

Case Team
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your reference
BC080001

Our reference
IGR/IGR/425169/16
UKM/117982562.1

8 April 2022

By Email Only : LondonResort@planning

Dear Sir/Madam

**APPLICATION BY LONDON RESORT COMPANY HOLDINGS
("APPLICANT") FOR AN ORDER GRANTING DEVELOPMENT CONSENT
FOR THE LONDON RESORT ("APPLICATION") – COSTS**

OUR CLIENT: HS1 LIMITED

1. We act on behalf of our Client, HS1 Limited. Our Client's unique reference number is LORN-AFP201.
2. We write in response to the Examining Authority's letter of 29 March 2022 and section 51 advice of 5 April 2022 ("**s.51 Advice**"). Our Client's application for a full costs award is set out below.

Costs awards following a compulsory acquisition request

3. The Secretary of State's guidance on applications for costs¹ ("**Guidance**") sets out the circumstances in which costs will be awarded where an applicant seeks development consent order provisions authorising the compulsory acquisition of land ("**compulsory acquisition request**").
4. Paragraph 2 of the Guidance states that where an objector "*[has] been successful in objecting to the compulsory acquisition request, an award of costs will normally be made against the applicant for development consent and in favour of the objector*".
5. Paragraph 5 deals with circumstances in which an applicant chooses to withdraw their application for development consent. It states that, provided that they have objected to the compulsory acquisition request and have:
 - a. participated in (or been represented during) the examination by the submission of a relevant and/or written representation; and

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¹ *Awards of costs examinations of applications for development consent orders* Department for Communities and Local Government, July 2013



- b. maintained their objection until the compulsory acquisition request in respect of their property or the application for development consent was withdrawn,

an objector will be regarded as successful and be treated as if their success was due to their representations.

Our Client’s objection

- 6. The Application contained compulsory acquisition requests in respect of our Client’s land. The Book of Reference submitted with the Application included compulsory acquisition requests in relation to the plots listed in the table below, all of which are land in which our Client has an interest:

Type of Acquisition	Plot number
Acquisition of permanent rights and temporary possession	40, 287, 294, 295, 296, 298, 299, 300, 302, 303, 304, 305, 312, 313, 314, 320, 321, 326, 327, 328, 329, 334, 335, 353 368, 369, 370, 371, 372, 375, 378, 390
Permanent acquisition of subsoil / airspace and temporary possession	215, 323, 325
Permanent acquisition of land	30, 39, 48, 52, 53, 54, 56, 86, 103, 105, 136, 139, 170, 171, 179, 213, 214, 215, 277, 278, 282, 292, 293, 297, 301, 306, 311, 316, 317

- 7. Our Client objected to the Application in its Relevant Representation (“**Representation**”), which was filed with the Examining Authority by email on 31 March 2021. In paragraphs 36 – 45 of its Representation, our Client specifically objected to the inclusion in the Application of compulsory acquisition requests in respect of its land. Our Client subsequently took an active part in the examination, for example by making a submission to the Examining Authority at Procedural Deadline A on 15 March 2022, by registering to speak at the (abortive) Preliminary Meeting scheduled for 29 March 2022 and by being represented at the arrangements conference that took place on 29 March 2022.
- 8. Our Client maintained its objection up until the point that the Application was withdrawn by the Applicant on 28 March 2022. In accordance with the Guidance, our Client should therefore be regarded as a successful objector to the Application, and be treated as if its success was due to its representations.

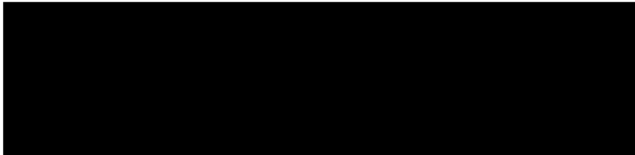
Atlantic Array Costs Decisions

9. We have reviewed the above decisions, copies of which were provided by the Examining Authority with its s.51 Advice. In those decisions it is concluded that an Examining Authority has the power to award costs even where an application is withdrawn before the Preliminary Meeting has taken place. In our submission, the same principle should plainly follow in our Client's case.

Full Costs Award

10. For the reasons set out above, our Client requests that the Examining Authority make a full costs award in its favour.
11. If we can assist further, please do not hesitate to let know.

Yours faithfully



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