



The Planning Inspectorate

Report to the London Borough of Newham Council

by Mike Fox BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Date: 26 November 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Newham Local Plan Review

The Plan was submitted for examination on 27 February 2018

The examination hearings were held between 19 and 28 June 2018

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Abbreviations used in this report

AA	Appropriate Assessment
ABP	Advanced Business Park
AH	Affordable Housing
ALP	Adopted London Plan (2016)
B1	Business Use Class
B2	Industrial Use Class (other than falling within Class B1)
B3	Special Industrial (Group A) Use Class
BREEAM	Building Research Established Environmental Assessment Method – for assessing, rating and certifying the sustainability of buildings
CJEU	Court of Justice of the European Union
DLP	Draft London Plan – Draft for Public Consultation; December 2017
DLR	Docklands Light Railway
DTC	Duty to Co-operate
dpa	dwelling per annum
DPD	Development Plan Document
FOI	Freedom of Information
GI	Green Infrastructure
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
IIA	Integrated Impact Assessment
LBN	London Borough of Newham
LIL	Local Industrial Location
LIP	Local Implementation Plan
LMUA	Local Mixed Use Area
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MOL	Metropolitan Open Land
NE	Natural England
OAN	Objectively assessed need
ONEL	Outer North-East London
PLA	Port of London Authority
PDL	Previously developed land (also known as brownfield land)
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCG	Statement of Common Ground
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIE	Standard Industrial Estate, North Woolwich
SIL	Strategic Industrial Location
sq m	square metre
STW	Sewage Treatment Works
<i>The Framework</i>	National Planning Policy Framework (or NPPF)
TfL	Transport for London
TW	Thames Water

Non-Technical Summary

This report concludes that the Newham Local Plan Review provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Newham London Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the Examination Hearings. Following the Hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

Summary of Main Modification(s)
A commitment to and setting the parameters for an early review of the Plan .
Setting out the requirements for and details of masterplans for Strategic Sites and any other major unallocated sites.
Clarifying living conditions considerations.
Clarifying accommodation for non - nomadic gypsy and traveller population .
Clarifying infrastructure future requirements and commitments for masterplanning.
Clarifying employment policies , including employment-led development; and marketing industrial sites.
Clarifying, promoting and setting the parameters for an ' Agent of Change ' approach to new development and defining other key principles at the heart of the Plan's strategy.
Ensuring adequate avoidance and reduction measures are taken to ensure that adverse effects on the integrity of European sites (notably Epping Forest SAC) are excluded, with reference to the recent CJEU Sweetman Judgment ¹
Addressing other biodiversity issues , including improving the quality of waterbodies in the Thames River Basin; and delivering biodiversity net gain.
Local Green Space deletion at Beckton Sewage Treatment Works (STW).
Reinforcing protection of listed buildings and their settings.
Clarifying the requirements and setting the parameters for retail impact assessments on out-of-centre retail or other town centre uses over 300 sq m net (sales floorspace); providing more detail on the quantum of major retail development proposals and clarifying the retail hierarchy; and clarifying parameters for avoiding over-concentrations of specific uses in town centres.
Clarifying the tall buildings policy and increasing the indicative permitted building heights at a number of strategic locations and reducing it in one case to reflect heritage sensitivities.
Including a stepped housing trajectory , for each five year phase of the Plan.
Clarifying several energy policies.
Clarifying water and waste water policies, including water efficiency requirements; requiring major development proposals to be accompanied by Waste Management Plans; ensuring appropriate mitigation for development in the vicinity of Beckton STW; and setting out the parameters for aligning occupation of new dwellings with the delivery of the necessary infrastructure upgrades.

¹ Court of Justice of the European Union (CJEU) in People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17); 12 April 2018.

Introduction

1. This report contains my assessment of the Newham Local Plan Review in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purposes of examining this Plan, the policies in the 2012 *Framework* will apply. Unless stated otherwise, references in this report are to the 2012 *Framework*.
3. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The London Borough of Newham – Local Plan Review, submitted in February 2018, is the basis for my Examination. It is the same document as was published for consultation in November 2017, except for the addition of some amendments which were included in response to a number of comments made by consultees.
4. At the start of the Examination Hearings the Council issued a further version, again including amendments based on comments from consultees and in response to my Matters, Issues and Questions Discussion Note². Although this version is not the submitted Plan, it provides a helpful understanding of the Council's response in relation to a number of issues, and some of the proposed modifications in that document have become MMs in this report. All these documents have been made available on the Council's website since the date of their publication and I am not aware of any issues or concerns raised by this process.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the Examination Hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc., and are set out in full in the Appendix.
6. Following the Examination Hearing sessions, the Council prepared a schedule of proposed MMs. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as

² Inspector's Matters, Issues and Questions Discussion Note; April 2018.

published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

7. The Council is required to maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the submission Policies Map comprises the set of plans identified as Local Plan Review-Policies Map Changes, dated February 2018 as set out in Examination Document Reference SD02B.
8. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to reflect the changes set out in Document SD02B and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
11. The Council's Duty to Co-Operate (DTC) Statement³ produces detailed evidence showing extensive and continual engagement with its seven neighbouring authorities, the Mayor of London and Greater London Authority/Transport for London (TfL) and other institutions, bodies and strategic providers throughout the local plan process. Several bodies expressed support for the Plan and none queried the Council's handling of the Plan consultation process or its cooperation regarding strategic and cross-boundary issues.
12. The Council also pointed to a number of specific outcomes of the DTC process. These include working on cross-boundary connections and parkland provision in the Lower Lea Valley; agreeing a 'large site' housing capacity figure with the Greater London Authority (GLA) as input to the Borough's housing requirement; agreeing a joint demand-side evidence base in relation to employment land and Strategic Industrial Land (SIL) release quantum with GLA; agreeing an approach to wharf consolidation with GLA and Port of London Authority (PLA); agreed continuation of the management of Stratford town centre; and joint infrastructure/investment planning under the auspices of the joint GLA/Council Royal Docks Team.
13. On the basis of these considerations, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis with all relevant strategic and neighbouring authorities, organisations and bodies in

³ LBN: Duty to Co-operate Statement [Examination Document SD08].

the preparation of the Plan and that the Duty to Co-operate has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the Examination Hearings, I have identified seven main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Is the Plan, including its overall vision and spatial strategy for the period up to 2033, in general conformity with the Adopted London Plan (ALP) and national planning policy?

Scope of the Plan

15. The scope of the Plan is encapsulated in policy S1, which sets out five strategic principles for the planning of the Borough over the plan period (2018-2033), which in essence are:
- Securing transformational change for the Borough and its residents;
 - Realising the potential and making the best use of Newham's land, green space and blue ribbon network, and in particular to enable delivery of 43,000 homes and 60,000 jobs;
 - Promoting 'good growth' involving higher density, mixed use and context sensitive development;
 - Keeping Newham moving through promoting sustainable transport and improved access and connectivity; and
 - Enabling Newham to become cleaner and greener and more sustainable.
16. Policy S1 is supported by policies S2 to S6 (comprising spatial policies for each of the main areas of the Borough). Together, they show that the strategy of the Plan accords with the current adopted London Plan (ALP)⁴. In particular, the Plan encompasses strategic policies for the protection of Strategic Industrial Locations (SIL); selectively consolidating safeguarded wharves along the River Thames, freeing up parts of the river frontages for further mixed use development at Lyle Park West and Thames Wharf; setting out an ambitious housing target; and promoting sustainable transport and sufficient infrastructure capacity to enable the effective implementation of the Plan.
17. The Plan proposes several Strategic Sites to enable the delivery of the key areas of development and change in the Borough. The changes to policy S1.3.b and its supporting text **[MM11 - 13]**, clarify the expectations of the masterplanning of these Strategic Sites in order for the Plan to be positively prepared and effective. These changes are required to ensure that these Strategic Sites refer to the need for neighbourliness and successful integration

⁴ The adopted London Plan (ALP); March 2016.

with the wider public area; setting a framework for an appropriate mix of house types and tenures; delivering key strategic links; accommodating tall buildings; and securing appropriate and proportionate developer contributions, especially regarding infrastructure provision. This also reflects the PPG's requirements to make clear what is intended to happen in the area, where and when this will occur and how it will be delivered⁵.

18. The GLA's written response⁶ considers that the Plan is in general conformity with the ALP, although some detailed comments are made which this report addresses below. From the evidence I have read and heard, I agree with the GLA's response.

Relationship to the emerging Draft London Plan (DLP)

19. The emerging Draft London Plan (DLP)⁷ was published in December 2017 for public consultation. It is clear, from the Council's uncontested evidence, that it has collaborated extensively with the GLA over the preparation of the DLP and in many aspects there is a high degree of continuity between the ALP and the DLP. Some of the key changes of direction between the two London Plans, such as Good Growth, Agent of Change and Managed Intensification, are terms which the Plan needs to define or redefine to remove any uncertainty **[MM44-53]**, to ensure its effectiveness and positive preparation.
20. A key area of divergence between the DLP and this Plan concerns total housing provision over the plan period (to 2033). The required rate of housing provision for Newham has risen between the two London Plans from at least 1,994 dwellings per annum (dpa) in the ALP to 3,850 dpa in the DLP, which almost doubles the rate of Newham's housing provision since 2016. Hence, the DLP ten year housing target of 38,500 over the period 2019/20 to 2028/29 is equivalent to around 57,750 dwellings over the equivalent 15 year period of this Plan. The Plan requirement of 2,867 dpa for Newham (albeit with planned delivery through a stepped trajectory over the plan period, see paragraph 112-115) represents a gap of close on one thousand dpa, or 25.5% below the housing target in the DLP.
21. Concerns were expressed that the Plan could do more to respond to the acknowledged 'housing crisis' in London, and respond more closely to paragraph 47 of *the Framework*⁸, to boost significantly the supply of housing. It was therefore argued that the Plan's housing provision should increase significantly in line with the DLP. The Plan, however, exceeds the housing provision in the ALP by a significant margin, in line with paragraph 47 of *the Framework*, and general conformity does not equal "exactly the same as".
22. The Examination of the DLP is at a relatively early stage in its preparation, and clearly changes may be made during its Examination. Although I acknowledge the disparity in housing targets between the two Plans, the figures in the DLP are as yet untested through the scrutiny of examination, and for these reasons limits the weight it can be given in this Examination.

⁵ PPG Ref ID:12-002-20140306: What should a local plan contain?

⁶ GLA Response to Newham Local Plan Review; 16 January 2018 [Examination Representation Ref 20].

⁷ The London Plan: Consultation Draft (DLP); December 2017.

⁸ DCLG National Planning Policy Framework (*the Framework*); March 2012.

23. I deal with housing in greater detail below (Issue 5). On the basis of the considerations outlined above, I consider that the targets set out in the DLP should not be the figures to which this Plan needs to broadly conform. The ALP remains the strategic plan for the testing of the housing policies in this Plan. There is no suggestion from the GLA that the figures in the DLP should be used against which general conformity of this Plan should be judged.
24. The Council accepts that the DLP, once adopted, will set the strategic housing target for Newham. In the light of this, provision needs to be made for an early review of the Plan, focused on housing provision. **MM10** which commits the Council to an early review of the Plan is therefore necessary, ensuring that the Plan is consistent with national policy, effective and is positively prepared.

Relationship with Neighbourhood Planning

25. It is important that the relationship between the Plan and any neighbourhood plans is clearly understood, so as to prevent duplication, minimise potential conflict and cut out unnecessary expenditure, and the Plan addresses this.

Issue 1 - Conclusion

26. Subject to the above modifications, I conclude that in the Plan, including its overall vision and spatial strategy for the period up to 2033, is in general conformity with the ALP and national planning policy.

Issue 2 – Is the spatial strategy of the Plan supported by the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)?

27. The spatial strategy of the Plan builds on the Newham Core Strategy (2012), which itself was fully supported by both a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA), including maintaining the Borough's transformative regeneration momentum; pushing for higher density development through the application of the 'Good Growth' principle and ensuring that the spatial strategy is embedded in policy; and continuing to reinforce the 'Arc of Opportunity' as the focus of the majority of strategic growth in the Borough.
28. The Council has tested the Plan against an extensive and robust Integrated Impact Assessment (IIA)⁹, which incorporates the SA and HRA. The IIA identified 13 objectives against which draft policies and site allocations were assessed. It identifies no unacceptable impacts; this is reflected in the near absence of representations critical of either the SA or HRA. From the evidence submitted, I consider that the Plan does not generate any unacceptable environmental impacts within or beyond the boundary of the Borough.
29. A key representation in support of a fuller HRA came from Natural England (NE), together with the need for further consideration in the light of two recent judgments – the Wealden Judgment in the High Court and the Sweetman 2 Judgment in the European Court of Justice (CJEU). A number of changes to the Plan [**MM16-18; 21; 24; and 32-34**] ensure that it is consistent with national policy and the requirements of the CJEU. In brief, these modifications increase the means of protection for Epping Forest Special Area of Conservation (SAC), including the requirement of considering both direct and

⁹ Examination Document SD04; dated February 2018.

indirect impacts, increased joint working by relevant local planning authorities and agencies such as NE, and a renewed emphasis on monitoring air quality and recreational disturbance on the Epping Forest SAC.

30. The SCG between the Council and NE¹⁰ makes clear that the HRA and the Plan as a whole, incorporating the above MMs, satisfies the relevant legal requirements in relation to Local Plan preparation, whilst noting an ongoing intention during implementation to investigate further in-combination and cumulative effects of development on Epping Forest SAC.
31. The amended HRA, prepared in consultation with NE, concludes that potential negative effects of increased population and growth in car and freight traffic on the Epping Forest SAC are in fact largely pre-empted and prevented by the already existing spatial pattern of development and commuting and freight movements, and distribution of planned growth. It therefore concludes that an Appropriate Assessment (AA) is not necessary¹¹, a view with which I concur.

Issue 2 - Conclusion

32. Based on the above considerations, I conclude that the spatial strategy of the Plan is supported by the SA and HRA. Furthermore, all reasonable alternatives have been considered by the Plan through the SA, and that, subject to the above modifications, the Plan is justified and satisfies the relevant legal requirements.

Issue 3 – Are the Successful Places policies (SP1-6) justified and effective to meet existing challenges and those which could arise from the likely intensification of development in Newham over the plan period?

33. Policies SP1-6 aim to secure high quality development across Newham for all sections of the Borough's population. They are concerned with place making, securing healthy neighbourhoods, improving urban design, setting a strategic context for tall buildings, safeguarding heritage, providing a framework for successful town and local centres and ensuring neighbourly development.
34. One of the key challenges facing Newham is the prospect of continuing intensification of development; this has implications for the densities and heights of buildings and the most effective ways to harness benefits from developments whilst safeguarding its heritage assets and living conditions for existing and future residents.

Tall Buildings

35. Policy SP4 establishes the parameters for tall buildings across the Borough. It is informed by the Council's Tall Buildings Study¹², which states that it is both necessary and useful to define what is considered to be a tall building within the Newham context. The policy attracted a mixed response; some advocated increasing the spread and heights of tall buildings across the Borough, whilst others drew attention to the harmful impact of tall buildings on residents' living conditions or on heritage assets and their settings.

¹⁰ SCG between LBN and NE Concerning Habitat Regulations Assessment of the Local Plan; June 2018.

¹¹ Revised Appendix 6 Final HRA, paragraph 6.1.2 [No examination Document number].

¹² LBN: Local Plan Evidence Base-Tall Buildings Study; February 2018 [Examination Document EB09].

36. Five principal soundness issues were raised during the Examination, and I deal with each in turn.

(i) Quality of the Evidence Base

37. Concern was expressed that policy SP4 has a poor evidence base with little or no justification for the 6 storey definition of a tall building or for the limited areas (both in number and in geographic extent) where significantly higher structures would be acceptable in principle. In the light of the GLA's comments¹³, that 5-8 storeys should not qualify as tall buildings, it was argued that the policy should match the London Plan for consistency.
38. The Tall Buildings Study establishes indicative appropriate heights for tall buildings at existing and proposed Strategic Sites in the Borough. The Study recognises that there are clear benefits deriving from tall buildings in some areas as well as a potential adverse environmental impact, where tall buildings would be out of character with the urban grain. I consider that the principles set out in the Study are justified in the Newham context.
39. The ALP strategy limits tall buildings to areas such as town centres with good access to public transport. In line with the ALP and Historic England, the Tall Buildings Study states that tall buildings in appropriate locations must not adversely affect local character, including the settings of heritage assets, by reason of scale, mass or bulk. These principal criteria have fed into policy SP4.
40. I find that the quality of the evidence base for tall buildings in policy SP4 is both justified and accords with the ALP. The concept of limiting the spread of tall buildings to certain defined areas is also appropriate for Newham, which is generally characterised by large areas of low rise two-storey housing within a predominantly flat landscape.

(ii) Is policy SP4 too prescriptive?

41. Concerns were expressed that policy SP4 is too prescriptive in its maximum permitted height of tall buildings, on the grounds that it stifles both creativity and maximising key development opportunities for the Borough. It was argued that tall buildings should be planned in the context of carefully considered masterplans, and that building higher is the route to responding satisfactorily to the challenges of new development (especially housing) which Newham is expected to take on board with the increased housing numbers contained in the DLP.
42. Reference was made to ALP policy 7.7, which defines tall buildings as "*those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor*", and that ALP policy does not define tall buildings by reference to a height or number of storeys. It was also contended that if a height limit is still considered appropriate, then this should be raised, perhaps in the region of 8-12 storeys.

¹³ GLA Response to Proposed Submission Draft (Regulation 19) Consultation; 16 January 2018 [Representor Ref 20].

43. However, "freeing up" the indicative height requirements in policy SP4 would mean that many proposals for tall buildings, especially within the 'Arc of Opportunity', would fail to qualify as tall buildings given the prevailing character of some parts of the Borough, and some tall building proposals would fall outside the remit of the policy altogether. A numerical definition (i.e. the number of storeys) removes the element of doubt, whilst still allowing for a full consideration of character in all cases. Whilst DLP policy D8 can only be afforded limited weight, it advises that development plans should define what is considered a tall building, whilst accepting that the height may vary in different parts of London. Therefore the Plan would not be out of step with the ethos of DLP policy D8 in relation to this matter.
44. For the above reasons, I support the principle of including indicative building heights in the policy, expressed through a number of storeys, as appropriate for providing a robust framework for the development of tall buildings in Newham. The Plan's indicative level of six storeys (or more) was not robustly challenged, and I see no detailed evidence to point to a different figure, whilst the strategic parameters are appropriate for large areas within the Borough, and the nuanced and comprehensive nature of policy SP4 is appropriate for these areas.

(iii) Should more areas be identified for tall buildings on the Policy Map?

45. Relatively few areas are identified on the Policies Map as suitable for the development of tall buildings, with 20 plus storeys only permitted in part of Stratford town centre and Canning Town tallest buildings area.
46. Some Strategic Sites in the Borough have undergone and are continuing to undergo successful transformation and contribute positively to the Council's regeneration strategy. There is some scope for revisiting the height restrictions as included in the Plan, to reflect both the changing character of some locations where the public transport accessibility level (PTAL) is excellent (4 or above), or where firm plans are in place to bring the PTAL up to this level. The linking of policy SP4 to good public transport access is clearly justified on sustainability grounds.
47. Regarding the Royal Docks, there are sites outside the London City Airport Safeguarding Area where there is no physical reason why the indicative heights level could not be exceeded. However, the PTAL is relatively low and the current capacity on the existing Docklands Light Railway (DLR) lines that serve this area is limited. I consider that gateway status is insufficient justification on its own to bring about a significant policy change on tall buildings, notably indicative heights of greater than 20 storeys.
48. However, within the Strategic Sites at Thames Wharf (S08), Silvertown Landing (S09), Lyle Park West (S20) and Minoco Wharf (S22), the PTAL scores are higher than those further east or closer to the Docks, with the prospect of further improvements through new stations and overall better access arrangements due to station proximity and connections to other stations/services. Consequently, within these areas, there is scope and justification to increase the indicative heights of tall buildings on these sites, but not those elsewhere in the area where heritage considerations are also more significant.

49. As it stands, the restriction of building heights in these Strategic Sites is unjustified, as it fails to reflect their role and function as key regeneration sites in accessible locations, contrary to both *the Framework's* core planning principles outlined in paragraph 17 (especially supporting sustainable economic development; encouraging the effective use of land; promoting mixed use developments; and making the fullest possible use of public transport) and the need to respond effectively to the demographic and economic needs of London.
50. To this end **MM 36, 37, 42 & 55** increase the indicative building heights to 10-12 storeys and up to 18 storeys at key locations within these four Strategic Sites. The provision for even higher buildings generally reflects their very accessible locations in relation to public transport provision.
51. Within parts of Beckton Riverside, Strategic Site (S01), the Gallions Reach area, subject to the designation of a new town centre and proximity to a new DLR station, an indicative height is already set at up to 19 storeys. I have no reason to come to a different view here. The current PTAL score for Beckton Riverside is 3, and additional DLR capacity further into the plan period may provide an increased PTAL to enable taller buildings to be developed at key locations. In addition, in the Albert Basin Strategic Site (S19), in the vicinity of Gallions Reach DLR station, an indicative height is set for 6 to 8 storeys and up to 13 storeys at key locations, and the arguments for these heights are justified for the reasons I have stated in paragraphs 48-50 above.
52. The Strategic Site at Woodgrange Road West (S24) has a very high PTAL with clear potential for higher residential densities in the vicinity of Forest Gate station. However, heritage sensitivity is high. In this context therefore, **MM43** justifiably reduces the maximum height from 19 to 8 storeys due to the sensitive heritage context and emerging accepted heights on other parts of the site.

(iv) Environmental impact of tall buildings

53. Concerns were expressed that some of the existing areas in the Policies Map identified for tall buildings would lead to a harmful impact on the public realm, including markets and parks, as well as private gardens, and the appropriateness of continuing to construct high rise development in the Borough as a whole was also questioned.
54. However, the clear thrust of the London Plan, both in the ALP and the DLP, underlines the importance of a continued emphasis on tall buildings which: *"have a role to play in helping London to accommodate its expected growth as well as supporting legibility across the city"*¹⁴. It is therefore clear that a reduction of the areas in the Policies Map for tall buildings or a moratorium of high rise building altogether would fundamentally conflict with the adopted and draft London Plan and also national policy.
55. Policy SP4 fully addresses the environmental and community impact of tall buildings and section 3b of the policy establishes a set of criteria against which to assess the suitability of schemes for tall buildings. These criteria include scale, form and silhouettes, external materials, local and historic context,

¹⁴ Extract from DLP policy D8 Tall Buildings (page 126).

impact on streetscene and cityscape, microclimate, contribution to legibility, management of communal spaces, design credibility, safety and ecology, including watercourses. Policy SP4 therefore contains sufficient detailed criteria to safeguard against significant harmful impact on the public realm and public amenity.

(v) Relation to neighbouring Boroughs

56. In recent years, very high buildings have been erected almost on the border of Newham, although not directly adjacent, both in Tower Hamlets and across the river in Greenwich. Concern was expressed that because the planning regime in Newham is much more restrictive, there is an unnecessary mismatch.
57. Whilst the design and impact of development in neighbouring Boroughs should not be ignored, the primary policy driver, in my view, must be whether new development within Newham would be acceptable in terms of impacts on its immediate setting within the Borough, on amenity considerations and on public transport capacity. I consider that the policy SP4 approach gets the balance right in this respect.

Policy SP4 – Conclusion

58. Policy SP4, subject to the above modifications, sets a balanced and reasoned approach to the development of tall buildings in Newham over the plan period, with several Strategic Sites having increased indicative tall building heights from the submitted Plan. For effectiveness **MM3**, which focuses on the location of the tallest buildings at key locations, is also necessary to ensure that the location of the tallest buildings are considered as part of the masterplanning process.

Successful town and local centres

59. Town centre first approach: Policies SP6 and INF5 provide a comprehensive framework for establishing a strict 'town centre first' approach, and a clear stance to resist out-of-centre development. **MM31** clarifies in policy INF5 that retail proposals are expected to respond to changing retail capacity and behaviour, and sets out the provision of benchmarks for the hierarchy of centres for convenience and comparison retail floorspace in sq metres, which is necessary for the justification and effectiveness of the Plan.
60. Gallions Reach: Policy INF5 points to the need for Gallions Reach Shopping Park to become a major centre serving the eastern edge of Newham and the wider growth area. I note that it is not possible at this stage to draw a boundary for the proposed major centre, although a reconfiguration, possibly to the south of the existing retail park, appears to be likely; a big factor is the location of the proposed new DLR station, but no detailed design work has yet been undertaken. Therefore, placing a fixed boundary at this stage would be premature and potentially unrealistic, and not appropriate or in the interests of the positive preparation or effectiveness of the Plan.
61. Night time economy: Policy J1 ensures the night-time economy is carefully managed, and policy SP9e sets out criteria to prevent an over-concentration of hot-food takeaways. **MM6** more firmly establishes the more detailed criteria

in policy SP9 in relation to the cumulative impact of hot food takeaways, primarily in the interests of safeguarding existing amenities and residential living conditions, in accordance with paragraph 17 [4] of *the Framework*, which is necessary to make the policy justified, effective and positively prepared.

Issue 3 - Conclusion

62. I conclude in relation to Issue 3 that the Successful Places policies (SP1-6), subject to the above modifications, are justified and effective to meet existing challenges and those which are likely to arise from the intensification of development over the plan period, whilst policies INF5, J1 and SP9, again subject to the above modifications, are sound.

Issue 4 – Do policies J1-J3 satisfactorily address Newham’s employment needs over the plan period? Do they set out a sound framework for achieving a sustainable housing/employment balance; delivering efficient and effective use of employment land; and addressing the needs of Newham residents for access to jobs?

Newham’s employment needs over the plan period

63. A recent GLA employment projection points to the delivery of around 60,000 jobs in Newham over the period 2018-2033¹⁵. A GLA Economics Forecast¹⁶, which combines trend-based and capacity-related data, forecasts an increase of around 57,000 jobs in the Borough over the period 2016-2031. With an estimated increase in 2,000 self-employed jobs forecast over this period, I consider a figure of 60,000 jobs to be appropriate for the Borough over the plan period.
64. These figures partly reflect a strong economic performance arising from the ambitious programme of regeneration and provision of new infrastructure in recent years, and also take into account Newham’s population growth. Economic productivity is seen to have benefitted from intensification of development, which is a trend set to continue and is positively promoted by the Council. This is reinforced by recent planning permissions for significant business/ office/ light industrial (Use Class B1) floorspace (280,750 sq m) in the Borough, such as the ABP development in the Royal Docks, alongside further consents for 7,000 sq m of general and some special industrial (Use Classes B2/B3) floorspace.
65. As in other parts of London, there has been a significant shift away from large industrial areas to mixed use, although areas of generally heavier industry remain, some of it linked to wharf - based activity on the River Thames. Clearly there needs to be an acceptable balance secured between meeting the growing housing needs of the Borough and ensuring that the employment needs of all sectors of the economy are met.

¹⁵ GLA 2017 Employment Projections by Borough (2004-2050).

¹⁶ GLA Economics (2017) London Labour Market Projections 2017.

Do policies J1-J3 establish a sound framework to meet Newham's employment needs over the plan period?

66. The Plan's business and jobs strategy, in policy J1, is to encourage continued development and promotion of the 'Arc of Opportunity'¹⁷ and employment hubs as high quality business environments. Key elements include directing major office development to Stratford, whilst major industrial development will be directed to and, where appropriate, intensified at Strategic Industrial Locations (SILs) and Local Industrial Locations (LILs). Town centres are identified for commercial uses, including those related to the visitor economy, together with the Strategic Sites in the Royal Docks, Thames Wharf Strategic Sites, around London City Airport and ExCel employment hubs.
67. Policy J2 aims to use employment land efficiently to support suitably located growth sectors with limited, plan-led managed release of land. The policy lists SILs and LILs, which are designated for protection and, where appropriate, Managed Intensification. Several other sites are to be released from SIL protection, subject to Managed Release criteria.
68. Finally, policy J3 covers skills and access to employment and aims to ensure that more Newham residents share in the increasing wealth associated with the expanding local and London-wide economy.
69. On the balance of evidence, I am satisfied that policies J1-J3 establish a sound framework to satisfactorily address Newham's employment needs over the plan period.

Does the Plan set out a sound framework for achieving a satisfactory housing/employment balance; and delivering efficient and effective use of employment land?

70. The need for a balance between the provision and protection of housing and employment land is critical, given the importance of both to the Newham and Greater London economies. A key consideration focuses on whether the need for significantly increased housing provision in London is sufficiently great to either justify the re-designation of some of the land that is protected as SILs/LILs in the Plan, or whether some of the mixed use schemes should be residentially led rather than employment led. The utilisation of the air space above industrial land - a solution referred to as 'co-location' - was put forward as a way of optimising PDL and delivering additional housing land.
71. Bromley-by-Bow Gasholders: The 'Parcelforce' site, which is subject to employment-led development (policy S11), relates well to the adjacent SIL to the south, so that employment-led development is the appropriate course for the Plan to take. The setting of the iconic gasholders, which are strident in the landscape, merits their protection in the policy. **MM39**, therefore, requires that new development should take into account its impact on their setting, so that they will form an important cue in any design-led solution. I do not agree that because the heritage assets are fenced off, they add little to the public realm. The former gasholders have a public heritage value as they currently stand, but an imaginative scheme could achieve significantly enhanced

¹⁷ The 'Arc of Opportunity' can be defined as an area broadly running from Stratford in the north-west of the Borough, running down the western side of the Borough alongside the River Lea, and then along the southern side along the River Thames, including the Royal Docks and then to Gallions Reach and Beckton in the south-east.

community benefits, including tackling the issue of the existing unattractive security fencing. MM39 is therefore justified in tackling this environmentally sensitive issue as a key component in relation to other key issues such as viability of gasholder remediation and development cross-subsidy.

72. I also note that the important east-west links between West Ham and Bromley-by-Bow which impact on this site will be taken on board in amendments to the Policies Map.
73. I therefore consider that policy S11 provides an appropriate balance with clear design parameters, but within this framework there is considerable flexibility without undermining the broad thrust of the Plan's employment, heritage and design-led provisions. The policy, which would potentially deliver new housing in addition to employment uses, would also comply with the Council's stance towards tall buildings (policy SP4), and I therefore consider it to be sound without modifications.
74. Thameside West and East: Concerns were expressed that the SIL designations, especially alongside the River Thames, are too inflexible to respond to changing circumstances, so that they do not allow these accessible and sustainable sites to maximise housing densities or even enable any housing to be developed in these areas. These concerns focus in particular on the proposals for Strategic Sites at Thames Wharf (S08), Silvertown Landing (S09) and North Woolwich Gateway (S04).
75. The Thameside West /Silvertown Landing designations are on high profile sites, directly viewed from the river. The change to the Policy Map to amend the SIL boundary better reflects the alignment with appropriate buffering following the Silvertown Tunnel Consent Order which was allowed by the Secretary of State on 10 May 2018. A proposed change to the wording of Strategic Site policy S09 reflects the SIL to be retained, and recognises the potential for further limited release through Managed Intensification **[MM37]**. This modification is necessary for the positive preparation and effectiveness of the Plan and provides the necessary flexibility in the face of the impact which the proposed tunnel will have on this area; it is supported by a SCG between the Council and the Mayor of London¹⁸.
76. Several concerns related to both these modifications and the overall SIL designations for Strategic Sites S08 and S09.
77. Regarding the quality of the evidence base, there is a considerable body of evidence to demonstrate the importance of SILs, especially along the Thames waterfront, including providing river access for existing heavy industry. I therefore do not accept the argument that sites S08 and S09 should not even be partially allocated as SIL.
78. The shape of the additional SIL area at the western end of the Silvertown Landing site (S09) is not arbitrary; it is a line drawn up in detail with Transport for London (TfL), which reflects the development potential that has been sterilised by the Silvertown Tunnel land requirements.
79. The potential for tall buildings in relation to Strategic Sites S08 and S09 is addressed in MM 36&37 above. It is clear from my earlier comments that I do

¹⁸ SCG: Thameside West/Silvertown Landing (S09); updated 26 June 2018.

not consider that the policies covering tall buildings in relation to these sites were made in a vacuum.

80. Regarding the strategic nature of sites S08 and S09, policy J2 articulates the strategic principles for the efficient use of employment land, including SILs. It is a detailed, nuanced policy, which deals comprehensively with Managed Intensification, Managed Release and Managed Transition criteria. It aims to secure a sustainable balance between protecting existing industry and commercial businesses where appropriate, whilst enabling an ambitious release of land for housing and securing operational requirements of existing employment areas and safeguarding the living conditions for existing and future residents. This is a complex issue, which policy J2 addresses at an appropriate level of detail and sensitivity, and I therefore do not consider the policy to be a 'sledgehammer' or that it is unnecessary.
81. Regarding the juxtaposition of the SIL and the proposed park at Silvertown, the park proposal responds to the area on which there will be constraints on building over the safeguarded land for the Silvertown Tunnel. Modern industrial uses can be designed to take account of the park, and there is no reason why the strategy of transition necessarily would harm the character and appearance of the park in relation to the juxtaposition of the two designations.
82. In relation to Managed Intensification, the modifications to include working definitions of managed transition **[MM52]** and employment-led development **[MM8]** are necessary for the Plan's effectiveness and positive preparation.
83. On the basis of the above considerations, I consider that the Plan's provision for Strategic Sites S08 and S09 is, subject to the above modifications, sound and that no further modifications are required.
84. North Woolwich: On the basis of alleged weak demand for industrial land in Newham, it was suggested that the Plan should have explored opportunities for SIL consolidation in areas such as the Standard Industrial Estate (SIE) at North Woolwich, which is part of the SIL stretching westwards; and that it could become an area for Managed Intensification with scope for release to residential, with a potential for 1,000 units. Further evidence from the Council¹⁹; and from the representors²⁰ provided a helpful background to a complex issue.
85. The key arguments for expanding Strategic Site S04 to include the SIE are based on the alleged underperforming nature of the SIE, planned increases in accessibility to a PTAL score of 3 in the "short to medium term", and the clear potential for comprehensive Managed Intensification – and therefore deliverability and finally, housing need.
86. Much of the SIE comprises functioning industrial sites, providing an important source of local employment. Some of the sites have modern industrial units. These activities are likely to be considerably disrupted by comprehensive redevelopment. The yard space, rather than being an 'inefficient' use of

¹⁹ LBN: Matter 12 – Note for the Inspector concerning Strategic Site S04 and the adjoining Standard Industrial Estate.

²⁰ Rolfe Judd: Matter 12 – Response to LB Newham Written Note concerning Strategic Site S04 and the adjoining Standard Industrial Estate; 6 July 2018.

space, is now justifiably regarded by many operators and agents as a key part of SIL functionality. I therefore consider that including the SIE within Strategic Site S04 would not accord with the Council's aim to encourage local industry, and that the likely disruption may result in potential harm to local jobs and the local economy. In contrast the SIL to the east which is included within the strategic site boundary for redevelopment has already been cleared for other reasons (end of satellite use by BT and Crossrail Act Works), therefore enabling it to contribute to a net increase in SIL capacity.

87. The suitability of this area for residential development is compromised by its current low PTAL (2) and being isolated between the Elizabeth Line, currently under construction, and the river, although its PTAL could increase to 3 at some point in the future, e.g. with improvements with new bus services using the Silvertown Tunnel which is programmed for completion within the plan period. A further complication is that five different freehold ownerships would need to be co-ordinated, and this may not be easy to achieve.
88. It is for all of the above reasons that I consider that the Plan is sound as it stands in relation to Strategic Site S04.
89. Marketing employment land: Evidence of a stressed industrial land market shows a lack of a market for industrial sites and a high level of industrial land release, driven by residential hope value affecting either prices sought by landowners or even whether such sites are put onto the market for their designated use. This is forcing businesses (especially small concerns) into sub-optimal sites. This points to a need to provide a reservoir of employment land, both to provide for Newham's own residents and businesses, but also for the needs of industry and commerce from nearby London Boroughs where there has been a squeezing out of such uses due to pressure for residential development, which of course can command significantly higher rates of economic return.
90. This points to the need for the Plan to provide a framework for consistent decision making in relation to marketing employment land for other uses. **MM7** is therefore necessary to set out robust marketing criteria in order to achieve consistency of decision making in the implementation of policy J2. It requires an adequate marketing period through commercial agents at a price that reflects market value for industrial use for at least 12 months prior to the release of employment land. On balance I consider this to be a reasonable period for the effectiveness of the Plan, and will assist in securing the necessary land, sites and buildings for the provision of the 60,000 new jobs over the plan period as part of the work/homes balance to enable the Plan to be sustainable.

Skills and Access to Employment

91. Policy J3 seeks to secure 35% of all construction phase jobs and 50% of all post-construction (end user) jobs for Newham residents. This policy is clearly aspirational, but it responds to the legitimate need to maximise local economic opportunities in pursuit of Good Growth. This is important in an area which suffers from high levels of multiple deprivation, with youth unemployment highlighted as a particular problem. The implementation of this policy is subject to viability considerations and therefore contains a necessary and

important element of flexibility to ensure that the Plan continues to be effective.

Issue 4 - Conclusion

92. I conclude in relation to Issue 4 that the employment policies (J1-J3), subject to the above modifications, are sufficiently justified, effective, focused and flexible to satisfactorily address Newham's employment needs over the plan period. They establish a sound framework for achieving a sustainable housing/ employment balance; a balanced approach to wharf consolidation along the River Thames; delivery of efficient and effective use of employment land; and they address the needs of Newham residents for access to jobs.

Issue 5 – Are the housing policies (H1-4) in general conformity with the Adopted London Plan (ALP) and national planning policy in relation to the quantum, deliverability and qualitative provision of new homes for Newham?

Is the provision of at least 43,000 new homes for Newham over the plan period justified?

93. The ALP makes provision for a minimum of 19,945 new homes within the London Borough of Newham over the period 2015-2025, at an average of 1,994 dwellings pa. The provision of 43,000 new homes for Newham over the plan period 2018-2033, averages 2,867 dpa, which exceeds the ALP target by a considerable margin. The Plan also needs to be considered against the requirements of *the Framework*. The core planning principles in paragraph 17 of *the Framework* require planning to proactively drive and support the homes that the country needs, whilst paragraph 47 requires local planning authorities to boost significantly the supply of housing, to meet the full objectively assessed needs (OAN) for market and affordable housing (AH) over the plan period, including the supply of specific deliverable sites to provide five years' worth of housing against their housing requirements.
94. The background to the figures set out above is the evidence pointing to the continuation of Newham's population growth over the plan period. An ambitious housing strategy is therefore needed for the Borough. It is necessary, firstly, to address the background of housing needs and targets from the GLA and national government, covering different areas and time periods.
95. The Council's Housing Statement²¹ sets out the four principal sources of demographic information which have informed its consideration of its objectively assessed housing need (OAN). These are the Outer North East London (ONEL) Strategic Housing Market Assessment (SHMA) (2016)²²; the London Plan (ALP) (2016); the Draft London Plan (DLP) (2017); and the Ministry for Housing, Communities and Local Government (MHCLG) Local Housing Needs Figure (2017). The ONEL figures are acknowledged to be robust, using an accepted methodology, which has been tested at numerous independent examinations, and it analyses detailed information relevant to the local area context. For these reasons I consider that the ONEL figures are a reasonable basis for considering the housing requirements for Newham.

²¹ LBN Matter 6 (Homes) Statement, in particular see Table A.

²² Examination Document EB03; dated 2016.

96. The ONEL Strategic Housing Market Assessment (SHMA) points to a housing needs figure of 51,800 units for Newham over a 22 year period (2011-2033), i.e. an annual target of 2,355 dwellings, which the Council considers is its OAN figure. This is higher than the GLA (2016) figure of 1,994 dpa, which is the current housing target in the London Plan.
97. As a transitional arrangements Plan, it is not being tested against the standard method as set out in the MHCLG assessment, which gives an annual housing needs figure for Newham of 3,840. In any case, this figure includes the area of Newham that falls within the London Legacy Development Corporation – a separate plan-making authority – thus is not directly comparable to the existing or emerging housing targets that are the subject of discussion.
98. The GLA's emerging DLP target for Newham is for 38,500 dwellings over ten years²³. The Council has agreed with the GLA over the potential quantum of dwelling units to be derived from large sites²⁴ which amounts to a figure of 28,850 units over the plan period. However, the issue of the 9,500 units to be released from small sites over the ten year period (2019-2029) is currently a source of disagreement between the GLA and the Council.
99. This as yet untested target is a combination of bottom-up capacity-derived housing delivery potential from identified large sites (0.25 ha and above) together with a cumulative total for small sites (below 0.25 ha), based on top-down GLA modelling. Through the addition of the latter, the overall target represents an uplift of 33% on what was previously thought to be deliverable on identified large sites.
100. In relation to small sites potential, the Council's monitoring figures show that their delivery over the last five years (2012/13-2016/17) has averaged 234 units pa, i.e. considerably short of the 950 dpa GLA figure.
101. Secondly, the GLA small sites figure is a pan-London application to all terraced houses with a PTAL rating of 3 and above or within 800m of a tube/rail station or a town centre boundary. From the evidence, I have identified two issues with this methodology in relation to Newham. Firstly, the GLA assumption is based on the sub-division of terraced housing, which would make these smaller units in many cases too small and therefore unsuitable for family housing. This methodology therefore runs counter to the Council's identified need for more family housing, an issue which I will address more fully later in my report.
102. The second issue is that the GLA standardised approach does not take into account the significant variation in the size and character of terraced housing across London. This is relevant in Newham, where the evidence shows the typical terraced house in the Borough being a small, two or three bedroomed Victorian structure, as opposed to the larger, Georgian terraces which are prevalent or at least more common in some other London Boroughs.
103. Furthermore, it is highly likely, based on the Council's evidence over the last five years, that more homes have been converted than are currently included in the planning records, thus reducing even further the potential for delivering

²³ Mayor of London: The London Plan [which is currently the Draft London Plan (DLP)]; December 2017; Table 4.1, page 146.

²⁴ Large sites are defined as 0.25 ha and above (see LBN Matter 6 (Homes) Statement, page 3, paragraph 2).

new subdivisions in Newham. The arguments in support of the Council's considerably lower small sites allowance were not robustly challenged, either in written representations or at the Hearing sessions, including from those who argued for the Plan to take the emerging DLP figures into account and increase the OAN accordingly. Based on the above evidence, I consider that the Council's figure for small sites potential in Newham is justified and realistic.

104. In summary, I consider that the OAN which has been used by the Plan, based on the ONEL SHMA, is justified and realistic for Newham. The GLA's response to the Plan is to agree that its proposed housing target is acceptable, subject to an immediate review of its Plan in order to identify sources where additional housing capacity can be brought forward; I have already explained that MM10 makes provision for this.

Is the overall housing provision for Newham deliverable over the plan period?

105. The provision of 43,000 new homes for Newham over the plan period is in general conformity with the ALP provision for the Borough. As I have already concluded in Matter 1, this is the appropriate figure for the Plan; it is also a minimum figure on which there is every expectation based on current evidence that it will be exceeded by a considerable margin.

106. The Council's housing target capacity calculations²⁵ show that actual delivery since 2015/16, together with the capacity of sites to continue to deliver in 2017/18, and potential to deliver over the remainder of the ALP period (to 2024/25), based on the SHLAA 2017 methodology, provide a total of 23,710 dwelling units. This exceeds the ALP target (19,945) by 3,755 units, or 18.88%, which can be rounded to 19%. This is a significant uplift on what was previously considered to be deliverable. The Council has then applied the 19% increase to its assumed deliveries on key sites within the Borough.

107. The application of this 19% increase was further examined in relation to the Council's assumptions over housing delivery on Strategic Sites²⁶. This detailed evidence shows that for 16 out of the Plan's 31 Strategic Sites, 17,489 units have planning permission. This represents 40% of the housing target of the Plan. Over 8,000 of these units (47%) on eight of these sites are already under construction.

108. The Council confirms that none of the current Section 106 negotiations are expected to experience significant delays on account of the negotiation process and that developers in most cases have confirmed dates when they intend to start on site. It is also clear that the Council maintains a strict and dynamic monitoring and a positive development management regime.

109. From the detailed evidence referred to above, as well as from discussion at the Hearing sessions, I consider that the Council's 19% uplift is a reasonable assumption. Although concerns were expressed that the Plan is too cautious, the Council's calculations of the likely housing delivery on the Strategic Sites, and on its stance regarding small sites capacities were not robustly challenged during the Examination. A clear trajectory showing the projection of housing figures over the plan period is also necessary to ensure the positive

²⁵ LBN: Matter 6 Statement, Table B.

²⁶ LBN: Note from the Council to the Inspector in Relation to Matter 6, specifically housing delivery; 26 June 2018.

preparation of the Plan, and **MM9** secures this, in accordance with national policy.

110. Apart from my conclusion that further sites are not needed to meet Newham's housing target, I also conclude in Issue 4 that in most cases the release of SIL land to other uses including housing is not justified in order to enable the Plan to deliver the required quantum of housing to meet its OAN.

111. The submitted Plan indicates that a total of 41,432 dwellings are likely to be developed across all 31 Strategic Sites. I therefore conclude that the housing provision for Newham as set out in the Plan is deliverable over the plan period. It is justified, effective, positively prepared and in accordance with national policy.

Can the Plan demonstrate a five year housing land supply for Newham?

112. The Council proposes a stepped housing target, which would result in three distinct tranches of housing delivery, based on the likely phasing of the Strategic Sites. The provision for the 'delivery phases' is set out in policy H1, and the different rates of delivery reflect the fact that the Strategic Sites in Newham typically take longer to come forward than many conventional, smaller sites. In fact, Newham encounters significant challenges implementing development on many of its large sites, which are virtually all on previously developed land (PDL). The SHLAA remains cautious about the rapid delivery of some of these sites, although there is evidence, which I have previously referred to²⁷, that some of these sites could be developed to a greater extent within the next five years. I am satisfied from the evidence that this stepped approach is justified and realistic for Newham.

113. However, in taking a cautious approach, the Council is not proposing an annual 2,876 unit target, but one which varies as follows:

- Short term (2018/19-2022/23): 32% of total; 13,760 units at 2,752 pa
- Medium term (2023/24-2027/28): 46% of total; 19,760 units at 3,956 pa
- Long term (2028/29-2032/33): 22% of total; 9,460 units at 1,892 pa

114. In accordance with the above stepped housing target, it is clear that the Council can demonstrate a five year housing land supply against a target of 2,752 homes pa.

115. The table below illustrates how the Council's five year housing supply would be delivered against a target of 13,760 units, with a small surplus. These figures, which were discussed at the Hearing sessions, were not robustly challenged. The key elements are the stepped target, and whether a 5% buffer is appropriate, and the Council's recent completions figures persuade me that there has not been persistent under-delivery and thus justify this percentage.

5 year housing supply target	13,760
Forecast Provision	14,289
Surplus/Deficit	+ 529
Additional capacity from reduced probability on sites without planning permission	188
5% buffer (required under NPPF47)	688
5 year supply target plus 5% buffer (required under	14,448

²⁷ LBN: Note from the Council to the Inspector in Relation to Matter 6, specifically Housing Delivery; 26 June 2018.

NPPF47)	
Surplus /deficit	+ 29

Source: Council's Housing Statement in response to Inspector's Matters, Issues and Questions

Is the Affordable Housing provision in the Plan justified and deliverable?

116. Policy H2 sets a range of affordable housing (AH) requirements from 35% to 50% of total units on individual sites having a capacity for 10 units or more, with a required tenure split of 60% social housing and 40% to be intermediate homes. The Plan aims to deliver mixed and balanced communities by facilitating a range of accommodation that allows people to move between tenures and property size as their household and economic circumstances change. Delivery of AH, however, has been below the level of need as set out in the SHMA, which is set at around 43%.

117. Some representations argued for limiting the proportion of AH required on sites for viability reasons. The levels in the Plan, however, are based on up-to-date viability evidence²⁸, as well as in response to need, and it was acknowledged by the Council that AH provision was often a fine balancing act, often linked to family housing needs (see below). I consider that policy H2 gives a clear steer for the provision of AH but with some flexibility included, and is therefore sound as it stands.

Family housing – is the 39% target realistic?

118. The requirement in policy H1 for 39% of the number of new homes on all sites capable of delivering 10 units or more to be for 3 bedroom homes for families is viewed by some as onerous and too prescriptive. I agree that some development sites may not be suitable for family housing for a variety of reasons, and I note that the London Housing SPG shows GLA projections which show that nearly 70% of household growth over the period 2011-2035 will be for households without children.

119. However, based on the ONEL SHMAA, the level of need for three bedroom housing within Newham (as opposed to Greater London as a whole) is put at 64% of the Borough's overall housing requirement, with a further 9% for dwellings of 4 plus bedrooms.

120. Two bedroom dwellings may be part of the answer, but it is clear that the 39% requirement only provides a little over half of the need in the Borough for family housing. This in itself provides considerable flexibility, added to which all schemes of fewer than 10 dwellings are exempt from the policy. It could be argued that, in the face of the objective evidence, the proportion of family housing should be higher in the Plan.

121. On the basis of the evidence which I consider to be most appropriate for Newham, I consider that the provision for family housing within the Plan is justified with sufficient flexibility for the Plan to be effective.

²⁸ BNP Paribas Real Estate: LBN Local Plan and CIL Viability Assessment; November 2017.

Does policy H3 adequately address the range of specialist housing requirements for Newham?

122. Policy H3 articulates the Council's aim to ensure that local and strategic needs for all types of households are considered and appropriate forms of accommodation are provided in the right locations. The policy sets out clear criteria to meet this range of needs, including for student accommodation, housing for older people, housing for vulnerable groups, e.g. night stay and temporary accommodation, and houses in multiple occupation.
123. The criteria in the policy provide strong direction whilst applying sufficient flexibility to make the Plan effective in addressing a wide range of housing needs in the Borough. The Plan also acknowledges the importance of adequate monitoring to ensure its effectiveness.

Are the living conditions of existing and future residents adequately safeguarded in the Plan?

124. Policy SP8 aims to ensure neighbourly development and sets out a comprehensive range of criteria. **MM4** includes 'disturbance' as an additional key living conditions consideration, which is justified in the context of increased intensification of housing across the Borough.
125. Newham has a large amount of industrial land and there is a strong commitment to introduce more mixed use development; in these circumstances it is necessary to ensure that an 'Agent of Change' approach is implemented to ensure that different uses are able to exist alongside each other satisfactorily. **MM5** provides a robust working definition of 'Agent of Change' to ensure that this key approach is implemented throughout the Borough, in the interests of the Plan being effective and positively prepared.

Does the Plan deliver on gypsy and traveller accommodation?

126. The Inspector's Report into the recently adopted Gypsy and Traveller Accommodation Development Plan Document (DPD) (2017)²⁹ concluded, subject to the inclusion of proposed modifications, that the DPD would form a sound basis for the determination of proposals for accommodation for gypsies and travellers. Policy H3 also allows for some flexibility, and a modification secures that in the case of accommodation for (non-nomadic) gypsies and travellers that fall outside the PPTS definition, quality standards should be agreed in consultation with representatives of the local gypsy, traveller and travelling showpeople community [**MM14**]. This modification is justified and accords with national policy.

Other housing sites

127. Several unallocated sites were suggested for inclusion as additional housing allocations in the Plan. For the reasons given above, I consider that the Plan is likely to deliver the appropriate quantum of new housing to meet (and exceed) the requirements of the ALP without the inclusion of any additional allocated sites.

²⁹ Report to the Council of the London Borough of Newham- Report on the Examination of the LBN Local Plan, Gypsy and Traveller Accommodation DPD; 28 June 2017

128. Lady Trower Trust Land: A representation, for the allocation of land known as Lady Trower Trust in East Ham for approximately 200 dwellings, argued that the Plan should review the Metropolitan Open Land (MOL) designation on this land of alleged low environmental quality and which could deliver a significant amount of AH.
129. The MOL, however, is a GLA policy. It is not in need of a review in this Plan, although potential exists at the site to bring the land into greater public accessibility, possibly through active green infrastructure (GI) use. It is also located in a high risk flood area (zone 3). The proposal for 51% AH is a strong material consideration in support of the scheme, but more detailed information needs to be submitted to persuade the Council that this scheme might be favourably considered as a departure from the Plan at some point during the plan period. For the reasons given, I am not proposing any modifications in relation to the Lady Trower Trust Land.

Issue 5 – Conclusions

130. On the basis of the above considerations, I conclude that the Plan, subject to the above modifications, is justified, effective, positively prepared and accords with national policy and is in general conformity with the ALP, including the Government's prioritisation of the delivery of new homes; that the provision of at least 43,000 new homes over the plan period is justified and deliverable within the plan period; that the Plan can demonstrate a five years' housing land supply; that it sets out a sound framework for delivery of AH, family housing, specialised housing and accommodation for gypsies and travellers; and that it positively addresses the safeguarding of living conditions in the Borough.

Issue 6 - Do policies INF 1-8 set a sound framework for the delivery of infrastructure, including utilities, transport, green and social infrastructure, to meet the Borough's needs over the plan period? Does the Plan provide an adequate framework for environmental resilience including air quality, in the face of climate change?

Waste and Recycling

131. Policy INF3 sets out the strategic principles for managing waste and the development of waste facilities. **MM29** is necessary to ensure that sufficient water and waste water capacity exists to ensure the effectiveness and positive preparation of the Plan.
132. Thames Water (TW), which operates the Beckton sewage treatment works (STW), expresses concern over the anticipated increase in loading over the plan period. In view of this, TW suggests that the area adjacent and to the north-west of the STW known as the Northern Lagoon, should have its MOL status removed, together with the designated local green space which 'washes over' the existing inlet works. In response to this concern, the Council deletes the above mentioned local green space from the Policies Map in the interests of ensuring the effective operation of the STW, in accordance with the core principle in paragraph 17 of the Framework, to proactively support the infrastructure the country needs and in the interests of the effectiveness of the Plan.

133. However, by keeping its MOL status, the Northern Lagoon site will be protected from other forms of development which could jeopardise any future expansion of the STW. Until robust evidence including a specific programmed date, demonstrates the need for this land for operational purposes within the plan period, I can see no justification for deleting the site's MOL status and replacing it with operational land status.
134. Some concerns were raised over the proximity of an expanding STW to the development of nearby residential uses within the proposed Beckton Riverside Development. In response, **MM28** introduces a change in the implementation section of policy INF4, which ensures that new development proposals in the vicinity of Beckton STW should undertake Odour Impact Assessment, plus necessary mitigation; clarifies who is responsible for mitigation work; and ensures that the living conditions of future inhabitants in the Riverside area will not be adversely affected by reason of odour. These are necessary for the effectiveness of the Plan. Policy INF4 also provides for sufficient capacity to meet the needs of development of utilities infrastructure over the appropriate time horizon.
135. **MM25 & 27** make the Plan effective and positively prepared by clarifying the relationship between the new Strategic Site allocation at Beckton Riverside and the Joint Waste Plan in order for the Plan to be effective and positively prepared.
136. The change to policy INF3, to ensure that all major development proposals should be accompanied by Site Waste Management Plans [**MM26**] is also necessary for the effectiveness of the Plan and accords with national policy.

National Grid Infrastructure

137. In response to the need to ensure that National Grid high voltage electricity power lines are safe in relation to adjacent development, **MM56** addresses these important access and safety considerations, including relating to high voltage cabling, which is necessary for inclusion in policy INF4.3.g. This ensures that the Plan is effective and positively prepared. **MM30** addresses the pressing need for infrastructure capacity upgrades in the interests of the effectiveness of the Plan.

Infrastructure Delivery – Does policy INF9 and the Infrastructure Delivery Plan (IDP) provide sufficient guidance for the effective implementation of the Plan?

138. Policy INF9 provides a greater level of detail on the delivery of the necessary infrastructure than in the Core Strategy. **MM1** introduces a change to policy S3 in relation to the Royal Docks, to acknowledge that, if the delivery of housing far exceeds the current estimates, the infrastructure requirements will need to be revisited (in discussion with the Council) in the interests of the continued effectiveness of the Plan.
139. The most critical schemes which are set out, programmed and costed in the IDP, which is regarded as a 'live' document, relate to increasing DLR capacity and capacity upgrades at key highway interchanges. Other critical schemes relate to education, healthcare, estate modernisation, utilities and flood risk. There are no perceived 'showstoppers' (defined as issues which are critical to the implementation of the Plan, which if unsolved/unfunded could potentially

derail the Plan). The Council is actively seeking financial opportunities on a project-by-project basis, and has a good track record in this respect. The evidence points to the conclusion that the policy and the IDP provide sufficient guidance for the effective implementation of the Plan.

140. I am also satisfied that policy INF4.1.c, which covers decentralised energy generation, is clear and justified with sufficient detail to enable effective implementation.

Do policies INF1 and INF2 establish a sustainable framework for strategic transport provision in Newham?

141. Policy INF1 sets out the principles for securing investment in strategic transport infrastructure to support the growth outlined in the Plan. A key component of transport infrastructure delivery is the Local Implementation Plan (LIP), which identifies how the London Boroughs are funded by TfL to deliver the outcomes of the Mayor's Transport Strategy³⁰ at a local level. Neither the GLA nor the TfL has raised any soundness concerns in relation to these policies, and I have no evidence to point me to a different conclusion.

142. Policy INF1 also seeks to overcome major physical barriers; this is in line with the PLA's vision, which seeks to achieve better river crossing infrastructure, to enable the transport of freight and improved connectivity of people. Moreover, the PLA is in a key position to ensure that no design elements that would prevent the full range of river uses to continue, including large sea going vessels, would be permitted.

143. The modification to policy S5, to ensure that the large strategic site at Beckton Riverside (S01) will require joint working with TfL on developing options for DLR extensions, a new station, a new or extended DLR depot and river crossings **[MM2]**, ensures the positive preparation of the Plan and its effectiveness.

144. Concerns were expressed that an expanded DLR depot at Beckton Riverside would harm the living conditions of nearby residential occupiers. The depot scheme is necessary to serve TfL's plans to expand and improve the DLR network, in line with the ambitious housing and employment targets in the Plan and elsewhere in East London. The development of the DLR is critical to the growth strategy of the Plan, especially given the heavy reliance of proposed development in sites in the Arc of Opportunity.

145. The SCG between inter alia the Council and the mayor of London/TfL/GLA³¹ refers to a masterplan agreement which facilitates depot expansion by an amendment to SIL designation/managed release and requires the DLR depot planning to minimise the spatial impacts both in terms of land take and neighbourliness. This is covered by the requirement in policy SP8 **[MM4]** to minimise disruption and disturbance to existing living conditions of neighbouring residents. On the basis of the above considerations, the inclusion of this scheme as a specific part of policy INF1.1 b **[MM23]** ensures the necessary clarification to ensure the positive preparation and effectiveness

³⁰ Mayor of London: Mayor's Transport Strategy; March 2018 [Examination Document EB14].

³¹ SCG between LBN; the Mayor of London/TfL and National Grid/St William regarding the Proposed Strategic Development at Beckton Riverside (S01); date 30 May 2018.

of the Plan. I note that there is a need to amend the Policies Map to reflect the SCG.

146. Policy INF2 seeks to ensure a sustainable pattern of movement within Newham, including maximising accessibility for pedestrians, cyclists and public transport. Some representations, referring to DLP policy T6, argued that car-free development should be the starting point for all development locations that are well connected by public transport. Others considered that policy INF2 is too draconian. It also has to be borne in mind that Newham exhibits some of the characteristics of an outer London Borough³². This points to an expectation of mixed development in most locations, and therefore a strict application of car-free development across the whole of Newham is unrealistic within the plan period.
147. Moreover, DLP policy T6 which advocates a greater car-free approach has not yet been tested in a public examination, which limits the weight that can be given to it. I also consider that policy INF2, in promoting modal shift towards more sustainable patterns of movement, strikes a realistic balance between modal shift and air quality objectives on the one hand and residents' personal mobility needs on the other hand. Furthermore, I note that modal shift targets are to be set in the LIP (LIP3), which is to be published this year.
148. The Plan's stance is that car parking will be a minor feature in town centres. This is to avoid encouraging the use of private motor vehicles for access and to free up space for other quality-enhancing interventions, and it is counterbalanced by other access improvements across a range of modes, in line with the requirements of paragraph 34 of *the Framework*. I agree with this stance and accordingly, I find no soundness issues relating to car parking provision in the Plan.
149. I am satisfied from the above considerations that, subject to the proposed modifications referred to above, that the sustainable balance sought by policies INF1 and INF2 is justified.

Air quality – Does policy SC5 strike a realistic focus on enhancing air quality?

150. Policy SC5, in line with the ALP, requires that all development should at least be air quality neutral and links in with the Council's Air Quality Plan. **MM22** confirms that developments will be expected to focus on energy efficiency before using energy solutions known to have negative air quality impacts (for example combustion based energy, which should only be used as a last resort). This is justified and accords with the core planning principles in paragraph 17 of *the Framework*, to support the transition to a low carbon future.

Does policy INF8 provide a robust basis for the provision and implementation of all aspects of community infrastructure?

151. Policy INF8 establishes a framework for the delivery of improved and new social and community service provision across Newham as well the protection of existing community assets.

³² LBN: Note from the Council to the Inspector in Relation to Matter 8 (Transport), section 2 (i).

152. Regarding the specific needs of some faith groups, as required by the ALP, paragraph 6.278 of policy INF8 specifically includes places of worship in its definition of community facilities which are addressed by the policy. I consider that the policy is all-embracing and promotes social cohesion and that no soundness issues are raised.
153. Regarding the protection and enhancement of community facilities, such as Queen's Market, I am satisfied that the Plan addresses these concerns at the appropriate strategic level and that there is no need for further modifications.

Green Infrastructure and the Blue Ribbon Network

154. Policy INF6 sets out the framework for protecting and enhancing the Borough's Green Infrastructure (GI) and Blue Ribbon Network. The policy stance on these issues is set out clearly and no soundness issues are raised.

Does the Plan provide an adequate framework for environmental resilience in the face of climate change?

155. Policies SC1-4 address a range of issues which are covered in chapter 10 of *the Framework*, including flood risk and sustainable drainage, water supply and demand, low carbon energy, biodiversity, and adaptation measures though GI. There is a realistic acceptance by the Council that the Plan's role is limited in addressing environmental resilience. In this context I consider that the Plan strikes an appropriate balance between aspiration and effectiveness and that the Plan's framework for environmental resilience is therefore adequate. The modifications cover enhanced water efficiency, the need to ensure that development proposals take account of the Thames River Basin Management Plan and the expectation that development should deliver net biodiversity gain where possible [MM15; 19 & 20]; they all ensure the Plan is effective and accords with national policy.

Issue 6 – Conclusions

156. I conclude, based on the above considerations that, subject to the above modifications, policies INF 1-8 set a justified and effective framework for the delivery of both physical and community infrastructure, to meet the Borough's needs over the plan period, and that policies SC1-4 also provide an effective framework to achieve environmental resilience in so far as in is in the gift of the Plan to effectively deliver this.

Issue 7 – Development management, risk and monitoring – does the Plan effectively address these issues?

Development Management

157. Policy SP8 sets out a number of development management criteria to ensure that existing and new development can coexist and integrate. The policy also seeks to address future issues which might stem from mixed used developments and intensification in many parts of the Borough and the overall theme of the policy is neighbourliness. I am satisfied that the policy, subject to the modification in relation to living conditions [MM4] which I have already addressed, is sound.

Does the Plan take sufficient account of risk?

158. I note the Council's comments at the Hearing sessions that planning in Newham is "rife with risk" and that the role of the Plan is to manage that risk and provide enough 'enabling hooks' to secure robust and satisfactory development. This includes masterplanning, securing the much needed regeneration for this part of East London and the necessary development financing, including taking into account viability considerations.

159. The potential uncertainties in the Beckton Riverside area, including river crossings and DLR depot expansion are addressed in the SCG which has been signed by the principal parties involved in planning Strategic Site S01³³. On balance, I consider that the Plan strikes an appropriate balance between steering key developments and being flexible enough to respond to likely changes which might occur during the plan period.

How effective are the Plan's monitoring arrangements?

160. Part of the mechanism for securing the right balance in the Plan is the monitoring system. This is structured across a framework of outputs and more importantly, outcomes. The GLA has committed itself to an Annual Monitoring Report, and the Council adds to this with locally focused monitoring bulletins. In addition to these formalised data sets, there are also FOI requests and Member enquiries which often look at issues from different perspectives, in addition to feedback from Development Management colleagues at the Council. The monitoring regime will be instrumental in pointing to the need for revisiting infrastructure requirements in the light of development delivery exceeding current requirements [see MM1] and at what stage a review of the Plan will be necessary [see MM10].

Issue 7 – Conclusions

161. I conclude, based on the above considerations, that the policy stance on development management, risk and monitoring, is justified and effective.

Spatial policies and sites

162. Most of the spatial policies and key sites in the Plan have already been addressed in my report. In the interests of clarity and for the removal of doubt, I consider that the proposed sites for development allocated in the Plan are all justified, deliverable within the plan period and consistent with national planning policy.

Public Sector Equality Duty

163. In reaching the conclusions above, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 and in particular its compliance with Section 149 of the Act, neither will any part of the Plan be a barrier to providing for inclusive design and accessible environments as required by *the Framework*, with particular reference to paragraphs 50 and 149. A typical example which demonstrates the Council's commitment to

³³ SCG between the Council, mayor of London/TfL and National Grid/St William regarding the proposed strategic site at Beckton Riverside (S01) and the DLR expansion requirements and associated aspects of SIL designation and managed release; 31 May 2018.

access for all is policy H3, which addresses a range of specialist accommodation needs, which refers to the need to ensure that the local and strategic needs of all types of households are considered, and that appropriate forms of accommodation are provided in the right locations.

Assessment of Legal Compliance

164. My Examination of the legal compliance of the Plan is summarised below. I conclude that all aspects of legal compliance are met.

- The London Borough of Newham – Local Plan Review has been prepared in accordance with the Council's Local Development Scheme.
- Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
- Sustainability Appraisal has been carried out and is adequate.
- The Habitats Regulations Appropriate Assessment Screening Report [June 2018] sets out why an AA is not necessary.
- The Local Plan contains policies, including SC1 (environmental resilience) which are designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- The Local Plan is in general conformity with the spatial development strategy (The London Plan).
- The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

165. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

166. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Newham Local Plan Review satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

This report is accompanied by an Appendix containing the Main Modifications