

Dear Mr Rivett

I am writing to correct a misrepresentation of my objection to the CIL Revised Draft Charging Schedule in the Main Issues and Questions

I am pleased to hear that you have been appointed as the Independent Examiner and I look forward to you fairly considering the Tower Hamlets planned Community Infrastructure Levy and the representations made on it.

As per your "Briefing Note from the Examiner" issued on 18th March 2014, I understand that representors are able to make further submissions supporting their position provided that they are "focussed on answering those specific questions, set out in the *Main Issues and Questions for the Examination* document, which are of relevance to the representations they have previously made".

I write in accordance with these rules. One of the issues listed in the Main Issues and Questions is as follows:

Hearing Session 2 – Strategic Sites, Residential Development Rates and Office Development Rates

10 Are the residential charging rates and zone boundaries informed by and consistent with the available evidence?
[including]

- Are Cubitt Town (E14 3) and the south of Pepper Street areas in the appropriate zones?

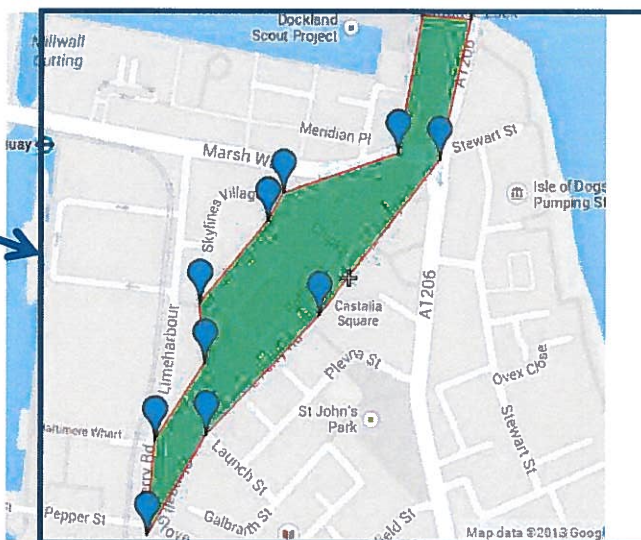
The first part of this sentence on Cubitt Town E14 3 attempts to reference my submissions on both the Draft Charging Schedule and the Revised Draft Charging Schedule. But it **misrepresents** my point and it is important to correct this.

My point was that Cubitt Town E14 3 **is already** indeed **mostly** in the appropriate zone, Charging Zone 3, but that a **large part of it** (some five hectares) has been left out of Charging Zone 3 and put in Charging Zone 1. This is shown on the map below:

All of Cubitt Town E14 3 (green)
(75 hectares excluding
Mudchute park & Millwall park)



Cubitt Town E14 3 currently included in Charge Zone 1 (green)
(5 hectares)



It is important to clarify this misrepresentation, hence why I have written to you. As per your instructions, I will not repeat all of my previous submissions in full, since as part of your due process I am sure you will read them in full anyway, but briefly put the submissions showed:

- That Cubitt Town (most of E14 3) did indeed fit in the area of the borough with lowest land values (Market Area 1 as defined in the Viability Study, Table 4.3.1, August 2013)
- That the area of Cubitt Town north west of East Ferry Road (included in Charge Zone 1) had property values indistinguishable from the rest of Cubitt Town (included in Charge Zone 3)
(the area wrongly included in Charge Zone 1 is shown in the right map above, the whole of Cubitt Town is shown in the left map)
(this was all based on clear evidence from property websites such as Rightmove, Zoopla, showing cost/sq ft of residential property).
- That therefore all of Cubitt Town E14 3 should be included in Charge Zone 3
- That the viability of development in the misclassified area is destroyed if it placed in Charge Zone 1, per the calculation below:

Item	Source	Amount
Maximum CIL indicated by appraisals for Cubitt Town E14 3 (£s per sqm)	Viability Study	80
Maximum CIL, net of Mayoral CIL (£s per sqm)	Viability Study	45
Proposed CIL for Cubitt Town E14 3 north west of East Ferry Road (including E14 3LL, £s per sqm)	Viability Study	200
Viability deficit for Cubitt Town E14 3 north west of East Ferry Road (including E14 3LL, £s per sqm)	My calculation	-155

- That at 5 hectares this is a material parcel of land that should not be ignored and condemned to non-development
- That it would be very easy to correct this error by moving the boundary between Charge Zone 1 and Charge Zone 3 such that ALL of Cubitt Town E14 3 was included in Charge Zone 3.

Conclusion

In conclusion, I note your comment in the Briefing Note from the Examiner which states that “The examination will focus on viability” and that you will “consider the viability of the schedule, having regard to the evidence available and representations submitted.” To my mind, this issue is a clear example of

- where the schedule is not viable – to a huge extent, with a deficit of £155 per square metre;
- where a mistake covers a material area – 5 hectares could represent a significant contribution to any requirements for new homebuilding; and
- a mistake which can be easily corrected.

As such I look forward to your careful consideration of the Final Charging Schedule in this regard

Kind Regards
James Ball

