



Quod

R22 Local Plan

**Matter 14:
Transport and
Infrastructure**

**Newham Local
Plan**

St William Homes LLP

27TH NOVEMBER 2025

Q253076

Matter 14: Transport and Infrastructure

- 1.1 On behalf of St William Homes LLP ('St William'), Quod submits this hearing statement in respect of Matter 14 Transport and Infrastructure. This hearing statement responds to IN3 'Inspector's matters, issues and questions, written statements; and hearings programme issued by the Inspector on 9th October 2025.
- 1.2 St William have submitted representations to the Regulation 18 (R18) Issues and Options stage in February 2023, and further representations at the Regulation 19 (R19) Draft Local Plan consultation stage in September 2024. Our client continues to be engaged at the Regulation 22 (R22) Stage ('the Plan') and will expand on the matters raised in their previous representations within this hearing statement where necessary.

Policy BFN4 Developer Contributions and Infrastructure Delivery

Q14.6 Is policy BFN4 justified, consistent with national policy and the London Plan, and will it be effective in helping to coordinate the provision of essential new and improved infrastructure with development? In particular:

- 1.3 The principle of Policy BFN4 is justified and consistent with national policy¹ and the London Plan². However, due to the soundness concerns raised, in accordance with the Pennycook³ letter, flexibility should be written into the plan to avoid a poor-quality plan and to significantly boost housing supply. The R22 should apply the presumption at paragraph 11d) of the Framework at its core, and paragraph 125(c) should be embedded into the plan. It should include a review once the London Plan is adopted and to stimulate delivery.
- 1.4 In line with the above, a number of specific requirements within the draft policy are not justified and amendments are required to the policy to ensure the policy can be applied flexibly and not undermine the deliverability of development proposals.
 - a) *The prioritisation in part 3 of affordable and family housing; local access to employment and training; and then delivery of required infrastructure?*
- 1.5 Part 3 of the policy is not sound and does not align with the London Plan. London Plan Policy DF1(D) provides guidance for local planning authorities when setting policies seeking planning obligations. It states that:

In situations where it has been demonstrated that planning obligations cannot viably be supported by a specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this:

¹ Paragraph 35 of the Framework 2024

² Policy DF1(D) of the London Plan (2021)

³ Matthew Pennycook MP Minister of State for Housing and Planning letter of 9th October 2025 to Paul Morrison Chief Executive The Planning Inspectorate

1) recognise the role large sites can play in delivering necessary health and education infrastructure; and

2) recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

- 1.6 Draft Policy BFN4 does not align with London Plan Policy DF1(D) as it prioritises employment and training obligations ahead of the delivery of required infrastructure. Whilst St William would emphasise that required infrastructure must be prioritised over employment and training obligations precisely due to its ‘required’ status in order to make the scheme acceptable in planning terms the provision of a list of priorities is not considered necessary and does not afford sufficient flexibility within the plan. St William’s development sites are good precedents for where flexibility needs to be applied and a planning balance made. The Bromley by Bow Gasworks site for example comprises seven Grade II listed gasholders on-site, the only kind in the world, and their retention and re-use are required by planning policy with great weight applied to the heritage benefits arising. The cost for both remediating and refurbishing the listed gasholders alongside the substantial remediation of the Site are significant abnormal costs that subsequently have implications on the delivery of other planning obligations in this instance affordable housing. A similar situation applies at Beckton Riverside for the Phase 1 proposals. Like Bromley by Bow Gasworks, the Site requires substantial remediation to enable development to come forward alongside substantial infrastructure works including river wall works. These significant abnormal costs have been considered through the viability tested route which has also ultimately had an effect on the level of affordable housing that can come forward. Without this flexibility complex large scale strategic sites are unable to come forward and housing delivery is stalled which is acknowledged in the Council’s Site Allocation and Housing Trajectory Methodology (EB058). There is therefore insufficient flexibility to account for site specific circumstances which must be factored into the viability of the development and may influence the extent or type of planning obligations secured.
- 1.7 Paragraph 2 of the Framework is clear that planning decisions should be made *“in accordance with the statutory development plan, unless material considerations indicate otherwise”*. It does not require proposals to satisfy all policy requirements or obligations in full, whether justified on viability grounds or otherwise, and instead, it recognises that decision-making must allow for the planning balance and the consideration of material factors on a case-by-case basis.
- 1.8 This flexibility has been recently adopted within Lewisham’s Local Plan (2025) in Policy DM2(D) which states that *“the council will seek planning obligations on a case-by-case basis having regard to the relevant policy requirements of the statutory Development Plan, development specific impacts, appropriate mitigation (including additional facilities or requirements made necessary by the development), viability and the statutory tests for the use of planning obligations”*.
- 1.9 St William’s response to Matter 1 Q1.9 in relation to the Whole Plan Viability confirms that *“the total cumulative cost of all relevant policies must not undermine the deliverability of the plan”*⁴. Our Matter 1 Hearing Statement goes on to state that *“the council’s own evidence, set out in*

⁴ PPG ID10-002-20190509

EB099, demonstrates that the majority of sites and typologies tested are not deliverable with the cumulative cost of the policies in the draft plan”.

- 1.10 There is therefore a clear need for flexibility otherwise the Plan and its policies run the risk of stalling development rather than facilitating it. In particular for site allocations, which are identified for delivering the majority of housing, economic growth and strategic infrastructure for the borough. This flexibility is not just required for viability, but also for other policy considerations. We have made similar comments within our Matter 6 statement that housing policies should be drafted in line with London Plan Policy H10 which recognises that different sized homes may be more appropriate in certain locations (e.g. smaller homes in highly accessible areas).
- 1.11 As set out within our Matter 13 Hearing Statement, the Local Plan should be updated to incorporate similar wording accepted by the Inspector during the examination of the Tower Hamlets Local Plan (2020) in relation to Tower Hamlet’s Local Plan Policy D.SG5 on developer contributions, which states, *“For site allocations, the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable”*.
- 1.12 This would be consistent with London Plan Policy DF1 which states that boroughs should consider circumstances where an applicant is required to provide significant infrastructure improvements to facilitate the delivery of development (beyond the level that would typically be required for the scale of development), or where the value generated by a development would be exceptionally low⁵.
- 1.13 With regards to other requirements of draft Policy BFN4, St William also consider part 2 to be unsound. A requirement for a financial viability assessment where a site is not proposing to meet all policy requirements or related obligations on viability grounds does not align with the London Plan.
- 1.14 Both the London Plan and the supporting Affordable Housing and Viability Supplementary Planning Guidance (2017) express the primary expectation for submission of financial viability assessments to arise in relation to affordable housing, specifically where proposals do not follow the fast-track threshold route under London Plan Policy H5(F).
- 1.15 Extending the requirement to submit a financial viability assessment where proposals are not meeting all policy requirements or related obligations on viability grounds is inconsistent with Policy H5 and the Framework⁶.
- 1.16 In line with our response to question 1.7, the requirement to provide an Infrastructure Sufficiency Statement (part 4) is not considered necessary or to align with the Framework and should be removed.
- 1.17 Policy BFN4 should be updated in accordance with our suggested amendments at **Appendix 1**.

⁵ Supporting Paragraph 11.1.4 of The London Plan Policy DF1

⁶ Paragraph 2 of the Framework

Appendix 1 – Policy BFN4 Tracked Changes

BFN4: Developer contributions and infrastructure delivery

1. Development will be required to:
 - a. pay the Community Infrastructure Levy charges applicable to their land use and location; and
 - b. as necessary, enter into Section 106 agreements to provide affordable housing and any other requirements to mitigate impacts arising.
2. Where a site is not proposing to meet ~~all policy requirements or related~~ affordable housing obligations on viability grounds, applicants must:
 - a. explore all available options (including review mechanisms, flexible trigger points or phased payment of contributions) to reduce the viability gap and secure much needed contributions; and
 - b. submit a financial viability assessment. This assessment will be made public and subject to independent scrutiny at the applicant's cost.
- ~~3.~~ Where substantiated financial viability constraints remain, applicants should deliver the maximum viable level of obligations ~~and it is expected that the Plan's objectives will be prioritised as follows: on a case-by-case basis having regard to the relevant policy requirements of the statutory Development Plan, development specific impacts, appropriate mitigation (including additional facilities or requirements made necessary by the development), viability and the statutory tests for the use of planning obligations.~~
- ~~3.—~~
- ~~4.—affordable and family housing~~
- ~~5.—local access to employment and training~~
- ~~6.4. delivery of required infrastructure.~~
- ~~7.5.~~ Applications for developments at, or over, 250 units/hectare density or for major developments on site allocations will be required to demonstrate there is sufficient infrastructure to support the proposed scale of development, ~~through the provision of an Infrastructure Sufficiency Statement.~~
- ~~8.6.~~ Vacant Building Credit is not expected to apply in Newham due to the potential it has to adversely affect our ability to meet our affordable housing need. In the exceptional circumstances it may be considered applicable, schemes ~~schemes~~ must submit a financial viability assessment and must demonstrate:
 - a. the site would otherwise not come forward for any form of redevelopment over the Plan period; and
 - b. there are no extant or recently expired permissions on the site; and
 - c. no part of any building on the site has been in continuous use for any six months during the last five years; and
 - d. the building has not been vacated solely for the purpose of redevelopment; and
 - e. the building has been marketed for at least 24 months prior to the point of application.
- ~~9.7.~~ For site allocations, the Council will apply policies flexibly to ensure that these sites are viable and deliverable.

Justification

In order to ensure that the policies of the Local Plan are delivered in a way that achieves sustainable development, we will seek justified contributions from developers to fund affordable housing, local job access schemes, improvements to infrastructure and the environment. There are two main types

of contribution: the Community Infrastructure Levy (CIL) and planning obligations (section 106 agreements). The levy applies a standard charge to most new developments, specified in the charging schedule and will be used to fund infrastructure needed to support the future growth of the Borough. Planning obligations are used to address the impacts of development and are secured during the planning application process.

[Legal agreements and/or contributions will be negotiated on a case-by-case basis, taking into account the individual site circumstances and the mitigation measures required for the development proposed.](#)

As outlined in the Plan's vision, objectives and spatial strategy, building a fairer Newham relies on development which meets Newham's needs and the delivery of infrastructure which can support the level of anticipated growth and ensure current and future residents have access to appropriate facilities. We will work collaboratively with our partners to deliver the infrastructure necessary to support the growth and development identified within the Local Plan using contributions secured alongside other sources of available funding.

The Infrastructure Delivery Plan identifies the types of infrastructure required to support the anticipated growth in the borough. The Infrastructure Delivery Plan will be updated in consultation with both internal and external stakeholders, including other service areas and infrastructure providers.

Each year, we will publish an Infrastructure Funding Statement setting out how much CIL and section 106 income has been collected, how it has been spent and future spending priorities

Development coming forward on site allocations or at greater densities than anticipated through plan making are required to undertake additional assessments to ensure there is sufficient infrastructure to support the scale of development. As outlined in the Design chapter, a density of 250 units/ha or greater, is considered higher density in Newham.

The purpose of the Vacant Building Credit is to incentivise development on brownfield land. The nature of the land available in Newham and the housing market means that it is not considered that such an incentive is required. Newham has a local housing need of over 60 per cent genuinely affordable housing and as such should be optimising all opportunities to deliver genuinely affordable homes. For these reasons, the Affordable Housing and Viability Supplementary Planning Guidance (Greater London Authority, 2017) concludes that the application of Vacant Building Credit is unlikely to be suitable in London.

Implementation

<p>BFN4:1</p>	<p>In order to comply with Part 1, contributions must be made in accordance with both the borough-wide Community Infrastructure Levy charging schedule, or any subsequent adopted version or successor regime for infrastructure funding; and the Mayor of London’s Community Infrastructure Levy charging schedule, or any subsequent adopted version or successor regime for infrastructure funding.</p> <p>Section 106 planning obligations will be sought for affordable housing and additional contributions where they are:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; and • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>Obligations will vary depending on the nature and scale of a development, its location and impacts. They may be sought financially or ‘in kind’ – where the developer builds or directly delivers the obligation. The planning obligations associated with different policies are included within the appropriate policy. Financial obligations may be subject to index linked uplifts. Obligations and conditions may be subject to monitoring fees in line with the Community Infrastructure Levy regulations.</p>
<p>BFN4:2</p>	<p>Applicants are expected to deliver all policy requirements and related obligations outlined in the Plan. In exceptional cases, a shortfall of contributions towards the provision of infrastructure or affordable housing (including, but is not limited to, schemes which do not deliver the 60% affordable housing requirement) may be justified on viability grounds. In line with Government guidance, the amount paid for land is not considered to be an exceptional reason to justify not meeting all policy requirements on viability grounds provision of site specific viability.</p> <p>In such circumstances, applicants will need to provide clear and robust evidence, as early as possible in the planning process, through a detailed financial viability appraisal to justify any deviation from the policies set out in this Plan. The Council will work with applicants to consider available phasing and review options to improve the viability of schemes to secure further contributions.</p> <p>Financial viability appraisals will be expected to comply with the Mayor of London’s Affordable Housing and Viability Supplementary Planning Guidance or subsequent guidance and will need to demonstrate that:</p> <ul style="list-style-type: none"> • the policy requirements set out in the Local Plan combined with site specific circumstances would render the development unviable; and • the wider benefits of the scheme would outweigh the loss of contributions; and • the potential opportunities to defer, reduce or phase contributions have been fully explored; and <p>the maximum viable level of obligations is being provided by the scheme. The viability appraisal will be independently assessed at the applicant’s expense.</p>

BFN4:3	<p>This viability hierarchy is provided to guide applicants and decision makers in the exceptional circumstances where proven viability constraints prevent the delivery of all policy requirements.</p> <p>Newham’s policy priority is the provision of more social rent homes due to the needs of Newham residents for genuinely affordable, long-term, secure, rented accommodation. Where necessary to deliver the provision of infrastructure required as part of a site allocation, or where its provision is considered necessary by internal, regional or national consultees or partner bodies, an alternative prioritisation may be considered more appropriate and/or additional sources of funding to enable the delivery of the required infrastructure may, where possible, be identified by the Council. The Council will also support the exploration of additional sources of funding to enable the delivery of the required infrastructure.</p>
BFN4:4	<p>The Infrastructure Sufficiency Assessment should consider all of the following:</p> <ul style="list-style-type: none"> • The capacity, availability and accessibility of the existing infrastructure provision within the area of the development, using any relevant thresholds provided in relevant evidence base documents. • The commitments and anticipated projects outlined in the Infrastructure Delivery Plan, implemented planning permissions, other parts of this Plan and any more up to date infrastructure providers’ service strategies and commitments. • The role of the development’s land uses and financial and in-kind contributions to support reductions in existing gaps and address needs arising from the development. • The role of phasing to ensure infrastructure is provided alongside growth. <p>The assessment should indicate where any gaps may still exist in delivering key infrastructure and make recommendations on how they can be overcome. Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.</p>
BFN4:5	<p>Significant evidence will be required to demonstrate why Vacant Building Credit is needed to bring forward a development.</p> <p>If a scheme qualifies for Vacant Building Credit, it cannot also claim Community Infrastructure Levy relief through the vacancy test.</p>
BFN4:6	<p><u>When assessing planning applications for site allocations, the Council will consider site-specific viability evidence alongside the full range of policy requirements and requirements of the site allocation. Where viability constraints are clearly demonstrated, the Council may agree alternative levels of contributions, provided that essential infrastructure is still secured.</u></p> <p><u>By applying policies proportionately, the Council aims to secure necessary infrastructure while maintaining a viable development proposition. This ensures that strategic sites can proceed without compromising the quality, functionality, or sustainability of the new communities they are intended to create.</u></p>

Evidence base

- Affordable Housing and Viability Supplementary Planning Guidance, Greater London Authority (2017)
- Infrastructure Delivery Plan, LB Newham (2024)
- Community Facilities Needs Assessment, Publica (2022)

- Built Leisure Needs Assessment, Strategic Leisure Limited **(2025)** ~~(2024)~~
- Green and Water Spaces Infrastructure Strategy, Jon Sheaff and Associates with London Wildlife Trust (2024)
- Playing Pitch Strategy, KKP ~~(2024)~~ **(2025)**
- Sustainable Transport Strategy, Systra (2024)

Policy Links

Local Plan:

- J4: Delivering Community Wealth Building and inclusive growth
- T1: Strategic transport
- T2: Local transport
- T3: Transport behaviour change
- W4: Utilities and digital connectivity infrastructure
- H3: Affordable housing
- H4: Housing mix

London Plan 2021:

- DF1 Delivery of the Plan and Planning Obligations