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Mr Dan Bramwell
By e-mail

Your Ref:

Our Ref: BC080001

Date: 23 July 2020

Dear Mr Bramwell

Planning Act 2008 (as amended)

Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort project

Thank you for your email of 15 July 2020 about the application by London Resort Company Holdings Limited for an order granting development consent for the London Resort Project. I have been asked to reply on behalf of our Chief Executive, Sarah Richards.

I am sorry you feel disappointed with the responses you have been receiving from the Inspectorate. Whilst the Inspectorate can make Applicants aware of the interest raised and remind them of their duty to participate in meaningful engagement with those affected, the Inspectorate is unable to consider representations about the merits of an application during the pre-application stage of the Planning Act 2008 (PA2008).

Please note that should the application be accepted for examination then parties who wish to participate in the examination would have the opportunity to register as an interested party by submitting a relevant representation at the appropriate time during the pre-examination stage of the PA2008 process. Further information about registering as an interested party can be found in the Inspectorate's [Advice Note 8.2: How to register to participate in an Examination](#).

The Inspectorate's customer team are in the process of handling your Freedom of Information request, however, please be aware it is important to note that the Inspectorate is not the body responsible for the making of the Direction under s35 of the PA2008 as this is the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) and therefore the Inspectorate has no involvement in this.

In relation to your point about being unable to participate in the scoping process, please note that a scoping opinion adopted by the Inspectorate on behalf of the Secretary of State is formed on the basis of information provided by the Applicant.

The Inspectorate relies on the information provided being accurate, we retain the right to ask for more information at relevant points in the PA2008 process. Additionally, the Inspectorate may refuse to accept an application which fails to properly assess Likely Significant Effects (LSE).

The current scoping process is a separate stage to that of Examination. Where there are LSEs they must be identified and addressed in the Environmental Statement. Applicants and interested parties may disagree on the methodological approach to the assessment of effects and these disagreements will receive scrutiny at the Acceptance and Examination stages of the PA2008 process. The Inspectorate's [Advice Note 17](#) provides information on how cumulative impacts with other developments should be addressed.

Please note, the applicant must consult on its Preliminary Environmental Information and it must have regard to responses to this consultation. Whether it has done this will be a key consideration at Acceptance.

In reaching a decision as to whether an application is of a satisfactory standard, the Secretary of State must have regard to (inter alia) the extent to which the Applicant has followed any applicable guidance given under section 37(4) of PA2008 (section 55(5A)(b)). For example, paragraph 6 of the DCLG Application Form Guidance (2008) states that 'the application information must be provided to a sufficient degree of detail that will enable the Secretary of State (and all interested parties) to appropriately consider the proposal'.

More information about the process generally can be found in the [Advice Notes on the National Infrastructure website](#).

Please note that your email and this response will be published on the project webpage in accordance with section 51 of the PA2008.

I trust that the above information provides clarity on the Inspectorate's role during the pre-application stage and the opportunities for you to participate in the PA2008 application process.

If you remain unhappy with the service the Inspectorate has provided, please see details of our complaints procedure which can be found here:

<https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>

Yours sincerely

Kay Sully

Kay Sully
Operational Planning Lead

This communication does not constitute legal advice.

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