

10 January 2022

Dear Mr Smith

We write as requested but also must congratulate you on your appointment as Lead Member of the EXA on 14<sup>th</sup> December. We acknowledge the content of your letter, thank you.

We welcome the support and understanding shown by the ExA to date. The path for delivery of Business and Commercial Nationally Significant Infrastructure Projects such as the London Resort rarely run smoothly, and certainly not without incident or delay. The Project has been bedevilled by changing circumstances and external factors – unknown unknowns – factors which have undermined our ability to deliver the Project according to the agreed programme. Furthermore, the implications of both COVID-19 and the SSSI designation have materially impacted on the effectiveness on us as the applicant and our capacity to supply information in a timely fashion for which we apologise unreservedly.

We welcome the ExA's deliberations pertaining to economic and social effects of the Project. As outlined below (and in our submitted application) we have shared the considerable potential benefits of the project. The applicant remains wholly and fulsomely of the view that the Project will deliver significant tangible benefits to both the region and wider United Kingdom. Notwithstanding the implications of delay to date, the future potential benefits are of such significance that extraneous consideration ought to be granted.

Taking each of your points in order:

1. We firmly believe that a final delay in the commencement of the Examination of the Application until June or July 2022 is both justified in the public interest and appropriate. As outlined above, there are a wealth of justifications for the Project. These include the significant role the Project could play in the vision to [Build Back Better: our plan for growth](#), our role as a catalyst for the continued success of the [Thames Estuary Growth Board](#) and recognition that will be instrumental in delivering at least £50bn of economic growth by 2039.<sup>1</sup> Due consideration ought also be given to the *absence* of the London Resort; as a project we have been factored in to many strategic initiatives and the failure of the Project could have a disastrous impact on the commercial effectiveness of a multitude of public and private sector strategies.
2. In agreeing with the proposition that the delay is justified, the following rationale apply:
  - i. The applicant proposes consideration be given by the EXA to fixing the Preliminary Meeting Date for June/July 2022. Such a decision would reinforce

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<sup>1</sup><https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000766-7.5%20Economic%20and%20Regeneration%20Statement.pdf>

to all parties that the Examination will take place and ensure an absence of tardiness in either sharing of, or responses to, documents. This also will ensure all parties are fully focused on effective delivery of the required documentation.

- ii. We believe that a schedule of updated and new documents and a schedule of consultation is sufficient to justify ongoing delay. It is especially relevant in that it sets out a clear and demonstrable roadmap to an effective and legitimate Examination. The comprehensive nature of the updates required, and extra time taken will contribute to the likelihood of a sound Examination.
  - iii. The applicant commits to the provision of fortnightly updates pertaining to progress with Statements of Common Ground and appropriate engagement with Interested Parties. While as applicant we recognise the sub-optimal impact of the delays, we would also highlight that the loss of the over-riding positive social and economic benefits of the project would be felt most severely and as such, holding the Examination remains wholly in the public interest.
  - iv. Further steps are a matter for the ExA
3. We do not believe that the delay is unjustified and therefore would respectfully suggest that proceeding directly to Examine the application as currently before it, commencing in March 2022 could in fact lead to an Examination that lacks legitimacy and risks undermining the NSIP process. A decision to proceed despite the identified incomplete nature of the applicant's revised documentation along with unprepared statutory consultees and interested parties would be deeply unfortunate.
  4. Other considerations for the ExA may relate to, when considering the impacts of COVID-19, the applicant appreciates that delay has brought about discord and are aware that it has impacted on some Interested Parties; we would invite the ExA to note that circumstances beyond the control of the applicant have also contributed to delays.  
  
Finally, we too are mindful of the intent of the DCLG Examination Guidance that accepted applications should normally be ready for early Examination; we would note that at the time of submission, the Inspectorate were aware that elements of the submission would follow acceptance and that their absence may indicate that the application would not be ready for examination.
  5. Other possible measures the ExA might take in the circumstances are a matter for the ExA.

## **Compulsory Acquisition Request Considerations**

We note correspondence received regarding compensation in relation to Compulsory Acquisition Request Considerations and would highlight that we have recommended claimants seek professional advice and where appropriate, paid for that advice. Indeed, we published a land acquisition guide and a guidance note to advisors and a copy was appended to the application document *Statement of Reasons*<sup>2</sup> (document reference 4.1). We support the ExAs recommendation.

## **Costs Consideration**

The applicant recognises the implications of the delays and potential for incurred costs by Interested Parties. We have already met the costs of many Interested Parties and Statutory Consultees in the normal course of business and recognise that further applications may come forwards for consideration.

## **In Conclusion**

Since my involvement with this Project since in June 2019, we had to face huge challenges and obstacles and continue to so, but with your ongoing support, we will rise to each challenge, and we look forward to working with the ExA on the Examination later this year.

Sincerely



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**Chief Executive**

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<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000365-4.1%20Statement%20of%20Reasons.pdf>