



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@planninginspectorate.gov.uk)

Ms Theresa Johnston  
Senior Solicitor  
Wellers Law Group  
LLP

Your Ref:

Our Ref:

Date: 05 July 2022

## By Email

Dear Ms Johnston

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

#### **Applications by Wellers Law Group on behalf of Multiple Affected Person and Interested Parties for awards of costs: against London Resort Company Holdings Limited regarding an Application for an Order Granting Development Consent for the London Resort**

1. I refer to your correspondence of 23 June 2022, providing clarification about the standing of a number of persons that you represent.
2. In our case conference meeting of 7 June 2022, clarification was sought from you in respect of matters raised by you and by Mr Doug Hilton on behalf of a number of clients. It was agreed that your responses to my questions that were not able to be addressed directly in the meeting would be provided by 21 June 2022. On the basis that your correspondence of 23 June 2022 arrived after that deadline, that no extension was sought to the deadline and that no reasons were provided for its late arrival, it was referred to the ExA to determine whether or not to accept it.
3. The ExA has now considered and determined to accept your late correspondence with one reservation (referred to below from paragraph 7). In deciding to accept your late correspondence, the ExA did so on the basis that it was not so late that its acceptance and consideration would lead to a waste of time, the loss of completed processes by the ExA or any foreseeable adverse effects on any other parties to the costs process.
4. However, in accepting your late correspondence, the ExA has asked me to advise you that it does not have to accept late submissions, that procedural fairness and good administration require that deadlines for submissions in costs procedures should normally be met by all parties and that if lateness is unavoidable for good reason(s), an extension should be sought before the expiry of the deadline and reason(s) for lateness should be provided.

5. Amongst other considerations, the [Costs Guidance](#) Part C paragraph 3 identifies that the late submission of any documents or late compliance with any requests made by an ExA are in themselves examples of unreasonable behaviour on procedural grounds, which in relation to a substantive application may provide grounds for an award of costs. Where submissions seeking awards of costs are made late with no extension sought and no reasons for lateness provided, this is a form of unreasonable behaviour in itself. It is inappropriate in a setting where costs are being sought from another party for unreasonable behaviour to behave unreasonably in serving the costs application process. Late submissions should not cause delay in the administration of the costs process such that the ExA wastes its own time or other parties are adversely affected. For this reason, should any costs-related correspondence arrive substantially later than a deadline, after the ExA has made relevant decisions, the ExA will not normally take it into account and will not normally review any completed decisions, even if they are adverse to your clients' positions. After the expiry of a relevant deadline the ExA is entitled to proceed with its next steps in the decision-making process.
6. On that basis, **please ensure that all future submissions are timely** or, if they cannot be for good reason(s), that an extension is sought before the expiry of the deadline and reason(s) are provided for the delay.
7. Turning to the matter that the ExA reserved from its acceptance of your late correspondence, it notes that you are still seeking to advance costs applications on behalf of **Mehi Ltd and Auto Centric Ltd**. The Costs Guidance Part B at paragraphs 11 and 31 refer to costs applications being 'timely' and define timeliness as being made within 28 days of the notification that an event relevant to an application for costs has occurred.
8. You were notified that you were eligible to apply for costs on behalf of clients on [29 March 2022](#) and hence the deadline for timely applications on behalf of clients was on 26 April 2022. Your initial costs applications on behalf of clients did not refer to either Mehi Ltd and Auto Centric Ltd. It follows that their introduction into later correspondence amount to late applications.
9. The ExA understands and accepts that you did make timely applications on behalf of two Interested Parties in error, and those applications are now treated as withdrawn. However, to the extent that you are now making what amounts to late applications on behalf of Mehi Ltd and Auto Centric Ltd, as explained in our meeting, the ExA needs to exercise discretion and so needs to understand the reason(s) why these two applications are late. It needs reasons in order give fair and proper consideration to a discretionary decision about whether or not to admit applications on behalf of these parties. It is not sufficient to bundle them with other timely applications and substitute them for applications that have now been withdrawn.
10. You need to provide the ExA with express reasons why these applications on behalf of Mehi Ltd and Auto Centric Ltd were late and why they should now be considered. Please do so by email to [LondonResort@planninginspectorate.gov.uk](mailto:LondonResort@planninginspectorate.gov.uk) no later than close of business on **12 July 2022**. Please note that if this deadline is not met by you without explanation, the ExA will be entitled to decide that applications on behalf of these parties were not timely applications. The effect of

any such decisions would be to bring the costs process in relation to those parties to an end.

11. This correspondence will be published on the National Infrastructure Planning website alongside all correspondence relating to the costs applications.

12. If you have any questions about this letter, please do not hesitate to contact me.

Yours sincerely

Edwin Mawdsley  
**Case Manager**

cc The Respondent Party