

**Our ref:** Q210454  
**Your ref:** BC080001  
**Email:** [REDACTED]  
**Date:** 28 October 2021



Kath Haddrell  
Case Manager  
National Infrastructure Planning  
Temple Quay House, 2 The Square  
Bristol, BS1 6PN

For the attention of Kath Haddrell  
By Email

Dear Kath,

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

I write on behalf of Ebbsfleet Development Corporation, Dartford Borough Council and Kent County Council (the LAs) to provide an update on the progress of the ongoing discussions with the London Resort Holdings (the Applicant) in relation to the London Resort Development Consent Order Application.

As set out in our letter of 4 August, the LAs remain open to working with the Applicant to resolve the issues raised in our Relevant Representations. While some very limited discussions have taken place we have not yet been able to have any substantive discussions with the Applicant regarding the issues raised in our last letter; we are concerned that insufficient progress is being made in resolving our concerns.

We now understand that a formal consultation period is expected in January 2022, which we hope the Applicant will use to respond to comments and concerns raised by Interested Parties, including those raised by the LAs. Our of the 4 August sets out the key points that we consider the most important and relevant matters and all of these issues remain.

The Applicant has made little progress in responding to our concerns so far and the amount of work to resolve these issues is substantial. We remain hopeful that the above matters can be resolved, providing that the Applicant restarts proactive and constructive dialogue with the LAs.

### **Progress towards Examination**

We note that the Examining Authority (the ExA) has indicated that it is minded not to make a Procedural Decision to start the Examination until the ExA has had sight of the Applicant's updated submissions. The ExA has previously indicated that the earliest date Examination could start would be April 2022.

The LAs remain in agreement with the ExA that it is very necessary to review the additional information before making this important Procedural Decision. As noted in our 4 August letter, it is the LAs' view

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that the LAs must have sufficient time to review the new material prior to Examination, undertake the Local Impact Report(s), and allow, where possible, the reaching of a greater level of agreement with the Applicant on the important matters raised in Relevant Representations and in the ExA's Initial Assessment of Principal Issues.

We are therefore of the view that in the current circumstances the pre-Examination period should be extended to allow all parties to continue to constructively engage and seek agreement. A potential Examination start date no earlier than April 2022 would, the LA's consider, provide a challenging but achievable deadline for the parties to work together. Any earlier would, in the LA's view, not be realistic and would not allow for an efficient or procedurally appropriate Examination for all parties, including the Applicant, LA's, statutory and other consultees and the wider public.

The approach to this revised programme prior to the start of the Examination is summarised as follows:

- **Requirements and Obligations: November onwards:** The Applicant has paused meetings which has been disappointing as it is clear that significant progress needs to be made in both areas, but we hope that these will restart when the Applicant responds to the LAs' suggestions and comments on Requirements and S106 Heads of Terms, along with comments on the Rochdale Envelope. Subject to the Applicant engaging in this process, we hope to reach agreement on as much of the emerging draft requirements and the S106 obligations as practicable.
- **Review of Consultation Material: January 2022:** We understand that a full consultation will be undertaken by the Applicant, which would include all of the proposed submission information, plans, revised parameters, Design Code and Environmental Statement.
- **Submission of new and updated documents: February 2022:** The scope of the new and updated documents appears extensive and needs to be understood to allow the Local Impact Report to reflect the extensive newly submitted information.
- **Local Impact Report: April 2022:** Whilst progress has been made on the draft LIR, it is recognised that the forthcoming submission from the Applicant will include a great deal of new and updated information. Meaningful progress on the LIR is therefore dependent on having sight of the Applicant's updated submission.
- **Statement of Common Ground: April 2022:** We are keen for the SoCG process to commence as soon as practicable. At a minimum we would expect meaningful progress would be possible once the Applicant has completed the new and updated application documents.
- **Preliminary Meeting / Examination Begins: April 2022 onwards:** The above would then allow the Examination to begin.

We note that the ExA has asked the Applicant to confirm whether all baseline information and all assessments in the Environmental Statement (ES) will be sufficiently current to form the basis of an Examination to start no earlier than April 2022. The LAs recognise that this would represent an



unusually extended period for the pre-Examination stage, however we understand that the Applicant's proposed resubmission in February will include substantial additional / missing baseline information. The LAs hope that the Applicant would use this as an opportunity to update relevant baseline information, along with the issues raised by the LAs in relation to the adequacy of the ES.

As we have previously noted, the circumstances of the project are unique, but there is a growing concern from the LAs that the Applicant's approach to the Pre-Examination is placing additional resource pressure on all parties. The Applicant has indicated that it may be willing to provide support for the resources needed by the LAs to continue to engage in pre-Examination discussions. This recognises the current situation and is considered necessary given the amount of additional information not yet provided.

The back-loaded nature of the approach taken is also placing significant resource implications on the LAs. However we understand that the Applicant is content to enter into a formalised cost recovery agreement whereby the LAs' reasonable costs incurred are recovered. The LAs are of the view that this would be necessary in order to allow an efficient and procedurally appropriate Examination and to complete this work with the Applicant.

Please do not hesitate to contact me if you wish to discuss any of the matters raised in this letter. I look forward to hearing from you.

Yours sincerely,



Matt Sharpe

**Board Director**

cc.

Mark Pullin, Ebbsfleet Development Corporation  
Sonia Collins, Dartford Borough Council  
Rob Hancock, Kent County Council  
Richard Ford, Pinsent Masons LLP