

From: [REDACTED]
To: [London Resort](#)
Cc: [REDACTED]
Subject: Re: Application for an Order Granting Development Consent for the London Resort
Date: 19 January 2022 12:54:38
Attachments: [SSP and Affected Businesses 190122.pdf](#)

Dear Edwin

Please find attached a letter sent on behalf of the following Interested Parties and Affected Persons:

Save Swanscombe Peninsula, Swanscombe Business Centre, Stuart Ray Ltd, True fit, Pure Flow, Trade Signs and Lighting, Tauro Design, Phantom Tinting, ER Diagnostics, All Type Facilities Ltd, Boorman Renovations, Interskill, Kent Inflatables, Parking Appeals

I would be grateful if the ExA accepted it at their discretion as a further submission.

Many thanks

Mark



Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol

By email only:

londonresort@planninginspectorate.gov.uk

19th January 2022

Dear Examining Authority

APPLICATION BY LONDON RESORT COMPANY HOLDINGS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LONDON RESORT

CONSULTATION ON EXAMINATION PROCEDURE AND TIMING

We have reviewed the further submissions by the Applicant and Interested Parties responding to your letter of 21 December 2021.

The submissions of other affected businesses, statutory undertakers and consultees are a revelation. They show conclusively that the Applicant has failed to meet the minimum standards it set itself and those requested by the ExA. Further delay is not justified, and we ask the ExA to proceed directly to examine the application as currently before it, commencing in March 2022.

1. Applicant's response – 10th January 2022

The most significant and telling element of the Applicant's response is the absence, again, of updated schedules of:

- Updated and new DCO documents
- Schedule of consultation

The Applicant's Chief Executive assured these would be provided every four weeks in his letter of 24th November 2021. This is yet another failed commitment in what is now a long catalogue. The inescapable conclusion is the updates have most likely been omitted because the Applicant has made insufficient progress since 28th September 2021 to justify a delay in the Examination to June / July.

The Applicant claims that the further delay in the public interest is based on the purported economic benefits of the scheme, however potential economic benefits are unproven and are a matter for Examination (not a Procedural Decision), as recognised by the ExA's 'Initial Assessment of Principal Issues' (7b 'The market opportunity and demand for an entertainment resort'). The absence of the development, far from being disastrous, is the preferred policy for Swanscombe Peninsula in the new Dartford Local Plan.

Otherwise, the letter amounts only to 'dog ate my homework' excuses and 'jam tomorrow'.

The Applicant states:

"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."

Referring to these:

A. Swanscombe Peninsula SSSI

In its letter of 15th April 2021 the Applicant stated it needed a 4 month extension to pre-examination due to the exceptional circumstances of the SSSI notification and in order to enable the revision of a series of application submissions. As part of this the Applicant undertook to engage with Natural England:

"in order to deliver an effective and robust on-site and off-site mitigation strategy in acknowledgment of the SSSI Notification. This will require a process of positive engagement with Natural England (and other stakeholders) which has commenced but will take time and commitment by all parties."

We now learn from Natural England's most recent submissions that the Applicant has in fact, not met with them in over 6 months since June 2021.

Submissions from HS1, Network Rail, PLA, Port of Tilbury, NGET, Dartford Council, KCC, EDC, National Highways etc. speak to the many major unresolved hurdles to the development, in particular transport issues, which have nothing to do with the SSSI and which the Applicant has failed to progress to the satisfaction of those IPs.

B. Covid-19

A total of nine further DCO applications have been submitted after the Applicant's on 31 December 2021. All nine have proceeded to examination despite Covid-19. The A47 Blofield to North Burlingham DCO application was submitted the day before the Applicant's and is now at the Recommendation stage.

It can no longer reasonably be concluded that delay is needed due to exceptional circumstances, nor that it is 'necessary' in accordance with DLUHC guidance.

2. Options available to ExA

Due to the conduct of the Applicant and the limitations of statute, the options available to the ExA are strictly limited.

The Applicant suggests that the ExA fix the date of the Examination to June / July. The following is relevant:

- i. There is no mention in the Applicant's letter of 10th January, of the previous commitment (in its letter of 24th November 2021) to submit revised DCO documents in February / March to allow for a 30 day consultation in preparation for June / July start. The ExA cannot enforce the Applicant's performance here and given their lack progress on the revisions to 28th September 2021 and in particular lack of engagement with Natural England about the SSSI, we can predict with confidence that the Applicant will not be ready to submit revised documents for consultation in February / March.
- ii. The responses of statutory consultees, statutory undertakers and businesses are damningly consistent in respect of the Applicant's failure to engage, failure to provide cost undertakings and the consequential financial and resources strain put on IPs. It strongly suggests the

Applicant lacks the financial and human resources necessary to properly progress the Application.

- iii. The submissions reveal further significant changes to the baseline information, including:
- Freeport status of the Port of Tilbury
 - Alteration of Applicant's land acquisition proposals in relation to the A2 Bean & Ebbsfleet junction (see National Highway's submissions).

These speak to the lack of currency of the existing Application and high risk of Material Amendments.

If the Examination is delayed to June / July there is high and unacceptable risk of:

1. Further harm to businesses due to delay and uncertainty (as described in our letter of 10th January).
2. IP's will not be consulted on changes to the DCO in a timely manner, creating unfairness and resulting in a disorderly Examination.
3. Further pressure will be put on the resources and finances of IPs including statutory consultees and undertakers.
4. Baseline information and assessments in the Environmental Statement will be less current, subject to additional new events and even less able to properly form the basis of an Examination.

In summary, the Applicant has been unable to date, to promote the DCO in a reasonable and timely manner and this is having profound adverse effects on Affected Persons and IPs. Regrettably the ExA lacks the statutory tools to enforce their performance and delaying the Examination by a further 3 months will not resolve matters but risks making them materially worse. As Affected Businesses and on behalf of members of the affected communities, we are justifiably angry at how the Applicant has treated us and at the lack of safeguards to protect our interests through the DCO process.

Safeguarding affected businesses should now be the absolute priority of the ExA in the circumstances and the only fair approach is to start the Examination in March, on the Application now before the ExA. We ask the ExA in all good faith for this to now happen.

Yours sincerely

As an Interested Party: Save Swanscombe Peninsula

As Affected Persons: Swanscombe Business Centre, Stuart Ray Ltd, True fit, Pure Flow, Trade Signs and Lighting, Tauro Design, Phantom Tinting, ER Diagnostics, All Type Facilities Ltd, Boorman Renovations, Interskill, Kent Inflatables, Parking Appeals