

CABINET
29 October 2020

**PROPOSED LONDON RESORT AND THE DUTY FOR THE APPLICANT TO
CONSULT THE COUNCIL ON THE PROPOSAL**

1. Summary

- 1.1 The proposal for the London Resort leisure and entertainment complex is to be dealt with as a planning application to be determined by the Secretary of State as a Nationally Significant Infrastructure Project (NSIP). As such, it is subject to legislation under the Planning Act 2008, which is distinct to that for applications determined directly by the Council. The applicant, London Resort Company Holdings (LRCH), is required under section 42 of the 2008 Act to consult the Borough on its emerging proposal before being formally submitted to the Secretary of State, with the Council being a statutory consultee. The closing date for responses was 21 September 2020. The Council's response, agreed under delegated powers, was submitted in time to meet this deadline but this did not allow for the response to be presented to Cabinet in advance.

2. RECOMMENDATION

- 2.1 That the Council's response to the consultation as set out in the letter and comments attached at Appendices A-C, be noted.

3. Background and Discussion

- 3.1. In May 2014 the Secretary of State for Communities and Local Government confirmed that the London Paramount Entertainment Resort qualifies as a nationally significant business or commercial project (NSIP) for which development consent is required under the Planning Act 2008. The Developer must therefore apply to the Secretary of State (SoS) for a Development Consent Order (DCO). Under the DCO process the onus is on the developer, in this case London Resort Company Holdings Ltd (LRCH), to lead the consultation and assessment process with the intention that by the time the examination on the proposal is started the project is properly understood and has been publicised widely.
- 3.2. LRCH has advised that it intends to submit the application to the Planning Inspectorate in December 2020 and therefore the examination of the proposed development, by a panel of Inspectors appointed by the Planning Inspectorate, is expected to take place in 2021.
- 3.3. The Head of Regeneration has delegated authority to respond to consultations regarding NSIPs and issue responses to Preliminary Environmental Impact Reports (PEIRs) prepared by LRCH (the current stage of the project), where the responses are in accordance with the principles of resolutions made by both Cabinet and Development Control Board (DCB) relating to the Project and where this is not possible, to respond in consultation with the Cabinet Chairman and the DCB Chairman. In this case, the consultation and Cabinet timetable did not allow for a decision to be brought to Cabinet and the response was agreed in consultation with the Cabinet Chairman and the DCB Chairman.

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- 3.4. LRCH is required to consult the local community on the proposals and prepare a statement as to how they intend to do this. The Draft Statement of Community Consultation (SOCC) was submitted in June 2020 and LRCH was advised, by officers under delegated authority, that the Council broadly supported its approach to consultation but expressed disappointment that the consultation was to take place over the summer holiday period and requested a clear plan of the proposals be displayed on the London Resort website. The consultation was subsequently extended further into September.
- 3.5. LRCH has previously undertaken four stages of consultation. The 4th stage of consultation was a formal stage of consultation under s47 of the 2008 Act, in June 2015 and the Council made comments at that time.
- 3.6. Given the length of time that has passed LRCH has undertaken a fresh consultation process and submitted a full set of updated documents.
- 3.7. For the current round of consultation, LRCH has held a series of public webinars but due to COVID 19, there have been no face to face meetings or public exhibitions. The consultation period and events were advertised in the newspapers, on social media, on the project website, by poster and by a leaflet distributed to homes and businesses across the area. Details could be accessed via the LRCH's website.
- 3.8. Under section 42 of the 2008 Act the LRCH as applicant, is also required to formally consult the Local Authorities on the application prior to submission. Dartford Borough Council (as well as Gravesham Borough Council, Ebbsfleet Development Corporation, Kent County Council and Thurrock Council) have been formally consulted and invited to comment as part of a statutory consultation on the various documents that will form the basis of the planning submission by LRCH later this year. The Council had until the 21st September to respond to this formal statutory consultation.
- 3.9. The current statutory consultation is a very important pre-submission/pre-application stage when LRCH should be setting out full information about the proposals and their impacts. It is the main opportunity for the various statutory and non-statutory bodies including the Local Planning Authorities and the wider community to influence and inform the future application and to suggest how impacts can be mitigated.
- 3.10. An important requirement of the NSIP process for a Development Consent Order is for the developer to publish and seek comments on a Preliminary Environmental Information Report (PEIR). This document should examine the likely environmental effects of the project and invite comments on it. The PEIR is not intended to be a complete assessment of those effects but should outline the main areas of likely effect and summarise what those effects might be, to the best of available knowledge at the time the PEIR is produced. It is intended to stimulate comment and clarification on which effects should be considered.

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- 3.11. The PEIR is just one of a suite of documents that has been submitted for comment as part of the formal public statutory consultation process. The other documents are a Draft Development Consent Order and its Explanatory Memorandum and a series of Plans. The Development Consent Order (DCO) is a statutory instrument that details the legal powers which LRCH is seeking consent. The draft of this document has been submitted for comment. It contains a list of all the works proposed and a series of draft 'Requirements' which set out various obligations if consent is granted. The 'requirements' are similar to a planning decision notice the Council would issue where it has determined a planning application.
- 3.12. The Plans submitted show: the land to be affected by the proposal and the land to be acquired through the DCO process; the areas of "works" which relate to the wording in the draft Development Consent Order; and parameter plans showing maximum heights of development.
- 3.13. The proposal is to create a leisure and entertainment attraction and the development proposed is categorised as Principal Development which requires a DCO (rather than planning permission) and the Associated Development to support the Principal Development.

The Principal Development is expected to include: -

- land remediation works; -
- the Leisure Core, comprising a range of events spaces, themed rides and attractions, entertainment venues including theatres and cinemas, developed in landscaped settings in two phases known as Gate One and Gate Two. The Gate areas will include visitor entrance plazas offering ticketing and ancillary retail, commercial, dining and entertainment facilities; -
- terrain remodelling, hard and soft landscape works, amenity water features and planting; -
- car parks with an overall volume of 10,750 spaces; -
- pedestrian and cycle access routes and infrastructure; -
- the A2 Highways Works comprising a signalised at-grade gyratory junction to replace two existing roundabouts at the A2(T) / B259 junction

The Associated Development is expected to include:

- four hotels providing family, upmarket, luxury and themed accommodation totalling up to 3,550 suites or 'keys'. One or more of these hotels might be located within the leisure core. One hotel will incorporate access to an enclosed water park; -
- a 'Conferention' Centre (i.e. a combined conference and convention centre) with a floor area of up to 11,000 sq m, capable of hosting a wide range of entertainment, sporting, exhibition and business events; -
- a linked building hosting a range of e-Sports, video and computer gaming events, with a total floorspace of up to 16,500 sq m; -

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- a 'Back of House' area accommodating many of the necessary supporting technical and logistical operations to enable the Entertainment Resort to function, including security command and crisis centre, maintenance facilities, costuming facilities, employee administration and welfare, medical facilities, offices and storage facilities, internal roads, landscaping and employee car parking;
- a people mover and transport interchanges;
- a Resort access road of up to four lanes (i. e. up to two lanes in each direction); ·
- local transport links; ·
- river transport infrastructure on both sides of the Thames, including floating jetty and ferry terminals and the repair of Bell Wharf; ·
- utility supply compounds, plant and service infrastructure including an energy centre; ·
- flood defence and drainage works; ·
- habitat creation and enhancement and public access; ·
- security and safety provisions; ·
- data centres to support the Resort's requirements.

Related Housing is also proposed, comprising up to 500 dwellings for Resort workers. The dwellings will typically have 4-6 bedrooms and shared kitchen and lounge facilities.

- 3.14. Despite the length of time since the last consultation much of the assessment work required has not been submitted within the PEIR and there is much detail on the proposals which is not provided. It is therefore difficult at this stage for the Council to provide detailed comments on the options or the impacts, as the assessment results are not available to enable proper consideration by the Council of the likely impacts and the mitigation needed. LRCH has not allowed sufficient time or resources to enable engagement with the Council and there has been no collaborative working to inform the design or develop mitigations. The response to the consultation therefore draws attention to the assessments that are missing, the paucity of information on the detail of the proposal and the potential risks that could result for the Council and the Borough.
- 3.15. Whilst the London Resort has the potential to bring significant benefits to the Borough through employment, skills development and a boost to the local economy, this is not a foregone conclusion. The right measures need to be in place to enable this. Mitigations also need to be in place to ensure that adverse impacts of the scheme can be addressed. It is hoped that fuller engagement will take place with the Council following this consultation so that the Borough and its residents can benefit from the proposal. .
- 3.16. The red line for the proposal has expanded since the initial consultation on the project and now includes an area in Thurrock at Tilbury to allow for use of part of the Docks for transport of construction materials initially and then visitors via Thames Clipper.

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- 3.17. The Council's full comments to LRCH are set out within the attached letter and responses at Appendix A, and the responses to draft Development Consent Order (Appendix B) and suggested s106 Heads of Terms at Appendix C.
- 3.18. LRCH has stated its intention to submit the application in December this year, although the Council's response and that of other consultees has urged for this to be delayed so as to enable more robust assessment of the scheme and fuller engagement to take place. When the application is submitted, the Council will be contacted by the Planning Inspectorate and asked about the adequacy of consultation. Once the application is accepted as valid by the Planning Inspectorate, the Council will have an opportunity to make representation to the examining panel and be required to produce a Local Impact Report which sets out clearly the impacts on the Borough arising from the development, having consideration of the completed Environmental Impact Assessment and other documents submitted with the application.
- 3.19. LRCH and its consultants still need to produce an extensive amount of information for the planning application submission. The final submission will need to include a comprehensive assessment of the proposal and mitigation of the impacts. The attached comments are intended to assist in this process.
- 3.20. Once the application is accepted the timescale and amount of work required by the Council is significant. This will include reviewing the full application submission, making representations, preparing a Local Impact Report, answering questions from the Inspectors in short timescales, appearing at the examination and producing expert evidence.
- 3.21. With a standard planning application, the application fee received by the Council would cover the Council's costs in determining the application. In the case of an NSIP, the Planning Inspectorate relies on the local planning authority to advise of the local impacts but there is no fee payable. It is accepted practice that the applicant covers the local planning authority's costs through a Planning Performance Agreement (PPA). Discussions on funding support to assist the Council in dealing with this large and complex application through the employment of consultants have been ongoing since February 2020 but LRCH has as yet failed to provide a written commitment to provide sufficient funding to enable the Council to appoint appropriate expertise to consider the details of the submission and engage more fully with LRCH to address the gaps and shortcomings. This will, in turn, provide a more informed picture of the potential impacts of the scheme and enable appropriate mitigations to be considered.

4. Relationship to the Corporate Plan

The London Resort is linked to the Strategic Aim of the Corporate Plan being to ensure that regeneration in Dartford is sustainable and of benefit to all of our communities.

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5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	There will be cost of consultants and legal advice, particularly during the Examination period. Re-imburement of costs is being sought from LRCH.
Legal Implications	None
Staffing Implications	Resource issue during consideration of proposal: likely to require external assistance If permission is granted significant workload for all sections of the Council.
Administrative Implications	None
Risk Assessment	Lack of detail with regard to the proposal and no certainty whether it will get permission or not. There is a risk LRCH will not adequately reimburse the Council for costs incurred in responding to the consultation and submission.

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Letter and comments sent to LRCH in response to consultation

Appendix B – Comments on Development Consent Order

Appendix C – Suggested s106 heads of terms

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
None		Sonia Bunn (01322) 343620	Regeneration Services, Strategic (External) Directorate	N/A