

Hearing Statement prepared on behalf of the Anjuman-e-Islahul-Muslimeen  
London Borough of Newham Local Plan Submission Stage (Regulation 22) – Matter 5

November 2025

This Statement is made on behalf of the Anjuman-e-Islahul-Muslimeen (London) UK ('AeIM') the owners of the majority of the Abbey Mills site) ('Site')

This Statement addresses Matter 5 and focuses on amendments that are required to make LBN's draft Local Plan ("the Plan") sound given AeIM's clear aspirations for their Site.

**Q5.1 Does the Plan need to be modified to clarify the contributions from different sources of land supply that are expected to meet the housing requirement (irrespective of what the figures for each of those sources are)?**

Yes. The data supplied by the Council that sets out the latest housing trajectory, Housing Trajectory FY2023.24 SUBMISSION PINS<sup>1</sup> does not clearly identify the four sources set out in the Council's response to PQ23. Currently, uncertainty remains as to which sites the Council has apportioned to each source. Not only does this prevent clarity around how the Council has arrived at its 5-year housing land supply, there is a clear risk of double-counting.

The largest contribution to supply comes from allocations. The priority, therefore, should be to clarify the contribution from this source. The Council's current position<sup>2</sup> states that the capacity of individual allocated sites cannot be published on a site-by-site basis. This is not acceptable. It is an unsound and untransparent approach. Paragraph 72 of the National Planning Policy Framework ('the Framework') is clear that the sites that make up a council's supply of housing land should be "specific". The Plan should, therefore, be supported by a housing trajectory comprising sites that meet the Framework's definitions of "deliverable" and "developable" for the first five and subsequent years of the Plan, respectively.

<sup>1</sup> Examination Document reference EOD002

<sup>2</sup> Examination Document reference EB058, paragraph 3.1.3

**Q5.2 If the plan period were to be extended to 2042, which of the site allocations would have increased total capacity as a result of development continuing after 2038?**

We have no remarks to make about this question as Site N7.SA1 will be built out in full before financial year ('FY') 2037/38.

**Q5.3 Does the Plan need to be modified to include indicative capacities (numbers of homes) for each site allocation, along with an explanation of how they have been calculated and that they are subject to detailed design through masterplanning and planning application processes?**

Yes. It is essential for indicative capacities (both overall capacity and deliverable capacity over the Plan period) to be supplied for each allocated site. These should be expressed as minima (given the other strong policy imperatives on optimising the delivery of housing). These indicative capacities must be supported by a rationale that reflects an approach to design that is specific to the site in question. The approach should seek to optimise the potential for housing delivery, as required by Policy H1 of the London Plan.

#### **Q5.4 Are the assumptions in the Plan about small site and other windfalls justified and consistent with national policy?**

No. The London Plan provides London Boroughs with a housing target in Table 4.1. Policy H1 requires that "Boroughs must include these targets in their Development Plan Documents".

Table 4.2 identifies the "small sites minimum targets" that forms a component of this target (i.e., is not additional to it). For LBN, this is 380 per annum.

However, the Council is seeking to disregard the London Plan housing target, instead putting forward its own "proposed Local Plan housing target"<sup>3</sup>. The retention of the small sites target as a proxy for the windfall allowance is inconsistent with this approach.

While the London Plan states that the use of the small sites target to inform the windfall allowance is permissible<sup>4</sup>, this is based on the assumption that the council is compliant with Policy H1. The Council's use of the "proposed Local Plan housing target", while retaining the London Plan small site target as its windfall proxy, puts the Plan at variance with the London Plan and national policy.

To resolve this inconsistency, the Plan should adopt the London Plan housing target. In doing so, up to FY 2028/29, there is no requirement for the small sites target to appear as an additional line item in the housing trajectory.

Beyond FY 2028/29, the Council rolls forward the 380 dwellings per annum figure as the expected supply from small sites (the Council does not distinguish between "small sites" and "windfall"), treated this a proxy for the windfall allowance for the duration of the Plan period.

However, during this period, the Council's is using a capacity-based housing target. The use of the small sites target as a proxy for the windfall allowance in this way is inappropriate given the trajectory already includes sites of less than 25ha in size<sup>5</sup>. This clearly creates the risk of double-counting.

To address this unsoundness, the Council should follow paragraph 75 of the Framework. This paragraph explains "where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends."

The Council, in its response to SPQ23.1<sup>6</sup>, provides data relating to the windfall delivery that has come forward in the Borough over the last ten years (distinguishing this from "small sites"). This is reproduced below with average calculation of supply from FY 2016/17 to 2023/24 provided in the final column

<b>Windfall completions in LBN FY 2014/15 - 2023/24</b>										<b>Average</b>
<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>	
350	1,062	30	22	125	192	481	194	9	155	151

<sup>3</sup> Examination Document reference EB058, paragraph 4.1.4

<sup>4</sup> London Plan paragraph 4.2.3

<sup>5</sup> Examination Document reference EB058, Table 5

<sup>6</sup> Examination Document reference ED004

Given the data for FY 2015/16 is clearly an outlier, it is reasonable to take a guide as to a “reliable source of supply” from FY 2016/17. The average annual supply from windfalls over this period is 151, substantially less than the small sites target set out in the London Plan.

The Plan should be modified to clarify how the Council is defining (and calculating) the windfall allowance and supply from small sites, respectively. It would be appropriate for the windfall allowance to reflect a reasonable assessment of future supply based on recent trends. “Small sites”, that are, by definition, known to the Council, should be accounted for in the housing trajectory as individual sites (either with planning permission or allocated).

**Q5.5 If the plan period were to be extended to 2042, how, if at all, should the small site and windfall allowances be modified?**

If it established a windfall allowance that meets national policy requirements, this could be used as an assumed component of supply up to the end of the Plan period.

**Q5.6 Are the assumptions in the Plan about the contribution from sites with planning permission, or a resolution to grant permission, to meeting the housing requirement over the plan period justified? In particular, should a lapse rate be applied?**

The definition of “deliverable” set out in the Framework states that “sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires...”

It, therefore, follows that the Council can treat sites with a capacity of less than 10 units with planning permission and all sites with detailed planning permission as deliverable. As such, they may be included in the 5YHLS.

Sites with a resolution to grant only do not have planning permission for the purposes of the relevant sections of the Town and Country Planning Act 1990. A resolution of this type may never result in a planning permission being granted. As a result, such sites may only be considered “deliverable” if there is clear evidence that housing completions will begin within five years. In the absence of such evidence, including the absence of any planning permission, they could only be regarded as “developable” and may only be included in the housing trajectory from year 6.

This is at variance with the Council’s evidence<sup>7</sup> that treats sites with a “resolution to grant” as “deliverable”. This is unsound and contrary to national policy. Its approach fundamentally undermines the Council’s approach to constructing its 5YHLS.

Moreover, this is reinforced given that the Council has included in their 5YHLS three sites where planning permission has in fact lapsed, or there is no evidence that planning permission has been granted. The Council is apparently unaware of the planning status of these sites. This is shown in the table below and amounts to 338 units, a significant portion of total anticipated supply.

<b>Application Name and Ref. Number</b>	<b>Planning status</b>	<b>No. units</b>
Canning Town Riverside (23/00038/FUL)	There is no planning permission under the quoted application reference.	290
25 Folkestone Road (21/02978/FUL)	The planning permission has lapsed.	26
Odelia Court (21/00172/PRNSDB)	The planning permission has lapsed.	22
<b>Total</b>		<b>338</b>

This finding supports the principle that the Council should apply a sensitivity test to its forecast of future supply to ensure it is realistic (and therefore aligned with the Glossary definition of deliverable set out in the Framework). It is common practice for this to take the form of a “lapse rate” of 10% for those sites with planning permission.

<sup>7</sup> Examination Document reference EB058, Table 5



**Q5.7 If the plan period were to be extended to 2042, which, if any, of the sites with planning permission or resolution to grant would have increased total capacity as a result of development continuing after 2038?**

No comment.

**1. Q5.8 (a) Is the relevant period for considering five year supply following the intended date of adoption 1 April 2027 to 31 March 2032? (b) Based on the housing requirement in the Plan (51,425 homes) and stepped trajectory, is the requirement for that five year period (including an appropriate buffer) 21,982 homes?**

- (a) Yes. Assuming the Plan is adopted in 2026, the first five years of the Plan would run over this period.
- (b) No. This number is built up by taking the “stepped trajectory” for financial years (‘FY’) 2027/28 – 2031/32 and adding the 20% buffer to account for under-delivery. This fails to take account of
- an appropriate base year for the Plan;
  - backlog need; and
  - the treatment of this backlog over the Plan period.

**Setting an appropriate base year**

As noted, the current London Plan provides housing targets for London boroughs using a base year of 2019/20. Given the substantial backlog the Council has built up since 2019/20, it is appropriate for this to be the base year of the Plan.

The Council’s evidence<sup>8</sup> [Table 11, EB058] removes the backlog from the calculation of the Council’s housing target by setting the base year at FY 2023/24. If this unsound approach were to be adopted, this would enable the Council to exclude from its calculation of its housing target (and calculation of its 5 year housing land supply target) the substantial unmet need that has been built up from FY 2019/20 to 2022/23, one that has been clearly evidenced in the Council’s performance in the Housing Delivery Test (‘HDT’). As set out in EB058 Table 10, the current backlog amounts to 7,394 units.

The PPG [Housing supply and delivery Ref ID: 68-031] states that “The level of deficit or shortfall will need to be calculated from the base date of the adopted Plan...”.

Setting the base year at FY 2019/20 would put in place a robust policy position within the Plan itself that will require the Council to address the backlog. This would also be aligned with the London Plan, with which the Plan should be in conformity.

**Backlog need**

The paragraph from PPG [Ref ID: 68-031] quoted above goes on to provide guidance as to how the backlog should be addressed in a council’s housing target. It states that such a backlog “should be added to the plan requirements for the next 5-year period (the “Sedgefield” approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal...Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make.”

As noted in responses to other questions, the Council has not met its obligation to “optimise the potential for housing delivery on all suitable and available brownfield sites” as required by Policy H1 of

<sup>8</sup> Examination Document reference EB058, Table 11

the London Plan. In such circumstances it is appropriate for the "Sedgefield" approach to be used, rather than spreading the backlog over the Plan period (the "Liverpool" approach).

While EB058 Table 11 does not address the backlog need, the Council seeks to explain how it will address this in its response to PQ31, stating that "The options we present to the GLA would mean delivering previous years' shortfall against the London Plan target over the course of Newham's emerging Local Plan period." A commitment to addressing the backlog is welcomed. However, the housing target must be updated to reflect this. Moreover, implicit within this response is the intention to use the "Liverpool" approach. As noted above, for this to be acceptable, a clear case must be presented at the examination of the Plan which has not been done.

The table below sets out a robust assessment of the Council's five-year housing target. This assumes:

- the use of the stepped trajectory is justified;
- there exists a backlog need that should be reflected in the Council's housing target;
- this backlog is addressed using the "Sedgefield" method (until such time that a robust case is made for the use of the "Liverpool" method); and
- a buffer of 20% is applied on account of the Council's recent performance in the HDT.

This amounts to 30,854 over the period or 6,171 per year.

<b>Five year housing target</b>	
Stepped trajectory housing target	18,318
Backlog need	7,394
Buffer @ 20%	5,142
<b>Total</b>	<b>30,854</b>