

Our ref: Q210454
Your ref: BC080001
Email: [REDACTED]
Date: 15th March 2022



Kath Haddrell
Case Manager
National Infrastructure Planning
Temple Quay House, 2 The Square
Bristol, BS1 6PN

For the attention of Kath Haddrell
By Email

Dear Kath,

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

I write on behalf of Ebbsfleet Development Corporation (PINS Ref: 20027857), Dartford Borough Council (PINS Ref: 20027904) and Kent County Council (PINS Ref: 20027832) (the LAs) to respond to the Examining Authority's (ExA) letter dated 1st February and the subsequent Rule 6 letter (dated 14th February).

The LAs recognise that the delays to the start of the Examination have created uncertainty with local businesses and the community and therefore understand the reasons behind the ExA's programme set out in the Rule 6 letter. The LAs do wish to raise a number of very important considerations that we would be grateful for the ExA to take into account in reviewing the forthcoming Examination.

1 Written submissions on Examination timing and procedure (including matters identified in the Procedural Decision of 1 February 2022)

The NSIP regime is intended to be front-loaded to ensure that all parties have adequate ability to review the scheme and come to an informed view in respect of the proposed development. As the Applicant has themselves admitted, a significant amount of new and updated material is needed in order to respond to substantial concerns around the likely significant impacts of the scheme and the adequacy of the Environmental Statement and supporting Transport Assessment. The LAs wish to highlight that the submission of revised material may have a knock-on effect for assessments undertaken elsewhere in the application. The LAs consider the Applicant's current assessment of impacts on the local road network and on air quality to be inadequate and the submission of revised Transport Assessment material will require a revised air quality assessment to be undertaken.

As the Panel will be aware, the Applicant's Schedule of Updated and New Documents (dated 15th February 2022) indicates that they expect to submit 211 documents and figures, which appear to replace or amend the vast majority of the application material that has been submitted to date. This information relates to both environmental information and additional details that are necessary to fully understand the scheme. The Applicant had indicated in the summer of 2021 that it would seek to scope and agree this additional work with the LAs. Despite repeated attempts to arrange meetings with the Applicant no such meetings have taken place.

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The Schedule of Updated and New Documents (dated 15 February, published on 17th February 2022) indicates that not all of the required information will be ready by 15th March.

The LAs are of the view that the new and updated documents relate to environmental information and therefore should be subject to statutory consultation in accordance with the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. It is not clear at this time when this consultation would take place and clarity is needed.

As set out in our letter dated 10th January, 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 and no agreement has been signed. Going forward, this position cannot continue given the uncertainty as to whether and how the Examination would proceed and the prudent use of public funds – the LAs wish to engage but will be seeking costs assurance up front from the Applicant in the circumstances.

Whilst we are supportive of the start of examination at the appropriate point, the Panel should be aware of the following points in respect of the Rule 6 Letter.

New and Updated Documents submitted by the Applicant (due on 15th March):

Local Impact Report:

As previously advised, Kent County Council, Ebbsfleet Development Corporation and Dartford Borough Council have agreed to prepare a Joint Local Impact Report (LIR). This is intended to provide the ExA with a review from the LAs on the likely impact of the proposed development on the LAs areas in respect of the proposed development. Preparation of the LIR would usually be undertaken in the Pre-examination period, but the Applicant has made clear that a substantial proportion of the application is proposed to be amended or new environmental information and assessment material submitted. Work on the LIR was therefore paused as the Applicant had indicated that the new and updated DCO documents would be available well in advance of the start of Examination. This unfortunately has not been the case.

The LAs are concerned that the new and updated documents will include a substantial amount of additional environmental and assessment information. The Rule 6 Letter indicates that Deadline 1 is 12th April, which is less than 28 days¹ from 15th March. As the ExA is aware, 28 days would be the minimum period for consultation under section 42, with a 30 day minimum stipulated for consultation on further environmental information. In the normal course of events, host local authorities have a

¹ Being the minimum period stipulated for consultation under section 42 of the Planning Act 2008. In relation to further environmental information submitted following a determination under Regulation 20 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the period for consultation is expressed as being not less than 30 days.



period of around 3 or 4 months between an application being accepted and the deadline for submission of the LIR. By contrast, assuming that the ExA will review the material prior to publication, it is likely that interested parties will have 8 working days to review this material before the Preliminary Meeting, or 18 days before Deadline 1, where both the LIR and Statements of Common Ground are expected to be submitted under the Draft Examination Timetable contained in Appendix D to the Rule 6 letter. These timescales are clearly insufficient to allow a meaningful review to take place, or for the likely impact of the proposed development to be properly considered within the Local Impact Report or within the LAs' Written Representation.

Whilst it is noted that the production of LIRs is voluntary, they are clearly very important documents that can help the ExA and Secretary of State better understand the local impacts of the proposed development. The LAs consider that it would be appropriate for Deadline 1 to be amended to allow the Local Authorities adequate time to review any additional material provided by the applicant in their 15th March submission (containing the new and updated documents). Subject to the timely submission of those documents by the Applicant and reviewing the precise content of this submission (and assuming that all the required documents are submitted on 15th March), the LAs are of the view that 26th April would provide a more appropriate timescale for responding to such a substantial submission.

Statement of Common Ground:

As previously indicated, the LAs have been ready to engage with the Applicant throughout the Pre-examination period. Appendix 1 (Schedule of Meetings) sets out the engagement that has taken place between the Applicant and the LAs, along with the outcome of any discussions that have taken place. Quod, on behalf of the LAs has sought to contact the Applicant numerous times regarding the SoCG process, but the Applicant has made no effort to commence the process, or even share a template for the document. The Applicant has made no attempt to record agreement or disagreement on any of the matters raised by the LAs, but we remain open to engaging with them as soon as they are ready. We are very aware that the Applicant not having started this process by now is not best practice nor consistent with the front loaded nature of the process, particularly given that Examination is expected to commence on 31st March.

Initial Assessment of Principal Issues

The LAs welcome the ExA's Initial Assessment of Principal Issues and have provided a summary of the Section 106 Heads of Terms. This should be read alongside the ExA's Principal Issue 17(m). Overall, the LAs agree with the ExA's initial assessment of the principal issues. It is clear that the principal issues and substantive matters raised by the LAs and other interested parties are substantive. The LAs are of the view that greater detail should be provided on the exact date for each Issue Specific Hearings and anticipated agendas defined early on to ensure that all relevant parties have adequate opportunity to prepare, whilst also giving the Applicant the opportunity to respond to the matters raised.



Requirements and Section 106 Obligations

As we noted in October 2021, the Applicant has paused all meeting with the LAs, which has prevented any adequate progress being made in respect of any of the matters raised since submission. A key concern relates to how mitigation on which the project relies would be adequately secured. The current Draft DCO Requirements are considered to be insufficient and lacking appropriate detail for a project of this scale and nature. The LAs have undertaken a comprehensive review of the DCO Requirements and have also provided comments in relation to the Applicant's proposed Section 106 Heads of Terms.

The LAs think it would be beneficial for the ExA for two early Issue Specific Hearings – one on the Draft DCO and Requirements and one on the matters that are expected to be secured by a Section 106 Agreement. This will allow the ExA to understand the extent to which changes and additions the proposed securing mechanisms would be necessary if the ExA were minded to recommend approval, or if the SoS were to grant Development Consent. Appendix 2 to this letter includes a preliminary draft summary Heads of Terms for Section 106 development consent obligations and Appendix 3 contains a summary of a number of key issues relating to the draft DCO and status of discussions with the Applicant. It is important that the Examination programme fully deals with this range of important matters that require resolution before the Examination is concluded is relevant to the Examining Authority's consideration of the Examination timetable.

2 Written submissions about the use of and participation in virtual events

The LAs are supportive of the Preliminary Meetings being held as virtual events.

The LAs consider that consideration should be given to hybrid meetings for future Issue Specific Hearings and Compulsory Acquisition Hearings, as these provide greater access for Interested Parties, in particular the residents and businesses that live and operate in their areas.

3 Requests to be heard orally at the Preliminary Meeting

The LAs request to make representations at the Preliminary Meeting and to be available to respond to questions and matters raised by the ExA.

Attendance on behalf of the three local authorities will be as follows:

- Planning and general DCO Matters: Matthew Sharpe, Quod
- Legal: Richard Ford or Gordon McCreath, Pinsent Masons
- Ebbsfleet Development Corporation (PINS Ref: 20027857): Mark Pullin
- Dartford Borough Council (PINS Ref: 20027904): Sonia Collins



- Kent County Council (PINS Ref: 20027832): Rob Hancock, David Joyner (Highways and Transport) and Angela Coull (Highways and Transport).

4 Provisional requests to be heard at Issue Specific Hearing 1 (ISH1) and / or Compulsory Acquisition Hearing 1 (CAH1)

The LAs also request to make representations at Issue Specific Hearing 1 and Compulsory Acquisition Hearing 1.

5 Other Matters

We are keen to engage with the Applicant to resolve the outstanding matters, but unfortunately the Applicant has not yet made adequate progress on the matters raised. 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.

As set out in our 10th January letter, 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. As highlighted above, going forward the LAs will be seeking costs assurance being in place up front.

The Applicant's updated Funding Statement (which the LAs have been told will be provided) is also key to understanding the ability of the Applicant to demonstrate that it has the necessary funding in place to take the proposed development forward in terms of having adequate financial means to meet (i) its obligations under the compulsory purchase compensation code; (ii) to provide the mitigation which the applicant proposes and assurance that will be delivered in a timely manner; (iii) to provide other mitigation which would be required pursuant to DCO Requirements and S106 obligations; and (iv) to have assurance that the project that can be delivered without significant impediment and will not start and then stop, causing a blight/sterilisation effect. Early provision of this updated Funding Statement ahead of the Examination is important to allow for sufficient Examination time to examine these important issues.

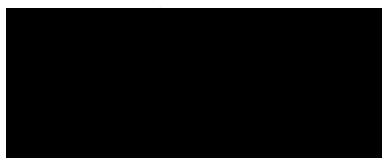
Conclusion

As previously noted, the back-loaded nature of the approach being taken is placing significant resource implications on the LAs. Assuming that all required documents are submitted in appropriate form on 15 March we are supportive of the ExA's decision to proceed with the Examination without further delay, but respectfully request that the ExA reconsider the timetable for the LIR and written representations to ensure that the LAs have adequate opportunity to review any new or updated material that is provided by the Applicant on 15th March.



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

- enc. Appendix 1 – Schedule of Meetings
- Appendix 2 – Draft summary Heads of Terms
- Appendix 3 – DCO Key Issues

- cc. Mark Pullin, Ebbsfleet Development Corporation
- Sonia Collins, Dartford Borough Council
- Rob Hancock, Kent County Council
- Richard Ford, Pinsent Masons LLP

London Resort DCO: Appendix 1: Schedule of Meetings:
15th March 2022

This note sets out a summary of the meetings held between the applicant (London Resort Holdings Company) and the Local Authorities (the LAs) (Kent County Council, Ebbsfleet Development Corporation and Dartford Borough Council) since the application for development consent was accepted for examination.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
18 March 2021	Legal	<ul style="list-style-type: none"> • Pinsent Masons; • Eversheds Sutherland; • Ebbsfleet Development Corporation (EDC); • Kent County Council (KCC); and • Gravesham Borough Council (GBC). 	<ul style="list-style-type: none"> • Discussion of the authorities' drafting comments on the draft DCO.
13 May 2021	Legal	<ul style="list-style-type: none"> • Pinsent Masons; • Eversheds Sutherland; • Dartford Borough Council (DBC); • EDC; and • KCC. 	<ul style="list-style-type: none"> • Discussion of the authorities drafting comments on the draft DCO and development consent obligations.
27 May 2021	Legal	<ul style="list-style-type: none"> • Pinsent Masons; • Eversheds Sutherland; • DBC; • EDC; and • KCC. 	<ul style="list-style-type: none"> • Discussion of the authorities drafting comments on the draft DCO and development consent obligations.
27 May 2021	Highways	<ul style="list-style-type: none"> • Angela Coull – KCC; • David Joyner – KCC; • Helen Rowe – KCC; 	<ul style="list-style-type: none"> • Both parties agreed that the data inputs for the transport model should be agreed by KCC prior to any additional assessments.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
		<ul style="list-style-type: none"> • David Dixon – WSP; • Ian Fielding – WSP; • Chris Potts – Savills; and • Jack Pugsley – Savills. 	<ul style="list-style-type: none"> • Noted that KCC and National Highways have requested joint meetings to allow coordination.
<p>3 June 2021 9:30-11:00</p>	<p>Sustainability</p>	<ul style="list-style-type: none"> • Lucy Breeze – KCC; • Katie Mergerum – KLH; • Kirsten Henson – KLH; • Sabine Hogenhout – KLH; • Andrew Comer – LRCH; • Rob Moyser – Buro Happold; • Georgina Chamberlain – Buro Happold; • Duncan Price – Buro Happold; • Karl Cradick – Savills; • Chris Potts – Savills; and • Jack Pugsley – Savills. 	<ul style="list-style-type: none"> • The LAs indicated that a wide range of additional material has been indicated by the Applicant. Without this additional information the LAs will not be able to come to a view on the application from a sustainability perspective. • It was agreed that a series of topic specific workshops with both teams would be set up to address concerns and establish Statements of Common Ground. LRCH confirmed that this would be done before new and amended document would be submitted. • Applicant agreed to review the LAs Relevant Representation and Additional Information request documents and provide a response to the issues raised.
<p>3 June 2021 11:00-13:00</p>	<p>Socio Economics</p>	<ul style="list-style-type: none"> • Mark Teasdale – Temple; • Howard Waples – Temple; • Christine Dole – SQW; • Prudence Wales – Temple; 	<ul style="list-style-type: none"> • Volterra confirmed further work is being undertaken to develop the targeting and key performance indicators for the Employment and Skills Strategy. To be shared with team. • Applicant agreed to review the RR and Additional Information requests and include comments on this and either confirm information source or what and when additional information is to be provided.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
		<ul style="list-style-type: none"> • Alice Birch – SQW; • Ellie Evans – Volterra; • Alex O’Byrne – Volterra; • Elizabeth Bamford – Volterra; • Karl Cradick – Savills EIA lead; • Chris Potts – Savills; and • Jack Pugsley – Savills. 	
9 June 2021	Review KCC Traffic Model	<ul style="list-style-type: none"> • Angela Coull – KCC; • David Joyner – KCC; • Chris Hook – KCC; • David Dixon – WSP; • Ian Fielding – WSP; • Chris Potts – Savills; and • Jack Pugsley – Savills. 	<ul style="list-style-type: none"> • KCC provided background to the Kent model. KCC confirmed that it would still be needed to Rail Plan. • WSP confirmed that they will prepare a note on suggested data inputs, such as trip generation and distribution, that will allow the modelling approach to be agreed with KCC. • Follow up meeting in modelling to take place.
10 June 2021 10:00-11:30	Ecology and Green Infrastructure/Landscape	<ul style="list-style-type: none"> • Helen Forster – KCC; • Ben Spurden – CSA; • Fiona McKenzie – EDP; • Tom Wigglesworth – EDP; • Mark Williams Jones APT; • Robin Partington – APT; • Tom Stoddart-Scott – London Resort; • Chris Potts – Savills; 	<ul style="list-style-type: none"> • LRCH confirmed that the designation of the SSSI requires the ES, including the Ecology and Habitats chapters, to be reviewed and updated. • The LAs raised that the proposed parameter heights had not yet been justified, or a clear height strategy should be set out. Further evidence is needed to understand the masterplan rationale for the proposed parameters.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
		<ul style="list-style-type: none"> • Jack Pugsley – Savills; and • Tony Chadwick – Gravesham. 	
10 June 2021	Legal	N/A	Cancelled
17 June 2021 13:00-15:00	Masterplanning	<ul style="list-style-type: none"> • Patrick Arthurs (on behalf of KCC, EDC and DBC); • Ben Spurden – CSA; • Mark Williams Jones – APT; • Robin Partington – APT; • Tom Stoddart-Scott – London Resort; • Chris Potts – Savills; • Jack Pugsley – Savills; and • Tony Chadwick – Gravesham. 	<ul style="list-style-type: none"> • Parameters: The LAs sought clarification over the proposed Rochdale Envelope and how any parameters would be secured within the DCO. It was not clear how any reserved details would be prepared and the LAs sought further detail on how detailed designs would be approved. LRCH agreed to prepare a note setting out the ‘discharge protocol’ for such reserved details. • Hotel 4: The LAs highlighted that the scale and mass of the hotel had not yet been justified, along with the consequential adverse impact on views and landscape. LRCH acknowledged this and that further detail information was necessary, including the potential for the parameter to be reviewed. • Further design principles for inclusion in design coding to be developed and discussed. • Gate 1: Concern raised that the proposed parameters do not adequately respond to the local context. • Foadarche: LRCH confirmed that the proposed development would not fill the maximum extent of the parameter. The LAs noted that Requirement 3 would give them little control over this and further detail and commitment on the design intent would therefore be required. <ul style="list-style-type: none"> ○ It was discussed that the Foadarche should be designed in a collaborative way, including input from the local authorities, community and wider stakeholders. It was agreed that a public art procurement protocol would be appropriate. • Back of House 1: The parameters allow for very tall buildings and structures that could have unacceptable impacts on the local area. LRCH agreed to review the parameters and Design Code, including the potential for principles relating to the of maximum building length and depth to be defined.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
			<ul style="list-style-type: none"> • Car parks: Concern raised in relation to the potential bulk and scale of the built form of the car parks. LRCH to review the parameters for these elements, including greater detail included in the Design Code to ensure that the proposed design intent is clear. • LRCH confirmed that further meetings would be held with the LAs to develop and refine revised parameters and Design Codes. • Staff accommodation: LRCH confirmed that the Design Code would be updated to provide appropriate commitments to the following: <ul style="list-style-type: none"> ○ The minimum National space standards would be met; ○ All units would meet M4 Part 2 accessibility standards; ○ Each dwelling would have access to adequate levels of private outdoor space; and ○ Proposed unit typologies. • Resort Road: LRCH has confirmed that there is no deck proposed. • Footpath / cycleway to the west of access road from A2 junction to Ebbsfleet Station (under A2260). Routes and the form of these to be reviewed in the updated parameter plans and design code. • Impact on adjoining sensitive receptors: The LAs have requested detailed sections and measured ground levels at interface with built form on the edge of the red-line. Clarification of interface and levels at the retained marsh lands and the adjoining new built form. Sections across the site will be required to properly understand the relationships and impacts on the SSSI. • LRCH agreed to prepare more detailed sections and ground levels at the key interchanges. • It was agreed that refinements to the parameters and Design Codes were necessary, and that further discussions should be held to seek agreement on the updated and revised Parameters and Design Codes.
30 June 2021	Heritage discussion – Lis Dyson, KCC	N/A	Cancelled by Applicant

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
1 July 2021	Water resources and flood risk – Bronwyn Buntine, KCC	N/A	Cancelled by Applicant
1 July 2021	Noise and Vibration – Richard Cope, Bureau Veritas	N/A	Cancelled by Applicant
1 July 2021	Air Quality	N/A	Cancelled by Applicant
1 July 2021	Lighting Impacts	N/A	Cancelled by Applicant
8 July 2021	Materials and Waste – Sharon Thompson, KCC	N/A	Cancelled by Applicant
8 July 2021	London Resort – LRCH & LPAs fortnightly review	N/A	Cancelled at the request of the LAs, as no agenda had been set.
22 July 2021	London Resort – LRCH & LPAs fortnightly review	N/A	Cancelled by Applicant
19 August 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant
26 August 2021	Topic Workshop – Revised Parameters	<ul style="list-style-type: none"> • Chris Potts – Savills; • Vyernu Patel – Apt; • Robin Partington – Apt; • Mark William Jones – Apt; • Tony Chadwick – Gravesham Borough Council; • Matt Sharpe – Quod; and • Liz Cheyne – Quod. 	Discussion regarding the proposed parameters, including the potential revisions that were being considered in response to the LAs feedback.
2 September 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	<ul style="list-style-type: none"> • Rob Hancock – KCC; • Richard Ford – Pinsent Masons; 	Discussion on LAs mark-up of draft requirements and programme of meetings to progress development consent obligations.

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
		<ul style="list-style-type: none"> • Gordon McCreath – Pinsent Masons; • Jonathan Leary – Pinsent Masons; • Matt Sharpe – Quod; • Liz Cheyne – Quod; • Chris Potts – Savills; • Stuart Andrews – Eversheds Sutherland; • Sarah Wood – Eversheds Sutherland; and • Matthew Nixon – Eversheds Sutherland. 	
9 September 2021	Topic Workshop	N/A	Cancelled by Applicant
16 September 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant
23 September 2021	Topic Workshop	N/A	Cancelled by Applicant
30 September 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant
4 October 2021	Topic Workshop	N/A	Cancelled by Applicant
7 October 2021	Topic Workshop	N/A	Cancelled by Applicant
11 October 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant

Date/Time	Subject	Technical Attendees	Notes / Key Outcomes
14 October 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant
21 October 2021	Topic Workshop	N/A	Cancelled by Applicant
28 October 2021	London Resort – draft DCO, Requirements, S106 (fortnightly)	N/A	Cancelled by Applicant
18 November 2021	Topic Workshop	N/A	Cancelled by Applicant
10 March 2022	Planning Catch up [It is understood that the applicant is intending to discuss their approach to the Statement of Common Ground.]	<ul style="list-style-type: none"> Chris Potts, Savills; and Matthew Sharpe, Quod. 	<ul style="list-style-type: none"> Preliminary Meeting: Savills indicated that the Applicant intends to request an extension to the pre-examination stage for a suite of documents to be completed. Statement of Common Ground: Savills indicated Eversheds were leading this aspect, without further information on the intended approach nor how the Applicant intend to engage with the LAs in this respect. Resourcing: Savills confirmed receipt of several requests regarding cost recovery and was aware of possible abortive work resulting from the intended extension request.
21 March 2022 16:30	Planning Catch up	[TBC]	[TBC]

THE LONDON RESORT DEVELOPMENT CONSENT ORDER

DEVELOPMENT CONSENT OBLIGATIONS – PRELIMINARY DRAFT SUMMARY HEADS OF TERMS LOCAL AUTHORITIES HAVE PROPOSED TO THE APPLICANT

1. INTRODUCTION

- 1.1 This note provides a high-level summary of the preliminary draft S106 Heads of Terms that the local authorities have informed the Applicant are required to address the impacts of the development. This note does not intend to summarise all the provisions of the preliminary draft S106 Heads of Terms, rather, it is a summary setting out the main provisions and obligations.
- 1.2 Parties to the section 106 agreement will be (i) Dartford Borough Council ("**DBC**") (ii) Ebbsfleet Development Corporation ("**EDC**") (iii) Kent County Council ("**KCC**") (iv) London Resort Company Holdings ("**LRCH**") and (v) landowners bound to the section 106 agreement (and any landowners not bound at the date of entering into the S106 agreement to be bound via a Confirmatory Deed secured by a grampian DCO requirement).

2. HEADS OF TERMS

- 2.1 The proposed heads of terms are as follows:

	Topic	Summary of Obligations
1.	Highways	<ul style="list-style-type: none">• Plans / Strategies: Submit for approval a (i) travel plan, (ii) demand management plan, (iii) ticketing strategy, (iv) events management plan, (v) ferry strategy, (vi) construction traffic management plan and (vii) delivery and servicing plan. These plans are required to provide further detail to the matters covered in the application and to ensure that appropriate opportunities to promote sustainable travel modes have been considered, linking them to monitoring and management of targets.• Restricting Access: Restrictions on vehicular, pedestrian and cycleway accesses to the site, other than specified access roads, and capping the level of vehicles using each back of house entrance, monitoring of the cap and imposing a penalty where the cap is exceeded. This is to safeguard local amenities and minimise local and regional transport effects and ensure that they are acceptable.• Restricting retail, dining and entertainment use, access to the Resort via London Road and any construction or operational use of the Resort until Resort access road, People Mover and Ferry Terminal are operational. Completing and making available road accesses, cycle access and bus corridors prior to first operational use. This is to safeguard local amenities and minimise local and regional transport effects and ensure that they are acceptable.• Financial contribution towards a parking fund (review performance with further periodic payments to top up the fund), A2 Junction Improvements, Junction 1A of the A282 Improvements, capacity improvements at local junctions and

THE LONDON RESORT DEVELOPMENT CONSENT ORDER

DEVELOPMENT CONSENT OBLIGATIONS – PRELIMINARY DRAFT SUMMARY HEADS OF TERMS LOCAL AUTHORITIES HAVE PROPOSED TO THE APPLICANT

		<p>investment in Intelligent Transportation Systems to align with the DBC Core Strategy and secure the appropriate level of funds for the required infrastructure.</p> <ul style="list-style-type: none"> • Street Lighting: Financial contribution towards street lighting enhancements on visitor routes. This is to allow improvements to be implemented prior to operational use. • Financial contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement of highway obligations and a financial contribution towards monitoring efficacy of highway mitigation and performance of mitigation measures. The fund will be subject to a draw down mechanism at intervals agreed by a selected public stakeholder group. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
2.	Public transport	<ul style="list-style-type: none"> • Rail: Financial contributions for improvements to (i) Ebbsfleet International Station, (ii) Swanscombe Station, (iii) Greenhithe Station, (iv) Northfleet Station, (v) Tilbury Town Station and (vi) HS1 to cater for the impacts of the development and align with the DBC Core Strategy. • Rail: Submit and secure approval of an HS1 asset safety plan, detailed design to take into account potential Crossrail extensions or works to widen the North Kent line and a timetable study or fund a timetable study – see the HS1 and TfL Relevant Representations. • Buses: Financial contribution to provide for the necessary infrastructure and routes for buses to facilitate the implementation of measures in the Bus Strategy Plan. • Fastrack: Secure approval of a transport works scheme for a priority link fastrack only busway, provide for new Fastrack compatible premium bus shelters, provide for physical delivery of a new “Fastrack C” route and “Fastrack X” and improvements for the “Fastrack B” route through staged delivery triggers to secure better journey times and account for increased capacity requirements.. • Ferry: Secure approval for an operational strategy with land-use restrictions to ensure the new ferry transport infrastructure is available for public use and necessary access rights are reserved for maintenance, maximise use of river transport and secure approval of a river transport lighting strategy to minimise lighting interference and navigational hazards and ensure any impacts are acceptable.

THE LONDON RESORT DEVELOPMENT CONSENT ORDER

DEVELOPMENT CONSENT OBLIGATIONS – PRELIMINARY DRAFT SUMMARY HEADS OF TERMS LOCAL AUTHORITIES HAVE PROPOSED TO THE APPLICANT

		<ul style="list-style-type: none"> • Steering Group: Set up a transport demand management steering group to monitor adoption and implementation of strategies and plans approved under the DCO and to approve funding for prime services. • Financial contribution towards Demand Responsive Transport services as described in the Travel Demand Management Plan to create a single point of journey information and ticket purchases. • Annual contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement of highway obligations and a financial contribution towards monitoring efficacy of highway mitigation and performance of mitigation measures. The fund will be subject to a draw down mechanism at intervals agreed by a selected public stakeholder group. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
3.	Connectivity: PRow and other green corridors	<ul style="list-style-type: none"> • Submit a plan for new and replacement routes to ensure they are construed according to specifications prior to construction works commencing. • Pedestrian and Cycle Routes: Provide alternatives, improvements and additions to specified pedestrian and cycle routes and facilities, including free / discounted scheme bikes / scooters for staff living off site, to secure the implementation of the Walking and Cycling Strategy and secure improvements to footpaths and PRow between Greenhithe station and the Resort jetty as set out in the Walking and Cycling Strategy. • Financial contribution towards a bridge south / inland of the EA flood barrier, cycle route upgrades, future maintenance, rights of way upgrades and erection of boards / fingerposts / signage to mitigate and offset impacts on the PRow network caused by the development. • Financial contribution towards (i) a route from Bexley East along the Thames Path to accommodate increased linked trips generated by visitors to Resort and (ii) wayfinding improvements along non-motorised user routes to align with KCC’s Rights of Way Improvement Plan. • Annual contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement PRow and Green Network obligations. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.

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4.	Socio-economic: skills (including diversity and inclusion)	<ul style="list-style-type: none"> • Socio-economic and Community Impacts Fund: Set up and provide initial payment to a socio-economic and community impacts fund (with further top up payments) to cater for residual and intangible impacts and to monitor and manage effectiveness of the mitigation measures. • Employment, Skills & Apprenticeships: Secure a programme to maximise local and regional benefits arising from the construction and operational stage of the development to ensure the delivery of skills training and promotion of apprenticeship and work placements through the development. To secure a programme designed to ensure equal opportunities of employment and training for local and regional persons and businesses to ensure diversity and inclusion. • Skills Academy: Construct, provide, staff and maintain an onsite and offsite skills academy to provide learning facilities and a bridge to the local community. • Steering Group: Set up a steering group of key stakeholders at the Development to promote investment programmes and a social value fund. • Skills Investment Fund: Financial contribution towards a skills investment fund to ensure the skills and qualification levels of local people matches future jobs and to support the economic transformation of the borough. • Financial contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement of education and skills obligations and a financial contribution towards monitoring efficacy of socio-economic mitigation implemented pursuant to the DCO. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
5.	Socio-economic: culture, arts and technology	<ul style="list-style-type: none"> • Training: Make an express provision in the Employment and Skills Programme for training associated with coding / programming and creative industries to address the shortage of ‘new’ digital skills in schools. • Digital Infrastructure: Submit details for installation of fixed telecommunication infrastructure and High Speed Fibre Optic, implement the approved Digital Infrastructure Scheme and pay a financial contribution towards IT training and promotion of equal opportunities to digital access. This is to provide high quality infrastructure in new developments as required by the NPPF.

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		<ul style="list-style-type: none"> • Outreach: Securing approval of local and national outreach programmes and paying a financial contribution towards cultural integration measures. This is to align with the DBC Core Strategy requiring community cultural facilities at major development sites. • Culture Coast: Submit a creative culture coast tourism partnership campaign to increase footfall to local cultural infrastructure, deliver a public realm strategy for areas immediately outside the Resort and appoint a lead artist. • Financial contribution towards digital infrastructure and creating industries in educational establishments to align with the EDC Garden City Vision and to address the shortage of digital skills in schools. • Annual contribution towards a culture, arts and technology liaison and to support the relevant planning authority's necessary engagement, monitoring, management and enforcement of culture, arts and technology obligations. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010.
6.	Socio-economic: supply chain	<ul style="list-style-type: none"> • Prepare and submit for approval and monitoring of a (i) construction supply chain strategy, (ii) creative supply chain strategy and (iii) local food and drink strategy. This is to maximise use of local and regional materials, suppliers and businesses and optimise sustainability. • Annual contribution to support the relevant planning authority's necessary engagement, monitoring, management and enforcement of supply chain obligations. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
7.	Socio-economic: housing and other community impacts	<ul style="list-style-type: none"> • Liaison Group: Set up a community liaison group to review and address community effects and neighbour complaints and provide community impacts contribution to accommodate growth and pressure on community services arising from the development. • Relocation and Impacts Strategy: Submit a residential and business relocation and impacts strategy and implement the approved strategy to ensure impacts on residents and businesses are properly mitigated. • Worker Accommodation Strategy: Submit a strategy to govern temporary accommodation for construction workers, conversion of temporary accommodation to permanent housing and regarding travel to work. This is to deliver long term benefits and to have wider economic benefits for the local and regional area during the build phase.

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		<ul style="list-style-type: none"> • Helipad Scheme: Submit a helipad scheme auditing inter alia intended use patterns, controls over use and aviation safety compliance. This is to provide controls over its use in emergency and non-emergency situations. • Public Realm: Financial contribution towards public realm improvements in multifunctional infrastructure and shopping parades to improve town centre vitality and viability to offset potential impacts on town centres due to retail and leisure draw of the Resort. • Additional Impacts Mitigation: Financial contribution towards health, affordable workspace, leisure, community services and facilities, visitor economy, security and access to work improvements. This is to align with the DBC Core Strategy and the improvements to the Dartford Town Centre and Ebbsfleet Garden City. These can have wider economic benefits for the local and regional area. • Annual contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement of community impacts and housing obligations. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
8.	Ecology	<ul style="list-style-type: none"> • Onsite Ecological Mitigation Plan: Secure approval of an onsite and offsite ecological mitigation and management plan prior to the commencement of each phase. This is to ensure that existing ecological assets are retained where possible and adequate mitigation is provided. • Biodiversity Net Gain: Secure a detailed biodiversity net gain plan securing a minimum 10% net gain prior to the commencement of each phase, on-site where possible and with suitable management and maintenance performance and guarantee arrangements. This is to enhance the natural and local environment by minimising impacts and ensuring any impacts are acceptable and providing net gains for biodiversity. • Riverbank Mitigation: Provide an evidence-based river mitigation strategy prior to commencement. This is to preserve and where possible enhance the existing habitat. • Green Zone: Habitat safeguarding obligation where no development is to be carried out on any Green Zones or Marshes and no future expansion is to take place. This is to protect ecology and for satisfactory integration with the Ebbsfleet Garden City Development.

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		<ul style="list-style-type: none"> • Public Use: Securing a public use plan to ensure full public access to the Thames Waterfront is retained. This is to comply with the Ebbsfleet Implementation Framework, which requires full public access is retained and served by enhanced walking and cycling facilities. • Management Strategy: Secure approval of a scheme for onsite and offsite habitat management, consistent with the approved plans, prior to commencement of development. This is to preserve and where possible enhance the existing habitat.
9.	Heritage	<ul style="list-style-type: none"> • Secure the relevant planning authorities' approval of an overall heritage interpretation strategy to celebrate the local and regional heritage through installations and a visitor display. • Financial contribution towards asset enhancements (in connection with SSSI and industrial heritage assets), archaeology contribution, offsite heritage centres and linked facilities, heritage inspired public art and public realm and oral history contribution. This is to promote the understanding and protection of the rich heritage in the area. • Annual contribution to support the relevant planning authority's necessary engagement, monitoring, management and enforcement of heritage obligations. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.
10.	Environmental health (noise and air quality)	<ul style="list-style-type: none"> • Noise: Installation of noise monitoring equipment, reporting results, setting out remedial actions and setting out penalties for breach, as well as securing and monitoring a noise insulation scheme and providing remediation where it is not performing. This is to ensure that noise impacts are minimised and are acceptable. • Low Emission Zones: Development of an overarching air quality and low emission zone response with partner bodies, securing a plan for one or more low emission zones, implementing measures identified in the plans and funding the management of the low emission zones through contribution in phases. This is to restrict or deter access for polluting vehicles with the aim of improving air quality. • Air Quality: Installation of air quality monitoring equipment, reporting results, setting out remedial actions and setting out penalties for breach, as well as securing air quality management plans and mitigation schemes This is to ensure that the development sustains and contributes towards compliance with the relevant limit values or national objectives for pollutants.

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		<ul style="list-style-type: none"> • Electric Vehicles: Securing a strategy for electric vehicles that is to be monitored and reviewed to provide for future proofing changing demand for electric vehicles and charging points. • Waste: Implementation of waste management strategies during the construction and operational stage, including measures for hazardous waste and waste storage. This is to ensure waste is monitoring, mechanisms are secured and improvements are made to reflect changes in waste baseline over time. • Harms Avoidance Group: Financial contribution (calculated on a daily basis and payable in advance) per year of construction and operation of the Resort for the establishment and operation of a “Harms Avoidance Group” and agreeing its remit in connection with construction and operation. • Construction stage contribution and subsequent operational stage contribution towards environmental health costs and necessary engagement and monitoring, management and enforcement of environmental health obligations. This is to mitigate the significant additional demand on enforcing authorities’ resources and to cover for reasonable monitoring costs permitted under CIL Regulations 2010.
11.	Sustainability (climate change)	<ul style="list-style-type: none"> • Net Zero: Submission of a carbon model and tracker to measure carbon footprint from the development for both construction and operational phases and the effectiveness of embedded and additional climate change mitigation measures. This is to align with the DBC Core Strategy to ensure carbon emissions are minimised and acceptable. • Offset Carbon: Financial contribution for a net zero fund and towards offsite tree planting and other measures set out in action plans in the relevant local authorities to offset carbon effects of the development. This is to minimise carbon emissions and ensure that they are acceptable and make up for any shortfall in net zero commitments. • Renewables: Secure approval of a mechanism to report on energy sources utilised, increase share of renewable sources and incentivise movement towards clean technologies. This is to minimise carbon emissions and ensure that they are acceptable and address climate change. • Annual contribution to support the relevant planning authority’s necessary engagement, monitoring, management and enforcement of climate change obligations and compliance with approved strategies / plans. This is needed to cover reasonable section 106 monitoring costs permitted under CIL Regulations 2010 and required for efficient delivery of the project.

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12.	Resilience (including emergency planning and flooding)	<ul style="list-style-type: none"> • Flood Defence: Carry out hydraulic flood modelling, agree the flood risk assessment with the Environment Agency and secure the improvement of flood defences. This is to ensure the project is made safe for its lifetime without increasing flood risk elsewhere (to align with the NPPF and DBC Core Strategy and Development Policies Plan). • Emergency Planning Resources: Provide financial resources to prepare and secure approval of emergency planning strategies (such as resourcing towards updated plans for control of major accident hazards, strategy to deal with effects on infrastructure and pollutant leak risks, evacuation and shelter policies and access for emergency responses). This is because the Resort will cause fundamental land use changes, which will have a bearing on all emergency planning assumptions. • Stakeholder MOU: Enter into a memorandum of understanding between the Kent Emergency Group securing strategic coordination, allocation of roles, effective responses in emergency situations, media strategy and periodic training. This is because the significant changes to the natural baselines necessitates wholesale revision to emergency planning assumptions.
13.	Decommissioning / restoration	<ul style="list-style-type: none"> • Security arrangements for a scheme for decommissioning and restoration and ensuring carbon reduction / recyclability of materials of decommissioning (and to be required by DCO requirement). This is in the event that the Resort closes for a prolonged period, fails to open once the DCO has been materially implemented or where development has not been in accordance with the phasing plan. This is to link in with a required DCO requirement in relation to these matters.
14.	Capacity funding	<ul style="list-style-type: none"> • Capacity funding for the LRCH core officer team (to oversee management of approvals and discharges) and for linked amendments to the local plan review (to cater for the project).

March 2022

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1. **INTRODUCTION**

- 1.1 The table below outlines some of the key issues that the Dartford Borough Council, Ebbsfleet Development Corporation and Kent County Council (the “**Authorities**”) have raised with the Applicant in relation to its draft Development Consent Order (APP-027) submitted with its application for development consent for the London Resort Project.
- 1.2 The Authorities acknowledge that the purpose of the Preliminary Meeting is to discuss the procedure to be adopted for the examination of the proposals and that the Preliminary Meeting is not a forum for the discussion of the merits, or substance, of the application. However, the Authorities consider that the extent of matters outstanding between the Applicant and the Authorities is relevant to the Examining Authority’s consideration of the procedure to be adopted in the examination and this Appendix is intended to give an indication of some of the main matters that will require resolution.
- 1.3 The table that follows lists the relevant provision in the first column, includes a summary of the key issues in the second column and gives an indication of the status of discussions between the Authorities and the Applicant. The table below is intended as a snapshot of progress to date to assist the Examining Authority with its consideration of the procedure to adopt in relation to the examination of the draft DCO. It should not be considered an exhaustive list of all of the Authorities’ concerns with the draft DCO nor a full exposition of the concerns that it notes.

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Provision	Key Issues	Status
<p>Art 2 Interpretation</p>	<p>The Authorities have concerns in relation to the several of the defined terms, including:</p> <ul style="list-style-type: none"> • “commence” – to ensure that the adverse effects of the matters carved out from the definition are appropriately regulated. • “maintain” – wide ranging nature of definition and it isn’t clear that such a wide definition is justified in relation to this project nor is it clear that mitigation commensurate with the adverse effects of the activities within the definition, is secured. 	<p>The Authorities discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.</p>
<p>Art 3 Development consent granted by the Order</p>	<p>The Authorities have significant concerns in relation to the reasonableness of the parameters (particularly in relation to vertical height and massing) established for the project and drafting concerns in relation to how these generous parameters are secured through the provisions of this article and its associated plans.</p>	<p>The Authorities discussed their concerns with the Applicant in the summer and autumn of 2021, but such concerns are not capable of remedy through drafting alone and further meaningful progress cannot be made until the Applicant has supplied adequately updated application documents.</p>
<p>Art 4 Maintenance of the authorised development</p>	<p>See article 2 above in relation to the definition of maintain.</p>	<p>The Authorities discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.</p>

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<p>Art 5 Parameters of the authorised development</p>	<p>See article 3. Notwithstanding the substantive issue in relation to the height and massing permitted by the parameters and the generous 20m lateral deviation, there remain drafting issues. For example, the “highways works” are provided with a 1.5m vertical limit of deviation but it isn’t clear whether this should be taken from the contours on the plans or the proposed levels on the long sections.</p>	<p>The Authorities discussed their concerns with the Applicant in the summer and autumn of 2021, but such concerns are not capable of remedy through drafting alone and further meaningful progress cannot be made until the Applicant has supplied adequately updated application documents.</p>
<p>Part 3 Streets</p>	<p>The provisions in this Part are commonly included in highways and energy DCOs, where the promoters of such projects are either local authorities, statutory undertakers or government owned companies. However, it is not apparent that in the unusual circumstances of this project it is appropriate for such wide ranging powers over public roads ought to be granted to a resort operator.</p> <p>The Authorities have specific concerns with the breadth of some powers included in this Part, for example:</p> <ul style="list-style-type: none"> • art 12(2) that would permit alterations to streets that connect to a street within the Order limits. As the A2 trunk road is within Order limits, this provision would for example, permit street works in the London Boroughs to the west. • Art 15 would permit the formation of new accesses anywhere within the Order limits and the power is not limited to the purposes of construction. <p>The Authorities are not yet satisfied that the Applicant’s proposals in relation to the local public rights of way network are appropriate and justified.</p> <p>Notwithstanding the general concerns relating to this Part, the Authorities must ensure that appropriate protections are secured to protect the operation and maintenance of the local highway network.</p>	<p>The Authorities discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.</p>

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Article 18 Discharge of water	The Authorities must agree protective provisions to protect its functions as lead local flood authority in relation to the exercise of this and other relevant Order powers.	The Authorities discussed their concerns with the Applicant in the summer and autumn of 2021, but further meaningful progress cannot be made until the Applicant has supplied adequately updated application documents.
Art 20 Authority to survey and investigate land	It is not clear to the Authorities that it is appropriate that this power applies beyond the Order limits and beyond the construction phase of the Project, in the circumstances of this application.	The Authorities discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.
Art 24 Compulsory acquisition of rights and imposition of restrictive covenants	It is not clear to the Authorities that the power to impose restrictive covenants is appropriate in the circumstances of this application.	The Authorities have discussed their concerns with the Applicant.
Art 47 Procedure in relation to approvals, etc., under Schedule 2	See key issues on Part 2 of Schedule 2.	See key issues on Part 2 of Schedule 2 below.

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<p>Art 48</p> <p>Disapplication and modification of legislative provisions</p>	<p>In relation to the consents for which the Authorities are the consenting body concerned for the purposes of section 150 of the Planning Act 2008 and for which its consent is required, it should be noted that such consent will not be granted until appropriate safeguards have been agreed.</p> <p>The disapplications from paragraph (3) onwards are unprecedented and go to the proper regulation of activities such as the licensing of the sale of alcohol, the safety of sports ground, the protection of young performers and respecting the solemnity of marriage. It is not clear to the Authorities how the removal of such important safeguards is justified in the circumstances of this project or, if justified, that such matters are nonetheless subject to appropriate safeguards.</p>	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.</p>
<p>Arts 50, 51 and 52</p> <p>Byelaws</p>	<p>It is not clear to the Authorities that the Applicant is an appropriate body in which to vest byelaw making powers. In any event, the byelaws must not impede the proper discharge by the Authorities' officers of their statutory functions.</p>	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some progress has been made, significant issues remain outstanding.</p>
<p>Art 54</p> <p>Guarantees in respect of payment of compensation</p>	<p>While this provision is intended to ensure that the Applicant provides sufficient security to meet its obligations under the compensation code before the relevant compulsory powers are exercised; the Authorities are also concerned to ensure that the Applicant provides an appropriate security to meet the development consent obligations necessary to make the development acceptable in planning terms.</p>	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some progress has been made, significant issues remain outstanding.</p>
<p>New Article</p> <p>Enforcement</p>	<p>The Authorities are of the view that a new article is required to remove any ambiguity as to whether Ebbsfleet Development Corporation is able to enforce the provisions of the Order.</p>	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some progress has been made issues remain outstanding.</p>

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<p>Schedule 2 Part 1 Requirements</p>	<p>The Authorities wish to ensure that environmental and economic and societal effects of all phases (geographic and spatial) are appropriately regulated by the provisions of Schedule 2 and by development consent obligations secured through a section 106 agreement.</p> <p>In the summer and autumn of 2021, the Authorities and the Applicant made some progress on the structure of the requirements, although much further progress is required to render the proposed development acceptable in planning terms.</p> <p>The Authorities consider that the requirements ought to be structured in a way that reflects best practice for conditions of an outline planning permission for a major mixed use site and which would ensure that a phased approach to development delivers mitigation commensurate with the development proposed in that phase.</p> <p>In summary, the Authorities propose the following structure:</p> <ul style="list-style-type: none">• Before any of the authorised development is commenced the applicant must obtain approval of site wide strategies that apply across the whole of the authorised development.• The development within each phase is preceded by the approval of a design brief for that phase that sets the parameters for that phase.• Following approval of the design brief, the Applicant may apply for approval of the details of the development within that phase which would incorporate the requirement for approval of the environmental aspect-specific mitigation that would apply to the development proposed within that phase.• Following approval of the design brief and related phase-wide requirements, the Applicant would be entitled to apply	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, a significant number of significant issues remain outstanding and a considerable amount of work is required.</p>
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	<p>for detailed design approval for development within that phase in as many sub-phases as it wishes.</p> <p>Other key structural issues that require resolution include ensuring that appropriate provision is made to:</p> <ul style="list-style-type: none">• mitigate the adverse effects of the exercise by the Applicant of the widely drawn power to “maintain”.• regulate the adverse effects of the operation of the authorised development.• ensure that on the cessation of commercial operations the land is put to beneficial use, or, where continued beneficial use is not feasible, that the land is restored.• to secure offsite landscape, ecological and biodiversity mitigation, in anticipation of the Applicant’s further submission in relation to this matter following the extension of the Swanscombe Peninsula SSSI. <p>On matters of detail, the Applicant relies on a range of subsidiary “outline” documents to secure the measures it considers necessary to mitigate the adverse effects of the authorised development. Assuming that the Authorities, the Applicant and other key statutory stakeholders are able to reach agreement on the contents of those subsidiary documents, the Authorities consider that their approval of the full versions of those subsidiary documents should be required to address the adverse effects of the development. This should be expressly secured in the requirements as part of the phased approach described above.</p> <p>Finally, it is important that the development consent obligations that the Authorities seek and the final form of the requirements need to be developed in tandem to ensure clarity and to avoid duplication or conflicting obligations.</p>	
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Part 2	<p>The Authorities have the following concerns regarding Part 2 of Schedule 2:</p> <ul style="list-style-type: none">• it makes no provision for the relevant authority to determine whether or not an application has been validly made.• on a project of this scale, complexity and potential to give rise to adverse effects, the determination periods do not provide sufficient time for the proper consideration of applications.• the provision for deemed consent is not justified or appropriate in view of the nature of the development for which consent is sought.• the provision for the payment of fees does not reflect the resources that would be required to properly determine an application, especially in view of the truncated determination period.	<p>The Authorities have discussed their concerns with the Applicant and shared proposed alternative drafting in the summer and autumn of 2021. While some limited progress was made then, significant issues remain outstanding.</p>
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