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From: Grace Crook <[REDACTED]>
Sent: 11 September 2024 14:55
To: Local Plan
Cc: [REDACTED]
Subject: Formal Representations on the Newham Local Plan Regulation 19 Consultation
Attachments: Local Plan Representations Sept 2024.pdf

Good afternoon

Please find attached our formal representations on the Newham Local Plan Review (Regulation 19) Consultation, provided on behalf of the Newham Muslim Burial Association. We look forward to receiving confirmation of receipt of these representations, and to your detailed response in due course.

Do contact me should you wish to discuss these representations further.

With kind regards

Grace Crook
Associate

NTR Planning Ltd

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Our ref: 3972/GC/NTR

Newham – Draft Local Plan for Consultation (Regulation 19)

Formal Representations

On behalf of

Newham Muslim Burial Association

September 2024



Small Planning Consultancy of the Year London 2022

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NTR2: Comments on the Burial Space Need and Provision Study, Enzygo Ltd, July 2024

1. Introduction

- 1.1 These representations are made on behalf of our clients, Newham Muslim Burial Association (NMBA), in response to the Current Consultation: Draft Submission Local Plan 2024. Following the London Borough of Newham’s initial issues and options round of consultation held between October to December 2022 and its Draft Local Plan Consultation (Regulation 18) from January to February 2023, this Draft Local Plan Submission (Regulation 19) consultation runs until 20th September 2024.
- 1.2 NMBA is an organization which represents Mosques and Muslim community groups in and around Newham (listed at Appendix NTR1) and has been established in response to growing concern amongst the community as to the lack of burial provision in Newham that is suitable to meet the religious requirements of the borough’s Muslim communities. The aim of NMBA is to raise awareness within the Local Authority and the wider community about the issues surrounding burial provision, and to work with them to identify and deliver solutions.
- 1.3 NMBA supports the general aims and aspirations for the protection of existing, and provision of new burial space, promoted by the London Borough of Newham within its Draft Local Plan (Policy SI5) and is encouraged to see that recent high-level conversations between NMBA and the London Borough of Newham are being taken forward, particularly in the commissioning of an updated Burial Space Need and Provision Study which was produced by Enzygo Ltd. for the Council in July 2024. Given the availability of this up-to-date study, emerging policy should reference this report in place of the outdated 2011 Audit of London Burial Provision.

2. Policy Framework

Approach to Local Plan Policy

2.1 The National Planning Policy Framework (NPPF, December 2023) sets out the Government's policies for planning and how these should be applied. It provides the framework within which locally prepared plans, for housing and other forms of development, can be produced. The NPPF is clear that development plans should:

- a. Be prepared with the objective of contributing to the achievement of sustainable development;
- b. Be prepared positively, in a way that is aspirational, but deliverable;
- c. Be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d. Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- e. Be accessible through the use of digital tools to assist public involvement and policy presentation;
- f. Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this framework where relevant).

2.2 At para. 23 the NPPF confirms that plans should contain strategic policies, providing a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This applies to burial as to all other forms of development, and identified need should be met through the development plan.

London Plan Policy

2.3 The London Plan (2021) sets out a requirement, under Policy S7, for boroughs to ensure provision is made for the different burial needs and requirements of London's communities, including for those groups for whom burial is the only option. This should be informed by a needs assessment of burial space, such as the one commissioned by Newham and undertaken by Enzygo in July 2024, and cross-borough or sub-regional working is encouraged where appropriate to identify and address need

and to tackle burial space shortages within the sub-region. It is therefore clear that, whilst local authorities have no statutory duty to provide burial space themselves, there is a policy expectation under the London Plan that Local Plans should make provision to meet such need, both at borough level and on a wider strategic scale.

3. Representations

- 3.1 This section sets out our client's (NMBA's) specific observations, requests, recommendations, support and objections to the Draft Newham Local Plan, under separate headings, with clear reference to the relevant section of the emerging consultation Local Plan.
- 3.2 Before we expand on the representations below, it is important to reiterate that NMBA applaud and support the inclusion and objectives of draft Policy SI5 (and its supporting text) within the Council's Draft Local Plan, and Newham's intention to identify and seek to meet burial need in the borough and beyond. The Local Plan's recognition that different religions and cultures have differing burial needs is also supported.

Representation No. 1: Social Infrastructure and Community Facilities

- 3.3 Section SI of the draft Local Plan relates to 'social infrastructure' and 'community facilities', and we note that the two terms are used somewhat interchangeably. Whilst 'social infrastructure' is defined within the Glossary at Appendix 1, 'community facilities' is not, and we therefore suggest that greater clarity could be achieved by referring to 'social infrastructure' throughout.
- 3.4 Table 18 within the Glossary at Appendix 1 defines 'social infrastructure', listing the types of uses to be included under this heading. Burial facilities are currently not included in this table, and this should be amended to ensure their inclusion, either under the heading of 'other' or under a new heading of 'burial facilities'. This would ensure consistency with the plan which includes burial policy SI5 within the SI Chapter.

Representation No. 2: Cross-Borough Working and Strategic Cooperation

- 3.5 Implementation Point SI2.2 on page 162 of the draft plan recognises that some facilities naturally serve a catchment outside of a local neighbourhood or indeed the borough boundary. This is an important recognition, and is of particular importance to the provision of burial facilities where strategic need exists and users are attracted by

factors that transcend borough boundaries. London Plan Policy S7 highlights the importance of cross-borough or sub-regional work in this area.

- 3.6 However there is no consideration of this strategic, cooperative approach within the draft Policy SI5 and this is a significant omission noting, as above, the clear expectation for cross-boundary working set out in the London Plan. This should be reflected in Policy SI5 which should not be restricted to meeting just Newham's own burial needs. Paragraph 3.147 states that a Newham Burial Space Study is being commissioned however, as this study has now been completed, the text within this paragraph should be updated and the 2024 study relied on as the evidence base for this policy (taking into account our comments at appendix NTR2).
- 3.7 London Plan Policy S7 requires local authorities to meet their own needs and to work cooperatively with other authorities to meet wider needs both within Newham and beyond. To meet this expectation, it is therefore considered that Policy SI5 should include a commitment from the London Borough of Newham to work with neighboring local authorities to identify sites to meet wider strategic and long-term burial needs particularly for those groups – like Muslims – within and beyond Newham for whom there is no other option.

Representation No. 3: Location of Burial Facilities

- 3.8 Burial provision may need to be brought forward on land that is unsuitable, or not in demand, for other forms of development. Draft Policy SI5 should therefore include a recognition that burial facilities may need to be provided outside of the built settlement envelope and that, in line with para. 109 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
- 3.9 Implementation Point SI5.2 states that new burial sites should be accessible to residents particularly by public transport. Whilst we recognise the need to ensure access by sustainable modes is maximised, particularly in relation to those visiting graves, it should be recognised that the nature of burial rituals means that attendance

by public transport is not always desirable or appropriate and this should be taken into account in the supporting text to Policy SI5, and in decision making.

Representation No. 4: Quality of Burial Facilities

3.10 NMBA is pleased to see recognition within the draft plan that burial customs and rituals vary across religions and cultures and that the re-use of graves, for example, would be unacceptable to those of Jewish or Muslim faith. In addition, the Islamic religion also requires the following in relation to burial:

- Need for haste – burial should take place as quickly as possible, ideally within 24 hours of death
- Shroud burial – the body should be wrapped in a cotton shroud and is not buried within a coffin
- Orientation of grave – the deceased should be placed lying on the right shoulder facing Makkah
- Allowance for burial of all body tissue including foetal remains, still births and amputated body parts
- Mounded graves – the grave should be mounded to a hand span for clear demarcation to ensure respect of the dead
- Memorials – grave markers should be simple and without ostentation, reflecting the belief that all people are equal before God
- Prayer facilities – facilities for communal prayers where prayers can be carried out facing Makkah and following ablutions

3.11 Not all cemeteries and burial facilities accommodate the above requirements, and the Local Plan should make clear that new facilities will be required to meet a range of specific requirements such as the above. It is noted that in recent years some Muslim communities within Newham have been forced to take up re-used grave space due to their being no alternative provision within the borough, such as at Woodgrange Park Cemetery as referred to in paragraph 4.2.12 of the Burial Space Need and Provision Study. However, this represents a significant religious compromise.

Other Matters

3.12 In the interests of thoroughness, the following matters are also noted in respect of the emerging Local Plan and its supporting evidence base:

- i. Policy S12 notes at Point 4 that “speculative social infrastructure development will not be supported” and we consider that more clarity should be provided on this statement and how it will be applied in decision-making. It is assumed that this point has been included to ensure support for any proposal justified by reference to an identified need.
- ii. The Burial Space Need and Provision Study commissioned by the London Borough of Newham and prepared by Enzygo is a valuable up-to-date resource to assist in identifying and meeting burial need in Newham and across the wider region. It’s importance is heightened as burial need has up to now been assessed with reference to the Audit of London Burial Provision which dates from 2011 and was demonstrated at appeal in 2017 (Appeal Ref: APP/B5480/W/15/3132860 made by Gardens of Peace regarding land at Oak Farm, Romford) to be unreliable and dated. This updated document should now form part of the evidence base for the emerging Local Plan, replacing the 2011 Audit of London Burial Provision as the basis for Policy SI5. The 2024 Burial Space Need and Provision Study has been reviewed by NMBA and comments on that document are provided at Appendix NTR2.
- iii. Table 16 sets out the monitoring framework for the Local Plan, and NMBA are supportive of Newham’s commitment to monitor new burial provision and take up of existing capacity to ensure that appropriate provision is made.

4. Conclusions

- 4.1 On behalf of our clients, Newham Muslim Burial Association, we respectfully submit these representations for the Council’s consideration, primarily focusing upon draft Policy SI5: Burial Space and Related Facilities.
- 4.2 In setting the broader policy context, the NPPF confirms that plans should contain strategic policies, providing a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This includes planning for and allocating sufficient sites to meet identified burial needs.
- 4.3 Policy S7 of the London plan ‘Burial Space’ confirms that development plans should ensure that provision for meeting London’s burial needs is made, including for those groups – such as Muslims – for whom burial is the only option, and encourages cross-borough working to tackle burial space shortages within the region. There is therefore a planning policy imperative for local authorities to meet burial space needs, both within and beyond borough boundaries. Draft Policy SI5 should reflect this requirement to relate to a wider area than Newham alone.
- 4.4 Based on the national and strategic London-wide policy outlined above, we request the following revisions to the Newham Draft Submission Local Plan:
1. Cemeteries and burial facilities should be included in the definition of ‘social infrastructure’ at Table 18 within the Glossary at Appendix 1 to ensure consistency within the SI chapter of the plan, in particular Policy SI5;
 2. Draft Policy SI5 should highlight the need for cross-boundary and strategic working in order to identify sites that are genuinely deliverable and will meet identified need in Newham and beyond in line with London Plan Policy S7;
 3. Draft Policy SI5 should recognise that burial facilities may be provided outside of established settlements and that the expectation for sustainable transport accessibility will need to be adjusted in line with this and with paragraph 109

of the NPPF. The nature of burial and funeral rituals means that public transport use may not always be desirable or appropriate; and

4. Draft Policy SI5 should recognise that different cultures and religions will have different requirements and that these are not always met by existing provision, meaning that assessment of existing and new provision should take a qualitative as well as a quantitative approach.

4.5 In addition, we respectfully draw officers' attention to the other matters highlighted at paragraph 3.12 of these representations.

4.6 We would be grateful if you could firstly acknowledge receipt of these representations, and we then look forward to receipt of your considered view on the representations made in due course.

NTR Planning Ltd

September 2024

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Appendix NTR1

List of Organisations Comprising Newham Muslim Burial Association (NMBA)

NEWHAM MUSLIM BURIAL ASSOCIATION

("NMBA")

Email address:



Schedule of institutions which have so far signed letters of support.

1. Minhaj ul Quran International, London, 292 – 296 Romford Road Forest Gate, London E7 9HD
2. Masjid Ibrahim, 721-723 Barking Road, London E13 9EU
3. Anjuman e Islamia Newham, 266 High Street North, London E12 6SB
4. Anjuman Raza-e- Mustaf – Masjid-e-Quba, 198 Shrewsbury Road, Forest Gate, London, E7 8Q
5. Canning Town Muslim Trust, Masjid Al Habib 269 Barking Rd London E13 8EQ
6. Al-Hira Educational Centre, 241 Plashet Road, London E13 0QU
7. Islamic Dawah Centre Manor Park, 398 High St N, London E12 6RH
8. Quwwat-ul-Islam Society, 62-66 Upton Lane Forest Gate, London E7 9LN
9. Madrassa Talmul Islam (Masjid-e-Tauheed) 236-238 High Street North London E12 6SB
10. Masjid Bilal & Islamic Centre, 295 Barking Rd, London E6 1LB
11. Becton Islamic Association, 18 Warwall, London E6 6WG.
12. Green Street Masjid, 88 Green St, London E7 8JG
13. Madina Masjid, 225 High St North, London E6 1JG
14. Sri Lankan Muslim Community East London, 18 Pilgrims Way Church, 16 Pilgrims Way, London E6 1HW
15. Masjid Al-Hikma, 72-74 Selwyn Road London E13 0PY
16. Beckton Muslim Community Ltd, 10 Brandreth Road, London, E6 5QB
17. The Shade, 62 Church Road London E12 6AF
18. Revive FM, 298 Romford Rd London E7 9HD
19. Zumuntah Association, 410A Green Street E13 9AU
20. Newham Somalian Association, 38 Woodgrange Rd E7 0QH
21. East End Islamic Centre, 98 Plashet Rd E13 0RQ
22. Dar ul Arqam Mosque, 17 Jutland Rd E13 8JH
23. Al Amaan Education Trust, 34 Barking Rd E5 2SA

24. East African Muslim Cultural Group, 75 Derby Rd E7 8NH
25. East London Muslim Welfare Society, 15 Telham Road London E6 6BW
26. Beckton Muslim Community Ltd, 4 Swan Approach London E6 5TH
27. Stratford Islamic Association, 3/5 Byrdges Rd London E15 1NA
28. Masjid Al Humera, 183 Green St E7 8LL
29. Khatme Nabuwwat Masjid, 387 Katherine Rd London E7 8LT.
30. Markaz ud Dawa wal Irshad, Plashet Grove Masjid, 175-179 Plashet Road, London E6 1BX

Appendix NTR2

Comments on the Burial Space Need and Provision Study

Enzygo Ltd, July 2024

The following comments are provided with reference to the Burial Space Need and Provision Study, commissioned by the London Borough of Newham and prepared by Enzygo Ltd, July 2024. These comments are provided in good faith in order to assist the London Borough of Newham in ensuring that their emerging Local Plan relies on up to date and accurate information, and is based on NMBA's extensive knowledge and understanding of the Muslim burial context in North-East London.

- Paragraph 2.8.10 – please note that at the current time the Folly Lane Muslim Cemetery extension, granted planning permission in July 2023, is limited by planning condition to a maximum of 100 burials per year.
- Paragraphs 2.8.22 and 2.8.23 – two new facilities are referred to in these paragraphs but in fact they relate to the same burial ground which is the new Gardens of Peace facility in the London Borough of Havering, granted permission on appeal in 2017 and due to open in late 2024. This should be counted as one single facility with a total indicative capacity of 10,000 grave plots to avoid double-counting and a significant misrepresentation of the capacity available. This is also referred to in 5.4.22.
- The assessment considers quantitative data but not qualitative data regarding whether cemeteries identifying as suitable for Muslim burial are in fact meeting the basic religious requirements necessary for all Muslims. NMBA and Gardens of Peace have extensive data on this, some of which was used in relation to the 2017 Havering appeal, and would be pleased to provide this on request.