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Mr Rynd Smith
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

25th April 2022

RE: Application for an award of costs against London Resort Company Holdings Limited regarding an Application for an Order Granting Development Consent for the London Resort

Dear Mr Smith

Following the Examining Authority's (ExA) notice of withdrawal letter dated 29th March 2022¹ and the Section 51 advice issued on 5th April 2022², Buglife is seeking a cost award for its engagement to date for its preparatory work and engagement with the application. As a non-governmental organisation with charitable aims, Buglife has found it necessary to divert considerable time and resources to engage appropriately with the London Resort application, diverting these from achieving other aspects of its charitable aims.

It is Buglife's opinion that London Resort Company Holding's (LRCH) engagement with the Development Consent Order (DCO) process from acceptance to withdrawal over a year later has not been timely, as shown by their repeated requests for extensions, demonstrating that their initial submission did not contain sufficient detail or consultation in what is intended to be a front-loaded process. Despite the long and protracted nature of the application and inclusion in the Schedule of Consultation³ as a monthly consultee, the applicant failed to undertake any consultation with Buglife or initiate an approach to develop a Statement of Common Ground.

¹ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001361-LR_Notification_of_Withdrawal.pdf

² https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001379-S51_Advice_Letter_05042022.pdf

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000906-8.2%20Schedule%20of%20consultation.pdf>

On two occasions LRCH's ecological documents were uploaded to the PINS document portal, January 2021 and March 2022, which included dozens of relevant documents some at hundreds of pages and required thorough review and scrutiny. In addition, significant time was dedicated to producing relevant representations, engaging with the ExA and preparing for the Preliminary Meeting (PM) up until the withdrawal on the day of the planned PM itself.

The ExA has helpfully highlighted the Atlantic Array case, where applications for costs were made following a withdrawal at the pre-examination stage⁴. Although these costs appear to relate to costs arising from proposed compulsory acquisitions of land, Buglife considers that LRCH's untimely and protracted application warrants consideration for an award of costs. We believe that LRCH has acted unreasonably by repeatedly delaying their submission. This is demonstrated by the notification of the Swanscombe Peninsula as Site of Special Scientific Interest (SSSI) being used to justify repeated extensions, despite the Natural England SSSI Officer's report to the Natural England board meeting on 10th November 2021 to ratify its notification stating that, "*Pre-notification letters were sent to landowners, occupiers, stakeholders and partners on 25 November 2020 together with a map showing an initial draft boundary.*"⁵ Despite knowing of the potential SSSI notification, the LRCH application for a DCO was made on 4th January 2022 with no reference to the potential and significant SSSI notification⁶. The eventual delays were both predictable and not unexpected to the applicant.

As a result, Buglife would like to claim the following costs for its engagement with the withdrawn London Resort DCO, for its Programmes Manager, Jamie Robins:

- Adequacy of consultation response and development dated 15th January 2021– **2 days**⁷
- Relevant Representations following review of original submitted supporting documents from 28th January 2021- **7 days**
- Review of updated and submitted documents uploaded 17th March 2022- **5 days**
- Joint representations dated 12th May 2021⁸, in response to the LRCH agent's letter of 15th April 2021⁹ requesting a further extension and the PINS response of 5th May 2021¹⁰- **2 days**
- Joint submission of 10th January¹¹ and 24th January 2022¹² letters, in response to the PINS consultation on procedures dated 21st December 2021¹³- **2 days**
- Engaging with lighting expert to review potential SSSI impacts- **0.5 days**

⁴ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001379-S51_Advice_Letter_05042022.pdf

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031169/board-paper-nebpu-106-01.pdf

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000805-LONR%20-%20Notification%20of%20Decision%20to%20Accept%20Application%20-%2028%20January%202021.pdf>

⁷ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000795-Kent%20Wildlife%20Trust,%20Buglife%20and%20RSPB.pdf>

⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000893-Joint%20letter%20from%20Kent%20Wildlife%20Trust,%20RSPB,%20Buglif%20and%20CPRE%20Kent.pdf>

⁹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000878-Applicant's%20letter%20responding%20to%20SSSI%20notification.pdf>

¹⁰ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000887-Rules%204,%209%20and%2017%20Letter%20-%205%20May%202021.pdf>

¹¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001063-Buglife%20Response.pdf>

¹² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001112-Kent%20Wildlife%20Trust,%20RSPB,%20Buglife%20and%20CPRE%20Kent.pdf>

¹³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001046-The%20London%20Resort%20PD%2021-12-21.pdf>

- March 2022 Preparation for Preliminary Meeting and to engage with the expected examination- 2 days

The claims above total 20.5 days of time engaging with key points of review and consultation in the application and is considered a considerable underestimate of the resources expended by Buglife throughout the period of the London Resort DCO application. The costs to the organisation per day in terms of both direct staff costs and organisational costs (Full Cost Recovery) is £316. Total staff costs for 20.5 days are therefore requested, totalling £6,478. In addition, a further cost of £875 is claimed for the contracting of a lighting impact assessment specialist to examine concerns regarding the potential impacts of light pollution on the SSSI's notified features. In total, Buglife wishes to claim costs of £7,353.

We would be happy to provide more expansive answers to the above if the Examining Authority would find it useful.

Yours sincerely



Craig Macadam
Conservation Director