



Ministry of Housing,
Communities &
Local Government

Clive Betts MP
Chair, HCLG Select Committee
House of Commons
London
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The Rt Hon Robert Jenrick MP
*Secretary of State for Housing, Communities and
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Dear Clive,

Thank you for your letter of 1 July regarding Westferry Printworks, and inviting myself and the Minister for Regional Growth and Local Government to give evidence to the Committee on the work of my Department.

As referred to in your letter, I have given a full account of my decision to approve the Westferry Printworks planning application in my letter to the Committee of 24 June. In that letter, I set out a detailed explanation of the background to the planning case, my decision on the development, the timings of that decision, and my contact with the applicant and the council. Alongside this, recognising there are higher standards of transparency expected in the quasi-judicial planning process, my Department has published relevant documents online extending to 129 pages of supplementary information.

As I set out to you in my letter of 24 June Mr Desmond raised the application with me at a Conservative Party event. I informed him that it would not be appropriate to discuss the matter of his planning application and the conversation moved on to other topics. On my first full day in the office after the general election, I told my private office that I had met Mr Desmond at the dinner, that he had raised the application and that I said I could not discuss it. As you know, I received a number of text messages from Mr Desmond following the dinner on 18 November 2019 and, as the transcript demonstrates, I refused to discuss the matter. As previously stated, on reflection, I would not have exchanged numbers given the live planning matter, but at the time I considered the discussion closed. Neither the dinner nor his messages had any bearing on my decision whatsoever and any suggestion to the contrary is entirely baseless. I took this decision on the merits, informed by my long-standing and well-documented position that we must build the homes this country urgently needs, and wherever possible use brownfield sites such as this.

With regard to the timing of the decision, the timing and effect of a pending new tariff under the Community Infrastructure Levy is a valid material consideration that a decision-maker may take into account. A new tariff may have an effect on the viability of a planning application, or the likelihood that the development will be built out in good time. As you know, the advice that I received from officials in the Department noted that timing was a legitimate consideration and I would also draw your attention to the Inspector's Report which noted that if the decision was taken after the adoption of the new local plan and CIL schedule, the viability of the scheme might be compromised. Suggestions that Tower Hamlets were denied funding are completely false and display a wilful misrepresentation of the situation.

As mentioned in my previous letter to the committee, it should be noted that the applicant made their original planning application in 2018. I am sure that the Committee would agree that there is a manifest unfairness for any applicant to be financially disadvantaged because of poor administration by a local planning authority. In this case, the local authority failed to consider the application within statutory deadlines. It would be against public law principles of natural justice and fairness for a public authority to benefit financially by deliberately slowing down planning applications.

The reasons for my decision, and the factors I took into account, are fully set out in my Decision Letter available publicly since 14 January in the Decision Letter published on gov.uk – including a copy of the Planning Inspector’s report and the substantive representations received. The reasons for my conclusions on the quantum of affordable housing are fully set out in that letter. The revised scheme would have provided more than double the number of affordable housing units than the consented scheme. If the appeal were dismissed it was unclear that that would lead to new proposals for affordable housing. Indeed, the appellant may have reverted to the original consented scheme with 142 fewer affordable homes. Alternatively, the project may have continued to have been delayed, with no affordable homes coming forward in the foreseeable future. The judgement I made therefore was an entirely reasonable one, to ensure a housing scheme proceeded with all the incumbent housing and economic benefits to the area involved, including a large new school. A significant number of social homes would have been delivered rather than subjected to delay or doubt.

All the issues raised by the GLA, the London Borough of Tower Hamlets and my Inspector were fully taken into consideration in reaching my decision. All the communications I received have been sent to the Committee and published.

I made clear in my earlier response to the committee that I was exceptionally making material available in regard to the Westferry case because of the heightened public interest in that proposal. This should not be seen as setting a precedent for other cases decided by myself and my predecessors where there is no such interest. As has been the practice under successive administrations, the Government does not publish legal advice covered by professional legal privilege.

I had no discussions with No10 prior to my decision on the planning appeal, and No10 similarly had no involvement with the applicant or his representatives.

With regard to this particular planning case, it has already been discussed at length in recent weeks and, while I am happy to discuss the matter further with you, I continue to be mindful of what is appropriate to discuss (for me or other Ministers) on what remains a live planning case. We need to ensure that the fresh re-determination is undertaken with due process and a fair hearing for all sides.

I welcome the Committee’s offer to make recommendations in respect of my Department’s review of the Planning Propriety Guidance. This review is now underway, and as such I would be grateful for your recommendations by the end of July to enable them to be reflected in the new iteration of the guidance.

Regarding your invitation to give evidence to the Committee, both myself and the Minister for Regional Growth and Local Government would be happy to appear and discuss any questions that you may have concerning the work of the Department during the week commencing 20th July.

Housing, Communities and Local Government Oral Questions are scheduled to take place on Monday 20th July, but I am sure our offices can find a suitable date later that week.

I look forward to discussing with the Committee the many vital issues my Department is leading on in driving the country’s response and recovery from Covid-19. In particular, I am sure the Committee will be interested in a number of important announcements we have made in recent weeks, including the latest local government finance package I set out last week, our plans to accelerate 6,000 new supported homes to ensure as few rough sleepers as possible return to the street, and the latest measures the Prime Minister set out on planning and housing to ensure we continue to build the homes our country needs.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style and is positioned above a horizontal line.

RT HON ROBERT JENRICK MP