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Your reference

BC080001

Our reference

IGR/IGR/425169/16
UKM/117414875.1

15 March 2022

By Email Only : LondonResort@planning

Dear Sir/Madam

APPLICATION BY LONDON RESORT COMPANY HOLDINGS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LONDON RESORT – PROCEDURAL DEADLINE A

OUR CLIENT: HS1 LIMITED

We act on behalf of our Client, HS1 Limited. Our Client's unique reference number is LORN-AFP201. We have set out below our Client's responses to the points raised by the Examining Authority in its letter of 1 February 2022 and the Rule 6 letter dated 14 February 2022.

Examination timing and procedure

Our Client does not object in principle to the Applicant's request to delay the start of the examination until June or July 2022.

If the request is granted, however, our Client considers it imperative that the Applicant uses the additional time effectively. It should be prepared to engage effectively with our Client with a view to proactively addressing all concerns raised in our Client's Relevant Representation.

This includes obtaining the further information that is required regarding the impact of the proposed development on our Client's operations, the mitigation measures that may be possible and how these will be secured and funded. As well as this, there will need to be engagement on the numerous other matters our Client has raised in its Relevant Representation, but which the Applicant has not yet sought to discuss with our Client. There should also be proper engagement on the various legal agreements and Protective Provisions that are still required to be drafted.

Our Client also has concerns in relation to the costs that it and other interested parties will incur during the examination. The Examining Authority has highlighted in its letters of 21 December 2021 and 1 February 2022 that an award of costs can be made where a party behaves in an unreasonable manner. Our Client considers that it is unclear whether the Applicant has the financial resources to pay any such costs awards.

The Applicant is a special purpose vehicle, incorporated specifically to promote the London Resort project. The Funding Statement submitted with the application states

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INVESTOR IN PEOPLE

that investors have been identified to fund the project, but “have chosen to remain confidential at present”¹. The investors commitment to fund the project is, however, “subject to it receiving development consent”². In our Client’s view this means there must be some doubt as to whether funding is available to meet expenditure such as costs awards. As such, our Client requests that the Examining Authority requires the Applicant to demonstrate that such funding is available.

Use and participation in virtual events

Our client agrees with the Examining Authority’s proposal to carry out the Examination using a mixture of virtual and in person events.

Request to be heard orally at preliminary meeting

Our client wishes to be heard orally at the preliminary meeting. We will be representing our client at the meeting and have registered using the Preliminary Meeting Involvement Form.

Provisional request to be heard at Issue Specific Hearing 1 (“ISH1”) and Compulsory Acquisition Hearing 1 (“CAH1”)

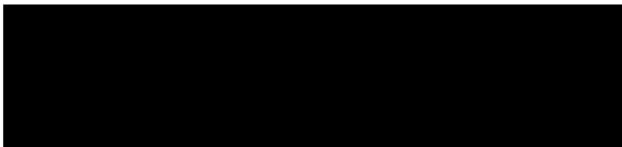
Our Client wishes to be heard at both ISH1 and CAH1 and we have confirmed this using the Preliminary Meeting Involvement Form. Our Client will wish to register additional speakers for these hearings. We assume that details of how to do so will be provided in due course, if the hearings go ahead, but should be grateful if you would please confirm this.

List of engagements

In accordance with the Examining Authority’s request in its letter of 1 February 2022, we enclose a list of the consultation and meetings between our Client and the Applicant between 1 February and 10 March 2022.

If we can assist further, please do not hesitate to let know.

Yours faithfully

A large black rectangular redaction box covering the signature area.

DLA PIPER UK LLP

¹ Funding Statement paragraph 4.4

² *ibid*

LIST OF ENGAGEMENTS BETWEEN HS1 AND LRCH (1st Feb - 10th March 2022)

	Date	Parties	Nature of Contact	Outcome
Feb	01/02/2022		No contact	
	02/02/2022		No contact	
	03/02/2022		No contact	
	04/02/2022		No contact	
	05/02/2022			
	06/02/2022			
	07/02/2022		No Contact	
	08/02/2022		No Contact	
	09/02/2022	HS1/WSP	Email from WSP	Request for informal chat with HS1, call arranged for next day
	10/02/2022	HS1/WSP	30min call with WSP	WSP seeking to explore how to bring HS1/LRCH positions together, ultimately we continue to disagree on the scale of the impact and mitigation required.
	11/02/2022		No Contact	
	12/02/2022			
	13/02/2022			
	14/02/2022		No Contact	
	15/02/2022		No Contact	
	16/02/2022		No Contact	
	17/02/2022	Multiple Stakeholders in Ebbsfleet area	Quarterly Ebbsfleet Central Stakeholders (video call)	Generic update to multiple parties, LRCH promised to be in touch soon to progress DCO matters
	18/02/2022		Email from WSP suggesting further engagement of STEER	suggested that WSP should discuss various points with STEER to further analyse extent of overcrowding
	19/02/2022			
	20/02/2022			
	21/02/2022	HS1/WSP	HS1 sent email to WSP	HS1 suggested that any discussions with STEER needed to be carried out in open forum and that STEER fees would need to be paid up front
	22/02/2022		No Contact	
	23/02/2022	HS1/WSP	Email from WSP agreeing to pay for additional STEER work and suggesting scope of proposed work	WSP agreed that LRCH would fund additional STEER work and suggested a scope of proposed work.
	24/02/2022		No Contact	
	25/02/2022		No Contact	
	26/02/2022			
	27/02/2022			
	28/02/2022		No Contact	
March	01/03/2022		No Contact	
	02/03/2022		No Contact	
	03/03/2022	HS1 /WSP / LRCH	Email sent to WSP/LRCH re STEER work Email sent to LRCH re costs	HS1 suggested that the focus now needed to be on what the mitigations should be as opposed to the precise numbers of overcrowding especially given that modeling is imprecise. Email requesting LRCH reimburse HS1 for costs incurred over past year as per our cost recovery agreement
	04/03/2022		No Contact	
	05/03/2022			
	06/03/2022			
	07/03/2022		No Contact	
	08/03/2022	HS1 /LRCH	Email sent to LRCH Email from LRCH	Issued credit note cancelling unpaid invoices for work that was not commissioned by LRCH Acknowledgment of credit note
	09/03/2022	HS1/LRCH	Email from WSP Email sent to WSP	WSP agreed that we should meet to discuss triggers and mitigations HS1 confirmed that we will ask Steer to establish capacity that HS1 system can bear and what restrictions of visitors numbers needs to be imposed on the resort, until such time as LRCH funds provision to provide the additional capacity required to service the park.
	10/03/2022	HS1/NRIL/TfL/ DfT/South Eastern/Greater Anglia /LRCH	Meeting (Initiated by Rail Industry Partners)	Update Meeting; - LRCH confirmed that updated Transport modeling notes were due to be circulated shortly - Committed to undertaking additional STEER analysis on visitor number ceilings and triggers prior to additional capacity being delivered on HS1. - LRCH said that they hoped to be in a position soon to commission the 2nd Stage of the CPC Capacity Study. - LRCH would like to commission additional work on Swanscombe Station for NRIL - LRCH would like to shortly commission railplan monitoring - LRCH preparing HS1 SOCG - to be circulated shortly - It was requested that LRCH should prepare a written note for the ExA setting out their commitment to undertake the above studies and their proposed programme and funding arrangements.