

Sara Chiong

From: DAVID ANDERSON <[REDACTED]>
Sent: 17 September 2024 15:36
To: Local Plan
Subject: Representation on the Newham Local Plan Reg 19 consultation
Attachments: Response_form__Final All.docx

Follow Up Flag: Follow up
Flag Status: Flagged


Dear Newham Local Planners,

Please find attached my response form. Please safe acknowledge receipt of the consultation submission.

Kind regards

David Anderson

Response Form for Regulation 19 Consultation.

	Local Plan Publication Stage Response Form	Ref: (For official use only)
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**Name of the Local Plan to which this representation
relates:**

Newham Draft Submission
Local Plan

Privacy Notice

Who we are

London Borough of Newham (LBN) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user') and LBN ('the Council'). The Council takes the privacy of your information very seriously.

This privacy notice relates to our functions relating to the Newham Local Plan Review Consultation (Regulation 19). It also provides additional information that specifically relates to this particular consultation, and should be read together with our [general privacy notice](#), which provides further detail.

What data do we collect and process

We collect your name, contact details, email address, job title and organisation if applicable and demographic equalities data if you choose to share it.

Why we collect your data

The consultation is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. We collect your data so that we can get your views on the legal compliance or soundness of the Local Plan, as well as its compliance with the duty to co-operate.

The lawful basis for processing your data

The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6 (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

Article 9 (a) Explicit Consent: the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

We will only process personal data where we have consent to do so, and you can withdraw your consent at any time. By submitting your personal data in the response form you are consenting for us to process your data and/or consenting to be added to the database. If added to the database, they can be removed upon request.

You can withdraw your consent at any time.

How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public.

At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other personal information will remain confidential.

Representations, in full, submitted along with the Local Plan, evidence base and documents Submission Draft Newham required by legislation to the Planning Inspectorate and to the person the Secretary of State appoints as the Planning Inspector. Contact details will be made available to the Inspector and Programme Officer so they can contact individuals to participate in the Examination.

Consultation database is stored on Mailchimp and accessed by planning policy team only. Mailchimp stores names and email addresses of those on the consultation database in line with Mailchimp policies, particularly its [data processing addendum](#). Please be aware they may store personal data external to the UK specifically in the USA and/or EU.

Who we will share your data with

We will only share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data is not shared with the Planning Inspector or the Programme Officer.

We will not share your personal information with any other third parties unless you have specifically asked us to, or if we have a legal obligation to do so.

How long we will keep your data

We will keep your data safe and secure for a period of 15 year(s) in line with our retention Schedule. After this time, it will be securely destroyed.

How do we protect your data

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of information. Staff access to information is provided on a need-to-know basis and we have access controls in place to help with this.

See the [Planning Inspectorate Customer Privacy Notice](#) for details on how they keep your data safe and secure.

Know your rights

We process your data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Find out about your rights at [Your rights – Processing personal data privacy notice – Newham Council](#) or at <https://ico.org.uk/your-data-matters/> If you have any queries or concerns relating to data protection matters, please email: dpo@newham.gov.uk

Response Form

For guidance on how to complete this representation form please view the Regulation 19 Consultation Guidance <https://www.newham.gov.uk/planning-development-conservation/newham-local-plan-refresh>.

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*	2. Agent's Details (if applicable)	
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</i>		
Title	Mr	
First Name	David	
Last Name	Anderson	
Job Title (where relevant)	Facilities & Development Manager	
Organisation (where relevant)	St Paul's East Ham	
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
E-mail Address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation:

David Anderson, Facilities and Development Manager,
St Paul's Church East Ham

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

T2: Local Transport

Implementation Text

1. "The Neighbourhoods policies (Local Plan Section 4) provide further detail on transport improvements and projects in neighbourhoods in Newham. Development should enhance the reliability, accessibility, attractiveness and ease of interchange of public transport services.

Paragraph

p. 326 - paragraph 4

Policies Map

Relates particularly to GS82 & N13.SA3

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☐

No

☒

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☒

No

☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Why I consider the Local Plan is not legally compliant or sound

The access needs to services infrastructure does not appear to be properly assessed, The plan is therefore not sufficiently effective or in compliance.

The Newham plan needs to include its own assessments of access to services as part of its approach. There are clearly issues with the connectivity of transport for people with impairments. The Report 'Accessibility of the transport network', London assembly publication Friday 19th November 2016 states " while all London buses now have ramps, only half of London's 17,476 bus stops meet the criteria for full accessibility". The Disability Discrimination Act 1995 conveys responsibilities to all providers of services. In principle the Newham Local Plan should enable the provision for the ability of movement of impaired residents to have full access to public transport, particularly in terms of avoiding 'gaps' between different providers responsibilities:

The Disability Discrimination Act 1995: PART III Goods, facilities and services, Section 21, Duty of providers of services to make adjustments States:

(2)Where a physical feature (for example, one arising from the design or construction of a building or the approach or access to premises) makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to—

(a)remove the feature;

(b)alter it so that it no longer has that effect;

(c) provide a reasonable means of avoiding the feature; or

(d)provide a reasonable alternative method of making the service in question available to disabled persons."

I believe that Newham Council in fact upholds this aspiration from the statement on p 7 of the Equalities and the local Plan, Newham council, paragraph 4. The lack of commitment in the Local Plan appears to be an oversight. The Local plan should have a commitment to the inter-connection of services, such that the chain of responsibility for transport accessibility is not broken by the different responsible service providers.

One clear example of this disconnected service provision is the key transport hub at East Ham station. The access to transport is not fully compliant. The bus stop outside 206 High Street North needs to be fully accessibly linked to the station. This would require an assessment and accessibility upgrade in the public highway across Sibley Grove by Newham Council.

This may not be strictly a breach of law but certainly the intention should be to provide full access. If not a breach, then it is just unsound as any improvements may remain disconnected leaving barriers to accessing public transport in place.

In addition under the **Care Act 2014** Part 1 section 6:

(2)" A local authority must co-operate, in the exercise of its functions under this Part, with such other persons as it considers appropriate who exercise functions, or are engaged in activities, in the authority's area relating to adults with needs for care and support or relating to carers."

and

(3)"The following are examples of persons with whom a local authority may consider it appropriate to co-operate for the purposes of subsection (2)—

(a)a person who provides services to meet adults' needs for care and support, services to meet carers' needs for support or services, facilities or resources of the kind referred to in section 2(1);"

Newham planning should have full regard to the wider transport issues raised in the Newham Plan for both disabled people and their carers. The policy does place obligations on 'developers' and 'applicants' to produce transports plans and assessments, the Local plan should produce neighbourhood level planning for existing community neighbourhoods.

The plan is not clear on the approach of transport for those who have difficulty walking and cannot cycle or a range of other impairments due to health conditions and aging who may well be dependant on carers. The local plan currently includes the following provisions:

- Disabled Car parking bays (which cannot be used by carers).
- Local public transport may not be available (some areas of East Ham TPAL O).
- Parking is heavily restricted for non-residents within Parking Zones.
- Taxi services may not be appropriate or affordable.

It would appear to be reasonable for the local plan to be explicit about what it plans to provide and a commitment to co-operate with Newham residents by consulting, understanding and making clear provision available.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The access needs to services infrastructure does not appear to be properly assessed. Local Plan, policies T2: Local transport, T2.1, p 326 paragraph 4, should read:

The Neighbourhoods policies (Local Plan Section 4) provide further detail on transport improvements and projects in neighbourhoods in Newham. Newham will demonstrate in Neighbourhood specific Design and Access Statements that a range of impairments and barriers to transport have been considered as well as the transport needs of carers , prioritising areas of the borough with TPAL ratings below 3 and transport interchanges. Development should enhance the reliability, accessibility, attractiveness and ease of interchange of public transport services.

This will ensure that a range of impairments have been fully assessed for their transport implications and any changes to physical infrastructure included in the Local plan.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

It may be useful to provide clarification or further information. The London Borough of Newham may propose mitigations or other solutions that would be helpful to hear.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

a. the submission of the local plan for independent examination

Yes ☒ No ☐

b. the publication of the Inspector's report

Yes ☒ No ☐

c. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 20th September 2024

Part B – Please use a separate sheet for each representation

Name or Organisation: David Anderson, Facilities and Development Manager,
St Paul's Church East Ham

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy **T2: Local Transport**

Implementation Text "Section 9. improving conditions for walking, cycling and public transport by: " and "TPAL rating 0-3"

Paragraph p 553 - Para 3 & p 561, Public transport accessibility level

Policies Map Relates particularly to GS82 & N13.SA3

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Why I consider the Local Plan is Unsound

The Local Plan is not effective for residents in the East of the East Ham Neighbourhood, nor prospective new residents in the development H13.SA3 as it does not address transport issues identified in the Local Plan evidence base on p 550 paragraph 6, “ 4.63 The East of the neighbourhood has poor public transport accessibility and also illustrated by the Newham Sustainable Transport Strategy, p 14, Figure 11, ‘Public Transport Accessibility Levels’. Newham planning should have full regard to the wider transport issues raised in the Newham Plan for both disabled people and their carers. This is the subject of a separate submission.

The policy map area GS82 includes areas of a TPAL rating of zero. The development site would appear to be more fairly judged to be in a TPAL rating of 1a rather than in ‘0 - 3’ as written and at odds with the factual evidence on p 14 of the Newham Sustainable Transport Strategy Figure 11 ‘Public Transport Accessibility Levels’. In response the Local plan responds in the following way:

- Policy T2 contains no accessibility transport implementation plans to address this issue. In particular for the existing neighbourhood surrounding the N13.SA3. site there are no supportive transport connection plans in the Local Plan, section 9, p 553. Statistics for the N13. SA3 neighbourhood, show a predicted substantial growth in over 65's. Evidence: p 106, population change, chapter 5, Socio-economic analysis, characterisation study, Maccrenor Lavington, June 2024, draft submission Newham local plan evidence base documents.
- Aging residents would appear to face particular challenges as the Local plan does not appear to recognise or accommodate the increasing aging neighbourhood population. Transport planning policy should also recognise and attempt to mitigate the effects of low income and unfamiliarity of access to internet services for many in the elderly generation of the community. This is apparent in the inadequate provisions for the implementation of resident parking zone access as smart phone / web based provision. Currently St Paul's both observes and have on occasion provided transport for residents to health and other social infrastructure appointments. This is via friends/neighbours and other charitable offers of car transport. This is becoming increasingly problematic, it is a mode of vital care by transportation that is not accommodated for, or within the Local Plan.

Without further assessment the following future ambitions of the local plan would appear to be at risk:

- Full access to potential new sports facilities at N13.SA3. site
- Access to many of the social infrastructure provisions under policies SI 1,2,3,4 & 5 , particularly GP services which is already affected.

The issues would be substantially resolved If a service similar to the existing Bus 300 route (in the neighbourhood south of Barking Road and the Burges Estate were introduced.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The transport needs in the East section of the East Ham Neighbourhood have not been addressed in the Local Plan:

the Local Plan, section 9, p 553 Should have the following text edited.

9. improving conditions for walking, cycling and public transport by:
 1. supporting bus priority measures on Barking Road, Ron Leighton Way, High Street North ~~and~~ High Street South; **and Burges Road.**
 2. supporting the implementation of Low Traffic Neighbourhoods and new and improved modal filters;
 3. supporting the provision of the Barking Road (Canning Town to Barking), River Roding Corridor, High Street North (Manor Park to East Ham) and High Street South (East Ham to North Woolwich) Strategic Cycling Corridors;
 4. requiring and supporting improved walking routes within and linking to the major centre and improved crossings, ~~particularly~~ on north to south on High Street North; **and from the East of the East Ham neighbourhood to the high street.**

p 561, Public transport accessibility level: 1a or 0 - 1b

Access to public transport for this area of East Ham would provide access to the high street, social infrastructure and onward transport links. This would make the Local plan achievable in this part of the East Ham neighbourhood.

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

It may be useful to provide clarification or further information. The London Borough of Newham may propose mitigations or other solutions that would be helpful to hear.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

d. the submission of the local plan for independent examination

Yes ☒ No ☐

e. the publication of the Inspector's report

Yes ☒ No ☐

f. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 20th September 2024

Part B – Please use a separate sheet for each representation

Name or Organisation: David Anderson, Facilities and Development Manager,
St Paul's Church East Ham

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

SI 1 & SI 2: New and re-provided community facilities and health Facilities

Implementation Text

"3.124 There is an uneven distribution of community facilities across the borough. Newham's Community Facilities Needs Assessment (2022) has established that a number of the largest site allocations in the south of the borough are within areas that currently have few community facilities. The neighbourhood areas of Manor Road, Gallions Reach, Royal Albert North and Three Mills have the fewest community facilities with less than 5 facilities in each area. In contrast, Stratford and Maryland has the highest number of facilities with 67 followed by Plaistow with 50. The highest density of facilities can be found in Green Street (25 facilities per Km²) followed by Plaistow and Stratford and Maryland (20 and 18.5 facilities Km² respectively).

Si1.1 "An assessment is likely to require evidence of the following:

- an excess of facility provision
 - - Applicants wishing to demonstrate that an existing community facility is not needed should consult Newham's Community Facilities Needs Assessment (2022). Appendix B of the assessment provides a starting point for applicants, to help understand if the proposal falls in an area with an existing need for a community facility. The maps take into account the street network and pedestrian barriers to identify parts of the borough that are further than a 15 minute walk to community facilities. "

Paragraph

Paragraph 2, p 154 & Paragraph 7, p 156

Policies Map

Relates particularly to GS82 & N13.SA3

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

☒

No

☐

4.(2) Sound

Yes

☐

No

☒

4 (3) Complies with the
Duty to co-operate

Yes

☒

No

☐

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Why I consider the Local Plan is Unsound

The local plan is unsound because it relies on Newham's Community Facilities Needs Assessment (Publica, 2022) as an evidence base which is not accurate. The data cannot be used to adequately justify planning policy. The evidence base was acknowledged by the authors, Publica to require further research:

"To gain an overview of the types and location of services within them, the e-questionnaire asked facility managers to state which services were provided and for organisations and services to state which facilities they used. However due to the limited responses in the e-questionnaire, it did not provide enough data on the types of services being delivered within community facilities." (p 89, Newham's Community Facilities Needs Assessment, Publica, 2022).

Newham's Community Facilities Needs Assessment (2022) is explicitly referred in the Local Plan. The lack of accurate data has a significant impact as faith buildings overall are a very significant community resource with nearly half of all available for community use "Facility typologies: The study has identified 416 community facilities in the borough. 49% are places of worship with 206 locations, which represents the largest proportion of facilities by type." (p 19 Key findings and recommendations, section 2, 2.2.1, Newham Community Facilities Needs Assessment, Publica, 2022).

Many Churches provided community hall and other services when not needed for faith events. During the Victorian era church halls were built to accommodate faith activity and community activity in separate buildings. This division is sometimes still maintained where the church building has historic value (listed) which also make adaptations difficult and costly. A large number of Newham churches have been repaired or rebuilt following bombing damage during 1939-45. This has led in recent decades to a different path to sustainable operation for the many Newham churches. Non listed buildings have no recourse to historic preservation funds. In order to remain sustainable or to further their charitable social wellbeing mission, Newham Churches have evolved their operation over many decades. Some have purely faith practice would be described under planning class F1 (f) and many have multiple congregations using a variety of spoken language, (p 61, section 5.5.1, point 1, Newham Community Facilities Needs Assessment, Publica, 2022). None however could now serve or seek to serve a 15 minute neighbourhood exclusively. Recognised in (p 61, section 5.5.1, point 5, Newham Community Facilities Needs Assessment, Publica, 2022). Many churches still maintain F2 (b), Sui Generis and F1(a) class use, many need to maintain class E (f) day nursery use. Much of this was captured in the past under the old planning class of order D1. Following the significant changes to the Use Classes Order in England in The Town and Country Planning (Use Classes) Order 1987 the continued lawful use outside F1 (f) remains unclear. It would appear that actual building use is misunderstood from the baseline mapping in section 4.0 of the Newham Community Facilities Needs Assessment, p 38 – 48. It would also appear that social infrastructure is recorded as having, either a single planning classification, or that other use classes have been have been omitted. The 15 minute isochrones are therefore inaccurate and cannot provide appropriate evidence to justify planning policy. Obvious examples of this would be St Bartholomew's Barking Road E6 3BA and St Paul's East Ham E6 2EU which have a number of uses beyond F1 (f) use class

and are both not properly recorded in the Isochrone mapping or the neighbourhood maps.

This would mean that under the Assessment Methodology p 8, section 1.1.4, (Newham Community Facilities Needs Assessment, Publica, 2022) the following study objectives could not have been achieved and the assessment unsound:

- Objectives 1, 3, 4, 5 & 9

The following data is also incorrect:

- Appendix B Tables and calculations on p 96, - 100
- Section 4 Baseline mapping p 38 – 48
(Newham Community Facilities Needs Assessment, Publica, 2022)

In addition the Facilities Audit in Newham Community Facilities Needs Assessment, Publica, 2022, site assessment in section 7.0, p 78 The sample set was not representative:

- A majority new build or refurbished (which is highly atypical)
- 5 of 9 included from a single community organisation
- No faith sector buildings were included (49% of all community buildings)

The Local Plan is not therefore justified by the evidence in regard to social infrastructure. Newham would need to fully accept the recommendations on p 89 of The Newham Community Facilities Needs Assessment, Publica, 2022) and undertake the studies recommended for the assessment to produce accurate policy reference information. The recommendations that need to be undertaken are as follows:

8.1.2. Additional use classes: Feedback on the study highlighted certain use-class groups and/or types of facilities which could be included in the baseline mapping including residential would provide more detailed quantitative and qualitative information about the types and location of service provision in the borough in relation to community demand.

8.1.5. Further information on affordability: To gain a meaningful understanding of affordability across the borough, a separate detailed investigation could be undertaken. This may cover varying aspects of affordability including:

- Affordability for organisations who hire space
- Affordability for facilities managers to run and maintain the space

8.1.6. Comparison study to other London boroughs: Through speaking to other boroughs undertaking similar studies including 15-minute neighbourhoods, the quantum, distribution and density of community facilities could be obtained. This would allow a comparison to take place to benchmark Newham and understand deficiency or proficiency of community infrastructure in relation to other London boroughs.

8.1.3. Location and types of services within community facilities: The baseline mapping focussed on locating community facilities across the borough. To gain an overview of the types and location of services within them.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

3.124 There is an uneven distribution of community facilities across the borough. Newham's Community Facilities Needs Assessment (2022) has established that a number of the largest site allocations in the south of the borough are within areas that currently have few community facilities. The neighbourhood areas of Manor Road, Gallions Reach, Royal Albert North and Three Mills have the fewest community facilities with less than 5 facilities in each area. In contrast, Stratford and Maryland has the highest number of facilities with 67 followed by Plaistow with 50. The highest density of facilities can be found in Green Street (25 facilities per Km²) followed by Plaistow and Stratford and Maryland (20 and 18.5 facilities Km² respectively).

Si1.1 An assessment is likely to require evidence of the following:

- an excess of facility provision
 - Applicants wishing to demonstrate that an existing community facility is not needed should consult Newham's Community Facilities Needs Assessment (2022). Appendix B of the assessment provides a starting point for applicants, to help understand if the proposal falls in an area with an existing need for a community facility. The maps take into account the street network and pedestrian barriers to identify parts of the borough that are further than a 15 minute walk to community facilities.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Only with further informed discussion could the issues be clarified and Policy aims resolved. These issues are complex and involve the operation of the policy across both Policy SI 1 & 2. It may be useful to be able to provide clarification or further information. The London Borough of Newham may propose mitigations or other solutions that would be helpful to hear.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

g. the submission of the local plan for independent examination

Yes ☒ No ☐

h. the publication of the Inspector's report

Yes ☒ No ☐

i. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 20th September 2024

Part B – Please use a separate sheet for each representation

Name or Organisation:	David Anderson, Facilities and Development Manager, St Paul's Church East Ham
3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)	
Policy	SI 1 & SI 2: New and re-provided community facilities and health Facilities
Implementation Text	6. Re-provision (including modernisation and/or expansion) of a facility outside of an existing town or local centre will be supported on the existing site where: a. it can be demonstrated it is of a similar user footfall and catchment to the existing facility; and b. there are no unacceptable transport and highways impacts; and c. it can be demonstrated that the scheme has been designed to be neighbourly; As the most obvious example but actually applies to much of the text across policy Si 1 & 2. Please see section 6.
Paragraph	p 159, section 5
Policies Map	Relates particularly to GS82 & N13.SA3

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Why I consider the Local Plan is Unsound

The local plan is unsound because restrictions are being placed on the planning support criteria that are counterproductive to maintaining community charitable benefit. This relies on sustainable social infrastructure. This is at odds with the stated aim of promoting and protecting social infrastructure, it is therefore not an effective policy in this regard. The operation of church buildings would appear to be not properly understood and consequently the Local Plan in regard to these buildings cannot be justified. Only with further informed discussion could the issues be clarified and resolved. This submission will refer to christian church buildings, with which I am knowledgeable, however my submission may well apply to other faith buildings that provide more charitable social benefit than incorporated in the planning order F1 (f).

The Local Plan could have an unintended, significant, negative impact on Social infrastructure availability in Newham

Faith buildings overall are a very significant community resource with nearly half of all available for community use. "The study has identified 416 community facilities in the borough. 49% are places of worship with 206 locations, which represents the largest proportion of facilities by type." (p 19 Key findings and recommendations, section 2, 2.2.1, Newham Community Facilities Needs Assessment, Publica, 2022). Any negative impact of the Local Plan on the sustainability of church buildings will significantly and negatively affect the supply and access to community infrastructure in Newham.

The financial sustainability of churches is a pressing issue for Newham church governance, (p 61, section 5.3.4, point 1, Newham Community Facilities Needs Assessment, Publica, 2022). Churches are facing financial challenges of aging buildings and increasing demands on the performance of public buildings and their operation. For example, almost all will be affected by The Energy Efficiency (Private Rented Property) (England and Wales) ("MEES") Regulations 2015. Many require alteration to meet the new MEES regulations on thermal efficiency, particularly if they generate funds through leases or lettings for charitable activity. Undertaking building adaption and updating they would be caught up in the definition within policy SI 2 as a 're-provision' of their social infrastructure in line with policy definition Policy SI 2. p 165. SI 2.5 "For the purposes of this policy, re-provision can range from a simple minor extension to extensive modernisation, expansion or total rebuild of a community facility".

The stated aim of the Local Plan toward churches is effectively undermined by the policy provisions in Policy Si 1 and SI 2

The planning intention of the policies is stated as "to protect and promote social infrastructure, both those in public and private ownership, to meet the needs of Newham's growing population". (p 153 clause 3.122) The continued availability of Church buildings is therefore stated as a Local plan policy priority. Many Churches provided community hall and other services when not needed for faith events. During the Victorian era church halls were built to accommodate faith activity and community activity in separate buildings. This division is sometimes still maintained

where the church building has historic value (listed) which also make adaptations difficult and costly. A large number of Newham churches have been repaired or rebuilt following bombing damage during 1939-45. This has led in recent decades to a different path to sustainable operation for the majority of Newham churches. Non listed buildings have no recourse to historic preservation funds. In order to remain sustainable or to further their charitable social wellbeing mission, Newham Churches have evolved their operation over many decades. Some have purely faith practice use planning class F1 (f) indeed many have multiple congregations using a variety of spoken language (p 61, section 5.5.1, point 1, Newham Community Facilities Needs Assessment, Publica, 2022). None however could now serve, or seek to serve a 15 minute neighbourhood exclusively. This is recognised in (p 61, section 5.5.1, point 5, Newham Community Facilities Needs Assessment, Publica, 2022). Many churches still maintain F2 (b), Sui Generis and F1(a) class use, many need to maintain class E (f) day nursery use. Much of this was captured in the past under the old planning class of order D1. Following the significant changes to the Use Classes Order in England in The Town and Country Planning (Use Classes) Order 1987 the continued lawful use outside F1 (f) remains unclear. To clarify this anomaly ought be within the remit of Newhams Local plan, however the consequence to the operation of a majority of churches in Newham could be catastrophic with many forced to curtail or cease their charitable work and benefit to Newham residents. If one looks at any of the baseline mapping in section 4.0 of the Newham Community Facilities Needs Assessment, p 38 – 48. It would appear that Social infrastructure is recorded as having, either a single planning classification, or that existing use classes have been have been omitted. The 15 minute isochrones are therefore inaccurate and cannot provide appropriate evidence to justify planning policy. A separate submission relates to the short comings of the assessment data.

The policy aspiration for churches to re-provide their buildings in local centres is untenable

The policies SI1 & 2 are “ designed to enable community/charity/market-led community facilities to come forward in the most appropriate locations” (Local Plan p 152 para 4, 3.118). However the provisions in the policy would appear to indicate that churches have unfortunately been built in the wrong location for the policy objectives, because the single most important factors are:

- That social infrastructure with wider catchments are built on high streets or town centres (Policy S12, p 159, clause 2) & (p 162, clause SI2.2, para 1) without regard to differing requirements of different social infrastructure.
Or
- That they serve a majority of users within a 15 minute neighbourhood. (S12 p 159, clause 3).

Currently only 17% of existing community facilities are located within town or local centres (p 23 section 2.3.1 Newham Community Facilities Needs Assessment). It would follow that the policy appears to advocate that many facilities including churches would need to be rebuilt in town or local centres. The problem is recognised on (p 24, section 2.3.4, Newham Community Facilities Needs Assessment, Publica, 2022).

Leaving aside historic (listed) churches that cannot be rebuilt or re-provided in a new location. The relocation of churches is problematic for the following reasons:

- Throughout the development of Newham neighbourhoods Churches have provided community services such as funerals and weddings which are incompatible with commerce and traffic in local centres.
- The demand and cost of leases or land on high streets and local centres are beyond the majority of charities.
- The substantial cost benefit of relocation.

It would clearly be more cost effective to provide public transport to social infrastructure where it is currently located. Public transport does not as yet provide effective provision in the East section of the East Ham Neighbourhood, TPAL is at 1a or 1b, (p 14 of the Newham Sustainable Transport Strategy Figure 11 'Public Transport Accessibility Levels') This is the subject of a separate submission on the Transport policy T2.

The Local Plan introduces additional requirements and burdens on church governance, capital works and charitable programmes that have no recourse to public funds, further eroding the viability of some social infrastructure buildings.

Charitable social infrastructure building governance may also face provisions in Policy SI 1 that facilities should not be "reconfigured, reduced in size or relocated" unless the needs of current or future users are met. This provides difficulties in the following ways:

Governance is directed by charity trustees funded by charitable gifts of time and donations. Governance might be negatively affected by the policy. It would be easy under Policy SI 1 for a group of community users to argue their right to use social infrastructure for a community purpose is protected even though the use is judged unsustainable or uneconomic by the charity trustees of a building. Users are given rights both on Infrastructure provision for an 'availability' test for 'times they wish to use the space' and 'affordability' test in SI 1.1 p156. This bears no reference to the true cost of providing charitable facilities and service providers have no regular recourse to public funding. Of over 40,000 churches in the UK "none gets guaranteed government funding. All rely on Charity" (p 4, The House of Good, The economic and social value of church buildings in the UK, National Churches Trust, 2020).

Policy SI 1 p154 provides for existing churches facing unsustainable financial use would need to:

- be actively marketed for the use within the local 15 minute neighbourhood (clause 1b ii.) It is highly unlikely that a church required to serve mostly people living mostly in its neighbourhood would be marketable. (67% in the previous Newham Local plan).

The policy as drafted would also require an existing church building wanting to improve and modernise its building to be more sustainable to be further constrained in disposal of uneconomic parts of their site by purchasers:

- Only appealing to a local neighbourhood if located outside a town centre (section 3 p 159).
- The facility being easily accessible by public transport (section 3 p 159)
- Newham's own plans to deliver new community infrastructure potentially without regard to the existing charity or its beneficiaries.

The Local Plan should have a requirement for effective existing charitable Social Infrastructure to be properly included in stakeholder consultation

As a church facilities manager I am unaware of any church building in Newham that only appeals to a local neighbourhood. (p 24, section 2.3.4, Newham Community Facilities Needs Assessment, Publica, 2022). If congregations were largely restricted to local neighbourhood populations and membership most would eventually close and be lost as community infrastructure in direct contravention of policy SI 1. Policy Map reference N13.SA3 p 563 para 4 indicates a new community facility is needed. This policy could enforce a right to provide publicly funded community facilities in direct competition to an existing charitably funded facilities neighbouring the site. The church has provided both faith worship and community services in order to deliver sustainable community value and benefit. There has been no direct communication between Newham or the housing developer and St Paul's Church which is next to site N13.SA3. The plans have been progressed without discussion or consultation despite attempts to initiate communication, despite recommendations in (p 24, section 2.3.4, Newham Community Facilities Needs Assessment, Publica, 2022). This makes the proposals in the Local plan p 161 – 164 unjustified as the proposals cannot have taken into consideration the impact on St Pauls as a community infrastructure stakeholder and provider.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SI1: Existing community facilities and health facilities p 154

1. Existing facilities will be protected and should not be lost to other uses, ~~reconfigured, reduced in size or relocated~~ unless it can be demonstrated that the following criteria are met:
- a. The needs of the current users of the facility, potential or future users (where the facility is not in use) are met through:
 - i. provision of a suitable on-site replacement facility; or
 - ii. a suitable off-site replacement, within the local well-connected neighbourhood of the original facility; ~~or~~
 - iii. ~~an existing local facility, within the local well-connected neighbourhood which is suitable, available and affordable; or~~

SI2: New and re-provided community facilities and health facilities p 159

2. New facilities **That are not existing social infrastructure** which are either, 1,000 sqm or greater Gross Internal Area, have a user appeal beyond the local neighbourhood or- are anticipated to generate a large number of trips will be supported where:
3. New facilities **That are not existing social infrastructure** which are smaller than 1,000 sqm Gross Internal Area and have a local neighbourhood user appeal can be located outside of town or local centre where:
- ~~6. Re provision (including modernisation and/or expansion) of a facility outside of an existing town or local centre will be supported on the existing site where:~~
- ~~a. it can be demonstrated it is of a similar user footfall and catchment to the existing facility; and~~
 - ~~b. there are no unacceptable transport and highways impacts; and~~
 - ~~c. it can be demonstrated that the scheme has been designed to be neighbourly; and~~
7. Proposals for all new and re-provided (including modernisation and/or expansion) facilities that receive **government or local government capital funding** should:
- a. provide a Social Value-Health Impact Assessment (see Local Plan Policy BFN3); and
 - b. demonstrate that early consultation and co-design has been undertaken with the intended operator and users of the space; and
 - c. make efficient and effective use of land, maximising the opportunities for shared use of facilities; and
 - d. ensure the Gross Internal Area,~ facilities provided, layout and storage space meets the needs of the existing and/or intended users; and

- e. be visible and welcoming from the street and be designed to facilitate social
- f. be inclusive and accessible; and
- g. be designed with flexibility in mind, to allow the building to adapt to different users of the space over time; and
- h. demonstrate how environmental conditions and air quality have influenced the position of the facility on the site and its design. This is especially important for facilities which are intended for children or other vulnerable users; and
- i. maximise availability of their provision to the community, including during the evening and at weekends; and
- j. if it is a large-scale development, and where possible for smaller-scale facilities, and government or local government revenue funded provide free, publicly available provision of accessible toilets, baby change, Wi-Fi and drinking water facilities; and
- k. demonstrate that the scheme has been designed to be neighbourly.

8. Proposals for social infrastructure facilities that are government or local government capital and revenue funded will usually be:

- a. secured for the specific intended use of the facility; and
- b. required to enter into a Community Use Agreement with the Council.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The issues are complex and involve the operation of the policy across both Policy SI 1 & 2. It may be useful to be able to provide clarification or further information. The response of the London Borough of Newham would be helpful to hear.

In my previous comments on the Local plan recorded in the Regulation 18 consultation report p36 Appendix 13: community facilities comments representation, (reference Reg 18- E-139) My comments appeared to have been dismissed without clarifying whether planning had understood my legitimate concerns in drafting Policy prior to the drafting of new policies SI 1 & 2. My concerns are now being restated in a more detailed submission at this point in the consultation in my role as a charity social infrastructure manager.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

j. the submission of the local plan for independent examination

Yes ☒ No ☐

k. the publication of the Inspector's report

Yes ☒ No ☐

l. the adoption of the Local Plan

Yes ☒ No ☐

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 20th September 2024