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To:  
London Resort Company Holdings  
All Interested Parties

Our Ref: BC080001

Date: 15 September 2021

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Dear Sir/ Madam

## **The Planning Act 2008 Sections 89(3) and 89(4)**

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

#### **Procedural decisions made by the Examining Authority about how the application is to be examined**

I write to advise you of procedural decisions made by the Examining Authority (ExA) in relation to the Applicant's proposed submission of updated and new material and the consequent delay to the date(s) of the Preliminary Meeting (PM) and to the start of the Examination.

This letter follows the ExA's procedural decisions of 12 August 2021:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000978>

The Applicant's response of 1 September 2021, which advised of a delay to its submission of updated and new material to 18 February 2022, can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000991>

Having reviewed the Applicant's response, and to help minimise the delay to the start of the Examination and ensure that it can progress efficiently when it starts:

- 1. The ExA has decided that it is still not in position to finalise the date(s) of the PM.** The close of the PM triggers a statutory timeframe for the Examination and the ExA is mindful of the need to be able to complete the Examination within that statutory timeframe with the information required to conduct that process fairly for all parties. The ExA is also mindful of the concerns expressed by various parties about the disruption and uncertainty caused by the delay. The ExA does not have a detailed understanding of the Applicant's proposed consultations and updates. Having considered the information available to date, the ExA is minded not to decide on the date(s) of the PM before it has seen the Applicant's submissions. Based on the above, the ExA anticipates that it will be unable to decide on the date(s) of the PM before March 2022 and that a PM is therefore unlikely to be held before April 2022.

2. **The ExA has decided to ask the Applicant to provide a detailed explanation of whether all baseline information and all assessments in the Environmental Statement will be sufficiently current to form the basis of an Examination that would start no earlier than April 2022. The Applicant's response is requested by 27 October 2021.** The ExA raised a similar question on 12 August 2021 and does not consider that the Applicant's response of 1 September 2021 clarified this matter for all baseline information, for all assessments, or in detail. The ExA notes that the Applicant's latest date for its submission of updated and new material would be more than 13 months after its application was submitted. There is a potential for delay and/ or disruption to the Examination if time-dependant information is out of date.
3. **The ExA has decided to ask the Applicant to review whether it is consulting with all relevant parties, including those that are not statutory bodies, as it prepares its new and updated material.** The ExA is aware of the concerns expressed by some parties about the Applicant's engagement with them. There are likely to be benefits to the Examination if the Applicant can reach a clear position with parties early in the process, identifying what is agreed and what is not agreed.

All parties are advised that the ExA will:

- decide whether any of the Applicant's updates constitute a material change or a materially different project to that which was submitted once it has had an opportunity to review them;
- invite comments on the application, updates, and other submissions in due course;
- ensure that all parties will have several opportunities to make submissions during the Examination, which will follow the PM; and will
- decide on the date(s) of the PM, having regard to the information required to conduct the process fairly for all parties.

If you have any queries then please contact the Case Team at the telephone number or email address provided at the top of this letter.

Further updates will be posted to the project website.

Yours faithfully

*Stuart Cowperthwaite*

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