

RE: [UNCLASSIFIED] Community Infrastructure Levy (CIL) Regulations - Regulation 73A - LBTH

Pat Parmar [Pat.Parmar@communities.gsi.gov.uk]

sent: 29 September 2014 10:40

to: Sylvonne Bailey (GCSX)

cc: Mark Lee [Mark.Lee@communities.gsi.gov.uk]; Steve Quartermain [Steve.Quartermain@communities.gsi.gov.uk]; Alison Fairhurst [Alison.Fairhurst@communities.gsi.gov.uk]; Tom Winter [Tom.Winter@communities.gsi.gov.uk]

attachments: Owen_Whalley.doc (104 KB)

Dear Sylvonne

A hard copy of the attached was sent out on 16 September – But if you have not received it yet – Please find attached an electronic version

Many Thanks

AT PARMAR

PA To Jane Everton (Deputy Director)

Planning – Development Plans

PA To Mark Lee (Deputy Director)

Planning – Economy & Society

Department Of Communities & Local Government

3rd Floor – South East

2 Marsham Street

LONDON

W1P 4DF

0303 44 41854

From: Sylvonne Bailey (GCSX) [mailto:Sylvonne.Bailey@towerhamlets.gcsx.gov.uk]

Sent: 29 September 2014 10:11

To: Steve Quartermain

Cc: Tom Winter; Allison Fairhurst; Aman Dalvi (GCSX)

Subject: [UNCLASSIFIED] Community Infrastructure Levy (CIL) Regulations - Regulation 73A - LBTH

Importance: High

THIS LETTER IS SENT ON BEHALF OF OWEN WHALLEY - LBTH

Dear Steve Quartermain,

Please find attached a copy of the above mentioned letter for your information.

Could you please confirm receipt of this email to Joseph Ward, CIL Viability & Property Officer, on telephone number 0207-364-2343

Kind regards.

Sylvonne

Sylvonne Bailey (Monday to Thursday)

PA support for Andy Scott (Economic Development)

Development & Renewal

London Borough of Tower Hamlets

Tel: 0207 364 4434

Email: sylvonne.bailey@towerhamlets.gov.uk

Website: <http://www.towerhamlets.gov.uk>

London Borough of TowerHamlets, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec (CCTM Certificate Number 2009/09/0052) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec (CCTM Certificate Number 2009/09/0052) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

.....
This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you should not disseminate, distribute or copy this e-mail. Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Government.
The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other operational purposes.
Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for operational purposes.
.....

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec (CCTM Certificate Number 2009/09/0052) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec (CCTM Certificate Number 2009/09/0052) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes



Department for
Communities and
Local Government

Mark Lee
Planning Directorate
Head of Planning Economy & Social Policy

**Department for Communities and Local
Government**
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 1533

Mark.lee@communities.gsi.gov.uk

10 September 2014

Owen Whalley
Head of Planning and Building Control
Tower Hamlets Town Hall
2nd Floor Mulberry Place
5 Clove Crescent
London E14 2BG

Dear Owen

Thank you for your letter of 4 September to Steve Quartermain. I hope you will appreciate that the Department cannot give legal advice or interpret the law. Given the Government's role in setting national policy and drafting the associated regulatory framework, it would be inappropriate for DCLG to appear at a CIL hearing to offer support for one particular party's position.

As Tom Winter's email to Joseph Ward noted, the levy was conceived as a way of providing infrastructure to support the development of the area – not for making individual applications acceptable in planning terms. The introduction of the levy was intended to drive the scaling back of section 106 agreements so that they are focussed on making individual developments acceptable – something the statutory tests and the restrictions on pooling seek to achieve – and to replace tariff-based section 106 schemes. The industry has pressed us for greater clarity on what can be sought through section 106 and what should be funded through the levy and the wording of the regulations is intended to reflect that.

While we want to help give developers certainty around the delivery of infrastructure we also want to avoid any attempt to reduce the total contribution to infrastructure through the levy and section 106 contributions. It would not be right for a developer to reduce their liability by offering to provide, for instance, a school which local policies clearly anticipated being delivered through section 106. The regulation 123 list (or any list provided by the Council indicating projects they would be willing to consider as payment in kind) should provide a clear indication of infrastructure projects that are intended to support the development of the area, which are not therefore necessary to make individual developments acceptable, and which may be suitable for payments in kind. The test in the regulations is intended to ensure that this approach is clear and that local authorities cannot be pressured into adding items to any payment in kind list which are inappropriate.

Yours sincerely,

MARK LEE
Deputy Director
DCLG - Planning Economic and Social Policy

cc Steve Quartermain