



Our ref: SHARE/100816110

Rynd Smith  
Lead Member to the Examining Authority  
The Planning Inspectorate

Via E-Mail to:

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15 March 2022

Dear Rynd,

**THE LONDON RESORT – RESPONSE TO EXAMINING AUTHORITY REQUEST  
ON PROGRESS OF ENGAGEMENT – FEBRUARY 2022**

This letter provides a response from National Highways to the Examining Authority's (ExA) request on 1<sup>st</sup> February 2022, for a record of engagement between Interested Parties and London Resort Company Holdings (the Applicant) for the period of 1<sup>st</sup> February – 10<sup>th</sup> March 2022.

Following the ExA's letter on 1<sup>st</sup> February, National Highways wrote to the Applicant on the 4<sup>th</sup> February 2022 offering to meet and reengage with the aim of making meaningful progress towards resolution of the outstanding issues relating to the London Resort Development Consent Order (DCO) application.

The Applicant accepted our proposed meeting, which took place with the Applicant and their transport consultants on 8<sup>th</sup> February 2022. Within that meeting it was agreed that a short weekly meeting would be established between National Highways and the Applicant. The following matters were identified and agreed as ones where significant progress could feasibly be made prior to the start of the Examination, and it was subsequently agreed that these areas should be the focus of the engagement up to Examination:

- Transport Assessment
  - Traffic Modelling
  - Trip Generation
- Highway Mitigation Design
- Land Acquisition
- Environment
- DCO Wording and Protective Provisions
- Statement of Common Ground.

The Applicant also confirmed that though they are still in discussions with the Port of Tilbury regarding the use of Tilbury for the north car park, the parking provision in this area is to remain as per the DCO application with no material change to the Transport Strategy or Transport Assessment as a result. The Applicant also informed National Highways that it considers that the designation of the development site as a Site of Special Scientific Interest (SSSI) will not result in a significant impact on the assessments in the DCO application in relation to the Strategic Road Network (SRN). National Highways' reengagement with the Applicant has therefore been on this basis.

National Highways acknowledges the ExA's request for the record of engagement to include attendance, purpose, scope, method of each engagement and a summary of conclusions and agreements reached, and we provide this below.

As mentioned above in the meeting dated 8<sup>th</sup> February, it was agreed given the timeframes involved to prioritise discussions where the most meaningful progress could be made. On that basis we agreed a series of actions which are set out below, along with a progress update on each item. There was also an agreement for a weekly touchpoint between the organisations and a reoccurring slot on Wednesdays between 11-11.30 was arranged.

It should be noted that all other issues raised in National Highways responses to the ExA questions dated 10<sup>th</sup> and 24<sup>th</sup> January remain outstanding. Though progress has been made, National Highways emphasises that in light of the significant matters which remain outstanding, the provision of information and ongoing engagement is vital in order to resolve matters.

### **8<sup>th</sup> February**

| <b>Method of engagement – TEAMS</b> |   |
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| <b>Attendees:</b>                   | The Applicant<br>WSP – The Applicant's Transport Consultants<br>National Highways (NH)  |
| <b>Agreed Actions</b>               |   |
| Traffic Modelling                   | <ol style="list-style-type: none"> <li>1. NH to consider what further modelling is required in addition to the spreadsheet model in light of information provided by the Applicant. A dedicated transport modelling meeting will then be arranged between the Applicant and NH with view to working towards agreement on the outstanding matters;</li> <li>2. the Applicant to provide Kent County Council Traffic Model methodology for NH to comment on.</li> </ol> |
| Trip Generation                     | <ol style="list-style-type: none"> <li>3. the Applicant indicated that it may be possible to provide the redacted information for NH to review privately, provided details are not shared publicly. NH is concerned about the ability to comment on the adequacy of the assumptions made but will seek to agree a way forward with the Applicant.</li> </ol>  |

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| Construction     | <p>4. NH to review and provide comment on the Kent County Council Construction Note, which was submitted prior to pause in engagement. However, it is noted that this is a dated schedule due to the change in the programme, but assessments are considered by the Applicant to be a worst-case scenario;</p> <p>5. the Applicant to consider the construction programme and implications/crossover with NHs Lower Thames Crossing Scheme.</p> |
| Highway Design   | <p>6. the Applicant to provide the updated microsimulation information and technical drawings for NH to review;</p> <p>7. the Applicant to provide updated information for NH acceptance, to enable the Road Safety Audit to be commenced.</p>  |
| Land Acquisition | <p>8. the Applicant to provide updated junction design drawings showing overlay of red line boundary and land ownership to NH for review/comment.</p>   |
| Other Matters    | <p>9. the Applicant/NH to arrange meeting between legal teams to discuss protective provisions.</p>   |

### 16<sup>th</sup> February

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| <b>Method of engagement – TEAMS</b>    |  |
| <b>Attendees:</b>                      | The Applicant<br>WSP – The Applicant’s Transport Consultants<br>National Highways (NH)   |
| <b>Agreed Actions &amp; Statements</b> |  |
| Traffic Modelling                      | <p>1. NH’s review of the modelling requirements previously communicated to the Applicant, in order to establish whether alternative modelling platforms could ultimately be acceptable to NH is in the process of being produced, in light of the new constrained timescales;</p> <p>2. the Applicant to provide Kent County Council Traffic Model methodology for NH to comment on was still outstanding;</p> <p>3. it was agreed that the VISSIM model meeting that was due to be scheduled prior to the Applicant pausing engagement would still be useful and the Applicants consultants would provide some suggested dates.</p> |
| Trip Generation                        | <p>4. NH reported on the discussions as to the acceptability of the validation of trip generation information shared confidentially;</p> <p>5. NH would require an agreement with the Applicant as to the extent to which information shared in this way can be referred publicly.</p>   |
| Construction                           | <p>6. Both actions from 8<sup>th</sup> February remained outstanding.</p>  |
| Highway Design                         | <p>7. NH agreed that the Applicant had provided the technical drawings for the Bean and Ebbsfleet Junction for NH review on 16 February;</p>   |

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|                  | 8. the action on the Applicant to provide proposal for NH to consider, to enable the Road Safety Audit to commence remained outstanding.   |
| Land Acquisition | 9. the action on the Applicant to provide updated junction design drawings showing overlay of red line boundary and land ownership to NH for review/comment remained outstanding.  |
| Environment      | 10. the Applicant was going to discuss and find a representative to liaise with NH with regards to outstanding environmental issues list communicated prior to engagement pausing. |
| Other Matters    | 11. the action for the Applicant/NH to arrange meeting between legal teams to discuss protective provisions remained outstanding.  |

### **23<sup>rd</sup> February**

At the request of the Applicant this meeting was cancelled. However, the Applicants consultants did provide an update of progress on their outstanding actions on 25<sup>th</sup> February, which confirmed all actions agreed in 16<sup>th</sup> February meeting, were either noted or outstanding, with the exception of the provision of VISSIM modelling dates that were issued on 25<sup>th</sup> February and confirmation that the VISSIM data for the Bean and Ebbsfleet junction was included in the information submitted to National Highways on 4<sup>th</sup> November prior to engagement pausing.

### **2<sup>nd</sup> March**

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| <b>Method of engagement – TEAMS</b>    |   |
| <b>Attendees:</b>                      | The Applicant<br>WSP – The Applicant’s Transport Consultants<br>National Highways (NH)  |
| <b>Agreed Actions &amp; Statements</b> |   |
| Traffic Modelling                      | <ol style="list-style-type: none"> <li>1. NH confirmed that the review of the modelling requirements previously communicated to the Applicant, in order to establish whether alternative modelling platforms could ultimately be acceptable to NH, would be provided by the end of the week. However, NH communicated that we would still require more robust modelling as mentioned prior to engagement being paused in November 2021. The Applicants transport consultants however, indicated that they were broadly content with the Transport Assessment as it stands.</li> <li>2. the Applicant to provide Kent County Council Traffic Model methodology was still outstanding;</li> <li>3. the VISSIM modelling meeting has been scheduled for Friday 11 March 2022.</li> </ol> |



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| Trip Generation  | <p>4. the action for the Applicant to discuss the potential change in position and the sharing of the redacted information remained outstanding;</p> <p>5. NH position remained the same as communicated on 16<sup>th</sup> February.</p>  |
| Construction     | <p>6. NH to review and provide comment on the Kent County Council Construction Note, by the end of the week;</p> <p>7. the Applicant provided an update that they are awaiting information from the Lower Thames Crossing scheme. NH agreed to identify what was outstanding and provide an update to the Applicant.</p>   |
| Highway Design   | <p>8. NH is currently reviewing the information provided for the A2 Bean &amp; Ebbsfleet junction;</p> <p>9. No information had been provided to NH regarding Road Safety Audit, the Applicant indicated that this was not likely to be progressed prior to the Preliminary Meeting on 29<sup>th</sup> March 2022.</p> <p>10. NH also raised that no information had been submitted by the Applicant in relation to the Walking, Cycling and Horse Riding Assessment (WCHAR). The Applicant indicated that this was not likely to progressed prior to the Preliminary Meeting on 29<sup>th</sup> March 2022.</p> |
| Land Acquisition | <p>11. No information had been provided to NH to date and the Applicant indicated at the meeting that they cannot currently commit to providing these prior to the Preliminary Meeting.</p>  |
| Environment      | <p>12. it was confirmed that NH had resent their issues previously communicated to the Applicant in relation to the environmental aspects of the scheme and they had been received. It was also indicated by the Applicant that their environmental specialists are focussing efforts on engaging with key environmental stakeholders and therefore do not have capacity to engage with National Highways prior to London Resort's updated submissions to the ExA in March 2022.</p>   |
| Other Matters    | <p>13. it was agreed that progress could be made on agreeing DCO wording and Protective Provisions, but no further discussions have been held.</p> <p>14. the Applicant mentioned that they are hoping to share a first draft of the Statement of Common Ground with NH prior to the Preliminary Meeting</p>   |

**9<sup>th</sup> March**

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| <b>Method of engagement – TEAMS</b>    |  |
| <b>Attendees:</b>                      | The Applicant<br>WSP – Applicants Transport Consultants<br>National Highways   |
| <b>Agreed Actions &amp; Statements</b> |  |
| Traffic Modelling                      | <ol style="list-style-type: none"> <li>1. the Applicant confirmed that they had received NHs modelling comments issued on 8 March 2022;</li> <li>2. the Applicant to provide Kent County Council Traffic Model methodology was still outstanding;</li> <li>3. the VISSIM modelling meeting has been scheduled for Friday 11 March 2022.</li> </ol>   |
| Trip Generation                        | <ol style="list-style-type: none"> <li>4. the action for the Applicant to consider the potential change in position and the sharing of the redacted information remained outstanding;</li> <li>5. NH to resend the email of 23<sup>rd</sup> February confirming NH's position and proposed next steps.</li> </ol>  |
| Construction                           | <ol style="list-style-type: none"> <li>6. the Applicant confirmed that they had received NHs comments on the Kent County Council note issued 4<sup>th</sup> March 2022.</li> </ol>   |
| Highway Design                         | <ol style="list-style-type: none"> <li>7. NH are currently reviewing the information provided for the A2 Bean &amp; Ebbsfleet junction;</li> <li>8. No information had been provided to NH regarding Road Safety Audit and the WCHAR, the Applicant indicated that these matters will likely not be progressed prior to the Preliminary Meeting on 29<sup>th</sup> March 2022. However, it was acknowledged that providing the Applicant provided initial outstanding information to NH for approval, these could ultimately be progressed and agreed before Examination if the delay to the summer was granted by the Planning Inspectorate;</li> <li>9. NH communicated that they were concerned about the lack of progress on the Road Safety Audit, as this is a key part of safety assurance for NH, which would not be comprised.</li> </ol> |
| Land Acquisition                       | <ol style="list-style-type: none"> <li>10. the Applicant indicated again at the meeting that they cannot currently commit to providing these prior to the Preliminary Meeting.</li> </ol>  |
| Environment                            | <ol style="list-style-type: none"> <li>11. it was reconfirmed by the Applicant that their environmental specialists are focussing efforts on engaging with key environmental stakeholders and therefore do not have capacity to engage with National Highways prior to London Resort's updated submissions to the ExA in March 2022.</li> </ol>  |
| Other Matters                          | <ol style="list-style-type: none"> <li>12. it was agreed that progress could be made on agreeing DCO wording and Protective Provisions, but no further discussions have been held. The Applicant did allude to DCO wording needing to be updated. However, mentioned that this would not be before the Preliminary Meeting, so to continue</li> </ol>  |

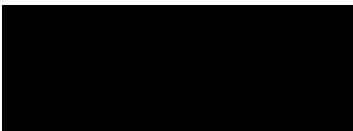
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|  | discussions on the existing wording included within the current DCO submission;<br>13. the Applicant reconfirmed that they are intending to share a first draft of the Statement of Common Ground with NH prior to the Preliminary Meeting but noted that there would be insufficient time available to meaningfully progress with NH. |
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On the 9th March, National Highways also wrote to the Applicant reflecting on the progress made, given that engagement was approximately two thirds of the way through the period between the meeting on 8<sup>th</sup> February and the potential start of the Examination in late March. National Highways confirmed that we remained concerned with the lack of substantive progress made on the previously outstanding matters, which are likely to remain unresolved at the Preliminary Meeting.

National Highways also confirmed to the Applicant that we remain keen and willing to work with the Applicant with the aim of making meaningful progress towards resolution of the outstanding issues, both in advance of the Preliminary Meeting and the Examination. However, this will require the Applicant continuing to reengage with National Highways and providing a refocus to their efforts to substantively progress and resolve the outstanding issues.

Both parties within the 9<sup>th</sup> March 2022 meeting agreed to continue and commit to the weekly engagement meetings to try and progress outstanding matters. Therefore, discussions are ongoing.

Yours sincerely



Peter Fisher

Head of Third Party Infrastructure