

Ebbsfleet Development Corporation

Board Meeting Part	One
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Date of meeting:	17 February 2021	Paper Number:	EDC 021/012
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Title of paper	London Resort
Presented by	Mark Pullin, Chief Planning Officer
Sub-committee	NOT APPLICABLE

Purpose of Paper and Executive Summary

This paper provides the EDC Board with information on the next stages of the London Resort Development Consent Order.

EDC Business Plan and KPIs	The London Resort is a significant development within the Garden City and the need to undertake the work is identified in the business plan. The project will impact on a range of KPIs including job creation, housing design and quality, open space provision and transport infrastructure.
Recommendation	FOR INFORMATION Board is asked to NOTE the update
Annexes	None
Delegation	Not Applicable
Financial impact	Not Applicable
Legal impact	Not Applicable
Stakeholder impact	Not Applicable
Sponsor impact	Not Applicable

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1. Introduction

- 1.1 On the 28th January 2021 the Secretary of State (MHCLG) accepted the Development Consent Order (DCO) for the London Resort for examination. The EDC will need to engage in the process as both Local Planning Authority (LPA) and landowner.

2. DCO Process

- 2.1 The Planning Act 2008 outlines the key stages for the consideration of a DCO. The London Resort has been in the 'pre-application' stage since it was designated as a Nationally Significant Infrastructure Project (NSIP) in 2014. Following the submission to the Planning Inspectorate (PINS) on the 4th January 2021 it moved to the 'acceptance' stage and as of the 28th January 2021 it is in the third stage called 'pre-examination'. The table below outlines the timetable.

Stage	Time Period
Pre Application	This ran from 2014 to the point of submission of the DCO on 4 January 2021.
Acceptance	Maximum of 28 days. This period ended on 28 th January 2021.
Pre-Examination	Current period lasting at least 3 months and realistically 4 or 5 months.
Examination	6 month period from the close of the Preliminary Meeting
Decision	6 month period from the close of the examination

Pre-examination (3 months minimum but may be longer)

- 2.2 The first stage during this period is for the developer to issue a Section 56 notice providing formal notification that the scheme has been accepted by the Secretary of State. All parties who commented at statutory consultation stage will receive a notification and so EDC will be notified as LPA and landowner. Publications are also required in local and national press. The notice has to be issued within 28 days of the acceptance decision and so we are expecting this very shortly. The notice will state the deadline for parties to submit their 'relevant representation'.
- 2.3 The relevant representation is the initial submission EDC makes to PINS to become a designated interested party and outlines the key important matters for consideration. There is a minimum period of 28 days for this to be submitted after the Section 56 notice. We expect to submit this representation at the end of March or early April.

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- 2.4 It our role as LPA, EDC is already working with partners to review the submission. Over 400 documents have been released including the environmental statement and various strategies, design information and a new draft DCO. The relevant representation will identify the key matters that EDC (as LPA) wishes to raise. The Examining Authority (ExA) will review the relevant representation when drafting the examination timetable and considering the key issues for examination. During this period, work will start on drafting the Local Impact Report (LiR). The LiR is a significant piece of work that we are required to submit. EDC is working with DBC and KCC with the view to submit a joint LiR. The report will outline a consideration of the DCO submission and include an assessment of the proposals looking at all matters including socio-economic considerations, transport and the environment and any proposed mitigation.
- 2.5 Alongside the work on the LiR we hope to start to have discussions with LRCH on a Statement of Common Ground (SoCG). We will continue to feed comments back to LRCH on the detail of their proposal and any areas of agreement and disagreement would be captured in the SoCG. This will assist all parties in focussing the examination period to resolve any areas of disagreement. One particular area that the SoCG could cover is the s106 obligations and substantive parts of the DCO wording and its requirements. The s106 heads of terms are already being drafted by our legal advisors with considerable officer input. One meeting has already taken place with LRCH and further discussions are planned. We are reviewing the DCO submission and capturing areas of mitigation that should be captured in either the s106 or DCO requirements. The s106 package needs to be agreed as part of the decision on the DCO and it is important to start this work at pre-examination stage.
- 2.6 As landowner, during this pre-examination period EDC will focus on submitting its relevant representation, conducting further more detailed reviews of the key documentation and continuing discussions with LRCH on the various outstanding land and commercial matters which need to be negotiated and agreed.
- 2.7 PINS will contact registered interested parties with notification of the Preliminary Meeting. The earliest this is likely to take place is April but could be in May. This notification will be accompanied with a draft examination timetable and list the key issues identified by the ExA from its review of the application, for the registered parties to review and discuss at the meeting. Apart from the discussion of whether all principle issues have been properly identified, the Preliminary Meeting is intended to cover the process of the examination only rather than be an opportunity to discuss any substantive concerns. The ExA will confirm who has been appointed to consider the DCO during the pre-examination period and we expect it to be more than 1 inspector. When the Preliminary Meeting is closed the examination hearings must conclude within 6 months.

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Examination (complete within 6 months, starting from the end of Preliminary Meeting)

- 2.8 The examination timetable will be confirmed at the Preliminary Meeting. Based on the earlier stages being carried out at the earliest possible points this period would run from May 2021 to October 2021.
- 2.9 EDC will submit the Local Impact Report (LiR) shortly after the beginning of this process.
- 2.10 As landowner and an interested party, EDC will need to provide further comments and written representations on specific topics and documents during this period and will be able to register to speak at specific hearings of interest, for example the CPO hearing.
- 2.11 DCO examinations are largely conducted via exchange of written correspondence and discussion on matters at roundtable meetings. The process is not conducted as an 'inquiry' where parties cross examine each other. The examination period is very structured and will likely involve 4 sets of hearings covering topic based sessions, open floor sessions and hearings relating to the compulsory purchase matters. Each set of hearings would last a few days. Traditionally these have been held close to the development site but restrictions may involve these being held virtually. In between hearings, deadlines are set of where registered parties have to submit comments and answer questions raised by the examining authority. These are usually very tight deadlines giving parties a specified number of days or hours to respond. We have governance and resourcing in place to respond to these but meeting the deadlines is usually very challenging.

Decision (6 months from the close of the Examination)

- 2.12 This 6 month period involves the ExA writing its report and then submitting that to the Secretary of State (MHCLG) for decision. EDC may need to respond to any consultation that the SofS elects to hold. Based on earlier parts of the process happening at their earliest point a decision would be expected in April 2022 at the earliest. A 6 week challenge period would then begin.

Post Decision (Approval of the DCO to Resort opening)

- 2.13 A DCO is subject to 'requirements' which are similar to planning conditions on a planning permission granted under the Town and Country Planning Act. These requirements are discharged by the relevant authority. In the case of London Resort, it is likely that there will be multiple relevant authorities but EDC will be one of them. As such the post decision stage will be a further intense period whilst the Resort is being constructed. The requirements could cover finalising strategies and mitigations that were in draft form within the DCO and approving the final designs of buildings, infrastructure and landscaping.

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2.14 LRCH are aiming to open Gate 1 in 2024 and so any approval of the DCO in early 2022 would be closely followed by the submission of these requirements. We would then expect further requirements in advance of Gate 2 opening in 2029.

Resourcing

2.15 As LPA, EDC is working alongside DBC and KCC on the DCO. EDC does not have internal planning resource in place to cover a project of this scale alongside meeting our statutory functions for the rest of the Garden City. Some internal specialist resource, such as design matters, will be covered internally. Additional joint planning resources have been appointed by Dartford Council and EDC has appointed Temple Group/SQW (socio-economic) and Bureau Veritas (environmental health). We are also seeking specialist support on sustainability and viability issues. All three authorities are being advised by Pinsent Masons. KCC also has a range of specialist teams, such as heritage, drainage, waste and ecology, who are inputting. Collectively, the three authorities are sharing resource where possible.