

Ellie Kuper Thomas

From: Richard Horwood [REDACTED]
Sent: 18 May 2018 16:58
To: [REDACTED]
Cc: Ellie Kuper Thomas; Neighbourhood Planning
Subject: Isle of Dogs Neighbourhood Plan Examination
Attachments: 170131_Isle of Dogs OAPF consultation_final proof.pdf; dd2006_isle_of_dogs_difs_signed_pdf.pdf; 170206_isle_of_dogs_oapf_consultation_low_res.pdf; MGLA070318-5916 foi.pdf; 2018-05-18 - Forum response to John Parmiter.pdf

Dear John

As the Forum's response to your request for our views on your 11th May email is inevitably quite detailed to help you appreciate what we knew, and when and how we knew it, we thought it preferable to put that in the attached documents rather than in the body of this email exchange. Please confirm receipt.

Having said that, I think it would be helpful to address here Ellie's specific comments about the infrastructure funding gap differences between the June and November versions of the DIFS.

Our draft Plan says of the June DIFS: "***The draft document shows a clear and substantial (in the hundreds millions of pounds) funding gap between any likely projection of Infrastructure requirements and the funding required to provide them.***" That remains the case. The actual differences between the two versions of the DIFS are as follows (for the 35% affordable housing tables):

Version of DIFS	Found where	Funding Gap by Category (£'000)	Funding Gap by Category (£'000)	Funding Gap by Category (£'000)
June		Low	Medium	High
	Page 17	(£212,759)	£244,745)	(£262,216)
November		Low	High	Maximum
	Table 7.5, page 53	(£196,820)	(£183,511)	(£162,298)
Difference		(£15,939)	(£61,234)	(£99,918)

The difference between the assumed cost of the 'Low' options is just under £16 million which is not a significant change given the overall funding requirement. And while there is a larger difference in the assumed cost for the High or Maximum options, this still leaves a very large infrastructure funding *requirement* (over £1 billion – see the tables below) regardless of where the funding might come from, and no overall reduction in the *scale* of the required infrastructure, as well as "***a clear and substantial (in the hundreds millions of pounds) funding gap***" as stated in our draft Plan. Those are the key points the draft Plan is making, and would be the same if the Plan had to be re-submitted now. No one has been misled.

Moreover, the funding gaps for the 40% affordable housing scenarios are larger. For ease of reference, the tables 7.4 and 7.5 Ellie mentions are reproduced here:

Table 7.4 Estimated headline costs and funding, showing residual funding gap (assuming CIL receipts at 35% affordable housing) (£000s) (low, high and maximum growth scenarios)

35% affordable		Low	High	Maximum
Total infrastructure cost		£1,008,234	£1,121,895	£1,205,738
comprised of	Social infrastructure	£379,877	£461,837	£494,480
	Transport	£574,260	£605,960	£656,760
	Utilities	£54,098	£54,098	£54,498
Total identified infrastructure funding		£811,415	£938,384	£1,043,440
comprised of	Mainstream funding assumed	£553,964	£596,294	£613,965
	S106 contributions from permitted developments	£86,244	£86,244	£86,244
	LBTH CIL from permitted developments	£77,002	£77,002	£77,002
	LBTH CIL from potential growth	£94,205	£178,845	£266,230
Funding gap (-)/surplus		-£196,820	-£183,511	-£162,298

Source: PBA

Table 7.5 Estimated headline costs and funding, showing residual funding gap (assuming CIL receipts at 40% affordable housing) (£000s) (high growth and maximum growth scenarios)

40% affordable		High	Maximum
Total infrastructure cost		£1,121,895	£1,205,738
comprised of	Social infrastructure	£461,837	£494,480
	Transport	£605,960	£656,760
	Utilities	£54,098	£54,498
Total identified infrastructure funding		£924,627	£1,022,961
comprised of	Mainstream funding assumed	£596,294	£613,965
	S106 contributions from permitted developments	£86,244	£86,244
	LBTH CIL from permitted developments	£77,002	£77,002
	LBTH CIL from potential growth	£165,087	£245,750
Funding gap (-)/surplus		-£197,268	-£182,777

Source: PBA

To be clear, the following key table from page 46 of our draft Plan setting out the infrastructure requirements would not change at all (except for the immaterial deletion of the 'LBTH Archives' row):

Infrastructure	DIFS Options			With Planning Permission Oct 2017	Local Plan 2031 Site Allocations: Reg 19 >
	Low growth DIFS	Medium growth DIFS	High growth DIFS		
Primary school	10	12	14	4 *	8
Secondary school	5	6	6	1 Westferry Printworks	2
NHS GP Surgery	4	5	6	1 at Wood Wharf	5
Sports Halls	3	4	5	None	0
Open Space	Yes	Yes	Yes	Some	Yes
Community Hub	1 or 2	1 or 2	1 or 2	1 Idea store at Wood Wharf	2 (1 hub, 1 Idea)
LBTH Archives	Part	Part	Part	None	0
Police Station	1	1	1	None	0
Fire Station	1	1	1	None	0
Ambulance Stn	Part	Part	Part	None	0

Thank you for your careful consideration of all this. I appreciate that the failure to publish the November 2017 version of the DIFS before the Council's Regulation 16 consultation on our Plan in February 2018 does present a complication for your examination. But now that you have a clearer picture, I hope you will feel able to pursue your original proposed approach.

Best wishes

Richard

Richard Horwood
Chair, Isle of Dogs Neighbourhood Planning Forum

From: john parmiter [<mailto:john@johnparmiter.com>]
Sent: 18 May 2018 13:25
To: Ellie Kuper Thomas <Ellie.KuperThomas@towerhamlets.gov.uk>
Cc: Richard Horwood <richard@horwood.org>
Subject: Re: Isle of Dogs Neighbourhood Plan Examination

Dear Ellie

Thank you for your response. I await hearing from the Forum later today.

Regards

John

John Parmiter FRICS FRSA MRTPI
Examiner

Director
John Parmiter Ltd

Sent from my iPhone

On 18 May 2018, at 13:12, Ellie Kuper Thomas <Ellie.KuperThomas@towerhamlets.gov.uk> wrote:

Dear John,

Many thanks for your email which we have now had the opportunity to consider in full.

For clarity, in this email I will refer to the Development Infrastructure Funding Study Draft Report Update Presentation (presented in June 2017), as the presentation, and the Development Infrastructure Funding Study (published in May 2018), as the DIFS.

As you know, we were only made aware at the hearing, by the Forum, that the only version of the DIFS they had access to was the presentation.

We have carefully considered your analysis of the role of the presentation (i.e. as the evidence base supporting the neighbourhood plan policies) and the resulting requirement for the presentation to fully reflect the DIFS.

It is our view that the DIFS contains significantly more information than the presentation. In particular the:

1. assumptions underlying the infrastructure modelling;

2. funding availability; and
3. delivery recommendations.

We accept that a substantial amount of information in the presentation is also present in the DIFS. However, the significant level of detail regarding the proposed infrastructure projects is not addressed in the presentation. Further, in respect of the infrastructure funding gap (slides 17 and 18 in the presentation and tables 7.4 and 7.5 in the DIFS) the information has significantly changed between the presentation and the DIFS.

Accordingly, we agree with your assessment that the presentation cannot be considered sufficiently robust or proportionate evidence to underpin the relevant policies in the submitted plan. We therefore also conclude that this leaves the Forum with the two options you have outlined in your email below.

We understand that the Forum has an alternative conclusion and intend to present further information for your consideration. As we stated at the hearing and as you note in your email, the Council will be able to provide the resources and logistics and support to the Forum with regards to any decision made.

We look forward to hearing from you.

Thanks,
Ellie

From: john parmiter [REDACTED]
Sent: 11 May 2018 12:22
To: Ellie Kuper Thomas; Richard Horwood
Subject: Isle of Dogs Neighbourhood Plan Examination

Dear Ellie and Richard

Thank you both for your helpful participation at the public hearing yesterday.

We spent some time discussing the issue of how to deal with the Development Infrastructure Funding Study (DIFS), given that it substantially underpins the infrastructure evidence in the plan. I have now had time to look at both the documents that you handed to me at the close of the hearing: the 2017 Powerpoint slides (which was a confidential presentation at the time) and the Final Draft DIFS Report (dated November 2017) only now published by the GLA as a supporting document to the Isle of Dogs and South Poplar OAPF, which is to be the subject of public consultation shortly. I mentioned at the time of being handed these documents that I noted they were prepared by PBA and that I was partner in the firm until four years ago; I explained that I have never had any involvement in any work that firm has carried out in the plan area. I declare this for the record.

As I have reached some provisional conclusions on the matter I am writing to let you know where I have got to and to request both your views on those and the possible next steps. And in doing so I am very conscious of the impact of the available options on the resources of the parties and the wish to proceed promptly to a conclusion of the examination.

The fundamental difficulty facing this examination is that a central theme of the plan - the provision of appropriate infrastructure to support the growth that is taking place through development - is not supported, in my view and that of many of the representations, by evidence that was publicly available at the time the plan was prepared, nor formed part of the public consultation on the plan. The principle evidence cited in the plan is the DIFS.

The Forum suggested that I could pursue one (or possibly both) of two courses of action to remedy this deficiency:

1. Adopting an approach described as a Correction of Errors; or
2. Using the Infrastructure Delivery Plan (IDP) - part of the evidence base for the Local Plan and which was the subject of public consultation, albeit after the neighbourhood plan was submitted for examination - as a proxy evidence base.

I have rejected both of these approaches; correcting this deficiency goes far beyond an error and the IDP is not relied on in the plan, in any event. Instead, I canvassed at the hearing, having given you both advance warning, the possibility of suspending the examination to enable consultation on the now publicly available DIFS. And in passing, having read the OAPF document overnight, I note that at 7.1 (third paragraph) it says that: “It is also fortunate that that the timing of the production of the draft Local Plan and Neighbourhood Plan for the Isle of Dogs allows for opportunities to consult jointly on the emerging documents and allow each other to inform the development of the other.” (my emphasis). So, it might be possible to take advantage of that consultation exercise, if framed appropriately. And I understand that both parties could accept fresh consultation and can manage the logistics, subject to being satisfied, as I need to be, that the now published DIFS is substantially the same as the material available to the drafters of the plan.

Having now seen the DIFS presentation slides (that came into the possession of the Forum last summer, though a local Councillor) and compared them with the 78 page (double columned) full Draft report I am not persuaded that this solution is feasible. I asked you both to come to your own view and to let me know but I wanted to express my own provisional view, which is that the slides cannot be considered sufficiently robust or proportionate evidence to underpin the relevant policies in the submitted plan. While the few tables in the slides which are reproduced in the plan are the same, nevertheless the plan necessarily extracts these out of context of the considerable body of material and arguments in the full (and at the time previous draft) report that was not available to the Forum. The two documents are simply not comparable. I cannot see how consultation on the full DIFS can rectify the fundamental deficiency. But I await your views.

I believe this deficiency represents a fundamental flaw in the plan. I would welcome your response to that provisional conclusion. If I am right, on that basis and unless I can be persuaded that the deficiency can be rectified as part of this examination, I believe there are only two options left:

1. That the Forum withdraws the plan; I appreciate this would be a most unwelcome step indeed but at least the Forum regains control of the process. I understand that the Qualifying Body (QB), the Forum, has the right to withdraw the plan at any time before the local planning authority decides on the examiner’s recommendations;

and/ or

2. I continue with the examination with the material before me. This is likely to result in the plan failing, which is also a most unwelcome result, though completing the examination will enable me to provide conclusions on the policies and other material in the plan, which may well help the parties, especially if the Forum decides, for example, to move on to what is described as the “Long Plan”. I would undertake to write up my report as swiftly as possible and at least by the end of May.

So, it is also open to the Forum to see what I recommend and then withdraw; that is entirely a matter for the QB.

I very much appreciate that these options are most unpalatable and are not how the Forum, especially, wishes the process to end. I am, however, keen to hear both your views on my

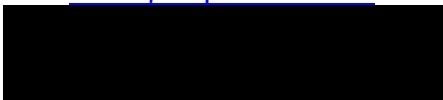
provisional conclusions and the next steps I have set out. Can I suggest that you both let me know by the end of next week?

Kind regards

John

John Parmiter FRICS FRSA MRTPI
Examiner

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