



The Rt Hon Michael Gove MP
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Dear Mr Gove

Nationally Significant Infrastructure Project (NSIP): London Resort

Save Swanscombe Peninsula (SSP) is a community group (1703 members) founded to protect Swanscombe Peninsula as a community asset due to its great environmental value. The Peninsula is a unique place for both wildlife and people; next to the River Thames in one of the most populated parts of the country, and yet recently designated a SSSI in recognition of its national importance for plants, geology, birds and invertebrates. Over 240 acres of the SSSI were threatened with destruction by the development of the London Resort theme park, and while their DCO application was withdrawn last year, we are writing to you with our concerns about the continuing adverse and unfair effects of London Resort's NSIP designation.

On 9th May 2014, the then Secretary of State for Communities & Local Government – The Rt Hon Lord Pickles – gave a Direction allowing the London Resort Company Holdings (LRCH) project known as “*London Paramount*” to be treated as a development of national significance (an NSIP) for which development consent is required under Section 35 of the Planning Act 2008. He was also satisfied that the proposal fell within a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act 2008 and Regulation 2 of The Infrastructure Planning (Business or Commercial Projects) Regulations 2013.

With this direction having been made almost nine years ago, it is reasonable to have expected that the project would – by now – have either secured a Development Consent Order (DCO) or have been formally aborted. Regrettably, no such outcome has been reached, and this is why we are writing.

Through this letter, we are asking you to withdraw the NSIP Direction given by your predecessor in 2014. The background and reasons for this are set out below.

1. Even though LRCH eventually submitted a DCO application in January 2021, it subsequently became apparent that it was not “*examination ready*” (as is required), and unprecedented delays of nearly a year were introduced to the DCO process, including four requests by LRCH to extend the start of the examination. It became apparent that the ExA had very limited powers to compel LRCH to expedite matters. In December 2021, following receipt of correspondence from Interested Parties (IPs) raising concerns about the uncertainty and delay which had arisen, the Examining Authority (ExA) took the highly unusual step of consulting the applicant and IPs about whether a continued delay in the commencement of the examination could be justified. Following two rounds of representations, the ExA decided to proceed with the Preliminary Meeting (signalling the start of the examination) on 29th March 2022.

2. The night before the Preliminary Meeting (after considerable preparatory work by many IPs, including ourselves), LRCH finally withdrew the application at the '11th hour'. Despite everything they simultaneously stated (in a press statement) that they were *"still 100% committed to this amazing project and we will resubmit before the end of 2022"*. Unsurprisingly, a resubmission did not take place by the end of 2022.
3. This has all taken place in the context of Natural England's decision (finalised in November 2021) to designate most of the proposed development area as a Site of Special Scientific Interest (SSSI). Whilst LRCH had sought to use this change to justify the need for more time in making revisions / additions to the application, it must be recognised that Natural England had (in November 2020, prior to the submission of the application) advised LRCH of its intention to consider most undeveloped areas of the Swanscombe Peninsula for potential notification as a SSSI. LRCH failed to take this into account when submitting the application. The SSSI should not have been a surprise and its designation is in our view a material change to the NSIP status.
4. Having regard for the SSSI, LRCH announced in December 2022 its intention to significantly scale back the development; no further details were provided.
5. Both (3) and (4) above give rise to the appropriateness of the 2014 Direction remaining in place. Firstly, it is logical to conclude that the site selection process which led to Swanscombe Peninsula being chosen as the preferred site (for which the NSIP status was then sought) would not have led to this outcome if the SSSI designation had been in place at the time – given the significant constraint this places on the potential to develop the site. Secondly, LRCH now recognises this, by confirming its intention to significantly scale back the development. In 2014 the Secretary of State considered that the "substantial physical size of the project is relevant to his decision that this project is of national significance". LRCH's recent announcement would suggest the scheme would be substantially different (i.e. on a much smaller scale) to what was proposed in 2014 to justify it being treated as a development of national significance. It is logical to conclude that a significant scaling back of the project means that it is no longer a development of national significance which justifies the 2014 Direction remaining in place (nor one which, because of the SSSI, would have been selected in the first place, and due to which circumstances have now materially changed).
6. The NSIP status is not an academic or inconsequential matter. You will be aware that the NSIP status confers potential compulsory purchase powers to an applicant through the DCO process. Over 100 existing businesses located on the Peninsula remain 'blighted' by the uncertainty arising from the potential for compulsory acquisition of their sites for nearly a decade. This is blighting their capacity and willingness to invest in jobs and technology; it fetters the sale of affected businesses and properties, and undermines effective planning for growth, investment, succession or retirement. All this is undermining the local economy in a key growth area in the Thames Estuary, close to the M25 and A2. It is wholly inequitable that the fate of over 100 established businesses should be put indefinitely on-hold, due to the threat of compulsory purchase by a single company which is currently, after nine years, still no more than concept. The uncertainty these businesses have faced over the past nine years must come to an end.
7. The Department for Transport's comments in their letter of 25th April 2022 (in relation to DCO costs) are relevant (our emphasis):

*"the Secretary of State considers that the Applicant has, in this case, behaved unreasonably. In its RR, the Secretary of State explained that it had not been consulted at all prior to submission of the Application and that it was unclear from the Applicant's Book of Reference what was proposed by the Applicant for the proposed acquisition of, and impact on, the Secretary of State's property interests. The Secretary of State requested urgent clarity on this matter. However no response was received to its request, nor any further correspondence at all over the next 12 months. **These are not the reasonable actions of a responsible authority seeking compulsory acquisition powers over land.**"*

8. During your earlier tenure as Secretary of State, your Department consulted on proposed improvements to the NSIP process, including how best to accelerate DCO applications. This was followed by a policy statement in August 2022 on improving the performance of the process. Today, you announced an NSIP Action Plan, including a commitment to make the NSIP process fairer to local communities. In line with what is set out in these government documents, it would appear that one of the most effective ways the Government could improve confidence in the NSIP process would be to avoid leaving a Direction in place which is no longer relevant nor has any realistic prospect of a DCO application coming forward which is even broadly in line with the aspirations which led to the original Direction.
9. Finally, it should be noted that the progression of Local Plans for both Dartford Borough Council (DBC) and Gravesham Borough Council (GBC) is hindered whilst this Direction remains in place. Neither of these Local Planning Authorities (LPAs) are able to undertake meaningful master-planning for those parts of

Peninsula (in their respective areas) which are still subject to this Direction, even though LRCH is now admitting its intention to scale back (thereby meaning that much of this land would not even be used for London Resort under such revised plans). It would be far better if any future plans for London Resort could instead be subject to determination by the LPAs, given that the reduced scale is appropriate to be considered through the normal planning process.

Related to (8) above, earlier this week we met with the Chair (Simon Dudley) and CEO (Ian Piper) of the Ebbsfleet Development Corporation (EDC) to share our own sustainable vision for the future of Swanscombe Peninsula (which aligns with Dartford Borough Council's emerging Local Plan). Whilst Simon and Ian were receptive to our proposals – and recognised how our vision would complement EDC's own plans for the local area – they are currently restricted in being able to support these plans whilst the NSIP remains in place.

For all the reasons we have set out above, it is abundantly clear that the NSIP Direction issued in 2014 is no longer relevant, fit-for-purpose or capable of leading to the type of development which it was originally intended for. The circumstances have fundamentally changed since 2021, coupled with the LRCH's own repeated failure to engage with the process in a meaningful manner. It is not in the public interest for London Resort to continue being treated as a business / commercial project under the NSIP regime.

We would therefore respectfully urge you to withdraw the 2014 Direction, thereby allowing DBC, GBC, EDC, IPs and others to work together, at a local level, to secure a sustainable, prosperous future for Swanscombe Peninsula.

We would be delighted to meet with you to discuss this if you consider it would be helpful, or indeed to give you a tour of the SSSI and show you the work of British Trust for Ornithology volunteers who are active on the Peninsula.

We are copying this note to Gareth Johnson MP whose support we have been very grateful, along with Simon and Ian from EDC who we recently met on the Peninsula and look forward to working further with.

Yours sincerely

Donna Zimmer, Laura Edie, Karen Lynch, Mark Warnett
Save Swanscombe Peninsula