


From: [Blackman, Virginia \(Avison Young - UK\)](#)
To: [London Resort](#)
Subject: Consultation response to PINS letter of 21 December 2021 - Galley Hill Partnership
Date: 10 January 2022 11:33:17
Attachments: 

Dear Sirs

In response to your letter dated 21 December 2021, please find below a response to the consultation queries on behalf of Gardia Limited (Co. Regn. No 3865810) and Patricia Ann Flanagan trading as The Galley Hill Partnership, which holds the freehold ownership of the Galley Hill Industrial Estate. The Galley Hill Industrial Estate falls within the draft Development Consent Order red-line, comprising plot numbers 254, 255, 256, 257, 258, 261, 263, 264, 265, 271. All interests and rights in Galley Hill Industrial Estate are currently identified to be acquired through the Development Consent Order (DCO). It is identified as required for works number 10b (London Resort Academy).

The Galley Hill Partnership is an investment owner, and lets the units on the estate to local businesses and employers. The threat of the London Resort scheme compulsorily acquiring the property has been hanging over the owners and occupiers since London Resort changed the redline boundary just before making the DCO application in December 2020 and this has caused difficulties in making decisions over the medium and long term ownership and management of the property. Currently, The Galley Hill Partnership is left in a very difficult position, with significant investment required in parts of the existing property to maintain and improve these to the standard required for modern occupiers. As you will understand, the uncertainty over future financial returns on this investment caused by the London Resort scheme makes these kinds of investment decisions very challenging. London Resort is not willing to acquire any property immediately, and is only offering to discuss an option to acquire property in the future with those property owners within the proposed scheme, creating further uncertainty in the medium term for both owners and occupiers.

This background information provides the context to the answers set out below to the consultation questions within your letter of 21 December 2021. I have used your numbering for ease.

1. Taking the current circumstances into account, can a continued delay in the commencement of the Examination of the Application until June or July 2022 still be justified in the public interest?

Given the lack of evidence that any extended timescale is being put to positive use in providing further and more detailed information, we see no public interest in delaying the commencement of the Examination further. Affected property owners and occupiers need certainty as to the future ownership and occupation of property as soon as is possible.

If the applicant is not able to provide sufficient information to justify its proposed scheme more than 12 months after the application was submitted, it should withdraw the application. The lack of substantive and evidenced further information requested can only lead to the view that this is not available, and the applicant is unable to adequately justify the underlying benefits and how these are balanced against the severe impacts of the proposed scheme.

2. If a delay is still justified:

a. what steps will or should the applicant take to assure the ExA that the time period of the delay is justified;

b. is a schedule of updated and new documents and a schedule of consultation sufficient to justify ongoing delay; and, if not

c. what regular reports and other information should be provided to the ExA by the applicant and by what dates, to demonstrate that progress is being made and that the extension of time is being put to good use, which in turn might be suggested as being sufficient to offset the harm caused by ongoing delay and is therefore in the public interest; and

d. what further steps should the ExA take if commitments to progress continue not to be met?

We do not consider a further delay is justified in the public interest, and in fact any further delay will only drag out the unreasonable and unjustified impact on property owners and occupiers. However, if the ExA is minded to consider a further delay,

- a. we consider it is for the applicant to demonstrate to the ExA why a further delay would be acceptable, and what public interest benefit would be secured by any delay. As part of this we would expect an agreement from the applicant that if they do not continue to demonstrate the public interest benefits of any delay by reference to programme in b) and c) below, they will withdraw their application
- b. if the applicant convinces the ExA of the benefits of a further delay. we would suggest that the applicant be required to provide a detailed, step by step programme to show how they will provide the necessary responses and further information required by the ExA in order for the Examination to commence. This should include a weekly schedule of work to be carried out and documents submitted to the ExA by the applicant to achieve the necessary deadlines. We would expect that, in the interests of good project management, the applicant will already have this in place and be able to readily share it with the ExA.
- c. The applicant should be required to confirm progress to the ExA in line with the schedule of work on a weekly basis
- d. If the applicant is not able to confirm the progress required, they should then withdraw their application, as agreed in a) above.

3. If, taking account of the changed circumstances, further delay is not justified, would it be appropriate for the ExA to curtail delay and to proceed directly to Examine the application as currently before it, commencing in March 2022?

If the applicant cannot demonstrate the benefits to the public interest of a further delay, we consider that they should be asked to withdraw their application to avoid the time, cost and other resources required to carry out an examination for a project which is clearly not adequately considered and evidenced. Proceeding with an examination of a flawed and insufficiently justified scheme will waste the time and resources of not only the ExA but all third parties affected by the proposed scheme. The applicant is evidently not ready for the application to be examined and therefore we would be concerned at the potential waste of time and resources.

4. What other considerations might be relevant to this procedural decision?

The ExA may wish to take into account the impact of further delay not only on the affected property owners and occupiers, but also the cost and wider resource implications for local authorities and other public sector organisations within the application boundary. The delays will have wider implications for infrastructure, housing, economic development and other regeneration and investment decisions from public and private sector across the region. The uncertainty caused by further delays may well delay other, more certain and deliverable projects within the region, which have the ability to deliver substantial benefits to residents.

5. What other possible measures might the ExA lawfully and fairly decide to take in the circumstances and recognising the concerns of parties?

In addition to the above, the ExA could ask the applicant to reconsider how they are proposing to acquire properties required, and how they intend to mitigate the continuing impact of uncertainty on these affected property owners and occupiers. These could include willingness to complete purchases immediately or a programme of assistance to allow existing business occupiers to relocate in an orderly fashion rather than simply awaiting a decision on the application. It would also be good practice to require the applicant to provide immediate funds to reimburse reasonable fees incurred by affected parties in understanding the application and protecting their interests.

The Galley Hill Partnership and their tenants require certainty on the future ownership and occupation of the property at Galley Hill, and we request that the ExA consider the responses above in making any further decisions. Please do not hesitate to contact virginia.blackman@avisonyoung.com if you require any further information or explanation on the matters set out above.

Kind regards

Virginia Blackman (she/her/hers)

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