

From: Tyler Rylance
Sent: 07 July 2026 16:04
To: Local Plan
Cc:
Subject: Proposed Main Modifications to the Newham Local Plan - Consultation Response obo Berkeley Group
Attachments: 260707 Berkeley Group - Main Modifications Response - Green Water Spaces.pdf; 260707 Berkeley Group - Main Modifications Reponse - Homes.pdf; 260707 Berkeley Group - Main Modifications Response - N13 East Ham.pdf; 260707 Berkeley Group - Main Modifications Response - Design.pdf; 260707 Berkeley Group - Main Modification Response - N7 Three Mills.pdf

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Good afternoon,

On behalf of Berkeley Group, please find enclosed consultation responses to the Proposed Main Modifications to the Newham Local Plan.

These responses relate to the following chapters covered by the Schedule of Main Modifications (ED030), the Proposed Changes to the Policies Map (ED031), and the Schedule of Additional Modifications (ED034):

- Design
- Homes
- Green and Water Spaces
- N7 Three Mills
- N13 East Ham

I would be grateful if you could confirm receipt of this email submitted ahead of the 5pm deadline.

Kind regards,

Tyler

Tyler Rylance
Planner

Quod
21 Soho Square
London, W1D 3QP
quod.com



Quod Limited, company number: 07170188 (England)

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Response Form for Consultation of Proposed Main Modifications to the Newham Local Plan 2026 – 2042

	Local Plan Consultation of Proposed Main Modifications to the Newham Local Plan 2026 – 2042 Response Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Newham Draft Submission
Local Plan

Privacy Notice

Who we are

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What data do we collect and process

We collect your name, contact details, email address, job title and organisation if applicable and demographic equalities data if you choose to share it.

Why we collect your data

The consultation is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012. We collect your data so that we can get your views on the legal compliance or soundness of the Local Plan, as well as its compliance with the duty to co-operate.

The lawful basis for processing your data

The lawful basis we use to process your data as set out in UK data protection legislation is:

Article 6 (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

Article 9 (a) Explicit Consent: the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

We will only process personal data where we have consent to do so, and you can withdraw your consent at any time. By submitting your personal data in the response form you are consenting for us to process your data and/or consenting to be added to the database. If added to the database, they can be removed upon request.

You can withdraw your consent at any time.

How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation. Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public. At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other

personal information will remain confidential. Representations, in full, submitted along with the Local Plan, evidence base and documents Submission Draft Newham required by legislation to the Planning Inspectorate and to the person the Secretary of State appoints as the Planning Inspector. Contact details will be made available to the Inspector and Programme Officer so they can contact individuals to participate in the Examination.

Consultation database is stored on Mailchimp and accessed by planning policy team only. Mailchimp stores names and email addresses of those on the consultation database in line with Mailchimp policies, particularly its [data processing addendum](#). Please be aware they may store personal data external to the UK specifically in the USA and/or EU.

Who we will share your data with

We will share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

How long we will keep your data

We will keep your data safe and secure for a period of 15 year(s) in line with our retention Schedule. After this time, it will be securely destroyed.

How do we protect your data

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of information. Staff access to information is provided on a need-to-know basis and we have access controls in place to help with this.

See the [Planning Inspectorate Customer Privacy Notice](#) for details on how they keep your data safe and secure.

Know your rights

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Response Form

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

Anonymous responses cannot be accepted. Representations will be published with your name, but personal contact details will be kept confidential.

Personal Details*		Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent.</i>		
Title		Ms
Name		Rebecca Burnhams
Job Title (where relevant)		Director
Organisation (where relevant)		Quod
Address Line 1		21 Soho Square
Line 2		London
Line 3		
Line 4		
Post Code		W1D 3QP
Telephone Number		
E-mail Address (where relevant)		

Representor type (Please tick as appropriate)

Works in Newham	☐
Statutory Consultee	☐
Resident	☐
Elected official	☐
Developer	☒
Community Group Representative	☐
Business owner	☐
Other (please specify)	

Part B – Please use a separate sheet for each representation

Name or Organisation: Berkeley Group

What chapter is your response referring to?

Please tick as appropriate

Vision and Objectives		Building a Fairer Newham	
Design		High Streets	
Social Infrastructure		Inclusive Economy	
Homes		Green and Water Spaces	
Climate Emergency		Transport	
Waste and Utilities			

Neighbourhoods - N1 North Woolwich		Neighbourhoods - N2 Royal Victoria	
Neighbourhoods - N3 Royal Albert North		Neighbourhoods - N4 Canning Town	
Neighbourhoods - N5 Custom House		Neighbourhoods - N6 Manor Road	
Neighbourhoods - N7 Three Mills	X	Neighbourhoods - N8 Stratford and Maryland	
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Neighbourhoods - N15 Forest Gate		Neighbourhoods - N16 Manor Park and Little Ilford	
Neighbourhoods - N17 Gallions Reach			
Other (please specify)			

What is the Main Modification or map change reference(s) you are commenting on?

You can find the modification reference in the main modifications table. We acknowledge an issue may relate to more than one Main Modification, in which case please reference all relevant modification references.

ED034: Proposed Additional Modifications for Consultation: AM198

Response

Please focus your comments only on the Proposed Modifications and please provide:

- The Main Modification or Policies Map change reference(s) you are commenting on
- Whether you consider the modification legally compliant and/or sound
- If unsound, which test(s) of soundness it fails and the change you seek
- Any evidence supporting your view
- Any alternative wording you wish to propose

This consultation should not be used to:

- Repeat comments previously made at Regulation 18 or 19 stages
- Comment on parts of the Plan that are not subject to a Proposed Modification

ED034: Schedule of Additional Modifications to the Newham Local Plan

AM198

The Berkeley Group have two outstanding substantive issues with the drafting of Site Allocation N7.SA2 Twelvetreets Park and Former Bromley By Bow Gasworks, which are set out below. These relate to our previous comments on stipulating that there must be a viable strategy for the gasholders on the gasholder part of the allocation and securing flexibility in relation to employment uses.

Viable Strategy for the Gasholders

The Site Allocation must provide a realistic and deliverable framework that balances the conservation of the Grade II listed gasholders with the need to facilitate a viable, comprehensive redevelopment of this strategically important site. Whilst the heritage significance of the gasholders is recognised, their future cannot be considered in isolation from the significant costs associated with their retention, remediation and integration into any redevelopment proposals. If the emerging Local Plan places disproportionate weight on heritage objectives without expressly recognising the need for a viable delivery strategy, there is a significant risk that redevelopment will be rendered undeliverable, preventing not only the long-term conservation of the heritage assets themselves, but also the delivery of the wider public benefits sought by the allocation, including employment, housing, infrastructure and regeneration. The Inspector examining the adopted Local Plan expressly acknowledged this balance, recognising viability as a key consideration alongside heritage protection, and it is therefore essential that the emerging allocation continues to reflect this approach.

We requested in our previous Regulation 18 and Regulation 19 representations and at the Examination in Public hearings that the following wording is included within Site Allocation N7.SA2: *'Development will require an assessment of, and an appropriate viable strategy for, the Grade II listed gasholders.'*

This wording exists within the adopted Local Plan and was inserted following discussion at the Examination in Public of the adopted Local Plan to acknowledge the importance of the seven listed gasholders, the only kind in the world. The exact wording is as follows: *'Proposals will require an assessment of, and an appropriate viable strategy for, the Grade II listed gasholders.'* The Inspectors Report (paragraph 71) discusses the gasholder site within the context of the wider 'Parcellforce' site (Strategic Site Allocation S11), indicating that viability is a key issue [our emphasis]:

'The 'Parcellforce' 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 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.

It is understood that the Inspector has not directed inclusion of this text because wording has been incorporated into Policy BFN4 (3) of the Local Plan, which includes the following new wording (in bold and underline):

*'Where substantiated financial viability constraints remain, applicants should deliver the maximum viable level of obligations, **taking account of site specific considerations and the need to provide any new or improved infrastructure or other mitigation necessary to make the proposal acceptable in planning terms**, and it is expected that the Plan's objectives will be prioritised as follows:*

- a. affordable and family housing*
- b. local access to employment and training*
- c. delivery of required infrastructure.'*

Whilst the inclusion of wording within Policy BFN4 is welcomed and enables site specific considerations to be taken account of, we consider it necessary for the allocation itself to include specific reference to the seven listed gasholders by reinstating the wording contained within the adopted Local Plan to make the plan sound (National Planning Policy Framework ('NPPF') (Paragraph 36). The purpose of this amendment is not to diminish the importance of these nationally significant heritage assets, but to ensure that heritage objectives are capable of being realised through a deliverable development strategy. The gasholders are a unique group of designated heritage assets whose significance extends beyond their individual architectural and historic interest, making a fundamental contribution to the site's character, identity and placemaking potential. However, the exceptional costs associated with their conservation, remediation and integration into redevelopment mean that their long-term future is fundamentally dependent upon the viability of the wider regeneration proposals. Whilst the allocation appropriately acknowledges their contribution to heritage, character and placemaking, it currently places considerable policy emphasis on their conservation without equally recognising that achieving these objectives is contingent upon the delivery of a viable scheme or strategy. Given that heritage policy seeks to secure the retention of these designated assets, the allocation should expressly recognise that these objectives can only be achieved where supported by an appropriate and viable delivery strategy, consistent with the conclusions of the Inspector examining the adopted Local Plan.

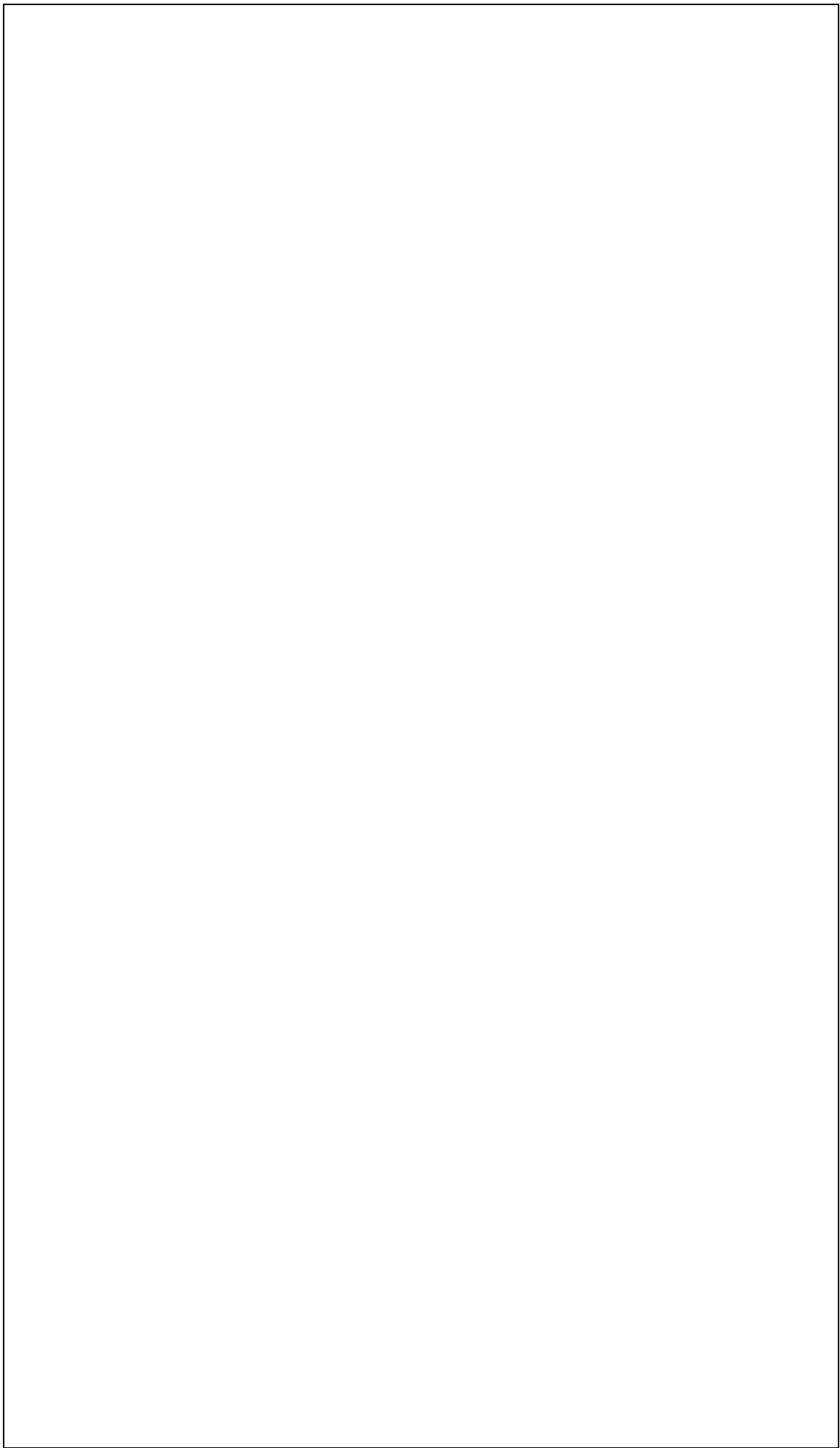
Reinstating this wording would provide a clear and deliverable framework for securing the long-term conservation and beneficial reuse of the listed gasholders alongside the comprehensive regeneration of the site. Without explicit recognition that viability must inform the approach to the listed gasholders, there is a real risk that the allocation will impose policy expectations that cannot realistically be delivered, thereby restricting redevelopment of the site as a whole. Such an outcome would undermine not only the long-term future of the listed gasholders themselves, but also the wider public benefits expected from the allocation, including employment growth, housing delivery, supporting infrastructure and regeneration. The proposed amendment would therefore improve the Plan's effectiveness and ensure that heritage objectives are supported by a realistic delivery strategy, consistent with the NPPF, which requires Local Plans to be justified and effective (Paragraph 36), underpinned by proportionate evidence (Paragraph 32), and to provide clear and unambiguous policies (Paragraph 16(d)). It would also better reflect the conclusions of the Inspector examining the adopted Local Plan, who recognised that heritage protection, viability and development cross-subsidy are interdependent considerations rather than competing objectives. The proposed amendment would also align with London Plan Policy HC1 (Heritage Conservation and Growth), which seeks to integrate heritage conservation with sustainable growth by ensuring that designated heritage assets are conserved through deliverable regeneration proposals rather than aspirational policy objectives alone.

Employment Generating Uses

The site allocation has been updated to require proposals to accord with Local Plan Policy J3, which seeks to protect employment floorspace capacity, and this is supported. In particular, the amendments to Policy J3(4) itself, which introduce greater flexibility where robust marketing evidence demonstrates that there is no current or future demand for employment uses, are welcomed.

However, the development principles section within the allocation should also be amended to refer to 'employment-generating uses' rather than 'employment uses' to incorporate this flexibility. The strategic purpose of the allocation is to secure economic growth, investment and employment rather than prescribe a narrow category of land use. The proposed amendment would provide appropriate flexibility over the lifetime of the Plan, allowing the site to respond to changing economic circumstances and emerging sectors whilst continuing to deliver substantial employment opportunities for residents and also in Newham. It would therefore improve the effectiveness of the policy and ensure it is positively prepared and deliverable, in accordance with Paragraph 16 (b) and 36 (a) of the NPPF. Unless the Council's evidence base demonstrates why development should be restricted solely to traditional employment uses, the current wording is unnecessarily prescriptive and risks preventing forms of development capable of delivering equivalent or greater employment and wider economic benefits. This would be contrary to Paragraph 36 (c) of the NPPF in that it is not justified as it is not based on proportionate evidence.

The proposed wording is also inconsistent with the strategic direction of the London Plan, which recognises that London's economy is increasingly driven by a diverse range of sectors beyond traditional employment uses. By restricting the allocation to "employment uses", the policy risks conflicting with the objectives of Policy E8 (Sector Growth Opportunities and Clusters) and Policy E10 (Visitor Infrastructure), both of which seek to support a broader range of employment-generating development and economic activity across London's evolving economy.



Do you wish to be notified about future Examination stages:

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 7th July 2026

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Part A

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Personal Details*	Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent.</i>	
Title	Ms
Name	Rebecca Burnhams
Job Title (where relevant)	Director
Organisation (where relevant)	Quod
Address Line 1	21 Soho Square
Line 2	London
Line 3	
Line 4	
Post Code	W1D 3QP
Telephone Number	
E-mail Address (where relevant)	

Representor type (Please tick as appropriate)

Works in Newham	☐
Statutory Consultee	☐
Resident	☐
Elected official	☐
Developer	☒
Community Group Representative	☐
Business owner	☐
Other (please specify)	

Part B – Please use a separate sheet for each representation

Name or Organisation: Berkeley Group

What chapter is your response referring to?

Please tick as appropriate

Vision and Objectives		Building a Fairer Newham	
Design		High Streets	
Social Infrastructure		Inclusive Economy	
Homes	X	Green and Water Spaces	
Climate Emergency		Transport	
Waste and Utilities			

Neighbourhoods - N1 North Woolwich		Neighbourhoods - N2 Royal Victoria	
Neighbourhoods - N3 Royal Albert North		Neighbourhoods - N4 Canning Town	
Neighbourhoods - N5 Custom House		Neighbourhoods - N6 Manor Road	
Neighbourhoods - N7 Three Mills		Neighbourhoods - N8 Stratford and Maryland	
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Neighbourhoods - N17 Gallions Reach			
Other (please specify)			

What is the Main Modification or map change reference(s) you are commenting on?

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ED030: Proposed Main Modifications for Consultation: MM52; MM53
ED034: Proposed Additional Modifications: AM76; AM78; AM81; AM83

Response

Please focus your comments only on the Proposed Modifications and please provide:

- The Main Modification or Policies Map change reference(s) you are commenting on
- Whether you consider the modification legally compliant and/or sound
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ED030: Schedule of Main Modifications to the Newham Local Plan

MM52 (Policy H3 Part 1 & Part 2)

London Plan Policy H6 requires affordable housing tenure to be split between a minimum of 30% low-cost rented homes, as either Social Rent or London Affordable Rent, and a minimum of 30% intermediate products, with the remaining 40% to be determined by the borough having regard to identified need.

MM52 is broadly supported as it moves Policy H3 closer to the London Plan approach. In particular, it requires affordable housing to be delivered in accordance with the London Plan and introduces a tenure mix of 65% social rent and 35% intermediate homes.

However, the wording still does not give equal weight to the Viability Tested Route. This is particularly important given the Council's own viability evidence, which indicates that there is no clear level of affordable housing that most schemes can viably deliver.

The wording should be refined to ensure that both routes under London Plan Policy H5 are recognised equally. Specifically, The policy should avoid implying that viability assessment is an exceptional fallback only where policy requirements are not met.

MM53 (Policy H4)

MM53 is supported insofar as it refocuses the 40% family homes target on social rent homes, rather than applying it across all residential dwellings. This is a positive amendment and better reflects the approach in London Plan Policy H10(B), which allows boroughs to set preferred housing mix requirements for low-cost rented homes only.

However, the additional requirement for 15% of social rent homes on site allocations to comprise four-bedroom homes is not supported. This is too onerous and does not provide sufficient flexibility to respond to site-specific circumstances, including location, accessibility, design, capacity, viability and deliverability considerations.

The Council has not provided sufficient evidence to justify the specific requirement for 15% of social rent homes on site allocations to comprise four-bedroom homes. While the need for larger family-sized affordable homes is recognised, the proposed increase from 5% to 15% appears to have been introduced without a clear explanation of why this level is necessary.

While the need for larger social rent homes is recognised, site allocations are generally those locations identified as being most suitable for growth and optimisation and are critical to meeting the Borough's overall housing needs (approximately 78% of homes identified by Policy H1).

These sites are also often subject to significant upfront costs associated with delivering enabling works and supporting infrastructure, particularly in the case of complex brownfield and gasworks sites. This further reinforces the need for sufficient flexibility in the application of housing mix requirements to respond to site-specific circumstances, deliverability and viability considerations.

Additionally, The Whole Plan Viability Assessment (ED099) does not appear to have specifically tested the cumulative impact of requiring 15% of social rent homes on site allocations to be provided as four-bedroom homes. In the absence of clear viability testing or evidence demonstrating that this requirement can be delivered alongside other policy obligations, its inclusion is not justified and is therefore unsound.

A prescriptive 15% four-bedroom requirement on site allocations risks constraining housing output on the very sites where the Local Plan should be seeking to make the most effective use of land. This would be inconsistent with the objectives of London Plan Policy GG2 and Policy D3 which require development to make the best use of land and optimise site capacity through a design-led approach.

The removal of the proposed cap on one-bedroom, two-person homes is supported. However, the retained cap on studio (1B1P) homes at 5% is not supported and should also be removed.

Imposing a cap on the number of smaller homes that can be delivered is inconsistent with the flexibility shown at Paragraph 4.10.4 of London Plan Policy H10 which states that a higher proportion of smaller homes may be appropriate in highly accessible locations, such as town centres or areas with higher public transport access and connectivity. London Plan Policy SD6(D) also recognises that one-bedroom units play an important role in meeting housing need and can help reduce pressure to convert or subdivide existing larger homes.

Policy H4 should therefore avoid fixed caps on studios and instead allow the housing mix for individual developments to respond appropriately to site characteristics, accessibility, development constraints, viability and market conditions.

ED034: Schedule of Additional Modifications

AM76 (Policy H3 Part 1)

Consistent with the comments made to MM52 above, this should be refined so that it gives equal weight to both routes provided for under London Plan Policy H5.

As currently drafted, the additional modification places emphasis on the threshold approach under Policy H5 but does not expressly recognise that viability testing is an established and equally applicable route where schemes do not meet the relevant threshold or tenure requirements.

This clarification is necessary to ensure that the implementation text reflects the London Plan approach in full and does not imply that the Viability Tested Route is secondary or exceptional. It would also respond to the viability issues raised through the examination, including concerns that a rigid application of affordable housing requirements could affect deliverability. This has been recognised in part by Policy H4.5 Implementation text,

AM76 should therefore be amended to make clear that both the Fast Track Route and the Viability Tested Route under London Plan Policy H5 are afforded equal weight.

AM78 (Policy H4; Paragraph 3.182)

AM78 should be amended to ensure consistency with the comments made on MM53 above. The recognition of a minimum 40% target for social rent family-sized homes is supported, particularly where this is focused on three-bedroom or larger homes. However, the additional requirement for 15% of social rent homes on site allocations to comprise four-bedroom homes is too onerous and does not provide sufficient flexibility. If retained, the wording should at a minimum allow flexibility having regard to location, accessibility, site context, design, capacity, viability and deliverability.

AM81 (Policy H4 Part 3 Implementation Text)

The requirement for developments on site allocations to “aim to deliver” a minimum of 15% of proposed social rent homes as four or more-bedroom affordable dwellinghouses is too onerous and the increase from 5% has not been adequately justified or evidenced.

The wording should therefore be amended to make clear that the 15% figure is not a fixed requirement within the overall 40% target, and that flexibility will be applied where necessary.

AM83 (Policy H4 Part 5 Implementation Text)

The removal of the cap on one-bedroom, two-person homes is supported. However, the continued maximum delivery expectation for studio homes, or one-bedroom, one-person homes, is not supported and should also be deleted.

A fixed 5% cap on studio or one-person homes would be inconsistent with the flexibility required by London Plan Policy H10. This is particularly relevant in highly accessible locations, where a higher proportion of smaller homes may form an appropriate part of the overall housing mix.

If any cap is retained, it should at minimum provide clear flexibility to account for location, accessibility, site context, housing need, viability and optimisation, rather than applying as a rigid limit for major development (10+ homes).

Do you wish to be notified about future Examination stages:

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 7th July 2026

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Organisation (where relevant)	Quod
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Line 2	London
Line 3	
Line 4	
Post Code	W1D 3QP
Telephone Number	
E-mail Address (where relevant)	

Representor type (Please tick as appropriate)

Works in Newham	☐
Statutory Consultee	☐
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Elected official	☐
Developer	☒
Community Group Representative	☐
Business owner	☐
Other (please specify)	

Part B – Please use a separate sheet for each representation

Name or Organisation: Berkeley Group

What chapter is your response referring to?

Please tick as appropriate

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Design	X	High Streets	
Social Infrastructure		Inclusive Economy	
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Climate Emergency		Transport	
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ED030: Proposed Main Modifications for Consultation: MM17 ; MM18; MM19
ED034: Proposed Additional Modifications: AM32

Response

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ED030: Schedule of Main Modifications to the Newham Local Plan

MM17 (Policy D4 Part 2)

The insertion of wording requiring “*the heights of tall buildings developments should be consistent with the appropriate heights set out in Table 1*” should be amended to ensure the wording does not operate as an inflexible cap or preclude a design-led assessment of tall buildings.

A more appropriate formulation would be for proposals to be “informed by” or “take account of” the heights in Table 1, while allowing detailed design, heritage, townscape and site-specific testing to determine the appropriate response.

MM18 (Table 1: Tall Building Zones)

The use of terms such as “generally between” and “of approximately” is supported in principle where it confirms that building heights in Table 1 are indicative and should not be interpreted as absolute maximums or minimums.

MM18 should be clarified to confirm that the height ranges in Table 1 are indicative and are intended to guide (rather than prescribe) the appropriate height of tall buildings.

This approach would also align with the proposed amendments sought under MM17, which seek to avoid Table 1 being applied as an inflexible height cap.

MM19 (Policy D4 Part 5)

Part 5 of Policy D4 states that tall buildings outside Tall Building Zones will only be acceptable where they meet Parts 3 and 4 of Policy D4. This is supported, as those parts set out general design considerations and are broadly consistent with London Plan Policy D9.

However, proposed MM19 also introduces new criteria (a–f) under Part 5. Criterion (a) states that tall building developments must be “located in an area with a high level of public transport accessibility (PTAL 4–6) within a local or town centre, or in an Opportunity Area”.

London Plan Policy H1 promotes optimisation within 800m of town centre boundaries and stations, including sites with PTAL 3 to 6. This is the criteria that should be adopted by Policy D4.5(a).

As drafted, Policy D4.5(a) would unduly constrain the ability to optimise sites (and Site Allocations) within 800m of Major Town Centres, but not covered by a high PTAL score, or within a defined local or town centre.

The London Plan requires boroughs to identify locations where tall buildings may be appropriate and to assess their impacts through detailed criteria. It does not specifically require tall buildings outside identified zones to be limited by a standalone locational test based on high PTAL, town centre location or Opportunity Area status.

The proposed wording could therefore introduce an additional and unjustified restriction, particularly for large brownfield or strategic sites where tall building elements may be justified through detailed design, townscape, heritage and infrastructure assessment. As drafted, Policy D4.5(a) would risk predetermining the acceptability of tall buildings by reference to broad locational criteria, rather than through the design-led approach required by London Plan Policy D9.

Part 5 of Policy D4 should also be considered in light of case law, including *R (London Borough of Hillingdon) v Mayor of London* [2021] EWHC 3387 (Admin), which confirms that Parts A and B of London Plan Policy D9 are not pre-conditions to the application of Part C.

Applying this principle to Policy D4, the policy should not introduce gateway criteria that prevent tall building proposals from being assessed against the relevant design, townscape, heritage and infrastructure criteria where a site is not identified as a suitable location, or where appropriate locations may exist outside defined Tall Building Zones. Retaining criterion (a) would therefore risk

undermining the purpose of Part 5 to assess buildings where they are not identified as a suitable location, or imposing a locational requirement.

The remainder of MM19 already requires proposals to demonstrate that they do not detract from landmarks or views, do not harm protected vistas, contribute positively to tall building clusters or townscape legibility, and provide public realm benefits. These criteria are sufficient to ensure a robust assessment without the additional locational restriction imposed by D4.5(a).

ED034: Schedule of Additional Modifications

AM32 (Policy D4 Part 2 Implementation Text)

AM32 should be amended as the phrase “unless they meet the criteria” is too restrictive and risks treating the Policy D4 Part 5 as a gateway test rather than as criteria to be applied through a balanced planning judgement.

This is particularly problematic if Part 5 (A) is retained, as it could prevent otherwise acceptable tall building proposals from being considered on their merits through detailed design-led assessment.

The wording should instead make clear that proposals will be assessed against Policy D4 Part 5 and the relevant considerations of London Plan Policy D9.

This would avoid conflating local policy requirements with London Plan Policy D9, while maintaining the appropriate planning balance. Suggested wording to amend AM32 is provided below:

*“Development of tall buildings outside Tall Building Zones will generally be considered a departure from the Plan **unless it can be robustly demonstrated that they are an otherwise suitable tall building location when assessed against Policy D4, Part 5 and London Plan Policy D9**”.*

Do you wish to be notified about future Examination stages:

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 7th July 2026

Response Form for Consultation of Proposed Main Modifications to the Newham Local Plan 2026 – 2042

	Local Plan Consultation of Proposed Main Modifications to the Newham Local Plan 2026 – 2042 Response Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Newham Draft Submission
Local Plan

Privacy Notice

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Business owner	☐
Other (please specify)	

Part B – Please use a separate sheet for each representation

Name or Organisation: Berkeley Group

What chapter is your response referring to?

Please tick as appropriate

Vision and Objectives		Building a Fairer Newham	
Design		High Streets	
Social Infrastructure		Inclusive Economy	
Homes		Green and Water Spaces	X
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Waste and Utilities			

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ED030: Proposed Main Modifications for Consultation: MM67
ED031: Proposed Changes to the Policies Map: PM25; PM26

Response

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ED030: Schedule of Main Modifications to the Newham Local Plan

MM67 (Policy GWS1 Part 3)

MM67 should be amended to avoid unintentionally constraining allocated sites where the principle of redevelopment, reconfiguration or release of green space has already been considered and justified through the Local Plan process. This should be read alongside the suggested changes to PM25 and PM26 below.

The wording should make clear that this does not apply rigidly to site allocations which may contain some existing green space. This is particularly relevant to N13.SA3, where the proposed release of MOL and reconfiguration of green space are central to the site allocation and associated Policies Map modifications required.

ED031: Proposed changes to the Local Plan Policies Map

PM25 (GWS1 Policies Map / N13.SA3 Former East Ham Gasworks)

PM25 is supported insofar as it seeks to correct the green space mapping to show previously developed land within the N13.SA3 site allocation. However, the proposed amendment should go further to ensure that the green space designation is aligned with the revised MOL boundary arising from the proposed de-designation of MOL at the former East Ham Gasworks site.

The proposed correction recognises that parts of the site should no longer be treated as designated green space. To be effective, this correction should be reflected consistently alongside the proposed MOL de-designation and the comprehensive redevelopment objectives for N13.SA3.

The same principle should apply to the proposed SINC designation. Although no equivalent amendment appears to have been proposed to the SINC boundary, this should also be reviewed. If the SINC designation overlaps with land now identified as previously developed land or intended for redevelopment, it should either be amended to align with the revised MOL and green space boundaries or removed where it is no longer justified.

This issue is particularly significant as the site is not currently designated as a SINC and, in its existing condition, does not comprise habitat of notable nature conservation value. Notwithstanding this, the Local Plan proposes a SINC designation across the entirety of Site Allocation N13.SA3. This approach does not reflect the position established through pre-application discussions between Berkeley, the Greater London Authority and the Council, which recognised that the comprehensive redevelopment of Site Allocation N13.SA3 is dependent upon the full remediation of the site to address known contamination and unexploded ordnance. This remediation will necessitate removal of the majority of existing vegetation and habitats on the site.

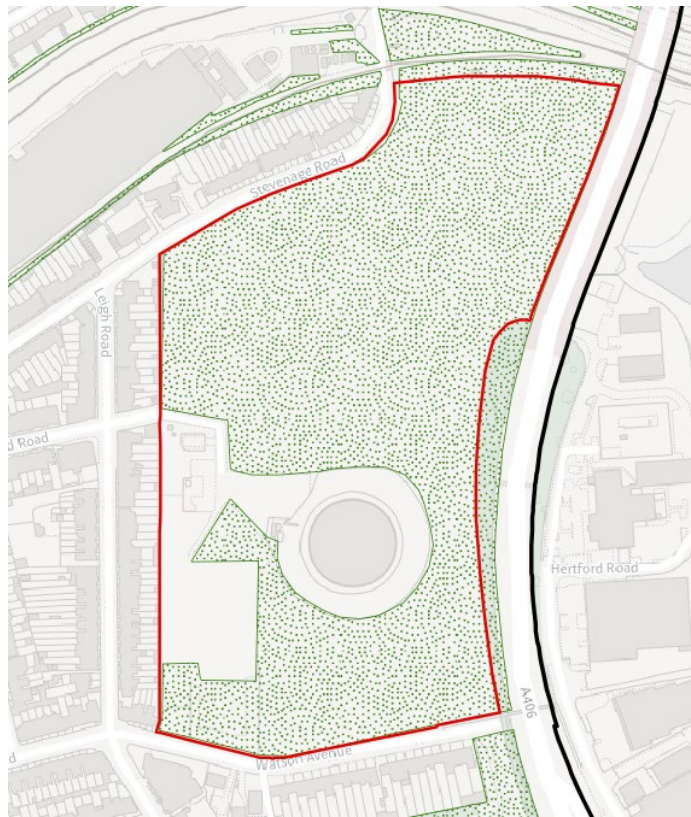
The designation of the SINC is therefore predicated on the site first being remediated and enhanced through redevelopment, rather than reflecting the current ecological value or condition of the land. This risks treating future ecological enhancements, which would be secured through Site Allocation N13.SA3 as if they already exist.

Following remediation, the proposed development will deliver substantial ecological and biodiversity enhancements in accordance with the objectives of Site Allocation N13.SA3, including improvements to the retained MOL. The scheme provides significant opportunities therefore to secure biodiversity net gains, habitat creation, long-term ecological management and enhanced public access as part of a comprehensive redevelopment strategy.

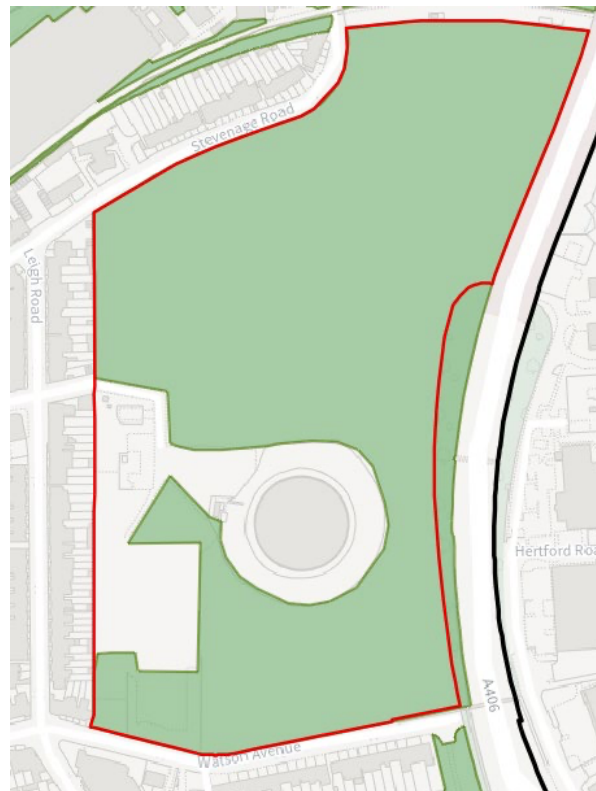
Accordingly, it would be more appropriate for Site Allocation N13.SA3 to identify an aspiration for the non-developed parts of the site to be designated as a future SINC. This should be secured through a modification to the Site Allocation and the Policies Map, reflecting the ecological and biodiversity value that will be created through the redevelopment and long-term management of the site.

This is particularly important because the site is not currently designated as a SINC, but such a designation is proposed through the Local Plan. That approach does not appear to reflect pre-application discussions, which recognised that redevelopment of the wider site is necessary to deliver the ecological enhancements required to support any future SINC status, enhancement and public access to retained MOL.

East Ham Gasworks N13.SA3 / SINC (Policy GWS3) Overlay



East Ham Gasworks N13.SA3 / Green Space (Policy GWS1) Overlay



Additional Amendment: N17.SA1 Beckton Riverside

The issue with PM25 for N13.SA3 East Ham Gasworks is also apparent at Site Allocation N17.SA1 Beckton Riverside, where a proposed SINC designation overlaps with an allocated development site notwithstanding that the allocation wording itself secures ecological enhancements.

N17.SA1 therefore demonstrates the same inconsistency that the Plan seeks to rely on site allocation wording to secure enhancement, while the Policies Map proposes a SINC designation across land allocated for development.

In both cases, an overlapping SINC designation across land allocated for development would create unnecessary policy conflict. The key principle is that a SINC designation should reflect existing ecological value or a clearly justified boundary, rather than land whose future biodiversity value is dependent on remediation and enhancement secured through the site allocation.

Where the ecological value relied upon is to be created through development, the Local Plan should identify this as an aspiration for future SINC designation on the non-developed parts of the site, rather than applying a designation across land required to deliver the allocation.

The Policies Map should be amended so that any SINC designation is limited to land where the designation is justified, or alternatively expressed as a future designation to be confirmed following remediation and delivery of the relevant ecological enhancements.

Beckton Riverside N17.SA1 / SINC (Policy GWS3) Overlay



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Yes ☒ No ☐

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ED030: Proposed Main Modifications for Consultation: MM96; MM200; MM202

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ED030: Schedule of Main Modifications to the Newham Local Plan

MM96

MM96 is supported in principle because the insertion of “generally” and “of approximately” provides necessary flexibility in the application of tall building height ranges across site allocations.

As per previous comments made to MM17 & MM18, these height ranges should inform the assessment of future schemes but should not operate as fixed limits where a proposal is otherwise justified through detailed design-led assessment and relevant technical evidence.

MM200 (N13.SA3 Former East Ham Gasworks – Indicative Diagram)

MM200 should be further amended to reflect the Inspector’s direction at AP74 which required the indicative diagram to be updated to reflect the proposed modification to Policy N13.SA3 and the revised Metropolitan Open Land boundary.

The current diagram does not appear to reflect the revised MOL boundary or the intended developable area and is inconsistent with the proposed policy wording which recognises that Newham’s MOL Review (2026) demonstrated exceptional circumstances to release a limited area of MOL (Parcels A22-A24) and that development should take place outside the retained MOL (Parcel A21).

Pre-application discussions with the London Borough of Newham and representations made through the Local Plan Examination in Public have recognised that limited development within land currently designated as Green Space is necessary to facilitate the comprehensive redevelopment of the Site and secure the wider objectives of the allocation.

Any reference to green space across the southern part of the site should therefore be removed or amended where it could be read as constraining the redevelopment of the allocation. Green space, play provision and public access are already appropriately addressed through the site allocation’s development principles and infrastructure requirements.

If the proposed MOL de-designation is agreed, the indicative diagram should be updated accordingly. It should make clear that development within the southern part of the site can come forward on land outside the retained MOL boundary.

MM202 (N13.SA3 Former East Ham Gasworks – Development Principles)

MM202 should be amended so that the development principles for N13.SA3 are consistent with the proposed MOL de-designation and comprehensive redevelopment of the site.

The proposed wording recognises that Newham’s MOL Review demonstrates exceptional circumstances to release a limited area of MOL. However, it also introduces a number of overlapping requirements relating to remediation, retained MOL, green space retention, public access, playing pitch re-provision and SINC “re-enhancement”.

The reference to SINC “re-enhancement” should be corrected, as the site is not presently designated as a SINC. The wording should instead recognise that ecological mitigation and enhancement will need to be created through the remediation and redevelopment of the site, rather than assumed to exist on site at present.

The policy should also distinguish clearly between the retained MOL, where protection and enhancement requirements should apply. It should state that the opportunity for green space (as per the indicative diagram) is primarily within the retained MOL.

Policy BFN1 Part 5(f) should also be reviewed for consistency, as it continues to refer to the re-provision of playing pitches at N13.SA3 and bringing them back into public use.

Do you wish to be notified about future Examination stages:

Yes ☒ No ☐

Please return to London Borough of Newham by 5pm 7th July 2026