

Date: 15 March 2022  
Our ref: 385871  
Your ref: BC080001



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**By email only, no hard copy to follow**  
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Dear Rynd Smith

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

We are writing in response to the Planning Inspectorate's request for responses from Interested Parties, with regard to the Inspectorate's letters of 1 February and 14 February 2022, as follows:

- Planning Inspectorate letter of 1 February 2022

*'IPs and APs are... requested to submit their own list of list of engagements (consultation and meetings) with the applicant undertaken between 1 February and 10 March 2022, recording the attendance, purpose, scope and method of each engagement and summarising conclusions and agreements reached. If prepared, these lists should be submitted to the ExA by 15 March 2022.'*

- Planning Inspectorate letter of 14 February 2022

As part of the process for registering to participate in the Preliminary Meeting, Interested Parties were asked to provide written submissions on Examination timing and procedure by 15 March (Procedural Deadline A). Natural England has submitted a Preliminary Meeting Involvement Form to register its intention to participate in the Preliminary Meeting. This form requested that we notify the Examining Authority (ExA) of any questions, comments, or procedural requests. We indicated we would provide our comments in writing, and this letter provides our response on these matters.

### **List of engagements (consultation and meetings) with the applicant undertaken between 1 February and 10 March 2022**

Natural England attended one call with the applicant's ecological and terrestrial ecology consultants at their request, on 7 March 2022. We can confirm this is the only engagement we have had with the applicant between 1 February and 10 March 2022. It is also the only engagement we have had with the applicant on the Development Consent Order application since June 2021.

In the short call on 7 March, the consultants provided us with a brief summary of their work updating the Environmental Statement documents. They advised us they have only recently recommenced this work. We have not had sight of any updated documents, but we understand documents will be sent by the applicant to the Planning Inspectorate on 15 March. We are uncertain of the exact nature and scale of these documents and to what extent they might address the concerns raised in our Relevant Representation submitted to the Planning Inspectorate in March 2021. However, our

understanding is that not all of the documents requiring amendments are being updated at this time.

### **Natural England's comments on the Examination timing and procedure, and questions we would wish to raise at the Preliminary Meeting**

Natural England understands that the ExA is seeking to make a decision at the Preliminary Meeting on two broad options for the timing of the Examination:

- Where the Applicant is unable to provide evidence of the need for an extension, to commence Examination of the application before the ExA, with immediate effect.
- In circumstances where the applicant is able to provide evidence of the need for an extension, this could lead to agreement by the ExA that the commencement of the Examination might be deferred.

In terms of these procedural matters, Natural England's concern is that we do not have sufficient information on which to forward plan our engagement in the Examination to fulfil our statutory adviser role to the ExA. At present, we have not been able to plan appropriately due to the uncertainty of the Examination's timing, and the information on which the Examination will be based.

Natural England has not yet had sight of any updated Environmental Statement documents, and we are concerned that an unknown level of documentation may be provided by the applicant two weeks before the Preliminary Meeting commences. This follows a period of several months where the applicant has had no engagement with Natural England to discuss the preparation of these documents.

We also note that the applicant provided a schedule of updated documents to the ExA in February 2022. This update shows that there was almost no change in the documents' completion percentages since the September 2021 update. A substantial proportion of the documents also contained a 'tbc' anticipated submission date in the February schedule, when in September 2021, the anticipated submission date for the majority of the documents had been shown as 'w/c 14th February 2022.'

Whilst we have not seen any updated documents to date, it is clear from our discussion with the applicant's consultants on 7 March that further work is still required. It is disappointing, given the extended time period already provided, that this time was not used by the applicant to engage further with Natural England after June 2021.

Between April and June 2021 we engaged with the applicant's consultants to hold initial discussions on the concerns we had raised in our Relevant Representation. After June 2021, we contacted the applicant's consultants on several occasions to clarify whether they wished to seek Natural England's advice on their revised Environmental Statement documents. However, aside from the single call on 7 March 2022, further engagement with Natural England was not requested.

In the event that further delay were to be agreed, we would assume the applicant would be seeking a period of substantial engagement with Natural England in the period leading up to a revised Examination timeframe. However, given the applicant's very limited engagement with Natural England since June 2021, we are uncertain whether there would be sufficient time before an Examination in June or July 2022 for effective engagement to take place across a range of complex matters.

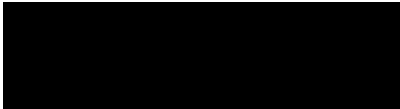
We also have concerns regarding how reasonable such an ask would be, given the lack of engagement with Natural England since June 2021 in the extended time already provided. Given the uncertainty of the revision to the Environmental Statement documents, and the lack of engagement with Natural England, we would seek the ExA's views on whether it considers further delay is justified.

If the Examination were to commence at the end of March, it would be helpful to have certainty of

the information on which the application would be examined. We note that the ExA has stated, in its letter of 14 February 2022, that it would be on the basis of 'the application before it.' However, it is unclear whether this means solely the original application accepted by the Secretary of State in January 2021 for examination, or whether it might also include any new or updated Environmental Statement documents that may be provided by the applicant to the Planning Inspectorate before the Preliminary Meeting. Having not had sight of any new or revised Environmental Statement documents to date, Natural England will not have had time to undertake a thorough review of any documents that may be submitted before the commencement of the Examination.

We would find it helpful if this procedural matter could be confirmed as soon as possible, so that Natural England can prepare for the potential eventuality of an Examination commencing at the end of March. Given this uncertainty, we would also wish to discuss the timing of matters such as the submission of our Written Statement, if Stage 2 of the Preliminary Meeting is held on 30 March.

Yours sincerely



Patrick McKernan  
Manager  
Natural England