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Mr Doug Hilton  
Peninsula Management Company

Your Ref:

**By Email**

Our Ref: BC080001/CAPP-017

Date: 4 May 2022

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Dear Mr Hilton

## **Planning Act 2008 (as amended) – Section 95**

### **Applications by Vitesse Investments Ltd (1) and Buckland Dartford Ltd (2) for awards of costs:**

#### **against London Resort Company Holdings Limited regarding an Application for an Order Granting Development Consent for the London Resort**

1. By a submission dated 26 April 2022, Mr Doug Hilton, Director of Peninsular Management Company ("PMC") on behalf of Vitesse Investments Ltd (1) and Buckland Dartford Ltd (2) and Others has made an application for an award of costs ("your costs application") against London Resort Company Holdings Limited ("the respondent party") regarding its Application for an Order Granting Development Consent for the London Resort ("the Order"). The first PMC costs application has been published and can be seen in the Examination Library [CAPP-017].
2. The Examining Authority (ExA) appointed to examine the Order is empowered to make awards of costs against relevant parties in respect of the examination of a Nationally Significant Infrastructure Project (NSIP). The power to award costs under section (s) 250(5) of the Local Government Act 1972 is applied to an examination of an application for a DCO by s95(4) of the Planning Act 2008 (PA2008).
3. The Secretary of State has published guidance on costs applications in relation to development consent order examinations ("the Costs Guidance"). It can be accessed by following this link:  
[Award of costs: examinations of applications for development consent orders - Guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/award-of-costs-examinations-of-applications-for-development-consent-orders)
4. Further to the statutory powers outlined above and to the Costs Guidance, I am writing to inform you that the ExA has given preliminary consideration to your costs application. This letter is to acknowledge receipt of your costs application and to seek further information to clarify its scope.

5. By a submission dated 26 April 2022, Wellers Law Group LLP for Vitesse Investments Ltd (1) and Buckland Dartford Ltd (2) has also made an application for an award of costs ("the Wellers costs application") against the respondent party regarding its Application for the Order. The Wellers costs application has been published and can be seen in the Examination Library [CAPP-015].
6. On that basis, can you please engage with Ms Theresa Johnston of Wellers to reach a shared position to confirm the status of your costs applications as broadly described below, and providing further information should this be required.
  - A. Wellers act for the parties (1) and/ or (2) and therefore part/s of your costs application to be confirmed will not proceed;
  - B. You act for the parties (1) and/ or (2) and therefore the Wellers costs application (or part/s of it to be confirmed) will not proceed; or
  - C. The parties now represent themselves, another person acts and/ or additional information is required to describe the relationship between the your costs application and the Wellers costs application (in which case that information should also be provided).
7. If you do act, in respect for each party for whom you act, can you also please provide a table confirming which plots, land and/ or rights shown in the Book of Reference relates to them.
8. The ExA has asked that you respond to this letter within 14 days, by close of business on **18 May 2022**.
9. The ExA will not give any further consideration to your application or the first Hilton costs application until responses to this correspondence and to a parallel letter to Wellers Law Group LLP have been received. It follows that whilst this letter has been copied to the respondent party for information, the ExA is not seeking a response to it from the respondent party at this time. A response will be sought from the respondent party once your reply to this letter has been provided.
10. All correspondence relating to your costs application and the costs decision by the ExA will be published on the National Infrastructure Planning Website.
11. If you have any questions about this letter, please do not hesitate to contact me.

Yours sincerely

Edwin Mawdsley  
**Case Manager**

cc Ms Theresa Johnston, Wellers Law Group LLP.  
The respondent party.