

LONDON BOROUGH OF NEWHAM

**LOCAL PLAN INDEPENDENT EXAMINATION IN
PUBLIC WRITTEN STATEMENT**

**MAIN MATTER 11:
CLIMATE CHANGE**

WE ARE NEWHAM.

Note: Where modifications are proposed as part of the responses below, text to be removed is set out in ~~strike through~~ font and new text is set out in **bold** font.

CE1 Environmental design and delivery

Q11.1 Is policy CE1 justified and consistent with national policy and the London Plan?

Council Response:

- 1.1 Yes. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) as amended by the Planning Act 2008 states that development plan documents must *“include policies 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”*.
- 1.2 In 2019, Newham Council declared a Climate Emergency, setting a wide range of measures to tackle climate change, committing to be net zero for council operations by 2030 and net zero in Newham by 2045. In December 2023, Newham Council became the first local authority in the country to launch a Climate Action Just Transition Plan, which considers wider issues that affect residents, such as the cost-of-living crisis, air pollution and inequality.
- 1.3 The justification text of policy CE1 (SD005b, page 321–322) sets out that that Newham faces significant climate risks, owing to future extreme weather events, geographical vulnerability and a historical legacy of land and water pollution. Policy CE1 seeks to support mitigation of and adaptation to the Climate Crisis, as well as future extreme weather events that will affect Newham.
- 1.4 Policy CE1 is supported by proportionate and up-to-date evidence, including Newham Climate Change Evidence Base – Part 1 Operational energy & carbon (EB072), [Just Transition Plan \(2023\)](#), [Contaminated Land Strategy \(2023\)](#), [Thames Water’s Drainage and Wastewater Management Plan \(2023\)](#), the [London Climate Resilience Review \(2024\)](#).
- 1.5 Policy CE1 and its implementation text sets out clear requirements, expectations and relevant contacts for applicants. (SD005b, page 321–322)
- 1.6 Thames Water requested that “[policy] *needs to be strengthened to ensure the targets are met in line with current Building Regulations*”, requesting a consumption target of 105 litres per head per day. (Reg19-E-033) The Council wishes to make clear that Policy CE1.5 of the submission Local Plan maintains water efficiency targets of 105 litres per head per day as per Policy SC1.3.a of the adopted Local Plan (2018) (page 160–165) and previous representations from Thames Water.
- 1.7 Policy CE1 is consistent with national and regional planning policy. It aligns with paragraphs 9, 20, 157–159, 180, 189 and 190 of the National Planning Policy Framework (NPPF) (2023). Policy CE1 is also consistent with policies GG6, SI2, SI4 and SI5 of the London Plan (2021).

- 1.8 Overall, Policy CE1 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

CE2 Zero carbon development

Q11.2 Is policy CE2 justified and consistent with national policy and the London Plan? In particular:

- a) Are the space heating demand standards in part 1 consistent with the written ministerial statement on local energy efficiency standards published on 13 December 2023 (WMS) having regard to viability and the way in which the standards are expressed (KWh/m² /yr) 54?
- b) Are the energy efficiency standards in part 3 consistent with the WMS having regard to viability and the way in which the targets are expressed (KWh/m² /yr)?
- c) The requirement in part 2 for development to not use fossil fuels.
- d) The requirements in part 4 to generate energy efficiency on site to specified standards.
- e) The requirements in part 5 relating to demonstrating operational performance.
- f) The effect of the requirements on energy intensive industries.

Council Response:

- 2.1 Yes. Policy CE2 seeks to ensure that all new buildings are designed and built to be net zero carbon in operation – delivering wide ranging benefits including improved local air quality, lower energy bills for residents and supporting the Council in meeting Climate Emergency and air quality commitments.
- 2.2 Policy CE2 is supported by proportionate and up to date evidence, including Newham Climate Change Evidence Base – Part 1 Operational energy & carbon (EB072, hereafter “Climate Change Evidence Base Part 1”), which sets out why Policy CE2 is necessary and the methodology behind the policy.
- 2.3 The justification text of policy CE2 (SD005b, pages 326–328) and the Climate Change Evidence Base Part 1 (EB072, pages 5–8) details the need to “*deliver net zero buildings today [...] in order to meet national regional and local climate commitments*”.
- 2.4 The Climate Change Evidence Base Part 1 sets out the issues with existing planning policy requirements (the adopted Local Plan (2018) and the London Plan (2021)) and the consequences of maintaining these existing standards – such as fuel poverty, carbon emissions, air quality impacts and the performance gap. (EB072, pages 9–10, 18–36).
- 2.5 The Climate Change Evidence Base Part 1 (EB072, pages 38–44) recommends that:
 - new buildings should designed and constructed to net zero standards
 - policy should use absolute energy performance targets (space heating demand and energy use intensity)
 - new developments should not use fossil fuels on site to provide heat
 - generate renewable energy on site, aiming to balance the amount of energy demand used on site

- demonstrate compliance with the policy using an assured performance method (such as Passivhaus or AECB)
- 2.6 The Climate Change Evidence Base Part 1 then sets out detailed justification for these recommendations, including technical feasibility (EB072, pages 47–69) and cost implications. (EB072, pages 71–78)
- 2.7 The Council notes that the outcomes of the Climate Change Evidence Base Part 1 accord with other pieces of evidence base undertaken by other London local authorities on this topic.
- 2.8 The “Delivering Net Zero – An evidence study to support planning policies which deliver Net Zero Carbon developments”, is a piece of work commissioned by 18 London boroughs, and was published in May 2023. The policy recommendations of Delivering Net Zero study includes “Policy Option 2” – a similar approach to Newham’s Climate Change Evidence Base with the use of energy-based metrics.
- 2.9 Policy CE2 and its implementation text sets out clear requirements and expectations for compliance with the policy.
- 2.10 Policy CE2 is consistent with national and regional planning policy. It aligns with paragraphs 8, 157 and 160 of the NPPF (2023).
- 2.11 The national [Written Ministerial Statement \(13 December 2023\)](#) (hererin “WMS 2023”) set out that local planning authorities may set energy-efficiency standards for new homes that exceed Building Regulations, provided they are justified and viable. This is expanded on below in paragraphs 2.42 to 2.49.
- 2.12 Policy CE2 is consistent with policies GG6, SI1, SI2 and SI3 of the London Plan (2021), with Policy SI2 stating that *“major development should be net zero-carbon”* and follow the *“be lean / be clean / be green / be seen”* energy hierarchy.
- 2.13 Legal basis for planning policies delivering Net Zero Carbon developments 2024 (EB077), hererin “legal advice (EB077)” states that that the *“overarching aim of Policy SI 2 is that major development should be net zero carbon”* (EB077, page 23). It concludes that *“a local plan which included the indicative wording [for a similar policy approach to Newham] would be in general conformity with the London Plan”*. (EB077, page 23).
- 2.14 As set in above in paragraph 2.5, Policy CE2 requires very low energy demand, fossil-fuel-free operation, maximising on-site renewables and post-completion performance monitoring. The legal advice confirms that policies of this type are capable of being in general conformity with the London Plan. (EB077, page 23).
- 2.15 In June 2022, the GLA updated their energy assessment guidance ([GLA Energy Assessment Guidelines \(June 2022\)](#)). It introduced a requirement for applicants *“to report the Energy Use Intensity (EUI) and space heating demand of the development.”*, and that applicants should aim to achieve the EUI and space heating values. The guidelines detail that the values have been taken from the *“LETI Climate Emergency Design Guide and are supported by RIBA, UKGBC and CIBSE”*.

- 2.16 The values in the Submission Local Plan either align with the GLA figures, or are more lenient (CE2.1a has space heating demand of less than 20 kWh/m²/yr, whereas the GLA has 15 kWh/m²/yr).
- 2.17 The Council notes that Policy CE2 does go beyond specific requirements of the London Plan (2021), however it is considered that the Climate Change Evidence Base Part 1 (EB072) provides a strong evidenced basis for why maintaining the existing approach is not acceptable, as detailed above in paragraph 2.4.
- 2.18 The Council also considers that a scheme compliant with Newham's policy would meet the strategic objectives of the London Plan policies – namely, new development being net zero.
- 2.19 The Council is working with other London boroughs to coordinate a similar approach to help reduce regulatory burden. As set out in paragraph 2.8, 18 London boroughs produced an evidence base (the Delivering Net Zero study) to support consideration of a similar policy approach.
- 2.20 The Council notes that the Greater London Authority have not raised a compliance issue with the London Plan (2021).
- 2.21 Overall, Policy CE2 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

In particular:

- a) Are the space heating demand standards in part 1 consistent with the written ministerial statement on local energy efficiency standards published on 13 December 2023 (WMS) having regard to viability and the way in which the standards are expressed (kWh/m²/yr) ?**
- b) Are the energy efficiency standards in part 3 consistent with the WMS having regard to viability and the way in which the targets are expressed (kWh/m²/yr)?**

2.22 The Council considers that Policy CE2.1 and CE2.3 is justified and consistent with national policy and the London Plan. They are supported by the Climate Change Evidence Base Part 1 (EB072), which sets out why Policy CE2 is necessary and the methodology behind it.

CE2.1 (space heating demand)

2.23 Space heating demand is the amount of heat energy needed to heat a building over a year (per square metre). (EB072, page 39)

2.24 The space-heating demand requirements in Policy CE2.1 (<20 kWh/m²/yr for residential and most non-domestic development, and <15 kWh/m²/yr for industrial buildings) are appropriate, evidence based and expressed using a recognised and measurable metric. This is set out in the Climate Change Evidence Base Part 1. (EB072, pages 38–39)

2.25 These metric-based standards align with the recommendations of the Climate Change Committee, LETI, RIBA and the UK Green Building Council, all of whom recommend space-heating demand in the region of 15–20 kWh/m²/yr for new buildings. (EB072, pages 38–39)

2.26 The Climate Change Evidence Base Part 1 (EB072, pages 52 and 63) sets out the technical feasibility of Policy CE2. Space-heating demand in kWh/m²/yr is a standard measure of thermal efficiency, influenced by insulation, airtightness, building form and ventilation strategy, and compliance can be demonstrated via PHPP or CIBSE TM54 modelling. (SD005b, pages 326–328)

2.27 As set out above in paragraph 2.8, the Delivering Net Zero study undertaken for 18 other London boroughs makes similar recommendations. As set out above in paragraphs 2.12 to 2.19, Policy CE2.1 complies with the strategic objectives of the London Plan policies – namely, new development being net zero. Policy CE2.1 also aligns with the latest GLA Energy Assessment Guidelines (2022).

CE2.3 (energy use intensity)

2.28 Energy Use Intensity (EUI) is the amount of total energy needed to run a building over a year (per square metre). The EUI of a building covers all energy uses: space heating, domestic hot water, ventilation, lighting, cooking and appliances. (EB072, page 41)

- 2.29 The EUI requirements in Policy CE2.3 (no more than 35 kWh/m²/yr for all new residential units, for example) are appropriate, evidence based and expressed using a recognised and measurable metric.

This is set out in the Climate Change Evidence Base Part 1, as *“to be compliant with our climate change targets, [new buildings] need to use a total amount of energy which is small enough so that it can be generated entirely, on an annual basis, with renewable energy and nuclear energy. Reducing total energy use is also beneficial as it would directly reduce energy costs for residents and building users”*. (EB072, page 41)

- 2.30 The Climate Change Evidence Base Part 1 also notes that these metric-based standards align with targets in the LETI Climate Emergency Design Guide. (EB072, pages 41)
- 2.31 The Climate Change Evidence Base Part 1 (EB072, page 54 and 65) sets out the technical feasibility behind the use of EUI.
- 2.32 The justification text of Policy CE2 notes that *“requirements to monitor and report operational energy in use is already incorporated in the London Plan “Be Seen” policy”*. (SD005, page 328) Policy SI2 of the London Plan (2021) requires major development to report on energy performance for at least five years following completion, with online guidance and a data reporting spreadsheet available.
- 2.33 As set out above in paragraph 2.8, the Delivering Net Zero study undertaken for 18 other London boroughs makes similar recommendations.
- 2.34 As set out above in paragraphs 2.12 to 2.19, Policy CE2.1 complies with the strategic objectives of the London Plan policies – namely, new development being net zero. Policy CE2.1 also aligns with the latest GLA Energy Assessment Guidelines (2022).

Viability

- 2.35 The Climate Change Evidence Base Part 1 sets out that Policy CE2 is financially viable. Several residential and two industrial typologies were modelled, chosen to be typical of the development that the Local Plan will deliver in future. (EB072, page 71–78)
- 2.36 The cost analysis indicated additional build costs from a Part L 2021 baseline (depending on the typology) – for residential buildings between 1.7% to 5.2% and for industrial buildings between 0.3% to 4.1%. (EB072, page 71–78)
- 2.37 These additional build costs were fed into the London Borough of Newham Local Plan Regulation 19 viability report (EB099, hereafter “BNP Paribas viability report”), which notes at section 4.15 that *“we have adopted the figures above in our appraisal”* (EB099, page 34). At section 6.38, the BNP Paribas viability report notes that *“developments will be able to absorb the [Climate change] requirement without impacting on other policy requirements”*. (EB099, page 56)

- 2.38 At section 6.39, the BNP Paribas viability report also notes that *“it is expected that the cost of achieving net zero carbon on developments is likely to fall as technologies adapt through more widespread deployment and further investment in research and development. Furthermore, it is also possible over time that low carbon homes with lower running costs (in comparison to homes with conventional gas boilers) will attract premium values and schemes with communal electricity generating systems will be able to generate additional value. These potential premiums and income streams are as yet unproven, so not reflected in our appraisals”*. (EB099, page 56)
- 2.39 As set out above in paragraphs 2.8, the Delivering Net Zero study undertaken for 18 other London Boroughs makes similar policy recommendations to the Climate Change Evidence Base Part 1. The cost analysis of the Delivering Net Zero study indicated additional build costs from a Part L 2021 baseline of around 1% to 7% for residential buildings (depending on the typology) and between 4% and 7% for a large industrial building.
- 2.40 The Council therefore notes that the outcomes of both the Climate Change Evidence Base Part 1 and the BNP Paribas viability report accord with other pieces of evidence base and viability reports undertaken by other London local authorities.
- 2.41 The Council considers that Policy CE2 is supported by robust technical and viability evidence, and that it is viable and achievable.

Consistency with the written Ministerial Statement

- 2.42 On 13 December 2023, a [Written Ministerial Statement](#) (herein “WMS 2023”) was published. It states that:

“the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. [...]

Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.

The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).”

2.43 Legal advice (EB077) sets out that the WMS 2023 does not prevent local authorities from bringing forward more ambitious standards and does not eliminate their powers to do so. It details:

“neither [PEA 2008] nor the 2023 WMS prevents local planning authorities from bringing forward policies modelled on [a similar policy approach to Newham], nor do they prevent Inspectors from finding such policies to be sound.” (EB077, page 1)

“[A similar policy approach to Newham] is supported by the more general power flowing from the duty in section 19(1A) of the Planning and Compulsory Purchase Act 2004.” (EB077, page 2)

“The judgment [...] rejected the contention that the 2023 WMS emasculated or was incompatible with the powers in section 19 of the PCPA 2004.” (EB077, page 2)

This is expanded on further detail on pages 9–18 of the legal advice (EB077).

2.44 The Council therefore considers that the WMS 2023 does not prevent Newham from setting its own local policy which utilises an energy-based metric.

2.45 However, the WMS sets out two criteria that must be met, as set out above in paragraph 2.42. With regard to these criteria,

“That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework”

- The Council considers that the Climate Change Evidence Base Part 1 and the BNP Paribas viability report demonstrate that the policy is viable, achievable and will not have impacts on housing supply and affordability. This is detailed above in paragraphs 2.35 to 2.38. The Delivering Net Zero study, as set out above in paragraph 2.39 agrees with this conclusion.
- The legal advice agrees with this approach, setting out that the WMS 2023 is *“policy guidance to which regard must be had, but from which deviation can be justified in so long as there is clear evidence which provides the reasons for so doing and which demonstrates the viability of policies”* (EB077, page 18)
- It continues *“so long as there is a robust evidence base – a reasoned and robustly costed rationale – it is open to examining inspectors, in the exercise of their planning judgment, to determine that policies [...] are consistent with national policy on climate change mitigation and the net zero obligation, and, to the extent that there would be deviation from the 2023 WMS, that can be justified on the evidence and does not prevent overall consistency of the proposed local plan with national policy”* (EB077, page 18)
- The Council considers that the legal advice supports the position of the Council in this regard.

“The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).”

- The Climate Change Evidence Base Part 1 sets out in detail why predicting energy use is necessary (EB072, page 34). It sets out the issues with the existing Standard Assessment Procedure (SAP) and why other calculation methods (such as PHPP) are suggested to be used, owing to their improved accuracy. (EB072, pages 35–26)
- The implementation text of Policy CE2.1 and Policy CE2.3 therefore recommends the use of calculation methods other than SAP, although does not mandate the use of other calculation methods. (SD005b, page 328)
- The Council notes that Policy CE2 is flexible and does not mandate a single design approach or certification route, allowing a choice of accredited performance assurance schemes (such as Passivhaus, AECB or BEPIT).
- The Council considers that the policy does not unreasonably constrain development and that viability considerations are embedded. (SD005b, page 328)

2.46 The WMS 2023 also states that *“the proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.”*

2.47 As set out above in paragraphs 2.19, the Council considers that both the Climate Change Evidence Base Part 1 and the Delivering Net Zero study demonstrate that London boroughs are comprehensively working collaboratively to ensure that there is a similar policy approach across London.

2.48 Furthermore, as set out above in paragraph 2.15, the GLA Energy Assessment Guidelines (2022) sets EUI and space heating demand targets – thereby demonstrating consideration of this policy approach by the GLA in future iterations of the London Plan.

2.49 In conclusion, the legal advice supports the ability of the Council to exceed current or planned building regulations, and the Climate Change Evidence Base Part 1 provides a well-reasoned and financially viable rationale to do so.

Summary

2.50 In summary, Policy CE2 is supported by robust technical and viability evidence, uses clear and measurable standards expressed in kWh/m²/yr, and is consistent with both national policy, the 2023 WMS, and the London Plan 2021.

2.51 As set in above in paragraph 2.20, Council notes that the Greater London Authority have not raised a compliance issue with the London Plan (2021).

c) The requirement in part 2 for development to not use fossil fuels.

- 2.52 Policy SI 2 of the London Plan (2021) states that “*Major development should be net zero-carbon*”, with the glossary of the London Plan (2021) defining zero-carbon as “*activity that causes no release of air pollutants and carbon dioxide or other greenhouse gases*”.
- 2.53 The supporting text of Policy SI 3 of the London Plan (2021) states that “*London will need to shift from its reliance on using natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources.*”
- 2.54 The Climate Change Evidence Base Part 1 shows how existing planning policy does not prevent fossil fuel heating (EB072, pages 22 and 28), and sets out the technical feasibility of using low carbon heat for heating instead of using fossil fuels (EB072, pages 53, 62 and 65)
- 2.55 The justification text of policy CE2 explains why development cannot use fossil fuels for heating, the feasibility of providing low carbon heat (e.g. heat pumps) and the benefits to local air quality as a consequence of using electricity for heating. (SD005b, pages 326–328)
- 2.56 The Local Plan does not influence national policy regarding electricity generation – the Plan supports the use of renewables as part of the transition of the grid away from fossil fuels.
- 2.57 With regard to heat networks, Policy CE2 strongly encourages the decarbonisation of existing fossil fuel powered heat networks, setting out that a development may connect to a heat network powered by gas only where there is a fully funded decarbonisation plan that will be implemented within the lifetime of the plan. The Council will not support development that will use fossil fuels in a heat network beyond the lifetime of the Plan, nor will the Council support the installation of new fossil fuel powered heat networks.
- This is supported by the Climate Change Evidence Base Part 1 (EB072), which sets out the technical feasibility of using heat pumps in a district heat network. (EB072, page 91)
- 2.58 As set out above in paragraphs 2.8, the Delivering Net Zero study undertaken for 18 other London Boroughs makes similar recommendations regarding preventing the use of fossil fuels.
- 2.59 The national policy direction is a clear direction of travel away from using fossil fuels. This includes consideration of banning gas boilers in future Building Regulations, encouraging the phase out of gas boilers from existing buildings and decarbonising existing heat networks.
- 2.60 The Council considers that Policy CE2.2 is justified and consistent with national policy and the London Plan (2021).

d) The requirements in part 4 to generate energy efficiency on site to specified standards

- 2.61 Newham has one of the highest rates of fuel poverty in London and the UK. The Climate Change Evidence Base Part 1 (EB072, page 10) sets out that a sustainable approach to address fuel poverty is to reduce the quantity of heat and electricity required – and that net zero development that includes renewable energy generation can assist.
- 2.62 Policy SI 2 of the London Plan (2021) states *“maximise opportunities for renewable energy by producing, storing and using renewable energy on-site”* with the supporting text stating that *“Boroughs should ensure that all developments maximise opportunities for on-site electricity [...] from solar technologies (photovoltaic). This approach will reduce carbon emissions, reduce energy costs to occupants, improve London’s energy resilience and support the growth of green jobs.”*
- 2.63 However, the Climate Change Evidence Base Part 1 sets out that existing planning policy does not deliver renewable energy generation to the levels desired by London Plan (2021) policy – detailing that *“it is often more convenient or cheaper to meet the minimum 35% reduction on-site and offset the remainder of regulated CO2 emissions instead of reducing on-site emissions further with more on-site solar PVs”*. (EB072, pages 19 and 29)
- 2.64 Policy CE2.4 of the Submission Local Plan follows the Climate Change Evidence Base Part 1 which recommends on-site renewable energy generation, aiming to achieve an “energy balance” – where the amount of renewable energy generated in a year matches the energy used by the building in a year. (EB072, page 42)
- 2.65 The Climate Change Evidence Base Part 1 sets out the technical feasibility, financial viability and background behind Policy CE2.4 regarding renewable energy generation, including:
- Offset price for renewable energy generation (EB072, page 44, 57 and 67)
 - Arrangement of PV panels on roofs, leaving some space for other uses (e.g. plant, amenity space or biodiversity (EB072, page 51)
 - Specifications of PV panels (EB072, page 51)
 - potential of on-site renewable energy generation, as modelled (EB072, page 55 and 66)
 - financial viability and uplift in build cost for typologies, including PV panels and offsetting (if required) (EB072, pages 72–78)
- 2.66 Climate Change Evidence Base Part 1 sets out that the target for renewable energy generation is an intrinsic part of the policy as a whole – encouraging that the smallest amount of energy is used. Offset payments are only permitted where on-site provision is maximised and other criteria have been are met, thereby ensuring flexibility for dense development sites without undermining the overall intent of the policy.
- 2.67 As set out above in paragraphs 2.8, the Delivering Net Zero study undertaken for 18 other London Boroughs makes similar recommendations regarding renewable energy generation.
- 2.68 The Council considers that Policy CE2.4 is justified and consistent with national policy and the London Plan (2021).

e) The requirements in part 5 relating to demonstrating operational performance.

- 2.69 Policy SI 2 of the London Plan states that major development should *“be seen: monitor, verify and report on energy performance”* and that *“Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met”*.
- 2.70 The Climate Change Evidence Base Part 1 sets out that many buildings approved under existing planning policy have a “performance gap” where actual energy performance fails to meet the designed standard. It also sets out how the performance gap can be reduced. (EB072, page 43)
- 2.71 Policy CE2.4 of the Submission Local Plan follows the Climate Change Evidence Base Part 1 which recommends the use of an assured performance method to demonstrate compliance with Policy CE2 – thereby ensuring that development achieves net zero (and delivers the benefits of doing so).
- 2.72 The Climate Change Evidence Base Part 1 sets out the technical feasibility and background behind Policy CE2.5 regarding assured performance method (e.g. Passivhaus, BEPIT, AECB), including:
- Assured performance standards currently in use in the UK (EB072, page 56)
 - The benefits of buildings that have been assured with a assured performance method (EB072, page 43 and 56)
 - Requirements to monitor and report energy performance is already part of London Plan Policy (as detailed above in paragraph 2.74) (EB072, page 56)
- 2.73 By using an assured performance method to demonstrate compliance with Policy CE2, the policy will complement Policy SI 2 of the London Plan (2021) by demonstrating compliance with the zero-carbon target, as well as monitoring, verifying and reporting on energy performance.
- 2.74 As set out above in paragraphs 2.8, the Delivering Net Zero study undertaken for 18 other London Boroughs makes similar recommendations regarding an assured performance method.
- 2.75 The Council considers that Policy CE2.5 is justified and consistent with national policy and the London Plan.

f) The effect of the requirements on energy intensive industries.

- 2.76 In June 2025, the UK Government published [The UK's Modern Industrial Strategy](#). This specifically supports the decarbonisation of UK industry, in light of net zero commitments and the UK's reliance on fossil fuels imports. It noted that energy costs are one of the *“most pronounced challenges to the competitiveness of our energy intensive sectors and the attractiveness of the UK to foreign investment”*.
- 2.77 As set out above in paragraph 1.2, the Council has made significant climate emergency commitments. The Inclusive Economy policies of the Submission Local Plan set out that the Council wishes to support clean industry. The Council desires industry to use less fossil fuels, leading to improved local air quality and a reduction in greenhouse gas emissions
- 2.78 In their response to the Regulation 19 consultation, Tate & Lyle Sugars state that *“we are extremely concerned [that Policy CE2] could essentially prevent all development at Thames Refinery and Plaistow Wharf for potentially decades. Further it could have the surely unintended consequences of preventing major steps in reducing carbon emissions at the Refinery site and potentially endangering jobs and the business if it is impossible to replace or upgrade buildings or process technology at the end of their useful lives”* (Reg19-E-239)
- 2.79 The Council understands that there are existing industries in the borough (such as Tate & Lyle Sugars) that use substantial amounts of energy – and that it will take time for them to decarbonise.
- 2.80 To avoid unintended consequences, discussions between the Council and its consultants concluded that Policy CE2.6 should focus on industry that is subject to the UK Emissions Trading scheme – thereby focusing on the most energy intensive industries in the borough. Where carbon reductions fall short of what is technically achievable, it was considered that a one-off carbon offset payment would be sought, to encourage maximum levels of carbon reduction on site.
- 2.81 The Council considered the proposed modifications by Tate & Lyle Sugars (as set out in Reg19-E-239) and proposed modifications for the Inspector's consideration. This is set out in the Statement of Common Ground with Tate & Lyle (SOCG007).
- 2.82 Policy CE2.6 therefore encourage steps to substantially reduce the carbon intensity of energy intensive industries, while also ensuring that a decarbonisation strategy will be delivered over the long term. This ensures that development which improves environmental performance is not blocked, while maintaining a clear trajectory toward net zero.
- 2.83 The Council considers that Policy CE2.6 is consistent with both national and regional planning policy, balancing the gradual decarbonisation of carbon intensive industries with the national, regional and local climate commitments.

CE3 Embodied carbon and the circular economy

Q11.3 Is policy CE3 justified and consistent with national policy and the London Plan? In particular, the requirement for major developments to meet embodied carbon limits of less than 500kg/CO2/m2?

Council Response:

- 3.1 Yes. Policy CE3 considers embodied carbon and the circular economy, with the aim of reducing the amount of greenhouse gas emissions associated with the life of a building. This includes how a building is built, how construction waste can be minimised, how a building could be deconstructed in future, and how modification, adaption and retrofitting could occur in future.
- 3.2 The Council considers that reducing embodied carbon is a crucial part of meeting our climate objectives, as considering embodied carbon at the earliest stage can deliver substantial carbon savings.
- 3.3 Policy CE3 is supported by proportionate and up to date evidence, including Climate Change Topic Paper – Part 2 Embodied carbon (EB073) which sets out why Policy CE3 is necessary and the methodology behind it. Policy CE3.4 is also supported by the Newham Climate Change Technical Note – Part 2 MMC and embodied carbon (EB074), which considers Modern Methods of Construction (MMC) and how applicants can ensure that whole life carbon can be minimised when using MMC.
- 3.4 The policy is also supported by [Whole Life-Cycle Carbon Assessments London Plan Guidance \(2022\)](#), [Circular Economy Statement London Plan Guidance \(2022\)](#), the LETI Embodied Carbon Primer (2020) and [LETI Embodied Carbon Target Alignment \(2021\)](#).
- 3.5 Policy SI 2 of the London Plan (2021) sets out a requirement for developments referable to the Mayor of London to calculate and reduce Whole Life Carbon Emissions. This is expanded on in the [Whole Life-Cycle Carbon Assessments London Plan Guidance \(2022\)](#). Policy CE3 extends the requirement to undertake Whole Life Carbon assessments to all major development, as recommended in the Climate Change Topic Paper – Part 2 Embodied carbon (EB073, page 9).
- 3.6 Furthermore, the Climate Change Topic Paper – Part 2 Embodied carbon (EB073) recommends upfront embodied carbon limit for schemes of less than 500kg CO2/m2, to encourage reduction in embodied carbon. (EB073, page 9). The Climate Change Topic Paper – Part 2 Embodied carbon (EB073) and the LETI Embodied Carbon Target Alignment indicates that current “average design” achieves an E (around 800kg CO2/m2), with “good designs” achieving a C score (around 500kg CO2/m2). (EB073, page 6)
- 3.7 This is further supported by wider evidence from [West of England Combined Authority](#) and [City of Westminster](#) which indicates that these embodied carbon targets can be achieved with a “zero cost uplift” (West of England Combined Authority) and “on cost parity with current building practices” (City of Westminster).

- 3.8 Policy CE3 and its implementation text sets out clear requirements and expectations for compliance with the policy.
- 3.9 Policy CE3 is consistent with national and regional planning policy. It aligns paragraphs 8 and 157 of the NPPF (2023). Policy CE3 is also consistent with policies SI2 and SI7 of the London Plan (2021), with the supporting text of Policy SI 2 setting out the importance of whole life-cycle carbon to *“fully capture a development’s carbon impact”*.
- 3.10 Overall, Policy CE3 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

CE4 Overheating

Q11.4 Is policy CE4 justified and consistent with national policy and the London Plan? In particular:

- a) The requirements in parts 1 (a) and (b) for proposals for residential developers to submit a “Good Homes Alliance Early Stage Overheating Risk Tool” and to undertake overheating modelling in certain circumstances.
- b) The requirement in part 3 for applicants to submit proof of ability to meet a Building Regulation part O.

Council Response

- 4.1 Yes. Policy CE4 seeks to ensure that new development does not result in overheating for current and future occupants.
- 4.2 Policy CE4 is supported by proportionate and up to date evidence, including Newham Climate Change Guidance and Topic Paper Part 3 Overheating (EB075), which sets out why Policy CE4 is necessary and the methodology behind it.
- 4.3 A [2019 research report for MHCLG](#) stated that *“overheating occurs when the local indoor thermal environment presents conditions in excess of those acceptable for human thermal comfort or those that may adversely affect human health”*.
- 4.4 The supporting text of Policy SI 4 of the London Plan (2021) states that *“climate change means London is already experiencing higher than historic average temperatures and more severe hot weather events.”* High temperatures can lead to premature deaths, especially older people or those with underlying health conditions.
- 4.5 The [Greater London Authority’s Climate Risk map](#) shows that Newham has a high level of heat risk, with homes in London particularly at risk to overheating due to the urban heat island effect and the dense population.
- 4.6 A [2022 report on overheating by MHCLG](#) reported that overheating in buildings is expected to cause some 4,500 premature deaths per year by 2050 in the UK.
- 4.7 Policy CE4 follows the Newham Climate Change Guidance and Topic Paper Part 3 Overheating (EB075) which sets out policy recommendations including consideration of overheating at the earliest stages of design, to ensure that new development does not result in overheating for current and future occupants.
- 4.8 The Newham Climate Change Guidance and Topic Paper Part 3 Overheating (EB075) also sets out *“that ‘passive design’ (i.e. good window design and external shading) are prioritised over ‘active cooling’ (i.e. air-conditioning) so that homes can operate as efficiently as possible”* in order to assist with net zero commitments. (EB075, page 2) The supporting text of Policy SI 4 of the London Plan (2021) expands on this further, noting that *“aspects of building design can lead to increases in overheating risk”*.
- 4.9 Policy CE4 and its implementation text sets out clear requirements and expectations for compliance with the policy.

- 4.10 Policy CE4 is consistent with national and regional planning policy. It aligns with paragraph 8, 157 and 158 of the NPPF (2023). Policy CE4 is also consistent with policies D6 and SI4 of the London Plan (2021).
- 4.11 Overall, Policy CE4 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

In particular:

- a) **The requirements in parts 1 (a) and (b) for proposals for residential developers to submit a “Good Homes Alliance Early Stage Overheating Risk Tool” and to undertake overheating modelling in certain circumstances.**
 - b) **The requirement in part 3 for applicants to submit proof of ability to meet a Building Regulation part O.**
- 4.12 Newham Climate Change Guidance and Topic Paper – Part 3 Overheating (EB075) sets out that overheating needs to be considered at the earliest stages of design when design decisions are made – such as orientation of buildings, size of glazing, openable area of windows, consideration of dual aspect, cross ventilation and external shading. (EB075, pages 8–9)
- 4.13 To encourage this, the Newham Climate Change Guidance and Topic Paper – Part 3 Overheating (EB075) recommends the use of the [Early Stage Overheating Risk tool](#) produced by the Good Homes Alliance. The tool helps to identify factors that could contribute to or mitigate the likelihood of overheating at the earliest stage of development. It notes *“the tool is very useful as it is very easy for developers / applicants to complete, and it is easy to interpret for planning officers”*. (EB075, page 4). Where overheating risks are identified by the tool, overheating modelling should be undertaken.
- 4.14 Policy SI 4 of the London Plan (2021) sets out that major development should demonstrate how they will reduce the potential for internal overheating in line with the cooling hierarchy. Policy CE4.1 of the Submission Local Plan requires major residential applications to undertake a Dynamic Thermal modelling overheating risk assessment, allowing overheating to be comprehensively considered and compliance with Policy SI 4 of the London Plan (2021) to be assessed.
- 4.15 In December 2021, Building Regulations Part Document O was released, requiring a project to demonstrate that unwanted solar gains are limited, and that heat can be adequately removed from the indoor environments. As set out in paragraph 4.12 above, Newham Climate Change Guidance and Topic Paper – Part 3 Overheating (EB075) sets out that overheating needs to be considered at the very earliest stages of design.
- 4.16 The Council considers that a poor quality design that did not consider overheating until late in the design process may require “active cooling” such as air conditioning or negative changes to the building design to comply with Building Regulations. (EB075, page 9). Policy CE4.3 of the Submission Local Plan therefore requires applicants to submit proof of ability to meet Part O, demonstrating consideration of overheating from the earliest stages.

CE5 Retrofit and the circular economy

Q11.5 Is policy CE5 justified and consistent with national policy and the London Plan?

Council Response

- 5.1 Yes. Policy CE5 seeks to encourage high quality retrofitting of existing buildings in Newham, while considering the circular economy.
- 5.2 Policy CE5 is supported by proportionate and up to date evidence including the Newham Climate Change Topic Paper – Part 4 Retrofit (EB076) and Newham Climate Change Evidence Base – Part 1 Operational energy & carbon (EB072). Newham Climate Change Topic Paper Part 4 Retrofit (EB076) sets out the challenges and opportunities regarding retrofit, especially for Londoners who wish to retrofit their home. The policy is also supported by wider evidence such as the [LETI Climate Emergency Retrofit Guide \(2021\)](#) and [UKGBC Delivering Net Zero: Key Considerations for Commercial Retrofit \(2022\)](#).
- 5.3 Policy CE5 follows policy recommendations from the Newham Climate Change Topic Paper Part 4 Retrofit (EB076), including:
- encouraging retrofit that improves energy efficiency, reduces carbon emissions and extends the lifespan of a building (EB076, pages 9 and 12)
 - encouraging “positive retrofit action” when other development is occurring, even if planning permission for retrofit is not required (EB076, pages 10, 12 and 15)
 - when planning permission is required for retrofit, submit a retrofit plan and use a quality assurance process (EB076, pages 6–8, 16)
 - encouraging “best practice fabric” improvements so that buildings do not need to be retrofitted twice (EB076, pages 10–11)
- 5.4 Policy CE5 and its implementation text sets out clear requirements and expectations for compliance with the policy.
- 5.5 Policy CE5 is consistent with national and regional planning policy. It aligns with paragraphs 8 and 157 of the NPPF (2023). Policy CE5 is also consistent with policies GG6, SI2 and SI7 of the London Plan (2021).
- 5.6 Overall, Policy CE5 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

CE6 Air quality

Q11.6 Is policy CE6 justified and consistent with national policy and the London Plan and will it be effective?

In particular, the requirement in part 2 for development along major roads or in other locations that experience poor air quality that cannot be mitigated through local measures to improve the dispersal of identified pollutants and reduce exposure to poor air quality.

Council Response:

- 6.1 Yes. Policy CE6 seeks to improve and mitigate Newham's poor air quality.
- 6.2 Policy CE6 is supported by proportionate and up to date evidence, including Newham Characterisation Study 2024 Chapter 9 Borough wide Design Principles (EB019) which recommends:
- Use physical and green buffers to improve air quality locally (EB019, page 33)
 - Co-locating uses to create buildings as buffers for sensitive uses (EB019, page 34)
 - Orientating buildings and massing to maximise quality of private amenity, play space and apartments (EB019, page 35)
 - Optimise internal residential layouts to mitigate the impacts of poor air quality (EB019, page 36)
- 6.3 Policy CE6 is also supported by wider evidence including [Newham's Air Quality Action Plan 2019 – 2014 \(2019\)](#), Climate Change Evidence Base Part 1 (EB072) (which recommends banning the use of fossil fuels on site in new development), as well as London Plan guidance on [Air Quality Positive](#) and [Air Quality Neutral](#).
- 6.4 Newham's Air Quality Action Plan 2019 – 2014 sets out that Newham has very poor air quality, with safe levels of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) exceeded across the borough. This results in substantial health impacts to Newham residents, with the borough having the highest rate of deaths from pollution in England – an estimated 96 people dying prematurely every year.
- 6.5 Policy CE6 sets out specific, implementable points that will improve and mitigate Newham's air quality. This includes Policy CE6.2 of the Submission Local Plan which states that out that *"Development along major roads or in other locations that experience poor air quality that cannot be mitigated through local measures should improve the dispersal of identified pollutants and reduce exposure to poor air quality"*.
- 6.6 This is supported by Newham Characterisation Study 2024 Chapter 9 Borough wide Design Principles (EB019) which notes that *"along busier local and arterial routes a substantial green and physical buffer may be required to provide sufficient mitigation of air and noise pollution for residential and sensitive uses. In these locations and it may be more appropriate to locate commercial, employment or industry"*. (EB019, page 33) It provides recommendations on local measures can improve the dispersal of pollutants and reduce exposure to poor air quality (EB019, page 33).

- 6.7 Policy CE6 and its implementation text sets out clear requirements and expectations for compliance with the policy.
- 6.8 Policy CE6 is consistent with national and regional planning policy. It aligns with paragraphs 8 and 192 of the NPPF (2023). Policy CE6 is also consistent with policies GG3, D3, S11 and SI3 of the London Plan (2021).
- 6.9 Overall, Policy CE6 is justified, effective and consistent with national policy and the London Plan (2021) and therefore meets the relevant tests of soundness set out in paragraph 35 of the NPPF.

CE7 Managing flood risk

Q11.7 Is policy CE7 justified and consistent with national policy and the London Plan? In particular:

- a) The 300 millimetre floor levels referred to in part 2.
- b) The 16 metre and 8 metre set back distances referred to in part 3.
- c) The requirement in part 4 for development to confirm that defence structures are in good condition and will provide protection for the lifetime of the development.

Council Response:

- 7.1 The Council considers that Policy CE7 is justified and consistent with NPPF Paragraph 167 and the London Plan Policy SI12.
- 7.2 The policy aligns with the core national and regional planning principle: to steer development away from areas of highest flood risk and, where necessary, ensure it is safe for its lifetime (at least 100 years for residential uses) without increasing flood risk elsewhere. Newham's low-lying nature and significant areas within Flood Zones 2 and 3, combined with high levels of need for housing and other uses, necessitate these robust local measures.
- 7.3 Newham has worked together with the Environment Agency to ensure that the policy approach to managing food risk is justified and consistent with national policy, resulting in a set of modifications being proposed across various sections of the Plan to ensure effectiveness of policy CE7 and consistency across the Plan. These are agreed in the Statement of Common Ground (SD054) and set out in the Schedule of Proposed Modifications to the Regulation 19 Draft Submission Local Plan (SD004) under references MO75.1 to MO75.14.
- 7.4 Newham Level 2 Strategic Flood Risk Assessment (SFRA) (EB085) Level 2 Strategic Flood Risk Assessment (SFRA) goes beyond the Level 1 assessment by providing developers with practical, site-specific guidance on how to apply the requirements of Policy CE7.
- 7.5 Overall, Policy CE7 is a detailed local expression of national and regional policy, providing the necessary technical standards to manage the specific, high-level flood

risks present in Newham, and subject to the agreed modifications, is supported by the Environment Agency.

- 7.6 a) The NPPF and its Planning Practice Guidance (PPG) require FFLs to be set to manage flood risk. While the general recommended freeboard (height above estimated flood level) in the PPG is 600mm, the guidance permits a reduced freeboard of 300mm where a high degree of certainty about the estimated flood level is provided by detailed local or site-specific hydraulic modelling.
- 7.7 Newham's Strategic Flood Risk Assessment Level 1 (SFRA) (EB078) and the hydraulic modelling data (EB079) and EN084) provided the evidence base to justify the use of the 300mm minimum, establishing a clear, locally specific, and technically supported benchmark for developers. The SFRA state in para 5.4 that *'For the purposes of informing a site-specific FRA, all More Vulnerable and Highly Vulnerable development within Flood Zones 2 and 3 should set Finished Floor Levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an appropriate allowance for climate change. To improve resilience in areas at risk during a breach in the tidal flood defence, the Environment Agency recommend that, where feasible floor levels are set above the modelled 2100 breach levels'*.
- 7.8 Following representations received at Regulation 19, The Council engaged with the Environment Agency with regards to which uses would be subject to the required protections, resulting in a proposed modifications to policy CE7 Part 2.e and its implementation text (SD004, references MO75.9 and MO75.11) to clarify that 'less vulnerable' uses should also meet the requirement.
- 7.9 b) The setback distances are justified as they are necessary for the long-term functionality of flood defence infrastructure and are consistent with both national and London Plan policy. 16m for Tidal Defences and 8m for Fluvial Defences are consistent with Environment Agency standards. Following engagement with the Environment Agency post Regulation 19 consultation, a modification was proposed to Policy CE7 Part 3 to clarify when the 16m setback is required (SD004, references MO75.10).
- 7.10 This policy is necessary to safeguard long-term access for the maintenance and improvement of flood defences. This aligns with the NPPF's policy on safeguarding land for infrastructure. They support London Plan Policy SI12 by requiring development to protect and enhance riverside spaces, which also contributes to biodiversity corridors and public realm improvements.
- 7.11 c) The requirement for developers to confirm the condition and longevity of defence structures is justified by the need to ensure long-term safety in flood risk areas and is consistent with both national and regional policy.
- 7.12 National policy is clear that development in flood risk areas must be safe for its lifetime (i.e., at least 100 years). If a development relies on flood defence structures, their long-term integrity and function are paramount to the safety of the occupants.

- 7.13 This requirement is necessary for the application of the Exception Test (where required), proving the development will be safe for its lifetime. SFRA states in para 4.5.1 that *'The purpose of the Exception Test is to ensure that, following the application of the Sequential Test, new development is only permitted in Flood Zone 2 and 3 where flood risk is clearly outweighed by other sustainability factors and where the development will be safe during its lifetime, considering climate change.'*
- 7.14 London Plan Policy SI12 requires boroughs to take a proactive approach to flood risk, and ensuring the long-term effectiveness of defence infrastructure is a core component of this.
- 7.15 This policy ensures that the responsibility and cost for assessing and, if necessary, upgrading existing flood defence infrastructure are addressed as part of the development process, preventing an unforeseen burden on the local authority or the Environment Agency. The assessment must also factor in the latest Climate Change Allowance modelling.

CE8 Sustainable drainage

Q11.8 Is policy CE8 justified and consistent with national policy and the London Plan? In particular: a) The requirement in part 2(b) for site allocations in the N1 North Woolwich, N2 Royal Victoria, N3 Royal Albert North N4 Canning Town, N5 Custom House, N6 Manor Road and N17 Gallions Reach Neighbourhoods to implement blue-green infrastructure runoff reduction interventions or Sustainable Urban Drainage systems on 50% or more of the site area. b) The requirement in part 4 for major development and any new development falling within a Critical Drainage Area to reduce surface water run-off to greenfield run-off rates.

Council Response:

- 8.1 Policy CE8 of the Newham Local Plan Review is fully justified and consistent with the National Planning Policy Framework (NPPF) paragraphs 159–169 and the London Plan Policy SI13, which mandate the use of Sustainable Drainage Systems (SuDS) to manage flood risk. The policy represents a necessary, evidence-based approach to managing surface water flood risk in a highly vulnerable and rapidly developing borough, aligning with both national and regional requirements for increasing climate resilience.
- 8.2 Newham's watercourses are at the Thames, Roding and Lea Rivers with some major growth areas falling within Flooding Zones 2 and 3 where the likelihood and severity of occurrences, is therefore likely to increase from a range of sources: tidal, fluvial (rivers), rain (surface water), groundwater, sewer overflow and reservoir failure. As such, it is vital that development minimises flood risk, and reduces the risk to people and essential infrastructure.
- 8.3 Policy CE8 ensures that solutions are multifunctional, delivering essential benefits for biodiversity, urban cooling, and improved amenity alongside flood control. This directly addresses Newham's Climate Emergency declaration and the borough's high vulnerability to flooding.

- 8.4 Newham's Level 2 Strategic Flood Risk Assessment (SFRA) (EB085) goes beyond the Level 1 assessment by providing developers with practical, site-specific guidance on how to apply the requirements of Policy CE8.
- 8.5 (a) The requirement for development in the specified regeneration neighbourhoods (N1–N6, N17) to implement SuDS on 50% or more of the site area is justified by local evidence and is consistent with the strategic aims of the London Plan Policy SI13 for the maximisation of SuDS use and the promotion of multifunctional Blue-Green Infrastructure.
- 8.6 The neighbourhoods listed in the policy are neighbourhoods with major regeneration characterised by high density, tidal influence, and historically impermeable brownfield land. These factors place them at higher risk of surface water flooding. This robust standard of 50% or more of the site area is necessary to achieve the net reduction in flood risk required for large-scale development in high-risk areas.
- 8.7 This requirement is specifically derived from the Royal Docks and Beckton Riverside Integrated Water Management Strategy (EB092, Delivery strategy, para 1.2, pg 61), which identifies significant potential to implement Blue-Green Infrastructure (BGI) runoff reduction interventions throughout the opportunity area, as further demonstrated by the site-specific assessment of potential interventions on sites not yet delivered (EB092, Strategic growth areas, para 1.3, pg. 71-79).
- 8.7 The strategy highlights that while dry weather flow capacity is not an issue, surface water ingress into combined sewers is a primary contributor to surcharges. BGI is therefore an important intervention for water management due to its wider benefits. The strategy states that in order to deliver BGI on strategic sites, policies from the GLA and Newham must be ambitious and promote partnership working, including to deliver retrofit solutions.
- 8.1 b) The requirement for major development and any new development in a Critical Drainage Area (CDA) to reduce surface water run-off to greenfield run-off rates is justified and consistent with established benchmark standard set by the London Plan Policy SI 13, which explicitly requires runoff rates to be reduced to greenfield rates where possible, and mandatorily when development falls within a CDA. The NPPF and its technical guidance also require major development to incorporate SuDS and aim to reduce run-off as much as possible, with the greenfield rate being the ideal target.
- 8.2 [Newham's Surface Water Management Plan](#) (SWMP), Subregional integrated water management strategy East London 2023 (EB091) and SFRA Level 1 (EB078) highlights that surface water flooding is a major risk in Newham, driven by impermeable brownfield land, low-lying topography, and reliance on combined sewers. where the existing drainage system is overwhelmed by rainfall. They identified 13 Critical Drainage Areas, representing locations where multiple sources of flood risk (surface water, groundwater, sewer, tidal) interact. These areas are particularly vulnerable to intense rainfall events, with ponding and surcharge risks.

- 8.3 Newham SWMP Modelling shows that during a 1 in 100-year rainfall event, 17,500 homes and 3,500 businesses could experience flooding above 0.03m depth, with some areas subject to deeper ponding and sewer surcharge. The SFRA incorporates updated climate change modelling, showing that rainfall intensity and flood depths will increase significantly over the lifetime of developments. Designing to greenfield run-off rates provides resilience against these future scenarios.
- 8.4 Both Newham SFRA and SWMP recommends that new development should aim to discharge at greenfield rates wherever possible. This is to ensure that regeneration schemes, do not increase pressure on the combined sewer network. Borough-wide measures recommended in the SWMP include permeable paving, soakaways, rainwater harvesting, bioretention pods, and green roofs — all designed to achieve greenfield-equivalent discharge.
- 8.5 Therefore, Policy CE8 Part 4, which requires major development and new schemes in CDAs to reduce surface water run-off to greenfield run-off rates is a robust, evidence-based policy. It directly responds to the risks identified mainly in Newham's SWMP and SFRA Part 1 and aligns with national and London Plan requirements. It ensures that new development achieves a net improvement in mitigating and managing flood risk, and crucially prevents it from exacerbating existing, critical flooding problems, which is a core requirement of national planning policy.