



Meeting note

File reference	None
Status	FINAL
Author	Robert Ranger
Date	11 December 2014
Meeting with	London Resort Company Holdings (LRCH)
Venue	Temple Quay House
Attendees	<p>The Planning Inspectorate Mark Wilson– Infrastructure Planning Lead Frances Russell –Environmental Services Gail Boyle – Environmental Services Kay Sully – Case Manager Robert Ranger – Case Manager Melanie Bischer – Consents Services Unit Oliver Lowe – Consents Services Unit</p> <p>London Resort Company Holdings Kevin Doyle – LRCH Kevin Brown – Highways Agency (HA) Shabana Anwar – Bircham Dyson Bell Karl Cradick – Savills Chris Potts - Savills</p>
Meeting objectives	Meeting to update and discuss progress on the London Paramount Resort Business / Commercial NSIP project
Circulation	All attendees

Following introductions, the Planning Inspectorate (the Inspectorate) advised on its openness policy that any advice given would be recorded and placed on the National Infrastructure Planning Portal website under section 51 of the Planning Act 2008 as amended (PA2008). Any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

Update on Progress

LRCH welcomes increased media coverage of their scheme resulting from the recently signed Intellectual Property agreement with the BBC. An increased perceived confidence that the scheme will be delivered is helpful to them in securing engagement with their consultation activities, and collaboration with other parties.

Heads of terms for option agreements over the majority of land required for the scheme have been or are being signed, and LRCH anticipates that confidence will be further improved when the agreements themselves are signed in early 2015.

The land required for the scheme but outside of these option agreements represents a small amount of the scheme area overall and is the subject of ongoing negotiations, most of which LRCH feels are progressing well. However, in order to obtain unencumbered possession of the required land and to address any unknown rights, LRCH anticipates that the application will seek acquisition powers over the entire area of the scheme.

LRCH has begun high-level design work on the layout of the Resort, drawing upon industry-leading expertise and experience. This design work will allow future consultation to include indicative information about how the Resort will look and feel.

LRCH has also been engaging with key technical consultees and stakeholders over the last few months, putting in place working arrangements going into 2015. These include Network Rail, Network Rail High Speed, the team responsible for bringing forward the Ebbsfleet Garden City proposals, English Heritage, and the HA.

The HA is independently promoting improvements to the strategic road network in the area of the proposed Resort; LRCH and HA are working to deliver compatible timetables and to maximise the benefit of the proposed improvements. This is likely to lead to submission of DCO applications in relation to the improvements in 2017.

PINS advised that both the HA and LRCH should be aware that they will likely be consulting the same communities, and encouraged them to explore any opportunities to work together on consultation activities where appropriate, to avoid consultation fatigue and duplicated costs.

PINS also welcomed LRCH's approach of engaging with parties, such as the anticipated Ebbsfleet Garden City UDC, who (whilst not statutory consultees) were likely to have a valuable part to play in forming the application.

LRCH reported that they remained confident that the application would be both finalised in form, and supported by documentation at a satisfactory standard for examination, by August 2015.

Consultation

LRCH reported that they had completed their second round of consultation activities in the first half of November 2014. The purpose of the first stage of consultation that took place in September 2014 was to seek the views of communities and stakeholders about the way in which they wished to be consulted about the application. A feedback report was produced and published by the applicant which explained how the views had informed the ongoing consultation Programme. PINS commented positively with regard to this approach and in particular the clarity of the feedback report in terms of how it would influence future consultation activity. LRCH commented that a Statement of Community Consultation (SoCC) would be drafted and consulted on in the New Year.

This second stage of consultation was not intended to meet the statutory obligations to consult in the 2008 Act but will inform the statutory consultation which will take

place in 2015. It took place in November and December 2014 and set out a broad vision about what the plans would be, including the range of associated development that would be in the DCO application. The consultation material provided an indication of the look and feel of the resort.

LRCH reported that engagement with consultation had been high, and that the responses to the consultation had been largely positive. They emphasised the valuable contribution that local authorities had made to conceiving the format and timetable of the consultation, and to identifying the appropriate communities and groups to be the target of the consultation. They hoped to provide greater detail as to the form of the proposals in future consultation rounds.

PINS advised that, since LRCH's pre-application timetable was tightly set out, it was important to ensure that the scheme was both consulted upon in sufficient detail and that sufficient flexibility remained to allow regard to be had to responses to the statutory consultation.

The HA sought advice from PINS on how much information had to be supplied with an application for development consent; or how much flexibility an application could contain. PINS advised that it was necessary to describe the scheme with sufficient precision to allow its impacts to be assessed, within which there was scope for flexibility so long as the impacts in the worst case could be assessed. Since the worst case is likely to be less favorable to the scheme than a more accurate assessment of the real impacts, it is often in the interests of the applicant to understand the form of the scheme with the greatest practical degree of certainty prior to submission.

PINS also advised that efforts to incorporate flexibility into the scheme must be properly considered and clearly set out in the application. Reference was made to PINS' advice notes on the Rochdale envelope (Advice Note 9) and the recently published Advice Note 15 – Drafting Development Consent Orders. Given this will be the first Business / Commercial NSIP application PINS advised that early drafts of the DCO should be shared. It was likely that early sight and awareness of issues arising would benefit PINS and the applicant in terms of understanding any novel and detailed drafting points.

Scoping

PINS thanked LRCH for submitting their request for a scoping opinion. Statutory consultees have been approached for their views, and the deadline for responses has passed. Those responses are being carefully considered and PINS will provide a scoping opinion in due course.

LRCH asked what regard would be had to late responses to the scoping consultation. PINS confirmed that those responses would not be considered when producing the opinion, but would be brought to the attention of LRCH when the opinion was provided.

Other Business

PINS noted and welcomed references to engagement with elected members in the affected local authorities. However, PINS brought LRCH's attention to their advice to local authorities; that the timetable for applications in examination is extremely tight and makes no allowances for committee cycles or similar. It is therefore important

that local authorities are encouraged to put appropriate delegations in place to participate in the process effectively.

LRCH commented that an application for an energy-from-waste scheme promoted by Teal Energy had been recommended for approval by local authority officers, prior to having been called-in by the Secretary of State. A decision on that application was awaited. The scheme is hosted on land that would form part of the proposed resort.

Whilst emphasising that PINS has no view as to which scheme is preferable in planning terms, that being a matter for the Secretary of State, PINS advised that the Planning Act 2008 contains provisions allowing a DCO to authorise the compulsory acquisition of land. These powers are intended to prevent other uses or landowners from obstructing development where a compelling case has been made in the public interest that the development should be delivered, balancing the public interest against private loss. Although a conflicting consent could have an impact upon that balance and the quantum of compensation if compulsory acquisition powers are granted, it does not prevent the DCO application from seeking those powers. Thus, a conflicting consent would not make it impossible that the scheme could be delivered.

LRCH sought advice from PINS on the importance and relevance of local and national policy, given that no National Policy Statement exists for Business / Commercial NSIP schemes. PINS advised that the local policy framework was almost certain to be important and relevant; and that LRCH may also wish to consider the sub-regional and regional context. In particular given the scale of the Resort and its links to the wider tourism economy of the area, it was likely that the London Plan and any related strategies would be of interest in this context.. They should also consider the National Infrastructure Plan and any relevant ministerial statements.

PINS reminded LRCH of the services provided by the Consents Services Team, particularly in relation to environmental permitting and protected species licenses.

A process update meeting with PINS, LRCH and the relevant Local Authorities is to be arranged for mid-January 2015.