



Rt Hon Michael Gove MP

Secretary of State Secretary of State for Levelling Up, Housing and Communities

27th July 2023

Dear Rt Hon Michael Gove MP,

RE: Revoke the NSIP direction for the London Resort on the Swanscombe Peninsula SSSI

We have been working together as a coalition of leading nature conservation organisations for the protection of the Swanscombe Peninsula Site of Special Scientific Interest (SSSI)¹, which is both a nationally important wildlife site and a well-used green space for locals and visitors. Unfortunately, this unique site continues to be under threat from the proposed London Resort theme park, that received direction to be considered as a Nationally Significant Infrastructure Project (NSIP) in 2014²³. The then Secretary of State's direction was for a business or commercial project under Section 35(2)(a)(i) of the Planning Act 2008 and Regulation 2 of The Infrastructure Planning (Business or Commercial Projects) Regulations 2013.

The NSIP application was finally accepted for examination on 28th January 2021⁴. However, the Swanscombe Peninsula SSSI was subsequently notified by Natural England on 11th March 2021 and ratified on 10th November 2021⁵. Over 2,000 species of insects and other invertebrates have been recorded at the Swanscombe Peninsula, including the Critically Endangered Distinguished Jumping Spider. It is also the richest site for breeding birds in the South East, living side-by-side with Otters, Water Voles and rare plants such as the Man Orchid. This is thanks to this special site's remarkable mosaic of grasslands, coastal habitats, scrub and intricate wetlands, that has developed from its complex history and its reclamation by nature.

The application was ultimately withdrawn on 29th March 2022 on the eve of the scheduled Preliminary Hearing⁶. This followed an unprecedented year-long preliminary period of the examination during which the applicant failed to meet deadlines set by the examination to provide requested materials, in stark contrast to the aims of the Planning Act 2008 to encourage streamlined, front-loaded and timely applications. Our experience of London Resort Company

¹ <https://www.buglife.org.uk/campaigns/save-swanscombe-marshes/save-swanscombe-marshes-the-journey-so-far/>

² <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/the-london-resort/?ipcsection=overview>

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000025-Direction%20Letter.pdf>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000805-LONR%20-%20Notification%20of%20Decision%20to%20Accept%20Application%20-%2028%20January%202021.pdf>

⁵ <https://www.gov.uk/government/news/swanscombe-peninsula-gets-national-recognition-as-an-sssi>

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-000805-LONR%20-%20Notification%20of%20Decision%20to%20Accept%20Application%20-%2028%20January%202021.pdf>

Holding's (LRCH) engagement with the Development Consent Order (DCO) process are summarised in two letters dated 10th January 2022 and 24th January 2022, in response to the examiner's letter of 21st December 2021 to registered Interested Parties on a further request for a time extension.

Following the withdrawal of the DCO application in March 2022, there has been a long period of inactivity, with an absence of communication and only occasional press statements indicating that a "scaled down" proposal is planned for the London Resort⁷. During this time, our coalition has worked with the local Save Swanscombe Peninsula SSSI community group to develop a Vision for the Swanscombe Peninsula, with wildlife and the local community at its core⁸. We have received considerable support for this Vision, however, with the NSIP direction still in place, it has proven difficult for key decision makers to be able to commit to action which would enable the Vision.

A year after the withdrawal of the application, on 22nd March 2023, your colleague Lee Rowley MP wrote to the chair of LRCH, to seek an update on the intentions of LRCH⁹. LRCH's response of 13th April 2023 contained only limited information and provided little confirmation that a revised submission is imminent, with the letter lacking key details and continuing to fall back on the purported challenges of the SSSI notification¹⁰.

It has now been over 9 years since the direction issued by the then Secretary of State during which time the understanding of the importance of the site has vastly improved, as has the Government's commitments to tackling the climate and biodiversity crises. Since the issuing of that direction, the biodiversity and community value of the Swanscombe Peninsula has been recognised, evidenced by its notification as a SSSI, the Save Swanscombe Peninsula SSSI group growing to over 1,700 members and a petition to defend the site gathering over 35,000 signatures¹¹. We firmly believe, given this wealth of new information and the scaling down of the scheme, that the decision made to consider the London Resort through the DCO process should be reviewed and the development's status as a NSIP revoked.

This assertion is echoed by the faltering confidence of local Members of Parliament that the plans will come to fruition, and they have dropped their initial support^{12,13,14}. It is now more essential than ever that the opportunity be taken to secure the future of this nationally important wildlife site. This site, which could make such an important contribution to the Government's 30 x 30 aspirations and is expected to be a key part of the developing Local Nature Recovery Strategy for Kent, simply cannot be protected or effort made to manage it for wildlife with the NSIP direction hanging over it^{14,15,16}.

⁷ <https://www.standard.co.uk/business/london-resort-py-gerbeau-steve-norris-b1049190.html>

⁸ <https://cdn.buglife.org.uk/2022/11/Swanscombe-Peninsula-SSSI-Vision-Document-FINAL-DIGITAL.pdf>

⁹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001535-230307%20-%20Ministerial%20Letter%20-%20London%20Resort.pdf>

¹⁰ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC080001/BC080001-001536-Letter%20from%20LRCH%20to%20Lee%20Rowley%20MP%20-%2013%20April%202023.pdf>

¹¹ <https://you.38degrees.org.uk/petitions/no-fun-for-nature-save-swanscombe-marshes>

¹² <https://www.thesun.co.uk/travel/22032954/disney-on-thames-theme-park-fiasco-kent/>

¹³ <https://www.bbc.co.uk/news/uk-england-kent-60766280>

¹⁴ <https://www.gov.uk/government/news/pm-commits-to-protect-30-of-uk-land-in-boost-for-biodiversity>

¹⁶ <https://www.gov.uk/government/publications/local-nature-recovery-strategies/local-nature-recovery-strategies>

As a coalition of leading nature conservation organisations, we are asking you to use the powers conferred on the Secretary of State under Section 233 of the Planning Act (2008) to revoke the direction issued to LRCH on 9th May 2014¹⁷. The legislation clearly states (highlighting is our own):

233 Directions

(1) A direction given under this Act must be in writing.

(2) A power conferred by this Act to give a direction includes power to vary or revoke the direction

There is a precedent for the revocation of a direction for another business or commercial project of national significance, for the International Advanced Manufacturing Park in Sunderland from 13th April 2022¹⁸. In this instance the 'Request for Revocation under Section 233' was made at the request of the applicant, with the direction stating that, *"The applicant requests the Secretary of State to revoke the Directions ('the Request for Revocation') to enable proposed business and commercial development within the IAMP AAP area, to instead be determined as planning applications under the Town and Country Planning Act 1990"*. However, there appears to be nothing in the legislation that specifies that the revocation must be at the request of the applicant.

The revocation of the direction would enable our coalition to begin meaningful efforts to enact our Vision for the Swanscombe Peninsula and safeguard the future of this nationally important wildlife site. The existing direction is an obstacle to key decision makers and potential land management partners from initiating discussions to secure the site's future, despite its clear importance. We urge you to use the powers of the Planning Act (2008) to revoke the NSIP direction of the London Resort and provide us with the opportunity and certainty to preserve the unique wildlife of the Swanscombe Peninsula SSSI for future generations.

Yours sincerely,

Beccy Speight, Chief Executive Officer, RSPB

Matt Shardlow, Chief Executive, Buglife

Joan Edwards OBE, Director Policy & Public Affairs, The Wildlife Trusts

Evan Bowen-Jones, Chief Executive, Kent Wildlife Trust

Hilary Newport, Director, CPRE Kent

¹⁷ <https://www.legislation.gov.uk/ukpga/2008/29/section/233>

¹⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/BC030001/BC030001-000202-220413%20IAMP%20Request%20for%20Revocation%20-%20Decision.pdf>