

6 August 2021

VIA EMAIL
LONDONRESORT@PLANNINGINSPECTORATE.GOV.UK

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Kath,

THE LONDON RESORT DEVELOPMENT CONSENT ORDER (BC080001)

PRODEDURAL DECISION RESPONSES AND PROGRESS REPORT 6 AUGUST 2021

On behalf of London Resort Company Holdings Limited ("LRCH") this letter seeks to respond to a number of procedural decisions made by the Examining Authority ("ExA") in their letter dated 29 July 2021 about how the application is to be progressed towards Examination. As part of the LRCH responses relate to project progress then this letter and attachments also acts as the latest Progress Report (which ordinarily would have been due on 4 August 2021) but has been combined into a single response given the inter-relationship between these issues.

We also note that the Planning Inspectorate has received a joint letter dated 4 August 2021 on behalf of Ebbsfleet Development Corporation, Dartford Borough Council and Kent County Council (via Quod). This letter raises programme and progress considerations.

Procedural Decisions

The ExA's letter dated 29 July 2021 helpfully summarises the earlier exchange of correspondence relating to letters dated 9 July 2021 and 21 of July 2021 regarding procedural and programming matters. This letter sets out the Applicant's response to the latest procedural decisions and addresses these in the same order.

Procedural Decision 1 – Preliminary Meeting

The Applicant shares the ExA's aim that the Examination is undertaken within the statutory timeframe and ensure that the most up-to-date information is available. The current extension of the Pre-Examination period to update documents where required, particularly with regard to the Swanscombe Peninsula Site of Special Scientific Interest ("SSSI") Notification implications, is welcomed.

The Applicant recognises that the ExA will need sufficient time to review the updated documentation (anticipated week beginning 29 November 2021), such that no decision will be taken on the timing of a Preliminary Meeting until mid-December 2021, and therefore the earliest at which any Preliminary Meeting could take place would be mid-January 2022. As previously advised, we will continue to keep the ExA updated on the progress of the updated documentation and consultation through the regular Progress Reports (see below).

Procedural Decision 2 – Pre-Examination

The ExA has previously recognised in its letter dated 5 May 2021 that the decision by Natural England on 11 March 2021 to issue an SSSI Notification across much of the DCO Order Limits (Kent Project Site) has had an

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effect on the project, which in turn, requires documentation to be updated to reflect this change, and it is appreciated that additional Pre-Examination time is being permitted for this important exercise to be undertaken. The ExA fully appreciate that the SSSI Notification has direct impacts on a number of Interested Parties in terms of how they respond to the proposed designation and their approach to assessing the London Resort DCO documentation.

It is helpful and good management for the ExA to have provided additional time for documentation to be updated and it is important to note that this is not simply a drafting exercise as additional baseline information (particularly on ecology) has had to be gathered and assessed, but also there are numerous other areas of the evidence base (such as air quality) which similarly needs further assessment work. Indeed, updated assessments across various topics has implications for mitigation and compensation, as well as cumulative effects to be suitably weighed.

The Applicant is in regular dialogue with key stakeholders and it is recognised that the letter dated 4 August 2021 from several local authorities fully recognises the additional work required (principally triggered by the SSSI Notification), the implications upon their outputs (such as Local Impact Reports) and thus they advocate a similar timeline as that discussed between LRCH and the ExA.

Procedural Decision 3 – Materiality

The Applicant has been carefully assessing the potential for project changes raised by the SSSI Notification, and indeed the more recent exchange of correspondence regarding parameters-led approach.

We have previously indicated that we did not consider that the project proposal, order limits, project effects (individually or cumulatively) or other matters would give rise to a material change. This assessment has been further undertaken regarding the more recent parameters-led dialogue and we are comfortable that the same conclusion can be drawn, that there is no material change.

Procedural Decision 4 – Progress Reports

Following the ExA's request for regular updates, we have been pleased to circulate these on 9 May 2021, 6 June 2021, 4 July 2021 which has included a covering letter providing an overview, and two schedules dealing with progress on document updates and consultation. As previously mentioned, the latest Progress Reports are enclosed with this letter (see below) to coincide with the submission of the Applicant's response to the procedural decisions, as requested in the ExA's letter dated 29 July 2021.

In order to reflect the recent dialogue on the parameters-led approach further documents have been identified in the Schedule of updated and new documents (document reference 8.1 Rev 03) in order to pick up the various reports and plans which we consider need to be updated for this topic. Should the ExA consider that other documents ought to be captured to reflect this change then please do let us know.

For the avoidance of doubt, the next Progress Reports is due to be provided on 1 September 2021. We provisionally anticipate further Progress Reports to be provided to the ExA on 29 September 2021, 27 October 2021 and 24 November 2021. Should the ExA have any comment on this matter then please do let us know.

Procedural Decision 5 – Applicant's Update

It is recognised that the ExA will benefit from reviewing the updated documentation as a key step in programming the Examination. In this regard, the Applicant shares the view that the ExA will set the date for the Preliminary Meeting after receipt and initial consideration of the updated documentation. This information will similarly be available to Interested Parties who will have the opportunity to digest in advance of the Preliminary Meeting, which will assist in ensuring the process is fair and efficient, and allow for the subsequent smooth running of the Examination itself.

The comments in this letter hopefully capture the ExA's latest procedural decisions.

Progress Report

Consistent with the earlier Progress Reports, this latest update comprises this covering letter and two attached documents, specifically:

- i. a '*Schedule of updated and new documents*'; and
- ii. a '*Schedule of consultation*'.

The following paragraphs describe the content of the two documents, explaining how they should be read and interpreted, and other matters which have progressed but which sit outside of the content of the two attachments.

Schedule of updated and new documents (document reference 8.1 Rev 03)

The purpose of this document is to provide a comprehensive list of revised and additional DCO application documents that LRCH anticipates will be submitted during the period before examination and a programme for doing so. This document includes the information requested by the ExA in their letters dated 5 May 2021 and 29 July 2021, namely 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.

A number of updates are provided in the attached, providing an indication of the progress made on the documents. We anticipate more milestones being achieved over the course of the next four weeks, leading to further updates in the next Progress Report.

Schedule of consultation (document reference 8.2 Rev 03)

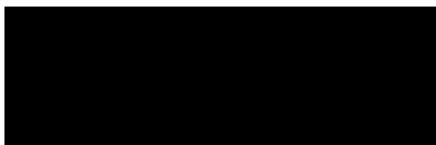
The document sets out the scope of consultation for each consultee (primarily those on whom the document updates relate); the dates of any completed consultation (in the preceding four week period); the matters discussed; any future meetings already organised; the anticipated frequency for any future consultation; and the further matters to be discussed.

A number of updates are provided, demonstrating engagement with a number of organisations, including, but not limited to, the Local Planning Authorities on a number of topics. Engagement has also continued with statutory consultees and stakeholders, particularly in respect of socio-economic and transport matters.

To provide further insight to the ExA, the Applicant is currently progressing Environmental Impact Assessment ("EIA") documents so as to undertake consultation on them, in line with Regulation 20(3). Non-EIA documents will not be consulted upon but will form part of the submission to PINS, alongside the EIA documents and consultation responses.

I trust the above deals with the latest issues raised by the ExA, though clearly please do not hesitate to get in contact.

Yours sincerely,



Christopher Potts
Director

Enc. Schedule of updated and new documents (document reference 8.1 Rev 03, 6 August 2021)
Schedule of consultation (document reference 8.2 Rev 03, 6 August 2021)