



Statement of Common Ground

Between

London Borough of Newham

And

Environment Agency

Stage: Newham Submission Draft Local Plan (Reg. 19)

Date: 16 April 2025

1. Executive Summary

- 1.1. A statement of common ground is a written record of the progress made by plan-making authorities during the process of planning for strategic cross-boundary matters. It documents the strategic matters where effective cooperation has led to cross-boundary challenges and opportunities being identified, whether there is agreement between bodies in how these should be addressed, and how the strategic matters have evolved throughout the plan-making process. It is also a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.
- 1.2. This Statement of Common ground addresses key strategic matters between the two signatories, the London Borough of Newham and Environment Agency, as relevant to the preparation of the Newham Submission Draft Local Plan and its progression to public Examination.
- 1.3. Strategic matters overseen by other organisations will be addressed in other SoCGs, in order to streamline the process of reaching agreements with each party. Where key strategic issues overlap between different organisations that Newham have signed statements of common ground with (e.g. the delivery of housing targets), these interrelations are summarised in the [Duty to Cooperate Statement](#) (2024) and the Duty to Cooperate Addendum (2025).
- 1.4. The document is intended to be 'live', updated as circumstances change. Please see the Governance Arrangements section of the statement for more details.

2. Parties Involved

- 2.1. Newham Council, the Local Planning Authority for the London Borough of Newham, which is an inner London Borough in East London situated between three rivers: the Lee/a to the west, Thames to the south and Roding to the east. London Borough of Newham is bordered by several other London Boroughs, including Tower Hamlets, Hackney, Waltham Forest, Redbridge, and Barking and Dagenham. Across the River Thames lies the Royal Borough of Greenwich.

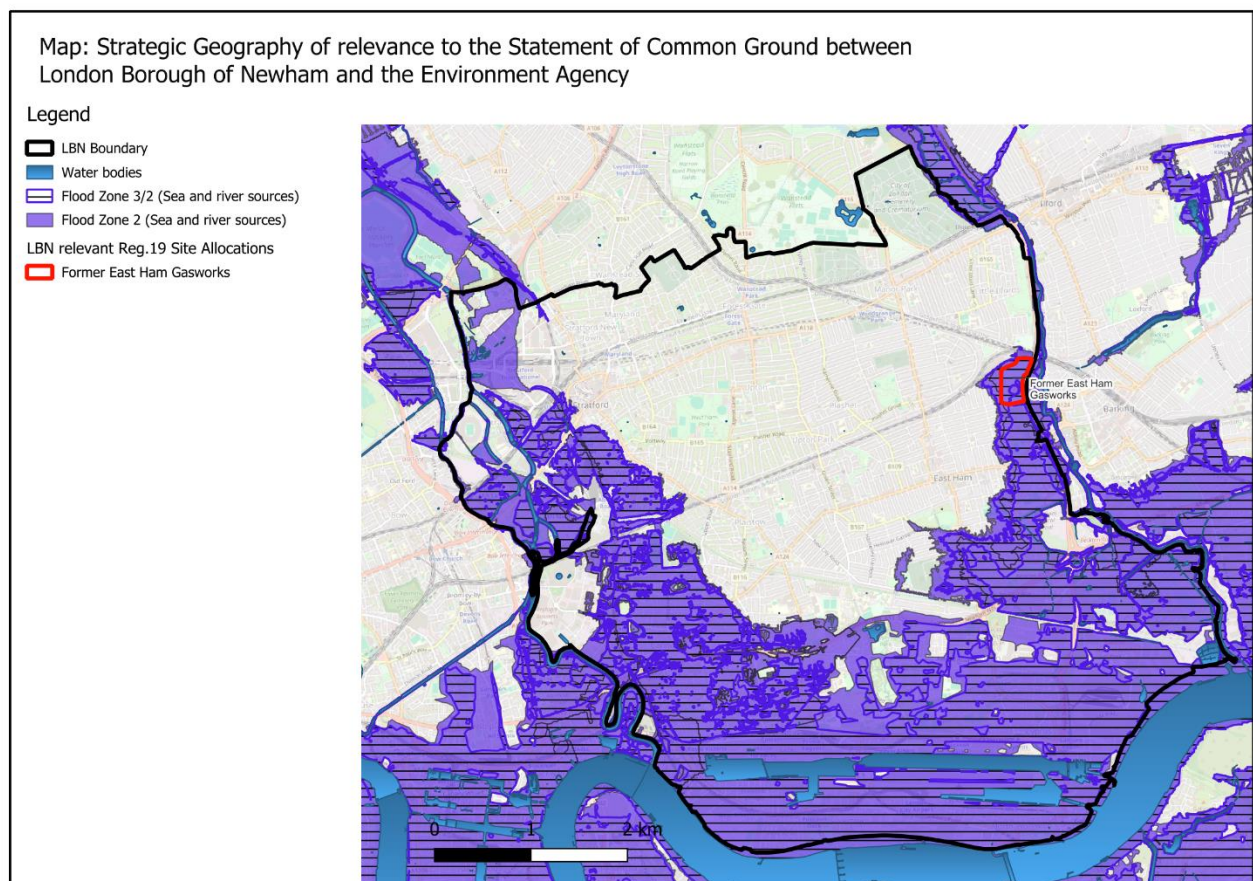
AND

- 2.2. The Environment Agency (EA), the national regulatory body responsible for managing tidal and fluvial flood risk across the district. The EA's full remit in the planning system, as a statutory consultee, is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and in Government Planning Practice Guidance.
- 2.3. Newham is strategically located at the intersection of the London-Stansted-Cambridge-Peterborough Corridor, which is centred on enterprise and innovation within emerging sectors such as digital, media, life sciences, telecommunications and advanced manufacturing, and the Thames Estuary Creative and Cultural Industries Corridor, which adds to the borough's significance. It contains three Opportunity Areas: the Olympic Legacy (which also includes parts of the other Host Boroughs) Poplar Riverside (which crosses the boundary with Tower Hamlets) and Royal Docks and Beckton, which is also the home of London's only Enterprise Zone and Europe's largest regeneration area.

- 2.4. The London Legacy Development Corporation (LLDC) Mayoral Development Corporation returned planning powers back to the London Boroughs of Newham, Tower Hamlets and Waltham Forest and Hackney on the 1st of December 2024. As such, key strategic matters for the parts of the LLDC that fall within Newham’s administrative boundaries are also addressed in the new Newham Draft Submission Local Plan, and are subject to the matters addressed in this statement of common ground.

3. Strategic geography

- 3.1. The map below identifies the spatial representation of the key strategic matters addressed, alongside the administrative area of the plan-making authority – London Borough of Newham.
- 3.2. As noted above, the LLDC returned planning powers back to the London Borough of Newham on the 1st of December 2024. Where relevant, the Newham draft Local Plan has retained and evolved site allocations and designations from the LLDC Local Plan (2020).



- 3.3. London Borough of Newham has a unique set of water infrastructure that includes the Thames and two of its major tributaries (the Lee/a and Roding) and an extensive area of repurposed dock infrastructure that is now a significant focus for regeneration. Newham’s

watercourses also mean that some major growth areas are falling within Flood Zones 2 and 3. Recent climate change projections suggest that London will experience changing rainfall patterns. This will mean more intense rainfall episodes for longer periods of time and sea level rise with potential for increased storm surges, including within the tidal Thames. Flood risk, both 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.

4. Background

- 4.1. Newham Council prepared the Submission Draft Local Plan and published it for consultation between 19th July and 20th September 2024. This is the version of the plan that the Council considers to be 'legally compliant' and 'sound' and will be submitted to the Planning Inspectorate for examination in 2025, as amended with minor amendments and supported by updated evidence documents that will be submitted to Full Council for approval in April 2025. Where amendments are in response to comments raised by the Environment Agency, the modifications and evidence are as outlined in this SOCG and its appendices 2, 3 & 4. The council undertook two rounds of consultation prior to this, to inform the Newham Submission Draft Local Plan. These were:
 - Issues and Options Consultation, which took place between 18 October and 17 December 2021; and
 - Draft Local Plan Consultation (Regulation 18), which took place between the 9 January and 20 February 2023.
- 4.2. A [Duty to Cooperate Statement](#) (DtC Statement 2024) was published as part of Newham's Reg. 19 consultation, which provides a summary of London Borough of Newham's engagement with the Environment Agency, as a duty to cooperate partner, as part of the preparation of the new Newham Local Plan. The key strategic matter addressed pre-Reg 19 consultation related to the need to undertake a Riverside Strategy, and the relevant paragraphs in the DtC Statement are 4.179 to 4.185.
- 4.3. The national and regional policy context forming the background to this statement of common ground is also detailed in the Duty to Cooperate Statement (2024), under 'Chapter 2: Legislative and national policy context', and in 'Chapter 3: Demonstrating compliance with the duty to cooperate' paragraph 3.22 as specific to cooperation with the EA.
- 4.4. In between the Local Plan Consultation (Regulation 18) and the Regulation 19 consultation Newham updated their Strategic Flood Risk Assessment (SFRA). It is the Environment Agency's understanding that these updates were undertaken to reflect updated climate change allowances and changes to guidance around functional floodplain. Newham sought charged advice from the Environment Agency surrounding the updates between January 2023 and August 2023 however the updated SFRA was not formally reviewed by the Environment Agency prior to it being submitted in support the Regulation 19 consultation.
- 4.5. During the Reg. 19 consultation process, The Environment Agency submitted comments to Newham that raised the following soundness concerns:

- It was not possible to determine whether the flood modelling that was undertaken as part of the SFRA was suitable for use. More specifically this was related to modelling for the River Roding and the River Lee/a, and their use in future development management processes;
The Environment Agency also made a number of comments regarding policies in the local plan, including:
 - How policies for the management of flood risk can be strengthened and to how they can better align with the NPPF.
 - How policies across the plan support climate resilience, protect and improve biodiversity, protect groundwater resources from contamination and help reduce flood risk.
- 4.6. Following review of the above matters, London Borough of Newham invited the Environment Agency to begin discussions towards the signing of this Statement of Common Ground.
- 4.7. A meeting was held on 15th October 2024 to discuss the key strategic matters raised in the Environment Agency's response to Newham's Reg 19 consultation, and the agenda and notes of this meeting are attached as Appendix 1 and provide further background information.
- 4.8. Following this initial meeting, further collaboration took place. As a result it was decided that technical review of the SFRA modelling for the River Lee/a was not required as long as the SFRA was updated with wording that makes it extremely clear that developers must do their own modelling for their sites (where relevant) and this must be approved by the Environment Agency. Agreed wording can be found in Appendix 2. The council also undertook a comparison of the Roding flood risk modelling produced by the consultants and the updated modelling released by the Environment Agency, and can be found in Appendix 3. The Environment Agency was satisfied with the comparison undertaken. Newham also shared their draft response to the Environment Agency's Reg. 19 comments, including any proposed modifications to the Plan, leading to the majority of Environment Agency's comments being resolved, as set out in further detail in the section below and Appendix 4.

5. Key Strategic Matters

- 5.1. **Newham's Strategic Flood Risk Assessment (SFRA)**
- 5.2. Paragraph 160 of the National Planning Policy Framework (NPPF) (2023) states that strategic policies should be informed by a Strategic Flood Risk Assessment (SFRA) and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency (EA), and other relevant flood risk management authorities, such as Lead Local Flood Authorities (LLFAs) and Internal Drainage Boards (IDBs).
- 5.3. London Borough of Newham appointed consultants Jeremy Benn Associates Limited (JBA) to undertake both a Level 1 and a Level 2 SFRA. As set out in Planning Practice Guidance all local planning authorities need to produce a level 1 SFRA. A Level 2 SFRA is required where allocations are proposed in flood risk areas (i.e., from any source now and in the future), or

where future windfall pressures in flood risk areas are expected. The Level 2 SFRA should allow an LPA to apply the sequential test and the exception test, where relevant.

- 5.4. The SFRA provided individual flood risk analysis for site options, thereby assisting the Council in applying the Sequential and Exception Test to their proposed site options in preparation of the update to the London Borough of Newham (LBN) Local Plan. Newham also engaged with the Environment Agency on the best modelling data available to use for the study, with communications between June and September 2023 indicating that, while new River Roding data was being worked on by the Environment Agency, there was no clear timeframe for this work and it was likely this would not be finalised during the course of Newham's work programme for the SFRA. As such, Newham decided to proceed with the modelling undertaken, as further delays would have severely impacted the Local Plan timetable. JBA also sought advice on how best to use and update the River Lee/a model, noting that it is outdated and has known inaccuracies.
- 5.5. The Environment Agency did not get the opportunity to review the updated SFRA prior to formal consultation at Reg. 19 stage, and when consulted the Environment Agency expressed concern that it was not possible to determine whether the flood modelling that was undertaken as part of the Strategic Flood Risk Assessment (SFRA) was suitable for use. The Environment Agency noted updated modelling for the Roding that they had published in 2023, and required Newham to consider any implications on the Local Plan and SFRA from the updated Environment Agency Roding model outputs. Similarly, the Environment Agency note that their existing Lee model has known inaccuracies and it is outdated, and stated that Newham conducted their own modelling for the River Lee. The Environment Agency requested to review the LBN Lee/a modelling to ensure soundness of the data used. Newham accepted that the current Lee/a modelling is outdated and has known inaccuracies, and so the Environment Agency required Newham to update their SFRA to reflect this. However, Newham considered that creating a new model for the Lee/a would be an unnecessary use of the council's limited resources, as the Environment Agency had informed the council that they were going to produce one soon. Instead, Newham sought to agree amendments to the SFRA wording (see paragraph 5.6 below).
- 5.6. Further technical engagement and data sharing was undertaken between October 2024 and January 2025. As a result of these, it was agreed that a model review of the Lee/a was unnecessary, as the model used was the Environment Agency's model, with uplifts as agreed by the Environment Agency in their initial engagement on the SFRA (see DtC Statement 2024, paragraph 3.22). Instead Newham and JBA would make updates to the SFRA to ensure it is sufficiently clear that due to the quality of the existing Lee/a model any site specific FRAs impacted by the Lee/a model should undertake their own modelling, which will need to be submitted to the Environment Agency for review and approval sufficiently early in the design process, until a new Environment Agency Lee/a model is available.
- 5.7. Newham also undertook a comparison exercise to review whether the updated Roding modelling would impact any site allocations in the borough. This was concluded in early 2025 – See Appendix 3 - and showed that the flood extents had not changed in any significant regard when comparing the modelling used in Newham's SFRA modelling to the Environment Agency's updated Roding modelling, and that one site, N13.SA3 Former East Ham Gasworks, was impacted to a broadly similar degree. To reflect this, Newham included an informative for

the Sequential and Exception test and a similar modification proposed for the site allocation in the Local Plan, to indicate that any FRA for this site should be informed by the Environment Agency's latest River Roding flood risk modelling. The mapping was shared with the Environment Agency on 6th February 2025, alongside proposed amendments to the SFRA report and Local Plan.

- 5.8. A minor modification, to address concerns around the Roding model, has been made to site allocation N13.SA3 Former East Ham Gasworks is listed in the table below:

Minor modification made (any new text in bold and any removed text in strike through)	Part of the Plan (para, imp reference, policy part) etc
<p>Flood risk</p> <p>The site is shown to be at significant risk of flooding in Flood Zone 3 and Flood Zone 2, as well as being at pluvial flood risk in the 1% and 0.1% AEP events and also being at risk if the Thames were to breach its bank and defences were to fail.</p> <p>Subsequent to the publication of the SFRA, the Environment Agency has undertaken further flood risk modelling of the River Roding. This modelling should be used for any site specific flood risk assessment of the site.</p>	N13.SA3 Former East Ham Gasworks

- 5.9. The additional proposed amendments to the SFRA and to the Site Allocations Sequential Test evidence base topic paper are set out in Appendix 2.

5.10. Record of agreements and/or disagreements:

- The Environment Agency are satisfied with LBN's further analysis of the flood risk modelling for the River Roding, and agree that the new Roding modelling has not changed the flood extents significantly from the old Roding Model and there are no significant impacts to the site allocations on the Local Plan.
- The Environment Agency agrees with the amendments as described in Appendix 2, and they are now satisfied that SFRA Level 1 and Level 2 do provide a suitable evidence base to inform the Local Plan, and overcome the soundness concerns raised in their Reg 19 response.
- The Environment Agency agrees that the amendments to the SFRA Level 1 and Level 2 and to the Sequential test, exception test and site allocation table for N13.SA3 Former East Ham Gasworks site allocation provide the clarity required to inform the development management process in the future.

5.11. **Policies for managing Flood Risk in Newham**

- 5.12. The Environment Agency raised a number of concerns with regards to the strength and clarity of Policies CE7 Managing flood risk, CE8 Sustainable drainage, and GWS2 Water spaces. Nevertheless, during the meeting on 15th October 2024, the Environment Agency clarified that these did not represent soundness issues. Newham has reviewed these and proposed a number of minor modifications to be made to address issues raised, or has indicated how the

matter is already being addressed as part of the Local plan or through the London Plan. Please see Appendix 4 for further details.

5.13. Record of agreements and/or disagreements:

- The Environment Agency are broadly satisfied with the London Borough of Newham's response to our representations, as set out in Appendix 4, and consider these help strengthen policies CE7 Managing flood risk, CE8 Sustainable drainage, and GWS2 Water spaces.

5.14. **Policies for managing environmental resilience in Newham**

5.15. Environment Agency provided comments at Reg. 19 consultation stage to a number of Newham's Design chapter policies, Policy GWS1 Green spaces, and site allocations in the Neighbourhoods section. These representations sought clarification and/or modifications to support a consistent approach to managing flood risk and environmental resilience, and the Environment Agency clarified during the meeting on 15th October 2024 that these did not represent soundness issues. These comments, and Newham's response to them, are set out in Appendix 4.

5.16. Record of agreements and/or disagreements:

The Environment Agency are broadly satisfied with the London Borough of Newham's response to our representations.

5.17. **Undertaking a Riverside Strategy**

5.18. In 2019, during the development of the Royal Docks and Beckton Opportunity Planning Framework (OAPF), discussions commenced, with the Environment Agency and the GLA Royal Docks team, on developing a Riverside Strategy, meeting the requirements and approach set out in the [Thames Estuary 2100](#), to support the delivery of the OAPF. This work did not progress due to insufficient capacity within the Royal Docks team and Environment Agency.

5.19. In November 2023, Newham was approached by the Thames Estuary Partnership to support the collaborative review of the existing Joint Thames Strategies, which were last produced in 2008. It was proposed that this approach could be used to fulfil the requirement to develop a Riverside Strategy. We have agreed to support this approach and associated funding request to the Thames Regional Flood and Coastal Committee.

Newham will continue to support initiatives to develop a Riverside Strategy and will consider, depending on the timing of the work, how any recommendations could be incorporated into implementation guidance for the new Local Plan or subsequent delivery guidance. Recent engagement was undertaken with the Thames Estuary Partnership via the Joint Thames Strategy Refresh Team, with further details of the programme yet to emerge.

5.20. Record of agreements and/or disagreements:

- Newham will continue to support initiatives to develop a Riverside Strategy and will consider, depending on the timing of the work, how any recommendations could be incorporated into implementation guidance for the new Local Plan or subsequent delivery guidance.

- The Environment Agency are broadly satisfied with the approach of the London Borough of Newham.



6. Governance agreements

6.1. This statement of common ground will be reviewed:

- 6.1..1. Whenever agreement is reached on any outstanding matters. Or
- 6.1..2. At key milestones in progress towards addressing strategic matters. Or
- 6.1..3. At each subsequent key stage of the plan making process, as it progresses towards adoption.

7. Signatories

7.1. We confirm that the information in this statement and referred to documents reflects the joint working to date undertaken between London Borough of Newham and the Environment Agency towards addressing the identified strategic matters.

<p>Signed on behalf of London Borough of Newham:</p>  <p>Name: Ellie Kuper Thomas</p> <p>Date: 16/04/2025</p> <p>Position: Policy Manager, Planning and Development Directorate</p>	<p>Signed on behalf of the Environment Agency:</p>  <p>Name: Demitry Lyons</p> <p>Date: 15/04/2025</p> <p>Position: Planning Advisor, Sustainable Places team</p>
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**Appendix 1: Agenda and minutes of Statement of Common Ground
meeting held on 15th October 2024**

**Statement of Common Ground between:
London Borough of Newham and the Environment Agency**

Meeting Date: 15.10.2024

Time: 10:00-11:00

Venue: Microsoft Teams

Present:

Ellie Kuper Thomas, Policy Team Manager, LBN

James Scantlebury, Senior Planner, LBN

Demetry Lyons, Planning Advisor, Environment Agency

Mohammed Ahmed, Planning Specialist, Environment Agency

Agenda and Notes

Agenda Item	Notes [context, position statements, areas of agreement and/or disagreement]	Actions emerging [what, who, and any deadline]
1. Introductions (5min)	<ul style="list-style-type: none">Self-introduction by the LBN and Environment Agency teams.LBN introduced the objective of the meeting.LBN shared the agenda of the meeting.	
2. SFRA modelling (15min)	<ul style="list-style-type: none">LBN expressed concern regarding the modelling comments received as part of the Environment Agency's Reg. 19 response. We explained that we had met with the Environment Agency in April and August 2023 to discuss the modelling and proceeded as advised, given the Local Plan timetable and need to progress.LBN had also paid for additional support on the modelling and there had been significant technical discussions between the consultants and the Environment Agency modelling team.LBN requested further clarity regarding the timing of the Roding modelling, the responsibilities of the model checking and why this work did not occur in advance of the regulation 19 response.<ul style="list-style-type: none">The Environment Agency stated that they were unsure when the Roding model was available but they thought early summer 2024.The Environment Agency clarified that it was LBN's responsibility to undertake the review between our Roding modelling and the new Environment Agency's Roding	<p>Environment Agency to send checklist of modelling requirements for their review as required from the SFRA consultant.</p> <p>Environment Agency to confirm how long it will take for the Environment Agency to review both models.</p> <p>LBN to send details of previous discussions with the Environment Agency regarding the models, to the Environment Agency.</p> <p>LBN to proceed with modelling requirements, once checklist is sent from</p>

	<p>modelling and then the Environment Agency would check that review. It was the Environment Agency's responsibility to review the Lee model.</p> <ul style="list-style-type: none"> • They clarified that in order to undertake the Lee model review, they needed LBN's model and not the outputs, which is all that was provided by LBN. • LBN raised that it would have been helpful for this request to have been made as soon as the Environment Agency realised they did not have the details they required to undertake the review. • LBN requested that, in light of ongoing engagement and delays from the Environment Agency, future reviews by the Environment Agency should take place as speedily as possible. • Environment Agency stated that this would be a 'complex document review' and they could not commit to a timeframe until they had discussed with the modelling team but that they would update LBN following that discussion. • They advised that most delays were due to insufficient documentation being provided and agreed to provide a full list of their requirements to reduce this delay. 	the Environment Agency.
3. Mitigation Measures for Tidal Thames	<ul style="list-style-type: none"> • LBN requested further details on the source of these measures and if they are contained in a published strategy. We would also value any details regarding how other boroughs have referenced them in their Plans. • LBN also asked if they were available in a more useable format – such as GIS layers. • EA clarified that they were produced by the Biodiversity Team and were mainly for use by development management colleagues and their inclusion would not impact the soundness of the plan. They would discuss the other questions with the relevant team and respond. 	Environment Agency to provide further information regarding the source, role and format for the Mitigation Measures for Tidal Thames.
4. A number of comments not raised at reg 18 – how important are they?	<ul style="list-style-type: none"> • LBN and the Environment Agency discussed a number of comments which were raised on policy CE7. 	LBN to consider the responses in more detail and if any further meetings may be required or if to

	<ul style="list-style-type: none"> The Environment Agency clarified that their comments were to improve the legibility of the Plan but didn't impact soundness. 	include any responses or wording changes in a forthcoming Statement of Common Ground.
5. Riverside Strategy	<ul style="list-style-type: none"> LBN clarified that the reference to the Riverside Strategy was included in the Reg. 18 Plan as the Environment Agency and Royal Docks Team were committed to developing one. Following the regulation 18 consultation, it became clear that neither organisation had the resource to undertake this. As neither does LBN at this point in time, the reference has been removed. The Environment Agency stated their understanding. 	LBN will continue to explore opportunities to develop a Riverside Strategy.
6. AOB, conclusions and actions (5min)	<ul style="list-style-type: none"> The Environment Agency suggested that following the modelling review, a new formal response could be provided to formally indicate their acceptance of the SFRA and that this could also be included in a Statement of Common Ground. LBN suggested that the need / type of Statement of Common Ground would be dependent on timescales and whether work was still ongoing at time of submission. 	<ul style="list-style-type: none"> LBN to write up minutes and statement of circulate. Depending on the Environment Agency's response regarding the timing of any modelling review, the Statement of Common Ground may be required to demonstrate ongoing work or outline the final agreement.

Appendix 2 –Newham’s and EA agreed revisions to the Strategic Flood Risk Assessment and to the Site Allocations Sequential Test

Suggested Amendments to the Strategic Flood Risk Assessment:

[SFRA Level 1](#)

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Developers

This is a strategic assessment and does not replace the need for site-specific Flood Risk Assessments where a development is either within Flood Zones 2 or 3, and either greater than a hectare or on land identified in an SFRA as being at increased risk in the future, in Flood Zone 1. In addition, a Surface Water Drainage Strategy will be needed for all major developments in any Flood Zone to satisfy LBN Council, the Lead Local Flood Authority (LLFA).

Developers can use the information in this SFRA, alongside site-specific research to help scope out what additional work will be needed in a detailed Flood Risk Assessment. To do this, they should refer to Section 5, Appendix A (Flood risk mapping) and Appendix B (Data sources used in the SFRA).

This SFRA was informed by the River Lee and River Roding modelling available at the point of analysis (2022) and as set out in Appendix B (Data sources used in this SFRA) and Appendix G (Modelling Technical Note). It is noted that subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.

At the planning application stage, developers may **also** need to undertake **additional** more detailed hydrological and hydraulic assessments of the watercourses to verify flood extents (including latest climate change allowances, last updated in May 2022), inform Master planning and demonstrate, if required, that the Exception Test is satisfied. As part of the Environment Agency's updated guidance on climate change, which must be considered for all new developments and planning applications, developers will need to undertake a detailed assessment of climate change as part of the planning application process when preparing FRAs.

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1.7 Use of SFRA data L1 SFRA's are high-level strategic documents and do not go into detail on an individual site-specific basis. The primary purpose is to provide an evidence base to inform the preparation of Local Plans and any future flood risk policies.

Developers will still be required to undertake site-specific Flood Risk Assessments to support Planning Applications. Developers will be able to use the information in the SFRA to scope out the sources of flood risk that will need to be explored in more detail at site level, **subject to the modelling considerations set out below.**

Appendix C presents a SFRA User Guide, further explaining how SFRA data should be used, including reference to relevant sections of the SFRA, how to consider different sources of flood risk and recommendations and advice for Sequential and Exception Tests. On the date of publication, the SFRA contains the latest available flood risk information.

Advice to users has been highlighted in amber boxes throughout the SFRA.

Key reference material such as external guidance documents/ websites are provided in blue throughout the SFRA.

On the date of publication, the SFRA contains the latest available flood risk information. **This SFRA was informed by the River Lee and River Roding modelling available at the point of analysis (2022) and as set out in Appendix B (Data sources used in this SFRA) and Appendix G (Modelling Technical Note).** It is noted that subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.

Over time, **additional** new information will become available to inform planning decisions, such as updated hydraulic models (which then update the Flood Map for Planning), updated information on other sources of flood risk or evidence showing future flood risks, new flood event information, new defence schemes and updates to policy, legislation and guidance. Developers should check the online Flood Map for Planning in the first instance to identify any major changes to the EA's Flood Zones and the long term flood risk mapping portal for any changes to flood risk from surface water or inundation from reservoirs.

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3.2.2 Flooding from rivers – Fluvial modelling

Updated fluvial modelling has been undertaken for the River Lee and River Roding as displayed in Table 3-2. This provides a more accurate representation of actual flood risk within the LBN than the Environment Agency's Flood Map for Planning, as it accounts for the presence of flood defence structures along both rivers. Further information about the models used is available in Appendix G. **It is noted that subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.**

[SFRA Level 2](#)

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Requirements for Developers:

At the planning application stage, developers may need to undertake more detailed hydrological and hydraulic assessments of the watercourses so that the potential effects of proposals can be evaluated at site level and where there are no detailed hydraulic models present. **In particular, as the Environment Agency consider the River Lee model to be outdated and are developing an update to it, until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review, to inform their site-specific Flood Risk Assessments.** The modelling should verify flood extent (including latest climate change allowances), inform

development zoning within the site and prove, if required, whether the Exception Test can be passed.

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Use of SFRA data

This SFRA has been developed using the best available information, supplied at the time of preparation. This relates both to the current risk of flooding from rivers, the sea, surface water and groundwater and, where available, the potential impacts of future climate change.

This SFRA was informed by the River Lee and River Roding modelling available at the point of analysis (2022) and as set out in Appendix C (Modelling Technical Note). It is noted that subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.

Datasets used to inform this SFRA may be **further** updated following the publication of this SFRA and new information on flood risk may be produced by Risk Management Authorities. This new information (such as updated mapping and modelling) may supersede the information included in this SFRA. Guidance should be sought from LBN Council and the Environment Agency as appropriate to check the most up to date source of information is used for future flood risk assessment.

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3.6 Flooding from rivers

3.6.1 Fluvial modelling Updated fluvial modelling has been undertaken for the River Lea and River Roding as displayed in Table 3-2. This provides a more accurate representation of actual flood risk within the LBN than the Environment Agency's Flood Map for Planning, as it accounts for the presence of flood defence structures along both rivers. Further information about the models used is available in Appendix C. **It is noted that subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.**

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3.6.3 Climate change uplifts for fluvial hydraulic modelling Representation of climate change within this SFRA was agreed with the EA. The following model outputs were used to represent climate change:

- River Lee model (2014) – 3.3%, 1% and 0.5% AEP events (+17%, +27%, +54%). Conservative proxy donor events have been used for some River Lee climate change events due to model instabilities. This is further discussed in Appendix C
- Lower Roding (2018 and JBA 2017 extension) model – 3.3%, 1% and 0.5% AEP events (+26%, 36%, 64%).

It should be noted that **subsequent to this analysis, the Environment Agency has produced an updated River Roding model, which should be used by developers. The Environment Agency also consider the River Lee model to be outdated and are developing an update to it. Until this has been updated developers of sites likely to be impacted by fluvial flooding from the river Lee/a are expected to undertake their own modelling, and submit this to the Environment Agency for review and approval, to inform their site-specific Flood Risk Assessments.**

Suggested Amendments to the Site Allocations Sequential Test

Summary

The SFRA and this assessment conclude that this site passes the reviewed sequential /exception test subject to:

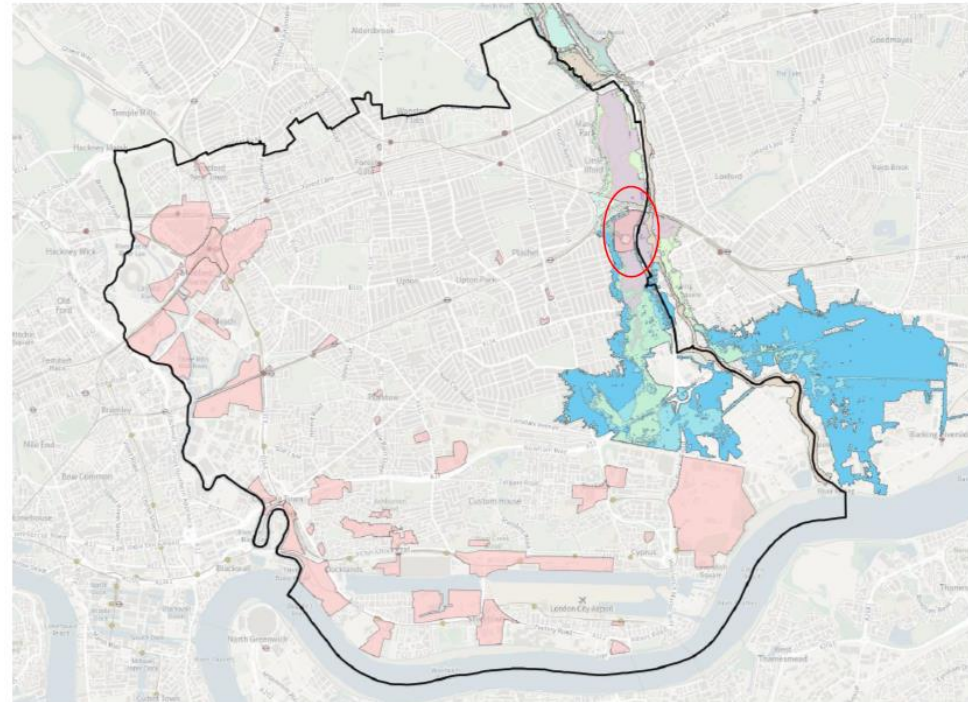
[...]

-A site-specific Flood Risk Assessment that demonstrates that site users will be safe in the 0.5% AEP tidal, and 1% AEP surface water events, including an allowance for climate change. **The FRA should be informed by the Environment Agency's latest River Roding flood risk modelling.** The FRA will need to show the site is not at an increased risk of flooding in future and that development of the site doesn't increase risk of surface water flooding on the site and to neighbouring properties. [...]

Appendix 3 – Review of flood risk using 2023 updated River Roding modelling

Only one site allocation
impacted by SFRA
modelling for the Roding or
2023 updated River Roding
modelling

N13.SA3 Former East Ham
Gasworks



Which Scenarios impact the site?

SFRA modelling

Present day results:

- LROD_1000yr_extent

Climate change results:

- LROD_100yr_64cc_extent
- LROD_200yr_26cc_extent
- LROD_200yr_36cc_extent
- LROD_200yr_64cc_extent

2023 updated River Roding modelling

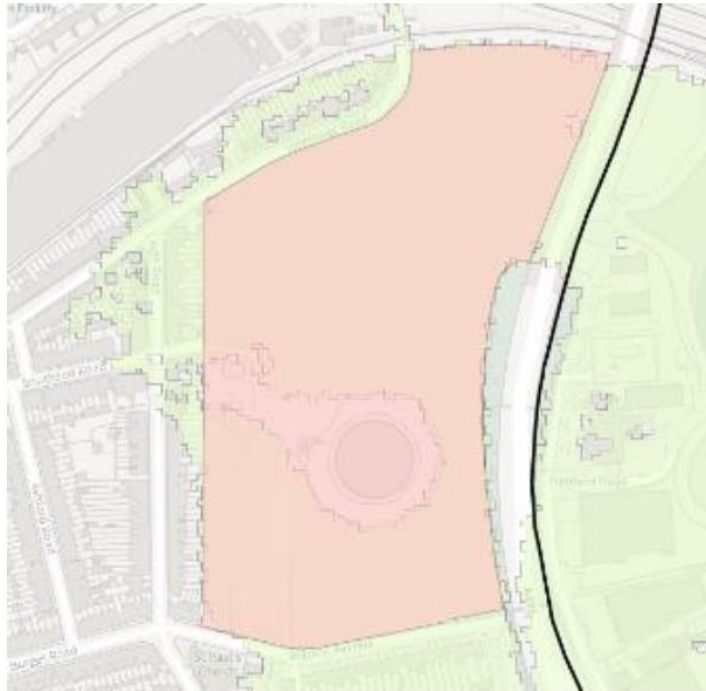
Defended Flood Outlines - EA 2023:

- None

Lower Roding Undefined - EA 2023:

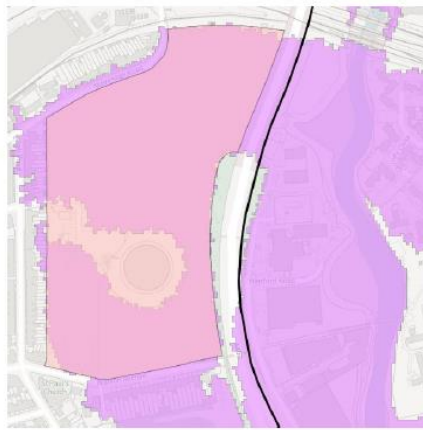
- Flood extent

SFRA Flood modelling – Present Day Results

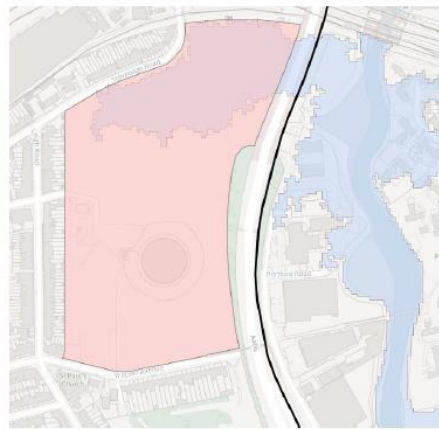


LROD_1000yr_extent

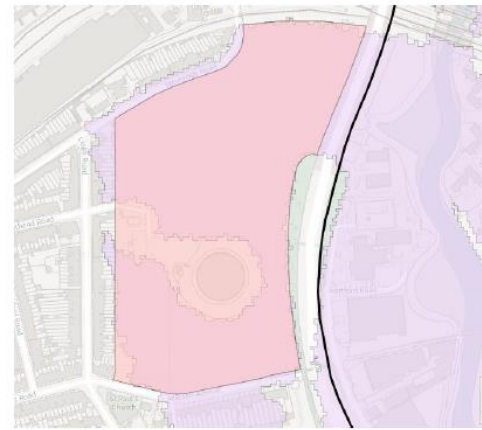
SFRA Flood modelling – Climate Change Results



LROD_100yr_64cc_extent



LROD_200yr_26cc_extent



LROD_200yr_36cc_extent



LROD_200yr_64cc_extent

2023 updated River Roding modelling Lower Roding Undefended



Flood extent

Conclusion

- Small but insignificant increase in the area of flood risk shown in the 2023 Lower Roding undefended model when compared to the largest flood extent in the flood modelling which informed the SFRA (LROD_200yr_64cc_extent).
- Considered not to significantly change the flood risk level of the site. Site already subject to the [Sequential and Exception test](#) (page 77).
- Suggestion to insert the following informatives into the Local Plan and Sequential and Exception test:

Add to Sequential and Exception test (page 77)	<p>Summary</p> <p>The SFRA and this assessment conclude that this site passes the reviewed sequential /exception test subject to:</p> <p>...</p> <p>- A site-specific Flood Risk Assessment that demonstrates that site users will be safe in the 0.5% AEP tidal, and 1% AEP surface water events, including an allowance for climate change. The FRA should be informed by the Environment Agency's latest River Roding flood risk modelling. The FRA will need to show the site is not at an increased risk of flooding in future and that development of the site doesn't increase risk of surface water flooding on the site and to neighbouring properties....</p>
Add to Site table N13.SA3 Former East Ham Gasworks (page 561)	<p>Flood risk</p> <p>The site is shown to be at significant risk of flooding in Flood Zone 3 and Flood Zone 2, as well as being at pluvial flood risk in the 1% and 0.1% AEP events and also being at risk if the Thames were to breach its bank and defences were to fail.</p> <p>Subsequent to the publication of the SFRA, the Environment Agency has undertaken further flood risk modelling of the River Roding. This modelling should be used for any site specific flood risk assessment of the site.</p>

Appendix 4 – Record of EA’s agreement with Newham’s responses and proposed modifications to address matters raised.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Building a Fairer Newham	BFN1 Spatial Strategy	BFN1.1	<p>The Implementation section from BFN1.1. refers to development being required to comply with ‘site specific development and design principles’.</p> <p>We previously recommended that the LPA clarifies what this means and recommended that this is anchored to the Local Plan’s design policies, and the London Plan’s design guidance (in reference implementation section D1.1.). We can see that the council has provided clarity on this matter and anchored it onto the Plan’s site allocations. This makes it even more important to incorporate design principles which protect and enhance the environment in the site allocations. Please see attached Excel sheet which contains a list of aspirational ecological improvements (known as mitigation measures) for the Tidal Thames along the banks through the London Borough of Newham [Attachment [LB Newham Tidal MMs]]. In addition to this we have included further comments in the site allocations section of this response.</p>		<p>The change is not considered to be necessary as the list of aspirational ecological improvements for the Tidal Thames were provided to us too late to add this into the site allocations, as the list is not part of an adopted document that has been consulted upon. The council is satisfied that the plan remains sound without the proposed changes.</p>	<p>[This was discussed and agreed during the meeting on 15th October 2024, see Appendix 1, agenda item 3.]</p>

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Design	D1 Design Standards		<p>Policy D1: Design standards</p> <p>In our Reg 18 response we stated that 'We welcome that the Council have developed a Newham Characterisation Study (2022) and support the policy principles set out. However, it is not clear how these principles are expected to contribute to climate resilience and net zero commitments contained with the Plan'. It is still not clear how these principles are expected to contribute to climate resilience and net zero commitments contained with the Plan.</p>		<p>As responded in the Regulation 18 Local Plan Consultation Report, we did not consider this change to be necessary as the Local Plan is applied in the round. Policy D1 provides broad design guidelines that are expected to be applied alongside the climate emergency/net-zero policies, and other related policies e.g. masterplanning (BFN2) and green space (GWS1). Where there are design vs. environmental resilience trade-offs to be made, these have been considered in the most appropriate thematic policy - e.g. BFN2 in relation to masterplanning for site layouts that support passively achieving climate objectives, D9 in relation to heritage assets and supporting retrofit in line with Historic England guidance, and CE2 prioritising rooftops for solar power generation over green roofs. The Council is satisfied that the plan remains sound without the proposed changes.</p>	We are satisfied with LBN response to our comment.
Design	D1 Design Standards		<p>In our Reg 18 response we also stated that this policy should be improved so that it makes clearer reference to the role and requirement of green infrastructure. It does not appear that this has been done as part of the Reg 19 draft.</p>		<p>As responded in the Regulation 18 Local Plan Consultation Report. We did not consider this change to be necessary as part D1.1e already makes reference to the need for green infrastructure in line with policy GWS3, and the Local Plan is applied in the round. The Council is satisfied that the plan remains sound without the proposed changes.</p>	We are satisfied with LBN response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Design	D2 Public Realm Net Gain	D2.2c	We are also pleased to see the addition of Point 2.C which states 'maximising green infrastructure within or abutting the public realm, including street trees'. In our Reg 18 response we said that 'under implementation section D2.2, there is an opportunity to include a new theme on green infrastructure and refer to Natural England's Green Infrastructure Framework guidance. With the addition of Point 2.C we believe that it is even more important to include a reference to Natural England's Green Infrastructure Framework guidance in the implementation section.		As responded in the Regulation 18 Local Plan Consultation Report, we did not consider this change to be necessary as the implementation section for this policy point directs to the green space policies, which include reference to Natural England's Green Infrastructure Framework alongside further guidance on how green infrastructure should be considered holistically. The Council is satisfied that the plan remains sound without the proposed changes.	We are satisfied with LBN response to our comment.

Design	D4 Tall buildings	Table 1 D4.3	<p>We can also see that some of the tall building zones in Table 1 include further guidance on avoiding overshadowing impact on watercourses, such as TBZ15: West Ham Station, TBZ16: Abbey Mills and TBZ18: Stratford High Street. This is positive to see, however it doesn't look like all riverside tall building zones include this guidance. For example, TBZ4: Beckton and TBZ5: Gallions Reach don't seem to include this guidance even though they appear to be next to watercourses</p>		<p>The Council recognises the importance of ensuring the Plan is positively prepared and therefore proposes to support the following main modifications:</p> <ol style="list-style-type: none"> 1. Add ["Careful consideration is required for the location of tall buildings, particularly along the waterways to avoid overshadowing impact on water space."] to the following Tall Building Zones: <ul style="list-style-type: none"> - TBZ5: Gallions Reach - TBZ6: Albert Island - TBZ8: Store Road / Pier Road - TBZ9: Royal Albert North - TBZ10: North Woolwich Road - TBZ11: Lyle Park West - TBZ13: Canning Town - TBZ14: Manor Road - TBZ19: Stratford Central - TBZ21: Excel West 2. However, we will replace the word watercourses with water spaces to be consistent with the terminology used in policy GWS2 to the following Tall Building Zones: <ul style="list-style-type: none"> - TBZ15: West Ham Station - TBZ16: Abbey Mills - TBZ18: Stratford High Street 3. Replace the word watercourses with water spaces to be consistent with the terminology used in policy GWS2 implementation text D4.3: [As set out in Policies GWS2 and GWS3, tall buildings should also assess the consequent impact on green and water spaces. Development proposals for tall buildings should avoid overshadowing, which can negatively affect plant growth, as well as the quality of existing and proposed public open space, including watercourses water spaces.] 	<p>We are satisfied with LBN Response to our comment, and the proposed amendments. We appreciate the inclusion of our recommendation.</p>
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Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Design	D4 Tall buildings	D4.3	In our Reg 18 response we stated that 'for sites in locations within Source Protection Zones (SPZs) where groundwater is vulnerable, we recommend an additional point is added to the implementation section for Policy D4 to support the importance of managing risks to groundwater resources associated with deep piled foundations which are typically required for tall buildings. We can see that a new point has been added to the implementation section of D4.3.	This is positive to see however this should be amended to read as follows' Development with tall buildings in locations within Source Protection Zones (SPZs) should preserve, where possible, the groundwater resources. If piling in contaminated and layered ground is necessary, the development should manage the risks on groundwater flow and contamination'. Protecting SPZs is crucial because these areas are set up to safeguard the quality and safety of drinking water sources used for human consumption.	Support noted. However, the Council recognises the importance of protecting Source Protection Zones and therefore proposes to support the following main modification: [Development with tall buildings in locations within Source Protection Zones (SPZs) should preserve, where possible, the groundwater resources. If piling in contaminated and layered ground is necessary, the development should manage the risks on groundwater flow and contamination.]	We are satisfied with LBN Response to our comment and support the inclusion of our recommended amendment.
Design	D7 Neighbourliness (Regulation 18 Plan) D6 Neighbourliness (Regulation 19 Plan)		D6: Neighbourliness In our Reg 18 response we said that 'We are also pleased to see Policy D7.2. advocates Agents of Change, and recommend that the significance of this approach in the context of regulated industry activities and operations is noted in the implementation section for D7.2. This does not appear to have been done.		As responded in the Regulation 18 Local Plan Consultation Report, we did not consider this change to be necessary as the policy promotes the protection of employment land, including in the event of intensification in line with J1/J2 policies. Further, the tests for assessing baseline amenity impacts require consideration of the reasonable worst case scenario, which will necessarily take into consideration the type of economic activity on site and the related regulatory context. The Council is satisfied that the plan remains sound without the proposed changes.	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS1 Green spaces	GWS1.1g	<p>GWS1: Green spaces</p> <p>We note that the wording for Point 1.g has been changed from 'requiring all development to consider from the outset the form, function, and extent of green infrastructure opportunities' to 'requiring all development to consider at the earliest opportunity the form, function, and extent of green infrastructure'. We are concerned that if green infrastructure needs are not considered from the outset, they risk being overlooked by developers. This could lead to planning applications being submitted with minimal green infrastructure, especially in areas around main rivers. Once a planning application is submitted, developers are often less willing to incorporate additional green infrastructure, or what is proposed tends to be of lower quality, as their plans are already detailed and costly to modify. By integrating these considerations from the outset, the occurrence of such issues could be reduced</p>	<p>Therefore, we strongly recommend changing the wording from 'at the earliest opportunity' back to 'from the outset'. The provision of green infrastructure is important as it can provide benefits for wildlife as well as people. We believe that this is especially important for Newham as section 3.205 of the Local Plan states that 'the overall provision of publicly accessible green space in Newham is low, with a rate of just 0.72 hectares per 1,000 residents, far below neighbouring boroughs</p>	<p>A change to this policy approach has not been made. We did not consider this change to be necessary as the implementation text for Policy GWS1.1g clearly sets out our expectation regarding the meaning of the term 'earliest opportunity' in relation to considerations to green infrastructure.</p> <p>This includes the following explanation: 'The Green and Water Infrastructure Strategy (2024) should be consulted early in the preparation of an application, ideally before the pre-application stage, so that it can inform the design of the scheme. Applicants are expected to design green infrastructure into the scheme from the earliest possible stage. Green space is integral to the success of a development and should not be seen as an 'add on' at the end of the design process. Consideration of green infrastructure opportunities from the outset requires developments to make green space a central part of masterplanning, in line with Local Plan Policy BFN2'.</p> <p>The Council is satisfied that the plan remains sound without the proposed changes.</p>	<p>We are satisfied with LBN Response to our comment.</p>
Green and Water Spaces	GWS1 Green spaces		<p>We would like to point out that the implementation table is missing a title for this policy section.</p>		<p>Modification will be made.</p>	<p>We appreciate that the modification will be made.</p>

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS1 Green spaces			Under the GWS1.4 implementation section titled 'Connectivity', it would be useful to mention that protecting wildlife access routes can improve the habitat availability and foraging capabilities of species. Green spaces can also provide connectivity between watercourses/blue spaces which will improve both habitat types.'	A change to this policy approach has not been made. We did not consider this change to be necessary as the wording being proposed is justification for the policy approach, rather than providing additional guidance on implementation. The Council is satisfied that the plan remains sound without the proposed changes.	We are satisfied with LBN Response to our comment.
Green and Water Spaces	GWS2 Water spaces	GWS2.2	GWS2: Water spaces We note that the wording for this policy could be strengthened, and some points may seem to be advocating for increased development and engineering by edges of waterbodies, rather than reducing development in the riparian zone to protect and enhance the aquatic environments. The effects of development and urbanisation have resulted in a huge percentage of the UK's biodiversity to decline or disappear, especially related to river habitats. The policy on water spaces should influence developers to consider this from the outset, as well as environmental obligations for betterment, thereby supporting the UK to meet national and international targets on wildlife protection and recovery	We recommend making the following change to Point 2: Development affecting and/or adjacent to water space should improve the existing water space network, including navigation, biodiversity (including undeveloped areas of riparian buffer zone , riparian trees and wet woodland)(...).	Modification will be made.	We are satisfied with LBN Response to our comment and appreciate that the modification will be made.

Green and Water Spaces	GWS2 Water spaces	GWS2.2c	<p>We note that what was Point 2.a has become Point 2.c and the policy wording has changed from ‘not result in the loss or covering of any water space unless it is a water-related or water-dependent use’ to ‘requiring no loss or covering of any water space unless it is a water-related or water-dependent use’. This policy implies that developers proposing water dependant uses can freely encroach into rivers and cover them, through culverting for example. Loss of water space is considered encroachment and should not be allowed even if it is for a water-dependent use. This can lead to increase in flood risk and loss of biodiversity</p>	<p>This point should be amended to read as follows ‘not result in the loss or covering of any water space unless it is a water-related or water-dependent use through culverting or encroachment. Developments involving culverting of the rivers will not be accepted, and opportunities to de-culvert should be explored and implemented where feasible’.</p>	<p>We will propose the following Main Mod – to GWS2.2c and d policy and implementation text.</p> <p>Policy:</p> <p>c. maximising opportunities for water space restoration, including opportunities to open culverts, naturalise river channels, protect and improve the foreshore, floodplain, riparian and adjacent terrestrial habitats and water quality; and</p> <p>d. requiring no encroachment loss or covering of any water space unless it is a water-related or water dependent use. Development proposals to impound or narrow water spaces will not be supported; and</p> <p>Implementation text:</p> <p>Loss</p> <ul style="list-style-type: none"> • Overshadowing reduces the recreational and biodiversity value of water space. Development in proximity to water space should not result in the encroachment loss or covering of water space unless for a water-related or water-dependant uses. Ancillary water-related or water-dependant uses, such as cultural, sport or recreation facilities, can support the enhancement of water space and public realm. The siting of such facilities needs careful consideration so that navigation, hydrology, biodiversity and the character, access to, and use of waterways is not compromised. Water space should not be used as an extension of developable land in Newham, nor should parts be a continuous line of moored craft. <p>There should be no loss of water space through culverting or encroachment. Opportunities to de-culvert should be explored and implemented where feasible. and demonstrate that it will not compromise the suitability of the water space for water related uses.</p>	<p>We are mostly happy with the proposed modification. It is positive to see you have included our suggested wording and added further explanation in Policy ‘GWS2.2c’ and in the implementation text.</p> <p>We are still a little concerned that point ‘d’ reads as though encroachment loss is ok if it’s a water-dependent use. Although, we are satisfied the implementation text covers what we’re asking for.</p>
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Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS2 Water spaces	GWS2.2e	We are pleased to see the council included the Point 2.e which states 'maximising biodiversity, delivering a minimum 10 percent Biodiversity Net Gain (see Local Plan Policy GSW3). It should be noted that BNG requires both a 10% gain in riparian AND watercourse units if the development is within 10m of a watercourse. We encourage the local authority to change policy/ guidance in order to reflect the requirement to provide 10% gain in riparian habitat.	We would also like to point out that often developers do not factor in the watercourse units when required, this should be highlighted in the policy as well as implementation section for point 2.e.	<p>We will propose the following Main Mod to the implementation text.</p> <p>Implementation text:</p> <p>Biodiversity</p> <ul style="list-style-type: none"> • Schemes should maximise opportunities to incorporate existing habitats and vegetation. • Ensure watercourse Biodiversity Net Gain units are considered if a proposed development is within 10m of a watercourse, see Local Plan Policy GWS3 for further detail on delivering Biodiversity Net Gain. • Planting should include only species suited to the on-site conditions (types and maturities) and be managed appropriately to achieve maximum benefit for biodiversity and river health. Invasive non-native species must be avoided, and where possible, reduced. • External lighting should be designed to minimise light pollution and disruption to habitats and species. Low-level LED lighting with warmer colour temperatures with peak wavelengths greater than 550nm (~3000°K) should be used as these have been shown to cause less impacts on bats. 	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS2 Water spaces	GWS2.2g	We note that Point 2.e has become Point 2.g. In our Reg 18 response we stated that this policy requirement should be amended to include that 'the setback should be 16 metres for intertidal/tidal waters measured from the landward side of the flood defence or an 8 metre setback is required and measured from the landward side of any flood defence.'. This change has not been made.	We suggest that the council makes the following modification to this policy: 'providing suitable setbacks from water space edges 8 metres setback for fluvial watercourses and 16 metres setback for intertidal/tidal watercourses. Where defences are present setback should be measured from the landward side of any flood defence including any buried elements. This is necessary to mitigate flood risk, to protect the riparian buffer zone and habitat availability, supporting water quality , and to allow waterside walkways and cycle paths where appropriate	We do not consider a modification to be required - CE7: Managing flood risk addresses this point and the Plan should be read as a whole.	We believe our previous suggested amendments should be reconsidered as best practice. The 8m and 16m setbacks required for water courses do not just benefit flood risk, this is also to support biodiversity, water quality. We appreciate the plan should be read as a whole, but believe our suggested modifications reiterating the above would strengthen GWS2.
Green and Water Spaces	GWS2 Water spaces	GWS2.3b		We recommend that Point 3.b is amended as follows: 'it can be demonstrated that the activation of the water space is appropriately scaled and located and does not negatively impact on flood risk , navigation, ecological value, water quality, the openness and character of the water space and the amenity of surrounding residents.	We will make this modification.	We are satisfied with LBN Response to our comment.
Green and Water Spaces	GWS2 Water spaces	GWS2.4b		We recommend that Point 4.b is amended as follows: 'it can be demonstrated that residential and visitor moorings are appropriately located and do not negatively impact on flood risk , navigation, water quality, the openness and character of the water space and the amenity of surrounding residents.	We will make this modification	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS2 Water spaces		Implementation section comments: This section on re-naturalisation could also include setting back existing flood defences in order to create more space for water and biodiversity wherever feasible. This implementation section suggests including flood tolerant trees, bushes/shrubs and other plants. Where trees are proposed within close proximity to a tidal defence we would typically require an assessment on proximity to any structural elements of the defence. We may also ask for root protection to be included in order to protect the flood defence structure. We advise that this is mentioned in the implementation section.	The implementation section for GWS2.2 states that 'River re-naturalisation will be encouraged (see Local Plan Policy CE7), wherever feasible'. We recommend that this is changed to the following 'River renaturalisation will be required encouraged (see Local Plan Policy CE7), wherever feasible'.	We do not consider a modification to be required. Retain as encourage as we have insufficient evidence as to the deliverability of river re-naturalisation in all cases.	We are satisfied with LBN Response to our comment.
Green and Water Spaces	GWS2 Water spaces			The Environment Agency should be mentioned as a key stakeholder in the implementation section for GWS2.2 on accessibility.	We do not consider a modification to be required, there are no stakeholders mentioned in this section. Please can you clarify why you consider this to be necessary?	We addressed this comment in a separate letter as per LBN query.
Green and Water Spaces	GWS2 Water spaces		The section on flood risk provides information on buffer zone requirements.	The section should be updated to include the following: 'Where defences are present setback should be measured from the landward side of any flood defence, including any buried elements'	We do not consider a modification to be required, CE7.3: Managing flood risk, implementation text addresses this point and the Plan should be read as a whole.	We appreciate that CE7.3 addresses this point, however it is important to reiterate that setback is not just for the benefit of Flood Risk, and also provides benefits for biodiversity and water spaces.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS2 Water spaces		Finally we advise that the council incorporates further guidance regarding new Clippers/Ferry services. We expect that any proposals for new Clippers/Ferry services to be accompanied by a foreshore monitoring and mitigation strategy.		We consider this is adequately and appropriately addressed in the London Plan.	We are satisfied with LBN Response to our comment.
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature		GWS3: Biodiversity, urban greening, and access to nature In our Reg 18 response we said that we are pleased to see the Urban Greening Factor (UGF) requirements of London Plan Policy G5 are recognised in GSW3.5. We also added that the Natural England's Green Infrastructure Framework should be referenced here and used to inform implementation guidance. We note that the framework has been referenced in the evidence base but there is no mention of it in the policy or implementation section.		We will make this modification to the implementation text.	We are satisfied with LBN Response to our comment and appreciate that the modification will be made.
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature	GWS3.4	We are pleased to see that the council has changed the wording of Point 4 from 'Development should deliver a Biodiversity Net Gain' to 'Development must deliver a Biodiversity Net Gain'.	However the council had omitted a part of the policy which states 'secured in perpetuity (at least 30 years)'. 'Secured in perpetuity (for at least 30 years)' is a key element of BNG and should be incorporated back into the plan.	We do not consider a modification to be required, this concern was not raised by Natural England and we decided following the Regulation 18 consultation that we weren't going into this level of detail on this policy.	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature	GWS3.4	This section should seek to encourage developers to consider BNG and the 30-year management obligation from the initial inception of the development idea, particularly when considering location and the possibility of achieving on-site improvements in biodiversity. Furthermore, In order to secure the maximum benefit for both people and the environment, schemes should consider the ecological value of a given site at the conceptual stage of a development proposal, considering the potential to achieve on-site net gains in biodiversity (BNG), protect and enhance the existing ecology, and incorporate environmental benefits throughout all stages of the development process. This addition should be incorporated into the policy.		We do not consider a modification to be required, this concern was not raised by Natural England and we decided following the Regulation 18 consultation that we weren't going into this level of detail on this policy.	We are satisfied with LBN response to our comment.
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature		In our reg 18 response we said that it is important to also mention other benefits that biodiversity net gain can bring such as improving the water environment and preventing deterioration of water bodies in line with WFD requirements, managing flood risk and addressing climate risks. It does not appear that there is mention of these wider benefits in the Reg 19 submission.		We do not consider a modification to be required, further justification is not considered necessary for implementing biodiversity net gain.	We are satisfied with LBN Response to our comment, however, we do believe that including wider multifunctional benefits of delivering BNG within the policy would be beneficial.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature		Finally, it looks like there has been a typing error in this section 'Where it can been demonstrated'.		This modification will be made.	We are satisfied with LBN Response to our comment.
Green and Water Spaces	GWS3 Biodiversity, urban greening and access to nature		The Policy section covers BNG in Point 4 and Urban Greening Factor (UGF) in point 5, however the implementation section for GWS3.4 seems to discuss UGF while the implementation section for GWS3.5 seems to discuss BNG.		This modification will be made.	We are satisfied with LBN Response to our comment.
Climate Emergency	CE1 Environmental design and delivery		We also note that the implementation section is now referencing the London Borough of Newham: Contaminated Land Strategy (2023) instead of the 2003 Contaminated Land Strategy however this document doesn't appear be hyperlinked.		Throughout the Plan, the evidence base documents are not hyperlinked, and therefore no change will be made.	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE6 Air quality		<p>CE6 Air Quality</p> <p>In our Reg 18 response we said that 'We encourage consideration to be given to how an air quality positive approach can be linked to other policies within the Plan'. The council may wish to explore how this can be further linked into policies within the plan. For example, policies GWS3 and GWS4.</p>		<p>A change to this policy approach has not been made. We did not consider this change to be necessary as the air quality approach is part of Policy CE6.</p> <p>The Council is satisfied that the plan remains sound without changes.</p>	<p>We are satisfied with LBN Response to our comment.</p>

Climate Emergency	CE7 Managing flood risk	<p>Based on a review of the draft local plan, and the submitted evidence base, we find the submission unsound. This is because we believe that the submitted evidence base (Strategic Flood Risk Assessment) is not justified. In particular, it is not possible to determine whether the flood modelling that was undertaken as part of the Strategic Flood Risk Assessment (SFRA) is suitable for use.</p> <p>SFRA We previously commented on the Reg 18 Local Plan submission on 3 March 2023. Since issuing this response we understand that Newham has produced updated SFRAs which are dated December 2023 to support the Reg 19 submission. As part of the new SFRA Newham has updated our Lee and Roding models to reflect updated climate change allowances and functional floodplain changes. We have identified a number of issues with regards to this modelling, please see the details below."</p> <p>"Issues with Roding modelling: We updated our modelling for the Roding in 2023, to ensure the best available data is used to assess flood risk, it is a requirement to compare the Newham updated Roding model outputs with those of the updated EA Roding model outputs. Comparison should be made of flood extents and depths to ensure there are no changes to flood risk. Comparison of all epochs including climate change is required. If any differences are found, then these should be addressed accordingly e.g. as part of the sequential and exceptions test and/or any relevant site allocations.."</p> <p>"Issues with Lee modelling: We note that Newham has conducted their own modelling for the River Lee.</p>	<p>Comment noted. This comment has been subject to further discussion with the Environment Agency and a satisfactory resolution has been found. This will be set out in more detail in a Statement of Common Ground, included in the updated Duty to Cooperate Report.</p>	<p>As LBN have highlighted. We have responded to Newham as part of separate discussions.</p>
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			<p>This will need to be reviewed by our modelling team to ensure soundness of the data used. This is crucial as we currently do not have much confidence in the existing EA Lee model as there are known inaccuracies and it is outdated. Therefore, a comparison is not worthwhile. Once the model is reviewed, subject to approval, it can be used as part of this draft local plan and future planning applications in the areas as the most up-to-date data."</p> <p>"Why the above is important It is important that all flood modelling used in the SFRA is as up to date and as reliable as possible. If the modelling isn't up to date or reliable then flood risk could be underestimated which could lead to sites being allocated where they shouldn't be. Paragraph 31 of the NPPF states that 'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence'. If an SFRA isn't using the most recent modelling or if the modelling being used isn't fit for purpose then it is not possible to demonstrate that that evidence base is relevant and up-to-date.</p> <p>Finally, paragraph 35 (b) of the NPPF states that 'Plans are 'sound' if they are: 'Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'. If the evidence base is not based on relevant and up-to-date flood modelling then it is not proportionate and therefore the test of soundness cannot be passed which would render the local plan unsound at examination."</p>			
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Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE7 Managing flood risk		<p>CE7: Managing flood risk</p> <p>In our Reg 18 response we said that 'We would like to see stronger wording in the Local Plan to demonstrate the Council's commitment to managing flood risk, to ensure that the requirements of the NPPF and Planning Practice Guidance are adhered to, so that development remains safe for its lifetime and does not increase flood risk elsewhere. Developers will need to demonstrate that any new developments will be safe for their lifetime without increasing flood risk elsewhere, by assessing flood risk, residual risk, and safe access and egress'.</p> <p>It doesn't look like there is any mention of new developments being safe for their lifetime without increasing flood risk elsewhere.</p>		<p>We will make the following minor modification to CE7.1:</p> <p>1. All new development must avoid placing people or essential infrastructure at increased risk of flooding for the lifetime of the development, through considering flood risk at the earliest design stage and, where required, by liaising with the Environment Agency, infrastructure providers and the Council (including the Lead Local Flood Authority) to deliver climate resilient development. To meet this requirement, all new development must:</p>	<p>We appreciate that the minor modification will be made, however, we believe that including the wording as we proposed will strengthen policy CE7.</p> <p>To clarify our response, we are pleased to see that you've included 'for the lifetime of the development' however, we still believe that including "Applicants will need to demonstrate that any new developments will be safe for their lifetime without increasing flood risk elsewhere, by assessing flood risk, residual risk, and safe access and egress" will further strengthen the policy. Our suggestions are closely aligned to the wording of the NPPF, especially paragraphs 178 and 181.</p> <p>A proposed reword could look something like:</p> <p>1. All new development must avoid placing people or essential infrastructure at increased risk of flooding and demonstrate they will be safe for their lifetime without increasing flood risk elsewhere, through considering flood risk, residual risk, and safe access and egress at the earliest design stage and, where required, by liaising with the Environment Agency, infrastructure providers and the Council (including the Lead Local Flood Authority) to deliver climate resilient development. To meet this requirement, all new development must:</p>

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE7 Managing flood risk		There also doesn't appear to be any mention of residual risk or breach apart from in section 2.d which talks about basement locations providing internal access and egress which is a major concern. It is essential that flood risk resulting from a breach in the tidal flood defences is considered when locating bedrooms on the ground floor as there must be no sleeping accommodation located below the tidal breach flood level.		<p>We will make the following minor modification to implementation text CE7.2:</p> <ul style="list-style-type: none"> • 'Water Compatible' –including flood control infrastructure, docks, marinas and wharves, navigation facilities, ship building, amenity open space, outdoor sports and recreation. <p>In addition to the above vulnerability considerations, sleeping accommodation will not be permitted below the tidal breach flood level, in line with national planning policy. This is not limited to basements, and can apply to ground and higher floors, where sleeping accommodation is proposed below the breach flood level.</p>	We are satisfied with LBN Response to our comment and pleased to see our recommendation taken on board.
Climate Emergency	CE7 Managing flood risk	CE7.2	We can see that the wording for Point 2 has changed from 'Developments within Flood Zones 2 (medium probability of flooding) and 3 (high probability), or where detailed more up to date modelling shows it will be at increased risk of flooding due to the impacts of the climate emergency, should: ' to 'Developments within Flood Zones 2 (medium probability of flooding), or where detailed more up to date modelling shows it will be at increased risk of flooding due to the impacts of the climate emergency, should:'	The council should use the original wording which includes 'and 3 (high probability)' in order to avoid any confusion.	This modification will be made.	We are satisfied with LBN Response to our comment.
Climate Emergency	CE7 Managing flood risk		We also suggest that climate emergency is changed to climate change as this is what it is normally referred to in the modelling		This modification is not considered necessary. In line with the Council's declaration of climate emergency - we have consistently used this term throughout the plan. Where 'climate change' is part of a formal title, for example in flood risk modelling, this term has been used (for example in part 4 of the policy).	We are satisfied with LBN Response to our comment.

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Climate Emergency	CE7 Managing flood risk	CE7.2	Finally we suggest that Point 2 is amended to include tidal breach too. Although rare, some areas may be located in flood zone 1 but inside the tidal breach extent.		This modification will be made.	We are satisfied with LBN Response to our comment.
Climate Emergency	CE7 Managing flood risk	CE7.2b		We recommend that Point 2.b. is amended as follows: 'be designed and constructed to be flood resistant and resilient '.	This modification will be made.	We are satisfied with LBN Response to our comment.
Climate Emergency	CE7 Managing flood risk	CE7.2c		We recommend that Point 2.c is amended in order to clarify what is considered to be a 'vulnerable' use.	This modification is not considered necessary. The definition of a 'vulnerable' use is already provided in the implementation text for this policy.	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE7 Managing flood risk	CE7.2e	Point 2.e states 'ensure all 'more vulnerable', 'highly vulnerable' and 'essential infrastructure' uses have finished floor levels no less than 300 millimetres above the one per cent annual probability flood level and an allowance for the impact of the climate emergency'.	There are a number of issues with this policy. Firstly this policy should be amended to also include 'less vulnerable' development. Secondly, 'Highly vulnerable' development is not allowed in Zone 3a/ one per cent annual probability flood event as per Table 2: Flood risk vulnerability and flood zone 'incompatibility' in the Flood risk and coastal change guidance. We note that this is recognised in the implementation section of CE7.1 which states that 'this is not permitted in Flood Zone 3a or 3b'. Thirdly it will be worth clarifying that we would ask for finished floor levels to be set above the 1 in 100 flood level where a site is in the fluvial flood extent. If development is proposed in the tidal flood extent and is in an area affected by tidal breach we would request that finished floor levels for sleeping accommodation to be set above the modelled tidal breach level	Please see separate email with questions regarding this comment.	As per LBN comment, we have responded to this in a separate letter.
Climate Emergency	CE7 Managing flood risk	CE7.3	We are pleased to see that point 3 has been changed from 'Developments (including redevelopment of existing buildings and sites) will be set back a minimum of 16 metres from tidal flood defences and eight metres river defences' to 'Developments (including redevelopment of existing buildings and sites) must be set back a minimum of 16 metres from the landward side of tidal flood defences and eight metres from the landward side of river defences'	For further clarify we suggest that this policy is amended as follows: Developments (including redevelopment of existing buildings and sites) must be set back a minimum of 16 metres from the landward side of tidal flood defences and 8 eight metres from the landward side of fluvial river defences to future proof against increased risks of fluvial flooding, taking into account need to take into account the requirements set out in the Thames Estuary 2100 Plan when proposing development within 16 metres of the landward side of tidal flood defence. Where no formal defences are present, development must be set back eight metres from the top of the river bank.	This modification will be made.	We are satisfied with LBN Response to our comment.

Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE7 Managing flood risk	CE7.4	In our Reg 18 comments regarding Point 4 we said that 'The wording of policy requirement CE7.4 should be strengthened by adding that for residential developments a lifetime of at least 100 years is required, and 75 years for commercial developments. It does not appear that the changes to policy wording have been made however we note that the implementation section for CE7.4 mentions this. This policy also provides details on timings of any works where it says 'If any improvements are required, these should be made at the earliest possible stage'.	This should be changed to 'If any improvements are required, these should be completed prior to development made at the earliest possible stage '. This change should also be reflected in the implementation section for CE7.3 and CE7.4 which currently reads 'earliest possible stage'	This modification will be made.	We are satisfied with LBN Response to our comment.
Climate Emergency	CE7 Managing flood risk	CE7.5	We note that Point 5.b which reads as follows 'Proposals within Gallions Reach, North Woolwich, Royal Victoria, Royal Albert North Canning Town and Custom House and Manor Road Neighbourhoods must have regard to: the emerging Riverside Strategy to ensure flood defence requirements are delivered to improve flood risk management and maximise multifunctional benefits including public access to the river and an improved the riverside environment' has been removed. We would recommend that reference to the Riverside Strategy is made as per Reg 18 submission.		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council's response has not changed. The Riverside Strategy was a project being pursued by the EA and GLA Royal Docks Team, following a change in resourcing, they are no longer producing such a document. The Council is exploring other options to develop a Riverside Strategy, but cannot add reference to a document in the Plan which is not yet in development.	We are satisfied with LBN Response to our comment.

Climate Emergency	CE7 Managing flood risk	CE7.5	<p>In our Reg 18 response we advised that policy CE7.5 includes specific requirements for development along the tidal riverside. It does not appear that these suggestions have been taken on board. The specific requirements we suggested included:</p> <ul style="list-style-type: none"> • Maintain, enhance, or replace flood defence walls, banks, and flood control structures to provide adequate protection for the lifetime of the development, including ensuring adequate provision of space for this in regeneration or Local Plan site allocations. • Demonstrate how the tidal flood defences can be upgraded to the required Thames Estuary 2100 levels in the future through submission of plans and cross-section of the proposed raising. Where opportunities exist, this could be achieved through developers raising defences now to the required heights, as long as these are able to be adapted if required in future. • Demonstrate the provision of improved access to existing defences, or where opportunities exist, to realign or set back defences. • Provide associated landscape, amenity and habitat improvements alongside defence improvements where appropriate, in line with the riverside strategy approach. • Safeguard and protect land for future defence raising and possible modification to the existing Thames Barrier. • Secure financial contributions from partners in order to enable flood defence works 		<p>A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. Where considered appropriate or necessary these amendments have been made and are included in the implementation text. Some changes were not considered necessary as we considered sufficient guidance was already provided in the policy. The Council's response has not changed.</p>	<p>We are satisfied with LBN Response to our comment. However, we believe that including recommendations within the policy text is best practice and provides a stronger policy.</p>
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Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
Climate Emergency	CE7 Managing flood risk		In our Reg 18 response we said that 'Policy CE7 needs to be amended to specifically acknowledge the presence and importance of the Thames Barrier. The TE2100 Plan contains a number of high-level options to manage flood risk in London and the estuary to the end of the century and beyond. One of these options is to modify the existing Thames Barrier, and if chosen, we want to ensure that no proposed developments or land uses, within the vicinity of the Thames Barrier site, prevent this modification from occurring. This should be reflected either in CE7.4 or as a new part CE7.6. within the policy'. This has not been done.		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. This included a change to the policy approach to provide further detail regarding the Thames Barrier replacement into the implementation text, with part 4 of the policy already providing a sufficient hook to require this consideration. The Council's response has not changed	We are satisfied with LBN Response to our comment.
Climate Emergency	CE8 Sustainable drainage	CE8.3d	Point 3.d states that 'where culverted watercourses are present, investigates opportunities for de-culverting'. This however does not put any obligations on developers to actually carry out any de-culverting. This Policy should be amended in order to require de-culverting where feasible.		The Council notes the proposed modification. This is not considered necessary for soundness. However the Council supports the intentions for the proposal and considers their inclusion could improve the delivery of Sustainable Urban Drainage, which is a key Local Plan objective. Therefore, if they are further proposed by the Inspector, the Council would be supportive of these modifications being made.	We are satisfied with LBN Response to our comment.
Neighbourhoods			New site allocations: The council appears to have allocated two new sites which are N11.SA3 (Alpine Way) and N2.SA5 (Excel Western Entrance). Both of these sites have environmental constraints which fall under our remit. These environmental constraints include: <ul style="list-style-type: none"> • Flood zone 3 & tidal breach • Secondary aquifer 		Comment noted. It is not considered necessary for any changes to be made to the Plan as a result of this comment.	We are satisfied with LBN Response to our comment.

Neighbourhoods		<p>Areas in SPZ1 are the catchment areas for sources of potable, high quality water supplies usable for human consumption. As such, sites within SPZ1 are particularly sensitive with respect to groundwater. Additional constraints will be placed on development proposals in these areas. With respect to the Environment Agency's Approach to Groundwater Protection, the following position statements would apply:</p> <ul style="list-style-type: none"> • D1-General principles-all storage facilities • D2-Underground Storage (and associated pipework) • D3-Subwater table storage • G2- Sewage Effluent Discharges within SPZ1 • G4- Trade effluent and other discharges within SPZ1 • G8-Sewage pipework • G13- Sustainable Drainage systems • N7- Hydrogeological risk assessment • N8-Physical disturbance of aquifers in SPZ1 <p>Please note, we would recommend planning conditions for any piled foundation proposals for allocated sites within SPZ1. The use of piled foundations would require a robust supporting Foundation Works Risk Assessment demonstrating that they are appropriate at the particular location and would not result in a deterioration of groundwater quality. Without such a risk assessment we would object to the use of piled foundations. For allocated sites in close proximity to potable groundwater abstractions, we would strongly advise that the abstraction licence holder are also consulted with respect to piled foundation proposals.</p>		<p>A modification is not considered necessary, the EA, as a statutory consultee will be able to raise these requirements in response to any applications. The SPZs have been added to the sites, where relevant.</p>	<p>We are satisfied with LBN Response to our comment.</p>
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Chapter	Policy	Clause	Environment Agency Comment	Environment Agency Proposed Modifications and Explanation	LBN Response	EA Comment February 2025
General		IIA	In our Reg 18 response regarding section 3.27 on Flood Risk we said that 'there are locations within the borough that are within flood zones and are not within areas that benefit from flood defences'. However the updated report referenced above still states that 'Thanks to formal flood defences (including the Thames Barrier) all properties in the borough are protected from tidal and fluvial flooding. This statement is incorrect as there are residential properties in undefended areas. We also said that this section should reference the risk of flooding from groundwater however it doesn't look like this has been done.		These modifications will be made to the IIA.	We are satisfied with LBN Response to our comment and appreciate the modification will be made.