

Isle of Dogs Neighbourhood Planning Forum's response to John Parmiter's email of 11th May 2018

Dear John.

Thank you for raising issues and letting us know your thoughts so quickly on 11th May.

The following is a response to your email of the 11th by the Isle of Dogs Neighbourhood Planning Forum ("the Forum") for your formal consideration in relation to the Isle of Dogs Neighbourhood Plan ("the Plan").

- 1) We think it's important to clarify what evidence the Forum used to support the infrastructure policies and why
 - a. What you were handed at the hearing by a local Councillor was just the executive summary of the detailed draft DIFS which was presented at a meeting of Councillors specifically to brief them about the DIFS and the OAPF in June last year. That executive summary (in the form of presentation slides) was all that LBTH Councillors were emailed following that meeting. But the detailed DIFS background – the final November 2017¹ update of which has now been published – was discussed at that meeting which included representatives from Peter Brett Associates who had drafted the report. So the Plan's drafters *were* aware of the detail behind the executive summary which Councillors were allowed to keep, and which correctly reflected the detailed June reports which Council offices can also provide to you. Indeed, the Council officers who made submissions at your hearing have confirmed they thought that Councillors had also kept the detailed draft DIFS reports from that meeting, and not just the executive summary.
 - b. The draft Neighbourhood Plan refers to the DIFS: not the executive summary slides.
 - i. It's a defined term: "**5. Development Infrastructure Funding Study or DIFS – GLA-commissioned study in 2017 on the Infrastructure requirements for the OAPF area as part of the OAPF**".
 - ii. In Section 3 of the Plan ("The problems we are trying to solve") on p16, it spells out the situation regarding the DIFS, with an explicit reference to more detail expected to be published in due course; and the link to the relevant page of the GLA's website describes the then status of the DIFS, with a good deal of background information: "**The GLA are currently undertaking a Development Infrastructure Funding Study (DIFS) due to complete and be available by summer 2017. The contract was to model the Infrastructure requirements of an additional 56,500 homes and 110,000 workers (although we understand that the DIFS is now looking at a range of different options and at a maximum number below the 56,500 advertised). More detailed numbers are expected to be published in due course..** <https://www.london.gov.uk/decisions/dd2006-isle-dogs-area-planning-framework>".
 - iii. In Section 4 of the Plan ("Relationship to other plans") on page 32, it says in clear terms that members of the Forum committee have "been given access" to the draft DIFS (no mention of just an executive summary), including the link to the GLA's OAPF webpage on which the DIFS has now been published: "**Summary as at October 2017. The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) aims to co-ordinate existing development**

¹ The newly published DIFS is dated November 2017 on every page, is copyrighted November 2017, and was expressly signed off as final that month.

pressure on the island whilst optimising housing and employment growth and securing the delivery of social and physical Infrastructure. Drafts of the report have been seen by members of the Committee who have also been given access to a draft Development Infrastructure Funding (DIFS), but neither of these was in the public domain when this Neighbourhood Plan was completed. Completion has been delayed several times with public consultation now due shortly. It is likely to be finalised in late 2018. Location of documents: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/opportunity-areas/opportunity-areas/isle-dogs-and-south>.” We now know from the published version of the DIFS that it was in fact completed in November 2017.

- iv. The justification for policy D1 on page 46 of the Plan says this: *“The GLA’s Development Infrastructure Funding Study (DIFS) document makes clear the scale of Infrastructure required. The full DIFS will be added as an appendix when publicly available as it will greatly strengthen the evidence base behind this policy. The following table compares the DIFS infrastructure information (available at the time of submission) to infrastructure with planning permission, to the Local Plan site allocation requirements (based on Reg 19 consultation). This lists new infrastructure required for three different DIFS growth options – High, Medium, Low i.e. low growth requires 10 new primary schools.”* Since the DIFS was in fact completed in November 2017 and had the GLA published it then in accordance with its previous assurances, it would have been public information at the time of the Reg. 16 consultation on the Plan.
- c. The DIFS is therefore part of the Plan’s evidence base. The Plan, and critically the justification for policy D1, deliberately and clearly references the full DIFS as part of its evidence base, and notes that it will be included when publicly available, while only quoting specifics from the executive summary that Councillors were permitted to keep after their June 2017 briefing.
- d. The June 2017 version of the DIFS had a full set of backup documents similar to those in the now released November 2017 version. Those documents were undoubtedly available to LBTH, TfL and the GLA as well as the members of the OAPF Strategic Board including landowners like One Housing Group (who helped pay for the DIFS), Canary Wharf Group (who also helped pay for the DIFS) and The Canal & River Trust.
- e. LBTH published its draft Local Plan and supporting documents in November 2016 for its Regulation 18 consultation, and included in its evidence base what was then known as its Infrastructure Delivery Framework (later its October 2017 Infrastructure Delivery Plan). This provided substantial further evidence regarding expected infrastructure requirements on which the Forum relied in writing its Plan. For example:
 - i. The following paragraph at the top of page 13 of the Plan quotes numbers taken from the 2016 draft LBTH Local Plan and its supporting evidence: *“2015 data is from the ONS by 2014 ward boundaries and the growth numbers are from the draft LBTH 2016 Local Plan calculated by LBTH in 2016 and will be more up to date than the GLA forecast.”*
 - ii. On page 33 of the Plan are some more numbers together with a screenshot of the GP requirements taken from the 2016 draft Local Plan and its supporting evidence base: *“The following table from the Draft Local Plan shows the deficit of GPs across Tower Hamlets over the next 15 years. It states there will be a deficit of 33.76 GPs by 2031. As a reminder, 60% of future growth will be in the south east of the Borough.”*

- iii. On page 35 of the Plan is a link to the full draft Local Plan.
 - f. In the published consolidated Appendix to the Forum's Consultation Statement (from page 5, at the beginning of Appendix 3 "*Forum development database tracking known developments*"), the Forum presented its own analysis of infrastructure requirements in the area based on housing and population growth, under the title "Isle of Dogs Neighbourhood Planning Forum - development statistics as at 19th June 2017".
 - g. The Forum therefore believed, and continues to believe, that the information to which it had access was sufficiently robust and proportionate as an appropriate basis from which to prepare Plan policies.
- 2) The key point is that the public were not misled in any of the previous engagement exercises or consultations
- a. The full DIFS study referred to in the Neighbourhood and Local Plan policies was not publicly available until last week, despite having been completed in November 2017, and despite assurances from the GLA that it would be published once complete. However a great deal of related information was made available to the public:
 - i. The information on the GLA website itself about the OAPF and the DIFS;
 - ii. In particular the leaflet (which was also distributed at the Ask the Mayor events) was on the website (see attached) and describes what a DIFS covers;
 - iii. Presentations made and questions answered at three public events in 2017 by GLA staff: two Ask the Mayor events and the Forum's AGM (see details below);
 - iv. Information made available on the Forum's social media about the OAPF.
 - b. This wider set of evidence and discussion demonstrates how and why the Forum believed that the evidence was sufficiently robust and proportionate and an appropriate basis from which to prepare its Plan. It was consistent with the LBTH Infrastructure Delivery Plan, the predecessor of which was published as part of the evidence supporting the LBTH draft Local Plan in November 2016, and then in final form in October 2017.
 - c. The 'Gunning' principles provide that (i) consultation should occur when proposals are at a formative stage [the Plan is still at a formative stage]; (ii) consultations should give sufficient reasons for any proposal to permit intelligent consideration; and (iii) consultations should allow adequate time for consideration and responses. The initial consultations met these tests, and no one was misled in the consultations that have already taken place.
 - d. According to the GLA's website document procuring the DIFS (attached), many of the organisations who were consulted on the Plan were actively involved in the OAPF process (including the DIFS) by having representatives on the OAPF Strategic Board: ***"1.2 The OAPF team is managed and directed by the GLA, and reports to the Strategic Board, comprising Mayor John Biggs and other representatives from Tower Hamlets Council, TfL and GLA, in addition to representatives from the major landowners, including One Housing, Canary Wharf Group, Canals and River Trust and Poplar Harca."***
 - e. The GLA, TfL, LBTH, One Housing Group, Canary Wharf Group and The Canal & River Trust all submitted responses to the Plan consultations. Not one of these organisations questioned the need for new infrastructure as indicated in the Plan, and they must all have had access to the DIFS information as members of the Strategic Board.

- f. In addition other landowners, organisations and developers active on the Isle of Dogs were consulted by the GLA on the OAPF and the DIFS. While they may not have had a full copy of the DIFS, they were undoubtedly aware of the OAPF and the DIFS, their objectives and a broad idea of their contents, not least as the GLA made public presentations about them.
- g. No one was prejudiced by the approach the Forum has taken, nor will be prejudiced by the proposed approach below.

3) The next key point is that the published (November 2017) DIFS document is not materially different to the previous (June 2017) document.

- a. The content of the Plan is consistent with both the June version and the newly published November version of the DIFS. Those two versions of the DIFS are consistent in all material respects with each other, with the exception of some reduced calculations of the likely cost (though not the overall scale) of the expected transport and social infrastructure requirements in the higher growth options. But those reduced cost calculations do not affect the Plan's conclusions regarding the likely scale of the infrastructure requirements, nor the justifications for the Plan policies which would not change as a result. The updated version of the DIFS simply enhances an evidence base that was not previously available. This is normal in planning – new information appears all the time, filling in the background.
- b. The published version of the DIFS dated November 2017, says in para 1.6: ***"Date of research. The bulk of our primary research was carried out in Q1 2017. This report reflects the position at that point in time. As often is the case with projects of this scale, views on the requirements, costs and funding of infrastructure needed for development are likely to be modified as more information becomes available."*** The November version of the DIFS published on 9th May 2018 therefore expressly reflects the same information presented to LBTH Councillors in June 2017 and referred to repeatedly in public by the GLA and others.
- c. It is clear that the now published DIFS is indeed "substantially the same as the material available to the drafters of the Plan".
- d. Although there are some minor differences between the June version of the DIFS and the published November version, they are fundamentally the same document, with nothing needing to change in the summary information on page 46 of the Plan, except for the immaterial removal of the "LBTH Archives" row as that was not in the published November version of the DIFS.
- e. And, importantly, **there is in our view (subject to any consultation response alleging otherwise) nothing in the published November version of the DIFS that would require or justify any change to the Plan policies.** So if the Forum were put in the position that it had to re-submit its Plan, it would be the same Plan with the same URL link to the same web page on which are now the published DIFS documents².

4) General observations

- a. Not quoting material which Councillors were not permitted to retain from the June 2017 meeting was simply respecting the confidentiality which the GLA had asked for at that

² Albeit a re-submitted Plan would include the detailed drafting changes and corrections already agreed with LBTH on which the DIFS has no bearing, and which you have been invited to recommend.

meeting. We acknowledge that you were given a different impression at the hearing, which is partly why we wanted to make these representations clarifying the position.

- b. The Forum did not initially ask to have the full documentation having already received a useful summary, briefing on its contents, and access to other information about the OAPF and DIFS, and had every expectation that the full DIFS would have been released some time ago:
 - i. In February 2017 the GLA website said: *"We are aiming to publish the draft OAPF and draft DIF Study Spring / Summer 2017"*;
 - ii. In June 2017, as per emails from the GLA, the DIFS was due to be finalised in July and the full OAPF published on the 31st July 2017;
 - iii. In September 2017 Councillors were told they would get a final briefing on the OAPF and the DIFS soon;
 - iv. In October 2017 the Forum was told by the GLA that the OAPF and the DIFS would be published in November 2017;
 - v. In November 2017 the Forum was told by a member of the Strategic Board of the OAPF that it was expected to be published on 1st December 2017, together with the rest of the draft London Plan of which the OAPF is a part;
 - vi. In January 2018, after it had not been published with the draft London Plan, attempts were made by the Forum to engage with the GLA on a solution to this, which went unanswered.
- c. An FOI request was submitted to the GLA in March 2018 to release the DIFS.
 - i. Although the DIFS was (as is now publicly known) a complete and final document in November 2017, the FOI request was rejected expressly on the basis that the DIFS had "not yet been completed / finalised" (see attached). This is contradicted on the face of the DIFS document itself which says it was "final" in November 2017.
 - ii. The fact that the DIFS had been finalised in November 2017 was kept secret from the Forum and LBTH Councillors despite being repeatedly requested. The members of the OAPF Strategic Board must surely have known it had been completed for several months as it underpinned their work as the OAPF Strategic Board.
 - iii. It is surprising that LBTH allowed the Regulation 16 consultation on the Plan to proceed in February this year, without the benefit of the still unpublished but completed DIFS.
 - iv. Only the OAPF Strategic Board or the GLA can explain why the public release of the final version of the DIFS was withheld until after the consultations on the Plan, despite the repeated requests by the Forum and its members, and only produced on the eve of your public hearing. But, in any event, its delayed publication should not be allowed to frustrate the Plan.
- d. The only party that would be prejudiced as a result of the GLA refusing to release the DIFS until the evening before your hearing, were you not to proceed as you previously suggested, would be the Forum and the Isle of Dogs community that it represents. That would be seriously inequitable. It would be inequitable in the extreme if the fact that its publication was delayed, despite repeated assurances and FOI requests, were allowed to prejudice the Plan itself.

- e. Moreover, it would send a signal to all bodies with strategic plan making functions that, simply by holding on to important studies, delaying publication and releasing only partial information from them, they can effectively delay and frustrate the neighbourhood plan process.

5) We therefore propose this as a way forward

- a. You ask us and LBTH to publish your reasons for the temporary suspension of the examination.
- b. You formally suspend examination.
- c. LBTH carries out without delay a 4-week DIFS-specific consultation on the Plan, on the basis that a period of consultation on the DIFS would be appropriate. (Note: the stakeholders most likely to have a view on this have already been fully involved in the DIFS.)
- d. Any submissions received during this further consultation will be passed to you for your consideration, and you then restart your examination of the Plan.

Isle of Dogs Neighbourhood Planning Forum, 18th May 2018

APPENDIX

Record of interactions between the Forum, the public, and the OAPF/DIFS process

It might be helpful to outline the involvement of the Forum and the public with the OAPF/DIFS process going back to 2014.

- 30th July 2014 – Cllr Andrew Wood meets with the TfL team working on the Isle of Dogs transport issues/plan at St James Park.
- 25th June 2015 – Richard Horwood and Cllr Andrew Wood meet the GLA, LBTH and TfL teams working on the OAPF at City Hall.
- 22nd July 2015 – Richard Horwood and Cllr Andrew Wood meet GLA and LBTH at the LBTH Town Hall, Mulberry Place – first mention of the DIFS.
- 27th July 2015 – Forum emailed a presentation, first draft of OAPF thoughts/contents.
- 22nd October 2015 – GLA launch their ‘City in the East’ document, 30,000 new homes and 110,000 new jobs expected on the Isle of Dogs.
- 17th December 2015 – Richard Horwood and Cllr Andrew Wood meet the GLA and TfL teams working on the OAPF and the Isle of Dogs transport plan. Allowed to take away a copy of the draft transport plan which is published on the Forum’s website, but later removed at the request of TfL.
- 31st May 2016 – Decision to procure a DIFS consultant published by the GLA. The published notice contains a great deal of information on the DIFS, including for example the indicative housing numbers that are quoted on page 46 of the Plan, and is worth reviewing:
<https://www.london.gov.uk/decisions/dd2006-isle-dogs-area-planning-framework>
- Change of personnel at the GLA and LBTH involved in the OAPF then causes a delay in the process.
- 31st January 2017 – The Forum provide the new GLA staff working on the OAPF a walking tour of the Isle of Dogs.
- 31st January 2017 – LBTH holds a discussion with Councillors on the OAPF/DIFS.
- Early February – The GLA share with the Forum and LBTH a draft public leaflet, which is then amended based on comments received from the Forum and LBTH. The drafts and final version of the public leaflet provide a clear indication of the contents of the OAPF.
- 8th February 2017 – The leaflet is made publicly available on the GLA website and distributed at the LBTH ‘Ask the Mayor’ event that evening, introducing more detail on the OAPF/DIFS
https://www.london.gov.uk/sites/default/files/170206_isle_of_dogs_oapf_consultation_low_res.pdf
- 8th February 2017 – Ask the Mayor public event with Mayor John Biggs, LBTH, GLA and TfL staff present – Jack Dash House – Colin Wilson talks on behalf of the GLA about the OAPF – presentation made. The Forum also makes a presentation on the Plan, specifically invited to

do so by LBTH and the GLA to help clarify the interrelationship of the various plans. 150 members of the public attend, with about 50 unable to get in.

- 7th March 2017 – Second Ask the Mayor public event at George Green school. The first event was so full that a repeat had to be organised. Some 200 people attend.
- 23rd February 2017 – Forum meeting with GLA and TfL staff to discuss the OAPF at Canary Wharf Ideas Store, includes members of the 4 Estates Forum.
- 3rd April 2017 – OAPF briefing to Councillors by the GLA and TfL, including about the DIFS, at Mulberry Place.
- 15th June 2017 – Presentation of full DIFS to LBTH Councillors by LBTH, Peter Brett and the GLA at Mulberry Place. Not formally given any documents to take away. The meeting agenda was as follows:
 - Brief update on the emerging OAPF
 - Update on infrastructure approach/DIF study
 - 3 development scenarios (low/medium/high and which numbers to report)
 - Development Trajectory including trigger points for infrastructure requirements timeline for each scenario
 - Approach to Aspen Way decking (options and impacts on scenarios)
 - Consultation & timescales for publication
- 21st June 2017 – email from the GLA with executive summary Powerpoint version of DIFS attached, and a public consultation strategy for review and comment. It is this executive summary version that you have seen and which is directly quoted in the Plan, although the Plan references the full DIFS.
- Between June and September 2017 (date not recorded) – Another Council meeting with the GLA, LBTH, and TfL present at Mulberry Place. Councillors were shown a draft of the OAPF but are not allowed to take anything away.
- 6th September 2017 – The GLA promise a review of the OAPF documents including final DIFS numbers by Council officers in the next few weeks, but this does not happen.
- 30th October 2017 – Presentation from GLA officers at the Forum’s AGM at George Green school to a large public audience. The GLA announced that the OAPF would be released in a few weeks’ time.
- 30th January 2018 – Forum email to the GLA copied to LBTH requesting agreement on how to ensure the DIFS could be made available to the public/examiner, to which no reply was received.
- 7th March 2018 – FOI request to the GLA to release the DIFS, answered on the 6th April (the last possible day under FOI rules) that the **“The GLA does not hold a full copy of the study because this has not yet been completed / finalised.”** We now know from the published November version of the DIFS that this was incorrect, as it is expressly stated to be “final”.

- 24th April 2018 – In an email reply to emails from the Forum of 19th and 23rd April expressly asking for the June 2017 draft of the DIFS to be released, the GLA reiterate that the DIFS is still incomplete by conflating it with the draft OAPF (which had not been asked for). We now know this was incorrect, as the DIFS had been finalised in November 2017.

In addition the Forum has had meetings / discussions with employees of Poplar Harca and Canary Wharf Group, who were members of the OAPF Strategic Board where a great deal of useful information was learnt. That the maximum forecast was 49,000 homes was revealed by another party who had more detailed access to the DIFS process. And numerous other conversations with LBTH officers ensured that Cllr Wood in particular had a great deal of information about the OAPF, the DIFS and its contents, enough to be sure that the executive summary of the June version of the DIFS was based on robust and proportionate evidence: just not the fact that it had been completed in November 2017.

Please see attached:

- Draft GLA leaflet on OAPF (includes detail on the DIFS and its contents)
- Final GLA leaflet on OAPF (includes detail on the DIFS and its contents)
- 31st May 2016 – Decision to procure a DIFS consultant published by the GLA – decision sheet
- GLA response to FOI request