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To:
London Resort Company Holdings
All Interested Parties

Our Ref: BC080001
Date: 5 November 2021

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 start of the Examination.

This letter follows the ExA's procedural decisions of 15 September 2021:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000994>

The Applicant's response of 27 October 2021, which advised of a delay to its submission of updated and new material to April/ May 2022, can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-001018>

A related submission on behalf of Ebbsfleet Development Corporation, Dartford Borough Council and Kent County Council, dated 28 October 2021 is at:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-001019>

Having reviewed these and earlier submissions, the ExA notes that parties continue to express concerns about the Applicant's engagement with them. The Applicant has now advised of delays to its dates for the submission of new and updated documents on several occasions. The Applicant did not submit progress reports on those, or on the related consultation, on its previously advised date of 27 October 2021. It follows that the ExA is concerned about the likelihood of the Applicant meeting its latest dates and of the consequences of further uncertainty and delay for other parties.

The ExA notes that the latest delay suggested by the Applicant is well outside the three months set out in DCLG Guidance¹ and is highly unusual. The ExA considers

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

that the information provided to date is not sufficiently clear on whether the Applicant is addressing the full range of issues in relation to time-dependant information being sufficiently current to form the basis of an Examination.

Following from the above, and to help minimise the impact of 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 a position to finalise the date(s) of the Preliminary Meeting (PM).** The ExA anticipates that it will be unable to decide on the date(s) of the PM before May/ June 2022 and that a PM is therefore unlikely to be held before June/ July 2022.
2. **The ExA has decided to ask the Applicant to reinstate its submission of progress reports on its consultation and production of new and updated documents every 4 weeks and for that to continue until the new and updated documents are submitted.** Providing those progress reports will help to reduce the consequences of further uncertainty and delay for all.
3. **The ExA has decided to ask the Applicant to provide an update on the likely implications of Natural England's decision on the designation or otherwise of the Swanscombe Peninsula Site of Special Scientific Interest for its application within two weeks of that decision.** The Applicant has said that it anticipates a decision being made on 10 November 2021, on which basis the Applicant's response is requested by 24 November 2021.

All parties are advised that the ExA will:

- decide whether any of the Applicant's new and updated documents constitute a material change² or a materially different project to the application once it has had an opportunity to review the new and updated documents;
- 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

² The Planning Inspectorate – Advice note sixteen: How to request a change which may be material (March 2018)