

Date: 10 January 2022
Our ref: 379174
Your ref: BC080001



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Dear Rynd Smith

**Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort
Amendment to Constitution of the Examining Authority and Consultation on Examination Procedure and Timing**

Following your letter of the 21 December 2021 seeking the views from all interested parties on the procedural matters, I am pleased to enclosed Natural England's responses to your questions below.

Question 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?

Natural England does not consider it is best placed to provide advice on whether a continued delay is in the public interest. Other interested parties may be better placed to advise the Examining Authority in this respect.

That said, we acknowledge the Examining Authority's earlier acceptance of the applicant's request for a delay to the examination, following Natural England's notification of the Swanscombe Peninsula Site of Special Scientific Interest. Since the SSSI was notified in March 2021, we have expressed our continued commitment to working constructively with the applicant on the full breadth of environmental matters within our remit.

As noted in the schedules of consultation, Natural England engaged in a series of discussions with the applicant from April to early June 2021, on the comments raised in our Relevant Representations. However, although we have confirmed our willingness to continue to provide advice, we have had no further engagement with the applicant or their consultant team since June 2021.

Natural England remains committed to constructive engagement with the applicant. We do, however, consider it is of particular importance that there is sufficient lead-in and consultation time for Natural England and other stakeholders to be able to respond to the revised information. As we highlighted in our Relevant Representations, the mitigation and compensation measures for the environmental impacts are complex and will be likely to require considerable further discussion and engagement.

Given this, we consider that a clear and final timetable for the applicant to share updated documents for comments should be provided, to include a sufficient period of time for all interested parties to provide advice.

Question 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;

Natural England has no comments to make in relation to this question.

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

It is Natural England's understanding (from the applicant's letter of 27 October 2021, and confirmed in their letter of the 24 November) that their intention is that the revised documents will be consulted on for 30 days in February/March 2022, and then submitted to the Planning Inspectorate in April/May following four weeks of document revision by the London Resort Companies Holdings team after the consultation.

However, the lack of a monthly update of the schedules since September 2021 does cause some concern regarding whether the documents will be completed in time for this consultation period. Our concern is underlined by the lack of engagement we have had with the applicant since June 2021. We had hoped that the applicant would have been able to use the delay to the examination timeframe to engage further with Natural England, as this may have helped reduce the number of complex matters that may be unresolved by the time the examination commences.

In their current form, Natural England does not consider that the monthly updates have provided enough certainty on when the documents will be completed, and the process for engagement in relation to the matters arising from the notification of the Swanscombe Peninsula SSSI.

If the Examining Authority considers that further delay is justified in the public interest, we would find it helpful for a greater degree of detail to be provided within the monthly updates, including the expected timeframe for further engagement with stakeholders, and when documents will be shared. We also consider it may be helpful for the applicant to provide a forward look of potential meeting dates and topics for interested parties including Natural England; this would allow us to plan and prioritise (where possible) our advice to the applicant.

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

As mentioned above, we feel it would be helpful for the applicant to provide a greater degree of detail in the monthly updates, such that there is a clear understanding of the timeframe for engagement and consultation.

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

Natural England has no comments to make in relation to the measures the Examining Authority should take if the stated progress continues not to be met.

Question 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?

The decision as to whether to commence the Examination in March 2022 is of course a matter for the Examining Authority to decide.

If the examination were to commence in March 2022, Natural England would be grateful if clarity could be provided on whether the applicant's revised Environmental Statement would form part of

the examination documents and, if so, how this would be consulted upon. Given the likely scale and nature of the updates we consider it would be difficult for interested parties to review these documents at short notice. We would also be concerned if the revised Environmental Statement were to be submitted by the applicant during the examination period, as this would impact our ability to provide timely advice to the Examining Authority.

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

Natural England is conscious that two major NSIP proposals in the same geographic area (the London Resort, and the Lower Thames Crossing) are due to be examined during 2022. Where possible, it would be appreciated if significant overlap in the timetables for these two projects could be avoided to ensure that we can provide the best level of service to each Examining Authority.

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

Natural England has no comments to make in relation to this question.

I trust these comments are helpful; we would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Sean Hanna on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk.

Yours sincerely



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