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10th January 2022

Dear Mr Smith,

Application by London Resort Company Holdings (LRCH) for an Order Granting Development Consent for the London Resort

Consultation on Examination Procedure and Timing

On the 31st March 2021 HS1 Ltd submitted written representations to the Planning Inspectorate in response to LRCH's application for a Development Consent Order (DCO) for the London Resort Theme Park on land at Swanscombe Peninsula. As such HS1 Ltd registered itself as an Interested Party in the DCO application.

HS1 continues to remain supportive of the project in principle. It has potential to bring significant socio-economic benefits to the communities it serves. However, as you will be aware we objected and raised a number of concerns in our written representations, most notably regarding the applicant's proposed [Rail Strategy](#), which we considered to be deficient in its analysis of the impact on HS1 and proposed mitigation.

Since March 2021 HS1 has sought to work proactively with the applicant and others in the wider rail community to fully understand the impact on the network and ensure this impact is fully mitigated by LRCH. HS1 and LRCH jointly commissioned independent experts, Steer, to assess the submitted Rail Strategy in relation to HS1 impacts and mitigations. This study was funded by LRCH.

Steer used and validated numbers from LRCH's DCO application, in relation to park numbers and times. The assessment found the submitted rail strategy lacking in several key areas and based on poor evidence and understanding of how the HS1 rail system operates. For example, the original rail strategy erroneously assumed that Southeastern, the current operator of highspeed services, would have sufficient commercial incentive to add additional services to serve the resort purely based on extra passenger numbers. This fails to recognise that HS1 services are indirectly subsidised by the government through the franchise/concession. Therefore any additional services required would have to be funded by LRCH. Overall, the Steer assessment concluded that HS1 services would be dangerously overwhelmed by the additional passengers travelling to and from the resort and that mitigations in the form of a new dedicated shuttle service between the two stations would be required. This shuttle service would consist of one shuttle an hour at resort opening, incrementally increasing to four shuttles per hour at full operation in 2038. Additionally, the nature of some of the mitigations mean that they have significant lead in times, e.g. to create additional platform capacity or procure/build new rolling stock.

In parallel, HS1 has participated in a rail industry working group to assess the impact on the wider system.

The Steer report also revealed that current platform capacity at St Pancras International would not be sufficient to operate the required new shuttle service. A further study, jointly commissioned but funded by LRCH, was therefore begun to assess the feasibility and cost of providing additional platform capacity, as well as additional stabling and maintenance facilities to serve the new rolling stock that would be required for the shuttle services. This study was commissioned in two stages, the first stage completed at the end of November 2021 with an exercise to shortlist feasible options. However, since this first stage concluded, LRCH have not agreed to fund the commencement of Stage 2 and have indeed started to challenge findings of the earlier Steer study. We have sought to remain collaborative and open, nevertheless the challenges LRCH have made have not been corroborated by the independent experts we jointly commissioned and therefore appear to have no merit.

Based on Steer's independent assessment of LRCH's rail strategy, HS1 remains of the view that there is currently no coherent rail strategy submitted and that without further mitigation the proposed rail mode shares would not be able to be accommodated on the HS1 route and would cause dangerous overcrowding and severe detriment to existing users.

We would also comment that the applicant has not as yet made any attempt to respond or discuss any of our other written representations relating to asset protection, access to HS1 facilities and other land issues, as highlighted in our objection letter. As ever HS1 remains open to conversations progressing.

In response to the questions that the Examining Panel has set, we respond as follows;

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?

As discussed above HS1 has spent considerable time and resource during 2021 working with the applicant to identify the impact on HS1 services. We have sought to do this in a collaborative, open and transparent manner. It is therefore frustrating that the applicant is now questioning earlier independent studies – to which it was a party to commissioning and reviewing - when it subsequently does not appear to like the consequences of these independent findings. The continued delay to the Examination is a drain on our internal resources at HS1 and the applicant appears unwilling to fund our involvement in the process e.g. lawyer undertakings to progress legal agreements etc. The applicant team appears to be underfunded and under resourced leading to a lack of engagement on key issues.

However, we are prepared to accept a continued delay to the commencement of the Examination as long as the applicant takes demonstrable steps to further develop its rail strategy to mitigate the impacts that have been highlighted in Steer's independent assessment of rail capacity. HS1 requires a clear plan to be outlined as to how this is to be achieved and for funding to be brought forward to allow key additional work to proceed, as outlined above. We would request, that by the end of March 2022, the applicant presents a new draft rail strategy as to how it intends to mitigate the identified impacts so that we can assess and consider whether this resolves the issues that have been identified.

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;

The applicant should set out much more clearly the breadth of the amendments that are required to the application documentation (in particular for the rail strategy) and a clear programme of how it intends to deliver these to allow Examination of the Application to take place by Summer 2022. This should include sufficient time for consultation with the various Interested Parties.

It should also set out clearly the funds and resources that are available to it to achieve this, so that there is some certainty by all stakeholders that the programme and scope of work is achievable otherwise further delay will ensue.

Should the applicant not achieve these programme milestones then it should commit to withdrawing the application, to prevent further uncertainty.

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

On the evidence of the last year, no.

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

To date the applicant has submitted the scantest of information about the updated and new documents that are being considered, with little opportunity for Interested Parties to comment or bring matters to the ExA's attention. For instance, this consultation has been our first opportunity to bring to your attention the issues we are having in relation to the Rail Strategy and our concerns over the applicant's approach. Much greater detail should be requested from the applicant as opposed to the "% complete" approach that has been previously adopted.

The ExA should also request voluntary progress reports from Interested parties, so that they can validate any updates provided by the applicant. HS1 would be happy to voluntarily provide such updates.

The ExA should set out a clear timetable of dates to be achieved by the applicant to set a non negotiable roadmap to get to an Examination in the summer of 2022.

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

If further programme milestones are not met then the ExA should seek the withdrawal of the application, to prevent further uncertainty to stakeholders in the area. This would allow LRCH to prepare a fresh DCO and to resubmit once it is ready.

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?

Our understanding is that this would give little time for the applicant to update documentation and to finalise its rail strategy. As such if an Examination did commence in March 2022 HS1 would continue to object to the current DCO as it is unlikely that sufficient evidence of mitigation could be put forward in the intervening period. Our approach all along has been to try to work with the applicant as we continue to support the principle of development, but an examination without a revised Rail Strategy would be unlikely to achieve the mitigations that have been revealed as necessary by the jointly commissioned independent study from Steer.

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

We would also like to put on record that we were concerned to see that rail capacity was not highlighted specifically as a matter of interest in the ExA's initial assessment of principle issues, we hope that the information in this letter has drawn the importance of this matter to your attention and highlighted our concerns with the current rail strategy.

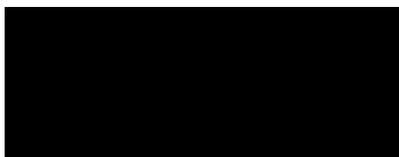


5. What other possible measures might the ExA lawfully and fairly decide to take in the circumstances and recognising the concerns of parties?

No other comment

As others have already intimated, there is much frustration and concern amongst stakeholders in the time elapsed between submission and, as yet, an undated Examination. Whilst HS1 continues to believe that the London Resort could deliver transformational change to this part of north West Kent, it cannot be at the detriment of existing passenger services and we will continue to seek the mitigations required to maintain Health and Safety obligations and quality of service. As ever we remain open to working with the Applicant to resolve these issues.

Yours sincerely,



Ben Olney
HS1 Ltd - Planning and Consents Manager