

To: Cabinet Office and House of Commons Select Committee for Housing, Communities and Local Government

From: Cllr Andrew Wood, Councillor Canary Wharf ward, LBTH

Westferry Printworks: Robert Jenrick MPs unlawful decision to approve it and public confidence in the probity of the planning process and the Ministers quasi-judicial role in these matters – Detailed Background

V2 15th June 2020

This is a second updated summary of the key issues as regards Robert Jenrick's decision to approve Westferry Printworks planning application on the 14th January 2020, his decision is here.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/857952/20-01-14_DL+IR_Westferry.pdf

First version written 2nd June 2020 and updated 15th June and will be amended as new information received. I have submitted an FOI to MHCLG and the response is due 24th June, I know others have also submitted FOIs. New facts / issues highlighted in dark Blue. Hyper -links in [blue underline](#).

Key Issue

It is my contention that having been closely involved with planning issues in Tower Hamlets (TH) for six years now including on this site that the Minister's decision especially when it was made are illogical and unexplainable. Something else is going on that is not yet in the public domain. The fundraising dinner attended by both the Minister and the developer are suggestive as are the Conservative Party contributions but not in themselves conclusive. [The Judicial Review \(JR\) documents](#) only strengthen that belief. But the Minister's decision so clearly benefitted the developer at the expense of Tower Hamlets residents that this needs to be investigated. The decision to approve the scheme maybe understandable but not the deliberate decision to time the decision so that the developer avoided paying approximately £40 million of Community Infrastructure Levy (CIL) as well as only accepting 21% affordable housing.

It was the final reason why I quit as Conservative group leader on Tower Hamlets Council and a Conservative Party member, that after years of investigating alleged and actual corruption and fraud in Tower Hamlets to then have to investigate it in my own party was just too much.

But this episode does also raise fundamental issues about how & whether Ministers should be making these kinds of decisions. And what the protections should be to ensure they are made properly.

Key Questions

- Why did the Minister make the decision in late December 2019, announced on the 14th January 2020 explicitly in order to ensure it was made before the change in CIL rates on the 15th January? Saving the develop £30-50 million. See Consent Order & LBTH Judicial Review document p11
- Why did the Minister not deal with the affordable housing issue more explicitly given his Inspectors advice which was “548. *I conclude that it is likely that the scheme could provide more*

affordable housing than the offer of 21%" Why did he think this was the only scheme that could work on this site given evidence of other nearby schemes achieving 35% affordable?

- Why did MHCLG not commission an external consultant to review the viability analysis as Sir Ed Lister did in 2016 on the earlier planning application?
- Were MHCLG aware that in August 2019 there was a separate public examination looking at viability of sites in the area as part of the new LBTH CIL rates? (approved 15th Jan 2020) Examiner Terrence Kemmann-Lane agreed that the new CIL rates were justified in October 2019 including on the Printworks site, which was named six times in his final examination report. It meant he believed that all sites in this area could pay CIL and deliver 35% affordable housing or close to it. Jenrick believed the site could do neither.
- Why and who specifically within MHCLG in December 2019 was concerned that delay could impact on the viability of the proposed development? Contrary to both the Inspector and Examiner findings? Other economics news, the general election result and the increase in planning activity would suggest the industry was recovering at this time. LBTH JR p11
- Deadline to make a decision was 20th February 2020 why was MHCLG in late December 2019 concerned about the delay caused by the need to refer back to the parties if CIL was adopted. CIL had been an obvious issue for months, Examiner recommended new rates October 2019. Why was this issue not dealt with earlier or could not be dealt with between late December and 20th February ? LBTH JR p11
- Why was the drop in the affordable housing offer from 35% down to 21% acceptable given that the only change in the schemes viability was the cost of the appeal (as construction work continued there was a limited delay on site).
- Why did the Minister over-ride his Planning Inspector clear recommendation to reject this application?
- Why did Minister / MHCLG not defend the decision at judicial review and accept that the decision was “unlawful by reason apparent bias and should be quashed”? Consent Order
- What changed between the letter from Mr Brooks of the GLD on the 19th February 2020 that said the Minister thought LBTH was on a ‘fishing expedition’ in its request for full disclosure to accepting the decision was unlawful? LBTH JR p11
- Was the Tower Hamlets Council request for full disclosure of all information / documents as part of the judicial review the reason for not defending the decision?
- What was in those documents? FOI submitted due back 24th June, see below.
- Why was the offer of a site visit rejected, given that site only 30 minutes from Parliament by public transport, less by car outside rush hour? Does this suggest minds already made up?
- Were there any meetings held (other than the dinner) not in the public domain involving the developer, their agents and the Minister, SPADs, MHCLG? FOI submitted
- Which (if any) PR companies were involved and when did they meet the Minister or others? See Daily Mail story [here](#) for detail of relationship with Thorncliffe, they state their active involvement ended March 2019, did somebody else replace them?
- Did Robert Jenrick declare his ‘meeting’ at the November 2019 Carlton Club Conservative fundraising event with Richard Desmond, the N&S Commercial Director and senior Mace staff (at least 2 for a total of 4 people) internally or to Cabinet Office and if so when?
 - The tables probably seat 8-10 people, which means 4 of 8 or 4 of 10 people at the table represented the Printworks application. What did they talk about before Richard Desmond

mentioned the Printworks? It is normal practise in local government to declare such contacts.

- Who paid for Robert Jenrick’s meal? Arguably those paying for tickets did, was this declared?
- Who else was at the table with the Minister? How big was the table?
- Date of fundraising dinner at the Carlton Club?
- Chris Pincher MP in the HoC 11th June said that the Minister had declared his conversations with developers at all times, link [here](#), did he and when?
- If he did before the decision was made in late December what advice did civil servants provide him? Did it include recusing himself from the decision?
- Why did Richard Desmond make a personal donation of £12k to the Conservative party on the 28th January 2020 two weeks after the Ministers decision? Maybe payment for the fundraising dinner, if yes, was it for the whole table?
- How does the process work within MHCLG to approve called in planning applications, who is involved? What declarations if any are made?
- How will the process by which Ministers make decisions like this change in the future? A key issue for House of Commons Select C’tee, see Planning articles below.

Developer benefited from following;

- Not having to pay between £30 - £50 million of Community Infrastructure Levy, rounded to £40 million. Other similar sites nearby pay or will pay the levy.
- Planning permission granted against Planning Inspectors recommendations + LBTH vote to reject + GLA opposition.
- Only having to deliver 21% affordable housing, see Table 1 below for a comparison with other nearby sites, including;
 - Skylines, the most recent large development approved on the Isle of Dogs, 35% + CIL + primary school
 - Poplar Gas Works a similar site not far away also approved recently, also providing land for a secondary school, 35% affordable + CIL
 - and ASDA although not decided yet (the development is only a few minutes’ walk away) is comparable in terms of size and also providing a large primary school and community hub..
 - Also see CIL examination in August and Examiner Terrence Kemmann-Lane October report on viability across TH.

Table 1

Development & when decision made	Westferry Printworks 2016 1st application	Westferry Printworks 2020 2nd application	Skylines 2019	Poplar Gas Works 2019	ASDA 2020 (application not decided yet)
Location	Isle of Dogs, dockside	Isle of Dogs, dockside	Isle of Dogs, Marsh Wall	Aberfeldy, by river Lea	Crossharbour
Decision maker	Sir Ed Lister, Deputy Mayor for London	Robert Jenrick MP	LBTH Councillors	LBTH Councillors	Not yet decided

Height (tallest building)	30 storey	44 storey	48 storey	14 st. phase 1	32
Apartments, number of	722	1,524	579	2,800 overall 577 phase 1	2,015 overall 568 phase 1
Affordable Housing %	20% (increased from approx. 11% by Sir Ed Lister)	21% (was initially 35% but reduced in examination process)	35%	35% overall 39% phase 1	17% - GLA have rejected as wholly unacceptable
CIL	Zero	Zero (£30-50 million if approved 3 days later)	£9.4 million	£6.9 million phase 1	Will pay circa £55 million in CIL etc
Other main contributions	Land for secondary school, park, £800k for sailing centre to mitigate loss of wind, small community centre	Land for secondary school, less land for park, £1.1 m for sailing centre to mitigate loss of wind	Land for 2 form primary school + MUGA	Land for secondary school, 1-hectare park, bridge landing point	Rebuild of ASDA store, new 3 form primary entry school, large community hub, open space, bus parking, construction in 2 phases

I add ASDA as although not approved yet it is a very similar scheme. The 17% is a negotiating position, it will end up as a higher number.

ASDA 17% affordable + £55 million + large community hub + land for 3 form primary entry school + need to rebuild ASDA which means construction has to happen in 2 phases is a better offer then 21% affordable + £1.1 million + land for secondary school + community centre.

It is unclear when comparing these sites why the Printworks site can afford to offer the lowest benefits since it is arguably the most attractive location of the four and should be able to sell apartments at a premium. See comments about Late Stage Review later.

Glossary

LBTH = London Borough of Tower hamlets/Tower Hamlets Council

TH = Tower Hamlets

CIL = Community Infrastructure Levy

N&S = Northern & Shell

GLA = Greater London Authority

MHCLG = Ministry of Housing, Culture and Local Government

Two planning application on this site by Northern & Shell

As a reminder there are two separate applications on this site both by Northern & Shell.

- 2015 application approved 2016 by Sir Ed Lister was for 722 homes, up to 30 storeys, 20% affordable, no CIL, land for secondary school, money for sailing centre. This planning application is fully approved and why construction work can still continue. This scheme can be built.
- 2018 application approved 2020 by Robert Jenrick MP was for 1,524 homes, up to 44 storeys, 21% affordable, no CIL, land for secondary school, money for sailing centre. Application still live as has not been officially decided after Consent Order signed quashing decision. This scheme cannot be built unless planning permission granted by a different Minister. If granted then CIL has to be paid.
- On both occasions outsiders made decisions as twice Tower Hamlets Council missed the deadline to make a decision. The 1st time maybe understandable, the 2nd time looks like active avoidance of a decision. Why is also a mystery.

Judicial Review documents [here](#)

There are three documents for which I paid £56.50 to access, LBTH did not provide even though funded by public purse.

It is interesting how quiet the GLA have been about this, as far as I know they have never commented in public on the JR or the result. Somebody should ask them why.

LBTH – one challenge only “*Whether there is a real possibility that the Secretary of State failed to act independently and impartially when determining the appeal by being biased in favour of the developer*” Requested the court grant its application for specific disclosure of the documents.

Note MHCLG comment that LBTH was on a “*fishing expedition*” requesting full disclosure of the documents. They knew request coming but still chose to defend decision. What changed after JR submitted to make them decide to agree decision was unlawful?

Key pages 9-11

GLA – challenge on various grounds, but a good background to the planning issues especially affordable issues. See pages 11& 12 of PDF for viability summary.

Westferry Printworks Development – defending the Ministers decision

Planning Magazine

Not just me concerned, following articles quote various legal and planning experts, who think this raises quote fundamental issues about the planning process. This maybe the main legacy of this case. The article headlines below.

“Why the secretary of state's admission of 'apparent bias' has prompted calls for an overhaul of ministerial decision-making

An admission of "apparent bias" by the housing secretary in his consent for a 1,500-home scheme in east London is unprecedented and "shocking", according to legal experts, who warn that it could undermine faith in ministerial decision-making and should prompt far-reaching changes around the process.”

<https://www.planningresource.co.uk/article/1685289/why-secretary-states-admission-apparent-bias-prompted-calls-overhaul-ministerial-decision-making>

“Housing secretary's 'biased' Westferry consent 'should prompt review of ministerial decision-making'

5 June 2020 by Joey Gardiner and John Geoghegan

Legal experts have called for far-reaching changes to the process of ministerial decision-making following an admission of "apparent bias" by the housing secretary in his "unlawful" consent for a 1,500-home scheme.”

<https://www.planningresource.co.uk/article/1685412/housing-secretarys-biased-westferry-consent-should-prompt-review-ministerial-decision-making?bulletin=planning-daily>

Community Infrastructure Levy (CIL)

Introduced in TH from April 2015, replaces cash element of S106 which had been a negotiated number. It is a ‘tax’ on developers to pay for new infrastructure to support development e.g. schools, GP surgeries, playground, etc. GLA calculated in 2017 that the Isle of Dogs and South Poplar area needs about £1 to £1.2 billion spent on new infrastructure in the area. £40 million is an important contribution to that.

It is formula based with a set rate for different areas depending on value - for each square meter of development the developer has to pay £x to LBTH who then spend the money on new infrastructure.

The neighbouring area the charge was £200 per square meter for a residential development from April 2015.

Those rates set by LBTH following public consultation and are subject to a public examination by a planning inspector.

This site initially set at £0 per square meter based on cost of demolition and cleaning a former industrial site.

But LBTH decided to increase rates across TH, the process started in 2018 and was finalised on the 15th January 2020 with a vote by LBTH Councillors, this followed a public examination in 2019 where developers could and did challenge these new rates. This meant this site went from £0 to £280 per square meter = approximately £30 to £50 million, averaged at £40 million. It would be helpful if LBTH did an estimate of this total.

Defence offered by Robert Jenrick MP to national press

See responses by Robert Jenrick to John Stevens, Daily Mail at Sunday 31st May Downing Street news conference on the coronavirus pandemic.

<https://www.bbc.co.uk/iplayer/episode/m000k12f/bbc-news-special-coronavirus-daily-update-31052020>

At 16.45 or 45 minutes into programme

The minister said;

Housing crisis – nationally yes, but not on Isle of Dogs (IoD) or Tower Hamlets, we deliver more new homes than anybody else in the country. The IoD is the fastest growing small place in the country. TH the fastest growing Borough over last 20 years. We are building homes in excess of our own needs to meet London requirements.

Affordability crisis – if there is a crisis locally it is in the delivery of affordable homes, his argument was that a bigger scheme supplied more affordable housing, true but it should also be able to support more affordable housing as a %.

Judged on its merits – but against his inspectors advice

‘There was no bias in that decision’ – he agreed that there had been apparent bias and was therefore unlawful.

It may be of interest that the Minister has no obvious background nor experience in planning or local government.

Police Email 5th June 2020

In response to my earlier email requesting an investigation

Further to our telephone call earlier, I am writing to confirm that no criminal investigation will take place following an assessment of the information available in relation to the Rt Hon Robert Jenrick MP and planning authority involving the Westferry Printworks. As discussed, should further information come to light this decision can be reviewed but for now there will be no further police action.

Detective Chief Inspector | Central Specialist Crime - Major Inquiries Support & SET

Unmesh Desai City & East London Assembly Member wrote to Cressida Dick 8th June asking what assessing means

House of Commons – Housing, Communities and Local Government Committee

Chair Clive Betts MP

Email 10th June to me

Thank you for your email and attached letter requesting an investigation into decisions made by the Secretary of State, Robert Jenrick. The HCLG Committee is aware of concerns over the Secretary of State’s decision regarding the Westferry Printworks planning application, and we are currently considering our response to this issue.

11th June in HoC Urgent Questions Clive Betts MP still says assessing, no decision made yet.

2016 Decision & viability challenge

Sir Ed Lister, the then Deputy Mayor for London in April 2016 made the decision to approve the earlier 722 home planning application.

Two of the main issues then were:

1. Affordable % as now
2. Wind flow through the buildings affecting sailing in the docks from the next-door sailing centre.

The developer only offered 11% affordable housing at that point, policy was 35% subject to viability Sir Lister commissioned external consultants to test the viability, they said 20% was deliverable based on the scheme at that point.

Sir Lister made the developer agree to this new higher number + cash for the sailing centre as compensation in return for approval.

See The Times newspaper report about meetings between Mayor Boris Johnson and Richard Desmond [here](#) in 2015 and 2016.

It is unclear why Jenrick/MHCLG did not do so themselves in 2020.

2016 decision details here

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/former-westferry-printworks>

Why 21% affordable does not add up

2016 planning application agreed at 20% affordable housing.

Since then a number of nearby planning applications approved at higher %, see table 1. In fact most developments locally offer between 25% and 35% plus paying money for new infrastructure.

Demolition has already happened and basement dug, both reduce financial risk as two key costs now fixed and known.

Table 2 shows that many of the building costs are the same in both schemes, they are fixed costs so in principle a much bigger scheme should generate more profit and therefore a bigger affordable housing contribution. The higher you go the more expensive it is to build and you do lose economies of scale but a number of buildings have been built in London of a similar height so this is a proven process.

See Examiners report on Viability which names Printworks six times. He believed Printworks could pay CIL and deliver affordable housing policy 35%.

Table 2 Viability Comparison on Printworks site

	2016	2020
Apartments	722	1,524
Number of buildings	10	11
Cost of land	The same in both applications	
Cost of demolishing site	“	“
Utility connections to gas, water etc	“	“
Roads, public areas, green areas	“	“ public area smaller due to T5 tower
Marketing costs	“	“ as marketing the same site
Income from commercial rents	Slightly higher in 2020 as can charge higher rents as more customers on site	
Sales costs	Only slightly higher in 2020 due to commission, cost of sales office the same for both, although maybe open for longer as more units to sell	
Construction costs	Will be higher but not in proportion to size increase, for example number of lifts will probably be the same in 30 as 44 storey tower but may be more expensive due to longer cables, reception area size remains the same, basement & roof remains the same etc	
Income from apartment sales	Taller homes with better views attract higher prices, the taller the development the more apartments with views especially of central London, river Thames and Greenwich. Location means those views on this site less likely to be affected by later developments = should be able to achieve higher prices than some other scheme's	
Affordable housing %	20%	21%

Why when so many costs are common can this scheme only afford 21% with no CIL?

Other scheme's in less desirable locations but similar complexity achieving 35% plus CIL.

Yes, public examinations are expensive (LBTH cost £0.4 million), N&S likely to be higher but still a fraction of the total cost.

In early January 2020, post-election bounce in developments suggest that the industry was recovering from post Brexit issues. In early January 2020 nothing on the horizon to suggest that developments needed help to get built in this area.

The land was bought in 2000 as part of the acquisition of Express Newspapers, while it will have a balance sheet value (£10.5 million is total value of all land & building assets on N&S balance sheet end 2018) and the viability analysis will calculate a notional value but from a purely cashflow perspective, the scheme has no cashflow costs although cost of demolishing printworks maybe higher than other scheme's (but a known cost in 2020).

Late Stage Review

This is a complex area and will need more detail as well as expert guidance but the Minister / MHCLG may claim that the Late Stage Review is sufficient to deal with the affordable housing issue. Search the 14th January decision letter for the term 'late stage' to see background.

Late stage reviews are conducted once 75% of homes are sold or let. It compares actual sales values and construction costs to those forecast in the viability model. If the scheme is more profitable than forecast i.e. apartment sales values higher than forecast, then the developer has to make a cash contribution to build affordable housing elsewhere.

It is unclear as not in the public domain how successful these are as compared to the actual delivery of new affordable homes.

But section 32 (p7) of the Ministers letter says

The Secretary of State agrees with the Inspector that a late stage review would meet the tests in Regulation 122(2) and that this would be of some benefit although its effect would be limited (IR537).
My underline.

But his letter does not explicitly request a Late Stage Review in his list of conditions, see Annex B on p12 of the decision letter. And arguably should have requested an early stage review as well.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/857952/20-01-14_DL+IR_Westferry.pdf

So it is unclear whether a Late Stage Review will happen even if the developer has made a commitment to do so in the S106 and under what rules it is done. Speaking as an accountant with 20 + year's experience it is not clear how successful such a review could be if done based on the developers calculations. This is why it is much better to build affordable homes from the beginning.

Site History

- Printworks built 1984
- Site acquired by Northern & Shell in the year 2000 as part of Express Newspaper purchase
- Site ceases operation as a printworks 2012
- Spring 2014 public consultation starts on new 722 home scheme + new secondary school

- July 2015 planning application published by LBTH
- November 2015 deadline for LBTH to decide application, passes with no decision
- January 2016 N&S ask Mayor of London Boris Johnson to make the decision as no decision by LBTH
- April 2016 Sir Ed Lister, Deputy Mayor for London makes the decision to approve
- 2017 site demolished
- February 2019 basement dig complete
- July 2018 developer submits new larger planning application, 1,540 homes, taller buildings + new tower T5 but otherwise very similar to 2016 application
- Deadline to make a decision November 2018, no decision made (2nd time on this site)
- TH Council had cancelled a number of Strategic Development C'tees in 2018/19, not enough business so they were not that busy
- March 2019 developer appeals to Planning Inspector to make a decision as no news from LBTH
- Planning Inspector decides the Minister should make the decision (then James Brokenshire)
- 14th May 2019 Tower Hamlets Council Strategic Development Committee, decide against application, report [here](#)
- July 2019 Robert Jenrick appointed Secretary of State for Housing, Communities and Local Government
- Public examination August 2019
- Fundraising dinner November 2019 involving Robert Jenrick and developer (at least 4 people), details [here](#)
- Planning Inspector confirms decision due to be made by 20th February 2020 according to letter following requests for how much time we had
- Minister decided to grant planning permission late December,
- Decision notice issued 14th January 2020 together with Inspectors letter (Inspector recommended scheme be rejected)
- LBTH Council vote yes on new Local Plan and new CIL rates 15th January 2020
- 28th January 2020 Richard Desmond makes a £12k personal [donation](#) to the Conservative party, may be a payment for the November fundraising dinner, for the whole table.
- 21st February GLA & LBTH launch judicial review challenge (very hard to find any information about either in public domain except for a few press releases)
- 21st May 2020 Consent Order signed quashing decision.
- 11th June 2010 House of Commons Urgent Questions, BBC [here](#) tabled by shadow communities and local government secretary Steve Reed on public confidence in the integrity of the planning process and the quasi-judicial role of the housing secretary. Chris Pincher not Robert Jenrick takes questions.

New Local Plan was more supportive of intense development on this site and already a factor in 2019 as planning policies gather weight as go through the process. So it cannot be the reason for why decision made on the 14th. Only CIL rates changed on that date.

Key Stakeholders from developer side

- Richard Desmond – owner of Northern & Shell
- Northern & Shell – owner of site, company owned by Richard Desmond

- Westferry Developments – name of subsidiary of Northern & Shell managing development
- Mace – construction company hired to build scheme as N&S have no development expertise
- Thorncliffe / Your Shout – PR consultancy – see Daily Mail article but they state that involvement ended March 2019, not involved subsequently in decision nor lobbying on this scheme.
- Other PR consultancy firms involved post March 2019?
- Financial backers – unknown, it is normal for developments on the IoD to have financial backers to help fund construction in return for an equity share, usually partners are overseas investors. N&S balance sheet suggests N&S may not have enough financial reserves to fund this project by themselves so may need to borrow money or seek a partner.
- Lawyers - ?
- Architect - PLP

FOI Requests Submitted

27th May submitted, response due 24th June, MHCLG Ref 7691274

1. Can you please disclose all correspondence (whether by letter or by email) between MHCLG as well as Robert Jenrick MP, or any current or former MHCLG Minister and the developer of this site (Northern & Shell, Richard Desmond, Mace or any related party) from 1st January 2018 to today's date about this site and any related planning application. In part this is to find out whether there had been any discussions before the revised planning application was submitted in July 2018.

Happy to exclude administrative emails related to the setting up of and timing of the public enquiry itself by the Planning Inspectorate.

2. Where there any meetings (on any subject) between MHCLG as well as Robert Jenrick MP or any other MHCLG Minister (current or former) or civil servant and the developer of this site (Northern & Shell, Richard Desmond & Mace) from 1st January 2018 to today's date? not including the inspectors public planning enquiry? I include Mace as they are developing the site for Northern & Shell and most correspondence with the developer includes people from both companies.

3. LB Tower Hamlets as part of the judicial review application made a request for disclosure of information, I wish to make the same request as an FOI if not already covered by questions 1 & 2.

4. Did MHCLG undertake its own viability analysis of this site at any point or consider doing so (or commission somebody to do so)? something Sir Ed Lister then Deputy Mayor for London did in 2016 when considering an earlier application.

5. Was MHCLG aware of the vote on the 15th January 2020 by LBTH to approve the increase in CIL rates? when were you aware of the timing of the decision or when did you expect it given that the Ministers decision was issued on the 14th Jan and the deadline for a decision was the 28th February (if my memory is correct)? (actually 20th Feb edit)

29th May amendment sent after receiving Consent Order

Is it possible to amend this FOI in the light of new information?

Question 1 & 2. needs to be expanded slightly to include SPADs and PR companies. Can the term civil servant explicitly include SPADs and the developer of this site include PR companies like for example Thorncliffe

New Question 1 & 2 with additions in Red

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My Question 5 is now moot as I have now seen the Consent Order making clear the timing of the decision was deliberately done to avoid the decision by LBTH on the 15th January 2020 for a new Local Plan and new CIL rates. (the new Local Plan was supportive of a tall development on this site so I have to assume it was the new CIL rates that prompted the timing of this decision.

New Question 5 based on Point 4 of the Consent Order Schedule signed by the Government Legal Department which admits that the decision was timed to avoid the decision on the 15th January.

What was the reason for deliberately making the decision before a new Local Plan and CIL schedule were adopted by LBTH on the 15th January 2020?

Please let me know if you have any questions, happy to assist,

Sincerely yours,

Andrew Wood

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