

Note from AelM

We write further to our attendance at the examination hearing by our client, leading counsel and witnesses on Wednesday 4th February 2026. At that hearing, amongst other things, the examination considered the Council's then proposed modifications relevant to the allocation for our client's site along with Policy SI1 and SI2 in light of our client's representations. During the course of the hearing the Council expressly accepted the need to make further modifications to address the issues of soundness that were raised by our client. It is a matter of fundamental concern that the Council's subsequently published proposed modifications do not properly reflect what we have recorded the Council as agreeing at the hearing itself. This obviously places our client in difficulty as we had attended and obtained what we understood to be clear agreement from the Council as to the changes that were to be made, only now to see materially different changes being reflected in what has now been published after the event. We set out below what we consider to be the most important of these for the record. For completeness, we also attach a document which sets out what we understood to have been agreed by the Council in respect of the whole of site allocation N7.SA1 and Policies SI1 and SI2.

AP41

At the hearing, the examination considered our objection to LBN's inserted second and third paragraphs at 4.3 of this policy ("*Each site allocation includes...*") because of the wording suggesting that illustrative diagrams may have a presumptive effect on development proposals. We noted that the diagrams were described as "indicative" and supported this along with the principle of masterplanning in due course, but we pointed out that the indicative layouts were necessarily only that and, as is the position for our client's site, had not been through any process of masterplanning testing. We therefore sought the removal of the final part of the wording which attached some presumptive force to the indicative diagrams which the Council accepted was not the intention. We now note that the Council is proposing wording which no longer reflects that concession and goes well beyond what AP41 required the Council to address, and purports to reopen the 'need' debate.

We therefore request that the policy be amended in the way we understood the Council accepted in order to make it explicitly clear that:

1. The illustrative diagrams have no policy status and are provided for guidance purposes only;
2. Development proposals will be assessed solely against the written policy requirements and other relevant policies in the Plan;
3. Alternative layouts that satisfy the policy requirements will not be prejudiced or subject to additional scrutiny merely because they depart from the indicative diagrams; and
4. The masterplanning process under policy BFN2 do not treat the illustrative diagrams as a starting point or baseline against which alternatives must be justified if they depart from the illustrative diagrams.

The alternative wording we therefore suggest for the second and third paragraphs:

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"Each site allocation includes illustrative diagrams showing one potential way in which development could be delivered. These diagrams are indicative only, have no policy status, and do not form part of the development plan. The delivery of these sites will be shaped through co-designed masterplanning in accordance with policy BFN2, assessed against the written policy requirements. Alternative layouts that deliver outcomes consistent with the allocation policy and other policies in the Plan will be supported."

AP62

The Council produced a response to AP62 and has very recently produced a further response in FMO222 which differs from the AP62 response, so it is difficult to understand what is now proposed. The more recently produced response in FMO222 refers to a mosque, but only in the context of the existing temporary facility. What was specifically agreed (by reference to the evidence base) was that the identified need for a new mosque for this area should be specifically allocated for our client's site. Neither the amendment made in response to AP62, nor FMO222 reflect what the Council specifically accepted at the examination hearing. Moreover, FMO222 is particularly unclear. It begins with the statement that development should replace the existing temporary mosque, but does not identify that it should be replaced with a mosque (as was agreed). Instead there is inserted some new wording "In addition to the mosque" which is now ambiguous. If it is intended to reflect the fact that development should provide a new mosque (which was what was agreed) this should be stated clearly. In addition the wording proposed does not reflect what was also agreed, namely the need for a mosque of no less floorspace than that which is already on site. The Council's wording also potentially retains the principle of having to carry out a needs assessment for a mosque (through reference to policy SI1) whereas that simply does not reflect the established need for a mosque already in the evidence base. In addition we note that the Council's response to AP62 retains reference to an irrelevant policy (SI3, dealing with cultural facilities).

We refer to our previous submissions at the hearing where the main points above were ventilated and accepted by the Council. You will recall we read out wording to reflect what we understood to have been agreed by the Council at the hearing itself. We set out it out again below (but in case it is helpful by way of track changes):

"Development should replace the existing temporary community use **with a mosque of no less floorspace than that which currently exists and additional community facilities with the equivalent amount of community floorspace**, meeting the requirements of **Local Plan Policy S11. London Plan Policy S1. Development should address the need for community facilities in the area by delivering new community facilities in Twelvetreelocal Centre, unless it can be demonstrated that the needs of the community have already been met. Development should consider of all types of community facility, as set out in the Community Facilities Needs Assessment (2022) evidence base. Any provision of community facilities should meet the requirements of Local Plan Policies SI2 and SI3**

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Black – original policy

Red – LBN proposed modification

Green – Modification principally accepted through the EiP process

Blue – Not yet agreedx

The Council stated it was happy with the green amendments at the examination. It is therefore of concern that we now see the response to AP62 and also the different text in FMO222, which do not reflect that agreed wording and retain the unsoundness of the previous wording, as well as introducing different problems.

AP54

We also note that the Council's response in relation to Policy SI2 continues to import a requirement for a needs-based assessment for delivery of new community or cultural facilities. As we noted at the time, this may not materially affect our client's site if the allocation itself is properly worded. But we made the point that this creates the unprecedented situation of new community or cultural facilities facing the prospect of having to demonstrate "need" in order to be acceptable, something which neither the NPPF nor the London Plan requires and which will no doubt inhibit the future provision of such facilities in the Council's area in the future.

AP52

In relation to the Implementation text SI1.1, we note that "replacement" in the final paragraph should be deleted as per the amendments throughout the remainder of the text.

As this has all now happened after attendance at the relevant sessions, we hope you will receive this representation to explain our position in response to what the Council has subsequently published. We respectfully request that the Council be required to respect the agreements that were reached at the examination hearings in the wording they propose, to address the issues of soundness we have raised and to ensure there is clarity for the development on our client's site.