

By Email Only

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

Our ref: RYP/RYP/073402.00001

Your ref: BC080001

25 April 2022

Dear Sir/ Madam

Planning Act 2008 (as amended) – Section 95
Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort (Application)

Application for Costs – MTD Coln Industrial Limited (URN: 20027788)

We act for MTD Coln Industrial Limited (**MTD**) and write following the Examining Authority (**EA**)'s letter of 29 March 2022 notifying our client of the withdrawal of the Application. This letter is our client's application for a full award of costs.

Participation

- 1 MTD is the freehold owner of the part of the Application site known as the Kent Kraft Industrial Estate (**KKIE**), which is occupied by several tenants for light industrial, storage and distribution and trade counter uses. It is a key local source of employment and industrial logistics land.
- 2 The Application sought powers of compulsory purchase over all interests and rights in the whole of the KKIE for its total redevelopment (acquisition Plots 89-102 in the Book of Reference accompanying the Application).
- 3 MTD made relevant representations through its professional team on 30 March 2021. These addressed the inadequate assessment of alternative options, inadequacies in the case for compulsory purchase rights, the unreasonable and disproportionate burden imposed by the blighting effect of the Order provisions and the disproportionate nature of the Order drafting. Its compulsory purchase objections were set out at paragraphs 13(i) and (ii).
- 4 MTD actively participated in the examination procedure and maintained its objections through its professional team until the Application was withdrawn. This including preparation for attendance at the Preliminary Hearing and initial Issue Specific and CPO Hearing (scheduled for 4 and 5 April 2022, respectively).

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**Costs Principles**

- 5 MTD has both participated in the examination process and maintained its objections up until the (late) withdrawal of the Application.
- 6 As such, it is entitled to expect to be treated as a successful objector for the purposes of paragraph 5 of the Secretary of State's Guidance ¹ and, in line with paragraph 2 of the Guidance, to receive an award of costs.
- 7 We note that decisions provided with the EA's 5 April Section 51 Advice confirm jurisdiction to award costs where withdrawal takes place ahead of the Preliminary Meeting.

Costs Award

- 8 On this basis, MTD requests that the EA makes a full costs award in its favour.

Yours faithfully



Dentons UK and Middle East LLP

¹ Awards of costs: examinations of applications for development consent orders – Guidance (2013)