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Your ref: BC080001
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Date: 10 January 2022



Kath Haddrell
Case Manager
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Temple Quay House, 2 The Square
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For the attention of [REDACTED]
By Email

Dear [REDACTED],

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

I write on behalf of Ebbsfleet Development Corporation, Dartford Borough Council and Kent County Council (the LAs) to provide an update on the progress of the ongoing discussions with the London Resort Holdings (the Applicant) in relation to the London Resort Development Consent Order Application.

I set out our responses to the specific questions raised in your 21 December 2021 letter.

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?"

The LAs recognise that the delays to the start of the examination is creating uncertainty with local businesses and the community. We are keen to engage with the applicant to resolve the outstanding matters, but there has been little progress. We remain of the view that significant work is still needed to ensure that all parties have sufficient information on which to participate in a meaningful and efficient examination. The LAs remain of the view that an examination start in June or July 2022 could still be justified in order to achieve a meaningful examination, ensuring best use of resources but only if the Applicant provides its revised application documents in a timely manner and engages meaningfully with the LAs and other parties before then. The LAs need sufficient time to properly consider the revised information and then take it into account in their Local Impact Report. It is important that the LA's and the Applicant have the opportunity to narrow the outstanding issues in advance of the Examination. If the Applicant proceeds in this way it would lead to a more effective and efficient Examination.

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;

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

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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?

In response to Questions 2 a to d, the LAs have not yet been able to have any meaningful engagement with the applicant on most of the matters raised in the LAs relevant representations. The LAs have prepared a series of issues trackers in preparation for regular topic sessions that the applicant had planned for the period between July and December 2021, but subsequently cancelled. These topic sessions were intended to provide the opportunity for key matters to be discussed and actions to resolve these outstanding matters agreed. We would encourage the applicant to reschedule these meetings and allow progress to be made in respect of the issues trackers, which will in turn help inform the Statements of Common Ground and narrow the issues in advance of examination.

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?”

In the context of previous correspondence from PINS indicating examination was now not likely until June or July 2022, the LAs do not agree that proceeding with examination in March 2022 would be in the public interest. This is in the context that PINS advice that a decision on the examination start date would not be made until early February. The LAs have thus recently been working to an examination start date likely to be no sooner than June or July 2022. A change in the anticipated programme at this point to any earlier date would place additional unreasonable resource pressure and financial burden on the LAs and other interested parties and stakeholders and would deprive the LAs of adequate opportunity to effectively scrutinise any new material submitted by the Applicant and to reflect that in their Local Impact Report and would also remove any prospect of resolving any more unresolved issues prior to examination (appreciating that would require substantive applicant engagement to recommence at pace as soon as possible, as above). We therefore are of the view that June/July 2022 would represent a more appropriate timescale given the above and previous correspondence. We look forward to receiving and reviewing the justification for the programme by the applicant and commitment from the applicant to progressing matters appropriately.

Question 4: “What other considerations might be relevant to this procedural decision?”

The LAs have incurred significant costs to date in seeking to deal with the application and, despite assurances from the applicant that it is content to enter into a cost recovery agreement whereby the LAs reasonable costs incurred are recovered, the applicant’s formal confirmation that this is the case has not yet been received. If such an agreement is not agreed in short order, the LAs are aware, as referred to by PINS, that conduct in the pre-Examination period is conduct in respect of which an application for costs may be submitted.



The applicant's updated Funding Statement (which the LAs have been told will be provided) is also key to understanding the ability of applicant to demonstrate that it has the necessary funding in place to take the proposed development forward and secure the mitigation which is proposed and other mitigation which would be required. Early provision of this updated Funding Statement ahead of the Examination is key to assessing whether it would be worthwhile the rest of the Examination proceeding and making best use of Examination time.

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

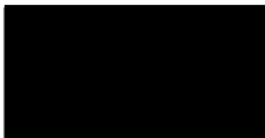
The LAs have nothing further to add at this stage in this respect.

Conclusion

As previously noted, the back-loaded nature of the approach being taken is placing significant resource implications on the LAs. Whilst the LAs are of the view that an examination start date in June or July 2022 would be appropriate on the above basis, we would seek reassurance from PINS and the applicant that a final timetable reasonable for all is now fixed, with no further delays.

Please do not hesitate to contact me if you wish to discuss any of the matters raised in this letter. I look forward to hearing from you.

Yours sincerely,



Matt Sharpe

Board Director

cc.

■■■■■■■■■■ Ebbsfleet Development Corporation
■■■■■■■■■■ Dartford Borough Council
■■■■■■■■■■ Kent County Council
■■■■■■■■■■ Pinsent Masons LLP