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To:
London Resort Company Holdings
All Interested Parties

Our Ref: BC080001
Date: 29 July 2021

Dear Sir/ Madam

The Planning Act 2008 Sections 89(3) and 89(4)

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

Procedural decisions made by the Examining Authority about how the application is to be examined

I write to advise you of procedural decisions made by the Examining Authority (ExA) in relation to the Applicant's proposed submission of updated material.

On 9 July 2021 the ExA made procedural decisions to ask the Applicant to consider providing clarifications to help ensure that the Examination can progress efficiently:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000937>

The Applicant's response of 21 July 2021 can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/BC080001-000956>

The Applicant advised that:

- it will update material in connection with its parameters-led approach and those will flow into updates in relation to landscape and visual effects;
- the updates to the parameters-led approach reflected the Applicant's discussions with key stakeholders following the receipt of Relevant Representations in March 2021; and that
- this overlaps with the other updates the Applicant has previously advised that it is working on in relation to the Site of Special Scientific Interest (SSSI) notification.

The ExA's understanding of the Applicant's response is that the Applicant will not meet its previously advised deadline of 3 September 2021 for the SSSI-related updates and is now planning to submit all updated material by late-November 2021.

The Applicant's letter provides a list of documents to be updated. This list does not include the Parameter Plans [APP-024], which the Applicant may wish to reconsider.

Having reviewed the Applicant's response, the ExA has decided as follows:

- 1. The ExA has decided that it is not yet in position to finalise the date(s) of the Preliminary Meeting (PM).** The close of the PM triggers a statutory timeframe for the Examination. The ExA has considered the need to be able to complete the Examination within that statutory timeframe with the information required to conduct that process fairly for all parties. The ExA does not have a detailed understanding of the Applicant's proposed consultations and updates. Having considered the information available to date, the ExA is minded not to decide on the date(s) of the PM before it has seen the Applicant's submissions. On that basis the ExA anticipates that it will be unable to decide on the date(s) of the PM before mid-December 2021 and that therefore a PM is unlikely to be held before mid-January 2022.
- 2. To help the ExA to decide on the date(s) of the PM, the ExA has decided to ask the Applicant to set out its position in relation to DCLG Guidance¹ that the start of an Examination will not normally be postponed for longer than three months.** The Applicant may wish to provide a detailed explanation of whether pre-application consultation and environmental information will be sufficiently current to form the basis of an Examination. This could include, but not be limited to, considerations of baseline information, cumulative effects, and the details of how all necessary mitigation and compensation would be secured.
- 3. To help minimise the delay to the start of the Examination and ensure that it can progress efficiently when it starts, the ExA has decided to ask the Applicant to clearly identify any changes to Application documents and clearly set out their position on the materiality of any change requested.** It is suggested that the Applicant consider whether the combined impact of changes to Application documents and/ or any new documents would collectively result in a material change to the Application.
- 4. To help minimise the delay to the start of the Examination and ensure that it can progress efficiently when it starts, the ExA has decided to ask the Applicant to amend its current programme of 4-weekly progress reports to include all SSSI-related and parameter-related updates.** Providing progress reports will help the ExA and Interested Parties to maintain momentum and reduce the risk of any abortive work by giving certainty as to what material will and will not be revised, and what consultations have been or will be held. The ExA is conscious of the likely benefits for local authorities as they progress their Local Impact Reports, and to other parties as they progress Written Representations.
- 5. The ExA requests that, by 6 August 2021, the Applicant sets out how it intends to respond to these decisions and whether it considers that the PM should be held before or after the Applicant's updates are submitted.** The ExA will decide on the date(s) of the PM, having regard to the information required to conduct the process fairly for all parties. The ExA requests the Applicant's view on the timing of the PM relative to the Applicant's submission of updates because at this stage the ExA considers that the Applicant is likely to have a unique understanding of the detail of its proposed consultations and updates.

¹ Department for Communities and Local Government – Planning Act 2008: Guidance for the examination of applications for development consent (March 2015)

All parties are reminded that the ExA will seek comments on the application, updates, and other submissions in due course. The ExA will generally find it most helpful if comments could please be provided during the Examination rather than during the current pre-Examination stage. All parties will have several opportunities to make submissions during the Examination, which will follow the PM.

If you have any further queries, please contact the Case Team at the telephone number or email address provided at the top of this letter.

Further updates will be posted to the project website.

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Examining Authority