

With reference to my email of 18th May we would welcome acknowledgment of receipt and a response from the ExA at their earliest convenience.

Many thanks

Mark Warnett on behalf of SSP

On 18 May 2021, at 17:42, Mark Warnett <markwwarnett@gmail.com> wrote:

Dear Kath

Thank you for your email of 10<sup>th</sup> May 2021. I write on behalf of the members of Save Swanscombe Peninsula (SSP) in our capacity as an Interested Party and ask that this email please be accepted as an Additional Submission.

With reference to the ExA's letter of 5<sup>th</sup> May 2021 we acknowledge the ExA's conclusion that the SSSI Notification represents circumstances that justify delaying the start of the Examination in order to carry out a fair process within the statutory six-month Examination period.

We have carefully considered the Applicant's letter of 12<sup>th</sup> May 2021 with accompanying schedules but are concerned their proposals may not result in an efficient or fair process for the following reasons:

1. ES Chapter 4 – Project development and alternatives

The ExA referred the Applicant to the requirements of Regulation 14(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Paragraph (d) of Regulation 14(2) states that:

*“An environmental statement is a statement which includes at least - a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment”.*

We note however that the Applicant is not proposing to revisit Chapter 4 'Project Development and Alternatives' other than for 'Very minor...text updates' and not at all Appendix 4.1 which analyses the alternatives to the Swanscombe Peninsula in context of the SSSI Notification (ES Appendix 4.1 'Assessment reports for the eleven site options considered by LRCH prior to the selection of Swanscombe Peninsula').

One of the Applicant's eight key site selection criteria in ES Chapter 4 is:

*“Environmental Constraints; The Project Site should as far as possible be free of land and buildings of designated landscape, natural, cultural or historic interest”.*

The Applicant acknowledged in its letter of 15<sup>th</sup> April 2021 that the SSSI Notification *“clearly changes the ecological status of the Kent site, the relevant policy context in determination of the DCO application”*. It follows that ES Chapter 4 requires substantive changes or replacement in order to reflect the change in status of the Swanscombe Peninsula to a SSSI, to comply with Regulation 14(2) and is necessary to make the ES sufficiently current (given that the Kent Project Site build footprint will develop over 100ha of the SSSI).

We speculate that the Applicant may not wish to revisit these documents because it is not possible to reconcile their continued preference to develop over 100ha of Swanscombe Peninsula SSSI with their site selection criteria in ES Chapter 4, nor with their previous conclusion that developing over or near other SSSIs was not appropriate. For example developing over Marl Lakes, Houghton Regis SSSI [21 ha] and Kensworth Chalk Pit SSSI [130.9ha] were both discounted by the Applicant.

We nevertheless acknowledge that the Applicant may have justified reasoning behind its conclusions. Clearly however, in order to comply with Regulation 14(2), to ensure that that the ES is current and complete, and that the DCO Examination process is fair to Interested Parties, the Applicant must substantively update ES Chapter 4 (including Appendix 4.1) to show how the SSSI Notification has affected its rationale for selecting Swanscombe Peninsula as its chosen option.

We welcome the inclusion of ‘Implications of the notification of the Swanscombe Peninsula SSSI for the site selection process’ in the ExA’s assessment of principal issues and ask that the Applicant substantively re-visit ES Chapter 4 as part of its changes to the ES.

## 2. Length of extension

We note the dates proposed by the Applicant for the start of the Examination ([27<sup>th</sup> September to 18<sup>th</sup> October 2021](#)) would comprise a 5 - 6 month extension (not 4 months) to the normal pre-examination period.

## 3. Schedule of updated and new documents

The Applicant justified the request for a 4 month extension to the DCO solely based on the need to amend documentation and undertake consultation in context of the SSSI notification. This was the basis on which the ExA approved an extension in its letter of 5<sup>th</sup> May 2021.

We note that in fact the Applicant is seeking to amend or replace a very wide range of ES documents, including (but not limited to), for example, a new Supporting Resort and Leisure Market Assessment and additional Transport Assessments. These documents ostensibly have nothing or very little to do with the SSSI Notification.

We are uneasy with the Applicant making significant revisions to the ES other than those justified by the SSSI Notification and that were not included in the original extension request of 15<sup>th</sup> April (or approved by the ExA). We are also concerned that such significant revisions are needed at all, particularly given the substantial concerns about the adequacy of the ES raised by several authoritative stakeholders. It may be Applicant is seeking to use the extension as an opportunity to address the inadequacies in the original Application.

We are unsure if this does represent a departure in DCO process, and recognise that the ExA may consider it expedient and practical to also allow these changes in preparation for the DCO Examination. Nevertheless, the fact these changes were not requested in the Applicant’s letter of 15<sup>th</sup> April, together with the 5 month extension and the omission of ES Chapter 4 from the list of documents being revised, this is contributing to an impression the process is potentially inconsistent and not fair.

## 4. Consultation and Representations

We note that Interested Parties such as SSP are not included in the Applicant’s list of consultees. We would be grateful for clarification for the interpretation of the statutory position on the consultation requirements in these circumstances by the ExA (as is not currently clear

to us from review of the statute)? In any event we would ask the Applicant and ExA that Interested Parties such as SSP have the opportunity to properly consider and respond to any changes in the Application.

We trust the ExA will carefully consider our Additional Representations and we look forward to hearing from you.

Yours sincerely

Mark Warnett in behalf of Save Swanscombe Peninsula