

## James Scantlebury

---

**From:** James Dachs <[REDACTED]>  
**Sent:** 04 September 2024 17:29  
**To:** Local Plan  
**Cc:** [REDACTED]  
**Subject:** Newham Regulation 19 Local Plan - Representations on behalf of the Metropolitan Police Service (MPS)  
**Attachments:** MPS\_Newham\_Regulation\_19\_Representations Form.pdf

Dear Sir / Madam,

Please find attached Representations made by Knight Frank on behalf of the Metropolitan Police Service (MPS), through the consultation form to the Newham Regulation 19 Draft Local Plan.

Please could you confirm receipt of these Representations.

Kind regards,  
James.



**James Dachs** (he/him)  
Graduate  
Planning

---

**D:** +[REDACTED] **M:** +[REDACTED] [knightfrank.com](https://www.knightfrank.com)  
55 Baker Street London, W1U 8AN, United Kingdom



---

This email (including any attachments) is confidential. If it is not addressed to you, please do not read, disclose, copy or forward it on, but notify the sender immediately and delete it. Any copying, disclosure, distribution or other use of this email (and any attachments) by anyone other than the intended recipient is prohibited and may be unlawful.


This e-mail is sent on behalf of Knight Frank LLP, a limited liability partnership registered in England (registered number OC305934). Our registered office is at 55 Baker Street, London W1U 8AN where you may look at a list of members' names (this can also be found at <http://www.knightfrank.co.uk/about-us>). If we use the term 'Partner' when referring to one of our representatives, that person will either be a Member or an employee of Knight Frank LLP. Each entity or practice in the Knight Frank global network is a distinct and separate legal entity. No Knight Frank entity acts as agent for, or has any authority to represent, bind or obligate in any way, any other Knight Frank entity.

We have tried to ensure this email does not contain any viruses, but please check this before opening any attachments, as we cannot accept any responsibility for damage caused by a virus. Further information concerning our website, information technology and our monitoring, processing and use of personal data can be found at <http://www.knightfrank.com/legals>. Firms such as Knight Frank LLP and their clients are increasingly being targeted by fraudsters, often requesting funds to be transferred to a different bank account or seeking to obtain confidential information. If you receive a suspicious or unexpected email from us, or purporting to have been sent on our behalf, please do not reply to the email, click on any links, open any attachments, or comply with any instructions contained within it without first speaking (in person or by telephone) with your Knight Frank LLP contact to verify the email. Knight Frank LLP cannot take responsibility for any losses arising from your transfer of funds or disclosure of confidential information.

Except where specifically stated otherwise, any information about price or value contained in this email is provided purely as guidance. It does not constitute a formal valuation and should not be relied upon for any purpose. Unless specifically stated otherwise, any negotiations, intention to treat, offers, acceptances or consideration contained in this email are not intended to create legal obligations or relations and are all subject to contract.

---

**Response Form for Regulation 19 Consultation.**

	<p><b>Local Plan</b> Publication Stage Response Form</p>	<p><b>Ref:</b></p> <p><b>(For official use only)</b></p>
---	--	--

**Name of the Local Plan to which this representation relates:**

Newham Draft Submission  
Local Plan

**Please return to London Borough of Newham by 5pm 6<sup>th</sup> September 2024**

## **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](mailto: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	Vincent
Last Name	Gabbe
Job Title (where relevant)	Consultant
Organisation (where relevant)	Knight Frank LLP
Address Line 1	55 Baker Street
Line 2	
Line 3	
Line 4	
Post Code	W1U 8AN
Telephone Number	
E-mail Address (where relevant)	

---

## Part B – Please use a separate sheet for each representation

---

Name or Organisation: Knight Frank LLP

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

Policy

Policy BNF4 (Developer contributions and infrastructure delivery). In reference to Evidence Base Document: Infrastructure Delivery Plan (IDP) 2024.

Implementation Text

Emergency Services: Metropolitan Police Services

Paragraph

Policy BFN4 & Paragraph 3.21

Policies Map

N/A

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.

## Introduction

We consider it helpful that LB Newham has introduced some additional wording to the Infrastructure Delivery Plan ('IDP') which states that the Council will work with the MPS regarding key elements of proposed infrastructure including Section 106 charging. We welcome the inclusion of this wording. Notwithstanding, the Plan proposes a significant volume of development which has an impact on policing in the Borough that needs to be mitigated.

We do not consider the Plan to be sound as it does not make it clear what the Section 106 requirements are in respect to the MPS. Therefore, to be sound and fully compliant, the Plan must fully explain and provide clarity on the Section 106 infrastructure requirements for policing. This is also important to developers and MPS who require clarity on the Section 106 requirements in LB Newham.

Ideally the MPS infrastructure requirements would be included within the Plan itself, the existing structure referencing the IDP is acceptable.

The Housing section of the consultation document notes that the plan proposes the delivery of at least 51,425 and 53,784 new residential units in LB Newham between 2023 and 2038 new homes between 2018 and 2033. There would also be growth in commercial floorspace. This will give rise to the need for additional policing infrastructure which will need to be funded. MPS believe that section 106 contributions should be levied for this purpose and that the Local Plan should acknowledge this, together with the Infrastructure Delivery Plan and any Section 106 Supplementary Planning Guidance.

## Acceptance of Policing Infrastructure as a Legitimate S106 Charging Item

It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within Section 106 agreements. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that S106 infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure and CCTV, staff set up costs, vehicles, mobile IT and PND. A breakdown of non-building related infrastructure sought by MPS is detailed below.

For example, in the case of *The Queen (on the application of The Police and Crime Commissioner for Leicestershire) v Blaby District Council* [2014] EWHC 1719 (Admin), Judge Foskett stated:

*61... "I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble about a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that in itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.*

*62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area."*

The above conclusions echo those reached in an earlier appeal case of *Land off Melton Road, Barrow-upon-Soar* (APP/X2410/A/12/2173673), in which the Secretary of State endorsed the following findings of the Inspector:

*291... "the twelfth core planning principle of the Framework... can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, "safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.*

*292. Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me, why police equipment and other items of capital expenditure necessitated by additional development should not be*

*so funded alongside, for example, additional classrooms and stock and equipment for libraries.”  
(emphasis added)”*

There is an extensive array of Secretary of State and Planning Inspectorate decisions that compellingly support the above conclusions, including two in July 2017.

The MPS has successfully secured contributions from other London Boroughs based on the approach set out in these Representations. Policing infrastructure therefore represents a widely recognised infrastructure requirement across London planning authorities.



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.

#### **Section 106 Contributions Sought**

We are seeking Section 106 charges to offset the cost of policing infrastructure, based on a charging methodology used widely by other police forces and already tested at appeal and in the courts. A calculator has been produced which assesses these charges, based on the standard methodology. Section 106 contributions have been agreed in other London Boroughs based on this approach.

We recommend that the below wording should be included within the IDP as its own subsection within the "What?" subtitle under the "Emergency Services: Metropolitan Police Service" section, as recommended in our previous IDP Representations in April 2024.

The wording we seek to be added to the IDP is set out below.:

#### Section 106 Contributions

The MPS have formulated a section 106 charging methodology, for larger scale planning applications involving 150 or more dwellings. This seeks financial contributions to mitigate the impact of such developments in relation to policing infrastructure. MPS uses a standard methodology, already used widely by other police forces across the country. A number of London Boroughs have already applied these charges to development proposals. The charges cover the following policing infrastructure requirements arising from new developments:

- Staff set-up costs.
  - Uniforms
  - Radios
  - Workstation / Office equipment.
  - Training.
- Vehicles.
  - Patrol Vehicles.
  - Police community support officers (PCSO) vehicles.
  - Bicycles.
- Mobile IT: The provision of mobile IT capacity to enable officers to undertake tasks while out of the office in order to maintain a visible presence.
- CCTV technologies: Automatic Number Plate Recognition (ANPR) cameras to detect crime related vehicle movements.
- Police National Database (PND): Telephony, licenses, IT, monitoring and the expansion of capacity to cater for additional calls.
- The provision and maintenance of police office accommodation.

These charges are necessary to ensure that the infrastructure to support additional police officers is available to support the requirements arising from new development.

#### **End of proposed wording.**

Ideally the MPS infrastructure requirements would be included within the Plan itself, however we consider the existing structure referencing the IDP is acceptable should the above be included.

**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:

N/A

***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 6<sup>th</sup> September 2024**