

Sara Chiong

From: Nick Ray <[REDACTED]>
Sent: 20 September 2024 15:15
To: Local Plan
Cc: [REDACTED]
Subject: LBN Reg 19 Draft Local Plan Consultation - representations on behalf of GLP
Attachments: GLP Reps to LBN Reg 19.pdf; Response_form GLP.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon

Please find attached representations to the Reg 19 Draft Local Plan on behalf of GLP.

Regards
Nick


Nick Ray
Associate Director

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Response Form for Regulation 19 Consultation.

	<p>Local Plan Publication Stage Response Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

Newham Draft Submission
Local Plan

Please return to London Borough of Newham by 5pm 6th September 2024

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Who we are

London Borough of Newham (LBN) is registered with the Information Commissioner's Office (ICO) as a 'Data Controller' This privacy notice applies to you ('the service user') and LBN ('the Council'). The Council takes the privacy of your information very seriously.

This privacy notice relates to our functions relating to the Newham Local Plan Review Consultation (Regulation 19). It also provides additional information that specifically relates to this particular consultation, and should be read together with our [general privacy notice](#), which provides further detail.

What data do we collect and process

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

Why we collect your data

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

The lawful basis for processing your data

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

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

You can withdraw your consent at any time.

How we use your data

This data is collected, collated and then submitted to the Secretary of State, who will appoint an Inspector to conduct an independent examination of the Local Plan. Demographic data will be processed anonymously to assess the effectiveness of our consultation.

Where you have consented, your contact details will be added to our consultation database for future consultations and updates on the Examination in Public.

At submission representations will be made public on the council's website, including name of person and organisation if applicable making representation. Other personal information will remain confidential.

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

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We will only share your data with the Planning Inspector appointed by the Secretary of State, the Programme Officer appointed by Newham, and within the planning policy team. Your name and organisation (if applicable) will be published on our website along with representations upon submission. Demographic data is not shared with the Planning Inspector or the Programme Officer.

We will not share your personal information with any other third parties unless you have specifically asked us to, or if we have a legal obligation to do so.

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

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Response Form

For guidance on how to complete this representation form please view the Regulation 19 Consultation Guidance <https://www.newham.gov.uk/planning-development-conservation/newham-local-plan-refresh>.

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text" value="Nick"/>
Last Name	<input type="text"/>	<input type="text" value="Ray"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="GLP"/>	<input type="text" value="DP9"/>
Address Line 1	<input type="text"/>	<input type="text" value="██████████"/>
Line 2	<input type="text"/>	<input type="text" value="██████"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="████████"/>
Telephone Number	<input type="text"/>	<input type="text" value="██████████"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="██████████████████"/>

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate? (Please be as specific as possible)

Policy

Implementation Text

Paragraph

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details overleaf of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see accompanying representations

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see accompanying representations

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Do you wish to be notified about:

a. the submission of the local plan for independent examination

Yes No

b. the publication of the Inspector's report

Yes No

c. the adoption of the Local Plan

Yes No

10. Would you like to be added to our consultation database to be notified about future planning policy consultations?

Yes No

Please return to London Borough of Newham by 5pm 6th September 2024

DP6351
20th September 2024

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Dear Sir/Madam,

**DRAFT SUBMISSION LOCAL PLAN – REGULATION 19 CONSULTATION (JUNE 2024)
REPRESENTATIONS ON BEHALF OF GLP**

We write on behalf of our client, GLP, who are bringing forward the Land at Central Thameside West and Former Allnex site (the Site) in the borough. As you are aware, the Site has received a resolution to grant planning permission at the Strategic Development Committee on 18th June 2024 (ref. 23/01697/OUT) for the following development:

1. *Hybrid planning application for a phased mixed-use redevelopment comprising up to 213,239sqm GEA: Detailed component:*
 - a) *Site wide enabling works relating to ground works, remediation, raising of site levels, utilities works, security fencing, new accesses to the public highway, and construction of a relocated access road serving Peruvian Wharf; and*
 - b) *Construction of a 64,203 sqm GEA data centre building (including ancillary office space) of up to 63.760m AOD in height, a security gatehouse and sprinkler building; construction of a primary substation; public open space, utilities works, landscaping, security fencing, pedestrian and cycle route, construction of estate roads, cycle and car parking areas and associated access and public realm works.*
2. *Outline component (all matters reserved):*

development above raised ground levels to provide up to 144,755 sqm GEA of data centre floorspace (including ancillary office space) (Use Class B8) in two buildings of up to 65m AOD in height; construction of a 2,355 sqm GEA multi-function building of up to 15.5m AOD in height (Use Class E / F1); landscaping, utilities works, construction of estate roads, cycle and car parking areas and associated access.

Following the resolution to grant planning permission in June 2024, GLP are currently in the final stages of agreeing the Section 106 legal agreement and it is anticipated that the decision notice will be issued in Autumn 2024.

GLP Limited is a leading global investment manager and business builder in logistics, data infrastructure, renewable energy and related technologies. GLP Europe (formerly Gazeley) has a 30+



year track record of developing and managing logistics real estate across United Kingdom, one of Europe's biggest logistics markets.

These representations build on those previously issued in response to the Regulation 18 consultation on 20th February 2023. We have reviewed the Draft Submission Local Plan in the context of GLP's interests and provide our representations to the policies to ensure that they meet the tests of soundness in Paragraph 35 of the National Planning Policy Framework (NPPF).

The representations will cover the following matters:

- Welcome the continued designation of the Site as Strategic Industrial Land and the intention to intensify the use of the Site for industrial purposes;
- Support for the new designation of the Site within Tall Building Zone 13 with the recommendation for an alteration to the maximum building height proposed to reflect the current accepted planning position;
- The onerous requirement of draft policies relating to energy and sustainability in the context of data centre developments; and
- The requirements of draft policies relating to public realm in the context of industrial developments.

Support the continued designation of the Site as Strategic Industrial Location

We welcome the continued approach to direct 'significant levels of growth' to the Beckton Riverside Opportunity Area in draft Policy BFN1 (Spatial Strategy) and the specific reference to the creation of 55,000 new jobs, which data centre development will contribute towards.

As set out in the representations to the Regulation 18 consultation, the London data centre market has developed as a result of accessibility to key customers and sectors such as financial services, the proximity of fibre optic cables and the presence of skilled labour and businesses. The cluster is now internationally leading, but opportunities for expansion are limited, due to lack of areas with sufficient power supply, that are located near to key business locations, and have appropriate developable space. Following the GLA's Digital Economy push Newham has prepared a report to support its own digital economy aspirations – titled "Newham Sparks" – which recognises and aims to unlock the value of data to benefit borough residents, including new jobs. Newham Sparks' research with UCL estimates that the UK data economy could be worth almost 1 trillion by 2035 with over 980,000 data professionals in the UK. This equates to 5,500 new jobs in Newham alongside £104 million GVA in the local economy.

We support the draft Plan's objective to protect and intensify Strategic Industrial Locations (SIL's) for "a diverse range of industrial and storage, logistics and distribution and related uses" (draft Policy BFN1(3a)) and the specific reference to digital and high technology uses for SIL.3 (Thameside West) in draft Policy J1. We consider that Policy J1 2(a) should be amended to explicitly state that data centre uses fall within Use Class B8. This land use is accepted by Newham as demonstrated in the application at the Site (ref. 23/01697/OUT) where the data centres are considered to fall within Use Class B8. Furthermore, we consider draft Policy BFN1 should be amended to include specific reference to data centre uses since Newham accept data centres as a wholly acceptable land use within SIL for consistency with Policy J1.



Furthermore, London Plan Policy E4 recognises data centres in the supporting text (para 6.4.1) as being a use essential to the functioning of London's economy. Paragraph 84 of the Draft NPPF requires planning policies to "identify strategic sites" for, amongst other things, data centres.

Recommendation 1: Amend Policy BFN1(3a) to include reference to data centre uses specifically for the GLP site and for Policy J1(2a) to confirm that data centre uses fall within Use Class B8.

Suggested track changes to policies:

BFN1: 3. Development will create new jobs and deliver a modern, greener and inclusive economy by:
a. protecting and intensifying the borough's Strategic Industrial Locations and Local Industrial Locations for a diverse range of industrial and storage, data centre, logistics and distribution and related uses

J1: a. The development of industrial floorspace for research and development (E(g)(ii)), light industrial (E(g) (iii)), general industrial (B2), storage or distribution (B8) (including dark kitchen/ shop and micro fulfilment), data centre (B8) and industrial related sui generis (SG) uses (including waste, utilities including digital/data and transport depots) should be located in Strategic Industrial Locations (SILs) and Local Industrial Locations (LILs). Uses identified in Tables 6 and 7 should be prioritised in each location.

SIL.3: Thameside West Large scale industrial and small scale light industrial, suitable for: • clean, green and low carbon industries; and • data centres; and • wharf related uses (on Peruvian and Royal Primrose wharves); and • cultural and creative production; and • digital and high technology industries.

Tall Building Zones

Draft Policy D4 (Tall Buildings) defines a tall building in Newham as those over 21m and sets out that tall buildings will only be acceptable in areas designated as 'Tall Building Zones' (TBZs). TBZs are shown on the draft Policies map and set out indicative height limits and guidance for tall buildings.

We are pleased to see that the Site is now included within TBZ 13: Canning Town, following the request made in our previous representations to the Regulation 18 consultation. Draft TBZ 13 (Canning Town) identifies the zone as being suitable to accommodate a prevailing height between 21m and 32m in the Site's location. It also states that limited additional tall buildings with elements of up to 50m (circa 16 storeys), could be integrated carefully to aid wayfinding and mark special locations.

Whilst we welcome the recognition that the Site is suitable to accommodate tall buildings and its inclusion in TBZ 13, we consider it logical that draft Policy D4 fully acknowledges the resolution to grant planning permission (ref. 23/01697/OUT) at the Site, which has robustly assessed the proposed height of three data centre buildings up to 65m AOD in height as acceptable. The Newham officer report states the following at the specified paragraphs:

186) Looked at in more detail, while data centre building LYC01 will be 7 storeys (excluding the roof plant) for comparison purposes the 65m height would be the equivalent of a block of 19 storeys (65 / typical 3.5m storey height). Compared with the tower storeys of adjoining schemes, Thameside West



is expected to be G+20 storeys high in the quadrant adjacent to the site. Lyle Park is a maximum of 20 storeys.

187) Accordingly, the application compares favourably in height terms and will not appear out of place or over dominant of its neighbours. It is noted in this context that the GLA Stage 1 response does not consider there to be an in-principle objection to the proposal in terms of building heights.

190) In addition, the applicant has demonstrated that the capacity of the area and its transport network can accommodate the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport. The applicant has provided townscape views of the scheme from key/sensitive locations at street level, and it is demonstrated that the visual impacts on the surrounding areas are acceptable in accordance with impacts criterion in Policy D9 (C). In addition, the applicant has demonstrated that the capacity of the area and its transport network is capable of accommodating the scale of development in respect of access to facilities, services, walking / cycling networks and public transport.

191) The clear intention of up to date policy is that, taking the development plan and policy guidance as a whole, including: - the planning benefits of the proposals and - absence of significant adverse harms to amenity, environment and heritage interests (as appraised in the ES and detailed below in this Report), the incorporation of a tall building typology of the type proposed for the data centre buildings can be considered acceptable in principle provided the other criteria of Policy D9 are satisfied.

Given that at paragraph 193 the Council concludes that the other criteria in London Plan Policy D9 have been satisfied, it follows that the approved buildings heights must be acceptable. We consider that TBZ 13 should be amended to include a maximum height of up to 65m in the southern area and indeed for this to be the prevailing height, to reflect the accepted planning position.

Recommendation 2: Update TBZ 13 (Canning Town) of Policy D4 to increase the maximum and prevailing height to 65m insofar as the GLP site is concerned.

Suggested track changes to policies:

D4: TBZ13: Canning Town

Height Range Maximum: 50m (ca. 16 storeys) and 40m (ca. 13 storeys), ~~60m~~ 65m (ca. 22 ~~20~~-storeys) and 100m (ca. 33 storeys) in the defined areas

Further guidance: Add • *In view of the consented context on the GLP Site, prevailing and maximum heights can be up to 65m (ca. 22 storeys)*

The onerous energy and sustainability policy requirements in the context of data centre developments

The Climate Emergency chapter of the draft submission Local Plan includes a range of draft policies relating to energy and sustainability ambitions. GLP are committed to delivering a data centre development with the highest level of sustainability, however given the nature of data centre developments there are inherent constraints around what this form of development can achieve compared to other industrial uses.



Draft Policy CE2 (Zero Carbon Development) includes the requirement at Part 3 for new development to be designed and constructed to be Net Zero in operation, using as little energy as possible over a year and for industrial units that operate for 24 hours a day to achieve an Energy Use Intensity (EUI) of no more than 120 kWh/m² GIA/year. GLP's sustainability advisors, Cundall, advise that this will be challenging to achieve for data centre development given the nature of the industrial process carried out and the extensive use of plant. The proposed requirement under CE2.4.a(ii) for renewable energy generation of at least 120 kWh/m² per building footprint per annum would also be extremely challenging given the extent of roofspace required for cooling plant, which reduces the potential for photovoltaics.

The supporting text for CE2.3 states that where non-domestic development does not have an applicable category of use outlined in the policy (e.g. data centres), the applicant should discuss with Newham what the EUI target should be as early as possible. Whilst it is acknowledged that the latest version of the draft Local Plan has somewhat acknowledged GLP's Regulation 18 representations and includes reference to data centres, it is unclear on the specific targets that will be attributed to data centre developments. GLP consider that data centres should be considered as a category under Policy CE2.3 with an EUI target that represents their inherent intensive energy usage.

For new non-residential developments, draft policies CE2.1.b and CE2.1.c encourages the use of CIBSE Technical Memorandum 54 (TM54) predictive energy modelling. IESVE, TAS and PHPP are three energy modelling packages that can be used to carry out TM54 assessments. GLP's sustainability advisors, Cundall, request clarification whether these are the only three software packages acceptable for the analysis as there are other packages with capacity for dynamic modelling that are widely accepted in the industry.

Recommendation 3: Amend Policy CE2 to reflect the specific challenges of achieving the EUI and renewable energy generation requirements for data centre developments.

Suggested track changes to policies:

*CE2 Part 3b: Add **v. Data centres – EUI target to be agreed that represents their inherent intensive energy usage.***

CE2 Part 4a(ii): at least 120 kWh/m² per building footprint per annum for industrial buildings (excluding data centres)

Clarification 1: Whether the proposed energy modelling packages limited to the three proposed.

Draft Policy CE3 (Embodied Carbon) includes a number of requirements related to embodied carbon across a building's life cycle. Part 6 sets out that major developments are expected to meet embodied carbon limits of less than 500kg CO₂/m².

As set out in our previous representations to the Regulation 18 consultation, the limit has been informed by LETI and RIBA targets which have only been set for 'best practice' for offices, retail, residential and educational typologies. This is about 50% less than the GLA benchmark values for major development requirements. It appears that the draft Plan assessment scope for the embodied carbon aligns with the LETI element scope not the GLA Whole Life Carbon Assessment Guidance Scope, therefore clarity should be provided.



As informed by Cundall, the elemental breakdown and distribution for data centres would expect to differ significantly from these listed typologies, and therefore would be deemed unsuitable for comparison. For example, typical MEP contribution for these typologies sits between 15-20%, whereas for a data centre building, this would expect to be between 50-60%.

Cundall have advised that in their experience, data centre schemes typically have an upfront embodied carbon of 1000 kgCO₂e/m².

Recommendation 4: Amend Policy CE3 Part 6 to exclude data centre developments from this requirement.

Suggested track changes to policies:

CE3 Part 6: Major developments (excluding data centres) are expected to meet embodied carbon limits of less than 500kg CO₂ /m².

Draft Policy CE4 (Overheating) includes a range of requirements to mitigate the impact of overheating. By their nature, data centres require extensive mechanical cooling. As such it will be challenging to comply with parts 1c, 2 and 3 for data centre development, with the exception of the ancillary office spaces.

Recommendation 5: Amend Policy CE4 to exclude data centre developments from these requirements.

Suggested track changes to policies:

CE4 1c: All major non-residential development (excluding data centres) is expected to demonstrate how overheating potential has been minimised, reflecting the end use of the building.

CE4 2: Developments (excluding data centres) should mitigate overheating by using 'passive design' principles, rather than relying on 'active cooling' such as air conditioning.

CE4 3: All development where Building Regulations Part O applies (excluding data centres) should submit proof of ability to meet Part O provided as part of the planning application.

The requirements of draft policies relating to public realm in the context of industrial developments

As raised at Regulation 18 stage, draft Policy GWS1 (Green spaces) includes a proposed requirement (at Part 3 in the Regulation 18 draft, now at Part 1f) for development referable to the Mayor of London to provide on-site publicly accessible open space. Whilst this ambition is broadly welcomed and GLP will be delivering high quality public realm as part of development of the Site, the policy should confirm that this requirement will only be applicable where appropriate, proportionate and having regard to the nature of development being brought forward. This is to reflect the high land take of industrial development and the particular security requirements for data centre development.

Recommendation 6: Amend draft Policy GWS1 Part 1f to add "where appropriate, proportionate and compatible with the development".



Suggested track changes to policy:

GWS1f: requiring development referable to the Mayor of London, or where a specific green space need has been identified by the Council, including in the site allocations, to provide on-site publicly accessible green space *where appropriate, proportionate and compatible with the development*

Draft Neighbourhood Policy N2 (Royal Victoria) includes a proposed requirement at Part 1 for development “to be of a finer urban grain, with smaller block sizes allowing for more routes though”. This should be amended to confirm that it refers to residential or residential mixed use development only. This is to reflect the coarser grain of industrial development and the particular security requirements for data centre development, which would preclude the same level of permeability.

Recommendation 7: Amend draft Policy N2 Part 1 to add confirm this only applies to residential or residential mixed use development.

Suggested track changes to policies:

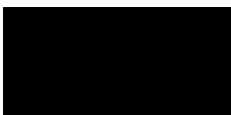
N2 1: requiring residential or residential mixed use development to be of a finer urban grain, with smaller block sizes allowing for more routes though;

Conclusion

To conclude, we welcome the opportunity to comment on the draft submission Local Plan and we hope that our recommendations on behalf of GLP are of assistance and will be taken into consideration by the Council in progressing the Local Plan. Following our previous representations on the Regulation 18 consultation document, we are pleased to see that the Site has been included within Tall Building Zone 13 (Canning Town) and the general direction to support development and growth within the Strategic Industrial Locations. We do have some reservations about particular aspects of the proposed draft Local Plan, including the particularly onerous sustainability policies in the context of data centre developments.

We would be happy to discuss our comments directly in order to inform the preparation of the Local Plan.

Yours faithfully



DP9 Ltd.