

**Sara Chiong**

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**From:** Huntingford, Toby <[REDACTED]>  
**Sent:** 20 September 2024 16:01  
**To:** Local Plan  
**Subject:** IXDS Ltd representations to Reg 19 LBN Local Plan  
**Attachments:** IXDS Ltd representations to Reg 19 LBN Local Plan - 20.09.24.pdf; IXDS Ltd representations to Reg 19 LBN Local Plan - 20.09.24.docx; Appendix A - Citydesigner observations on the draft Local Plan (Reg19) and Characterisation Study.pdf; Appendix B - Environment Agency observations on the river wall.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

You don't often get email from [REDACTED]. [Learn why this is important](#)  
Dear Sir/Madam,

Please find attached representations to LBN's Reg 19 Local Plan consultation, made on behalf of IXDS Ltd.

The attachments include:

- A PDF version of the representations complete with appendices
- A Word version of the representations which are supplemented by separate PDF appendices that are also attached

I would be grateful if you could acknowledge receipt of these representations.

Kind regards,

Toby

**Toby Huntingford**

Principal Planner  
RPS | Consulting UK & Ireland  
20 Farringdon Street  
London, EC4A 4AB, United Kingdom


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**Response Form for Regulation 19 Consultation.**

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

Newham Draft Submission  
Local Plan

## Privacy Notice

### 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:

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

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

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

You can withdraw your consent at any time.

### How we use your data

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

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

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

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

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

### **Who we will share your data with**

We will 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.

### **How long we will keep your data**

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

### **How do we protect your data**

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

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

### **Know your rights**

We process your data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Find out about your rights at [Your rights – Processing personal data privacy notice – Newham Council](#) or at <https://ico.org.uk/your-data-matters/> If you have any queries or concerns relating to data protection matters, please email: [dpo@newham.gov.uk](mailto:dpo@newham.gov.uk)

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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)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</i>		
Title	<input type="text" value="Mr"/>	<input type="text" value="Ms"/>
First Name	<input type="text" value="Gavan"/>	<input type="text" value="Angela"/>
Last Name	<input type="text" value="Mackenzie"/>	<input type="text" value="Schembri"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Senior Planning Director"/>
Organisation (where relevant)	<input type="text" value="IXDS Ltd"/>	<input type="text" value="RPS Consulting Services Limited"/>
Address Line 1	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Line 2	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Telephone Number	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
E-mail Address (where relevant)	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy BFN1: Spatial Strategy

Implementation Text

Paragraph 3 & 5

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

To ensure consistency with the National Planning Policy Framework (NPPF) (2023) paragraphs 85, 86 and 87 and draft NPPF (2024) paragraphs 83, 84 and 85), the requirements of London Plan Policy SI6 and to reflect and recognise the 'Critical National Infrastructure' (CNI) classification that now applies to data centres in the UK (as per the [press release](#) from the Department for Science, Innovation and Technology on the 12<sup>th</sup> September 2024), digital infrastructure should benefit from being explicitly referenced and suitably emphasised within this policy to reflect the significant, overarching emphasis on the local, national and regional importance of such infrastructure, including data centres. This will ensure that the digital and data economy is properly planned for and that the importance of such infrastructure is afforded appropriate weight in the determination of planning applications.

To ensure consistency with the draft NPPF (2024) (paragraphs 84 and 85), land for data centres should be identified (or safeguarded) through spatial designations within the Local Plan. As part of this, the Mayer Parry Wharf site (comprising the northern part of the N4.SA5 draft Canning Town Riverside Site Allocation which is the subject of planning application reference 24/00088/FUL for a data centre development ) should be explicitly safeguarded in the Local Plan for digital and data economy uses and needs to benefit from appropriate policy requirements to guide this form of development which is seen as a catalyst and gateway development. The same should apply to the Former Paint Factory and Central Thameside West site where a data centre development was approved under planning application reference 23/01697/OUT.

To ensure that Local Mixed Use Areas (LMUAs) are clearly identified as being suitable for development comprised solely of employment uses, Part 3.b. of Policy BFN1 should specify that both solely employment and employment-led mixed use developments can be directed to LMUAs. This is discussed in more detail in representations made by IXDS Ltd in relation to Policy J1 (Employment and Growth).

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"BFN1: Spatial Strategy

...

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, logistics and distribution, digital and data and related uses; and
- b. directing ~~employment and~~ employment-led mixed-use development to the borough's Local Mixed-Use Areas to deliver light industrial, small-scale office and workspace, digital and data development; and
- c. protecting and supporting low-cost workspace in the borough's Micro Business Opportunity Areas; and. directing major office floorspace to Stratford Metropolitan Centre and smaller-scale offices to the Major and District Centres; and
- e. requiring new employment floorspace on identified site allocations; and
- f. supporting the location of industrial uses on out-of-centre retail and leisure parks; and
- g. supporting new workspaces in locations which complete a gap in the network of well-connected employment uses.

4. Development will meet the retail and leisure needs of residents, workers and visitors by

- a. Directing main town centre uses to the borough's network of Metropolitan, Major, District and Local Centres and supporting their diversification and in some cases expansion; and
- b. creating a new District Centre on N17.SA1 Beckton Riverside site allocation; and
- c. creating new Local Centres on N2.SA3 Connaught Riverside, N2.SA4 Thameside West, N7.SA2 Twelvvetrees Park and Former Bromley By Bow Gasworks, N7.SA3 Sugar House Island and N8.SA9 Pudding Mill; and
- d. creating expanded Local Centres on N1.SA2 Rymill Street, N2.SA1 Silvertown Quays and N9.SA1 Plaistow North; and
- e. protecting and expanding the borough's network of Neighbourhood Parades to ensure the delivery of a network of well connected neighbourhoods.

5. Development that supports the delivery of Critical National Infrastructure, including the delivery of digital and data infrastructure, will be supported. This includes the delivery of:

- a. a new data centre facility on Site Allocation N4.SA5 Canning Town Riverside; and
- b. a new data centre facility at the Former Paint Factory and Central Thameside West site.

~~5-6.~~ Development will protect and enhance existing parks and social infrastructure and support the creation of new parks and social infrastructure by requiring the delivery of:

..."



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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy D4: Tall Buildings

Implementation Text

Paragraph 2 & Table 1

Policies Map Yes – in relation to TBZ13

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

Taking into account the character of the surrounding areas and the settings of relevant heritage assets, impact on townscape views and the urban fabric, and cumulative impacts of tall buildings, this policy should be updated to reflect the actual heights currently in place or consented for the sites adjacent or near the various tall building zone designations. In addition, the findings of townscape and skyline analysis should be a stronger guiding principle for development proposals than has been drafted.

With reference to the Mayer Parry Wharf site, to the west of Bidder Street, it is of note that the Newham Characterisation Study (NCS) places the site within Neighbourhood 4 'Canning Town' and identifies the area as one which is to be 'transformed' meaning to "substantially increase developments by introducing new building types with scope to creating a new street pattern/frontage" and to "establish new character following a specific site vision". This analysis is used as a basis for the allocation of Tall Buildings Zones (TBZs) within Policy D4, i.e. areas where heights of buildings can exceed 21m. The NCS states that "within these areas the location and suitability of isolated tall elements should be assessed on a case by case basis considering their impact on the context and ability to aid legibility of key areas and facilitate wayfinding".

With regard to the northern part of Tall Building Zone 13 (TBZ13), relating to land to the west of Bidder Street and to the west of Manor Road, Policy D4, Table 1 stipulates that this area is suitable for the delivery of tall buildings with prevailing heights of between 21m and 32m and an overall maximum height range of 50m to the north (at the Mayer Parry Wharf and Manor Road sites) and up to 60m to the south at the Crown Wharf site. Despite this, a mixed use scheme by Barratt Homes within TBZ13 has been approved for the Crown Wharf site, directly south of the Mayer Parry Wharf site, with buildings rising up to 100m (LBN ref: 23/00655/FUL). The same applies for the site of the Manor Road development, also within TBZ13, east of the Mayer Parry Wharf site, which is currently under construction nearing completion (LBN ref: 18/03506/OUT). The height of the tallest element already constructed in the Manor Road development is approximately 110m, considerably higher than its allocated height of up to 50m. Given that the emerging built form of these areas do not reflect the more restrictive height stipulations of TBZ13, the actual appropriate height for the sites adjacent and near the Mayer Parry Wharf site should be considered on a 'case by case' basis, as recommended in the NCS. Policy D4 and Site Allocation N4.SA5 would need to be updated to reflect the actuality of the current and emerging situation which is transforming the area differently to what is being recommended.

As Policy D4 states, townscape and skyline analysis is required to demonstrate the added value of new tall elements and it is considered that this should be a stronger guiding principle for design within D4 than that of the TBZ height limits, which are considered to be overly prescriptive, particularly in view of the actuality of the current and emerging townscape conditions as discussed above. Furthermore, The NPPF requires building designs to aspire to beauty and Historic England acknowledges that a high quality design can mitigate harm to the setting of heritage assets. As such, the right height for a development is not a definitive matter but one of artistic judgement.

To demonstrate the point being made with regard to the Mayer Parry Wharf site, expert consultants from Citydesigner on behalf of IXDS Limited have reviewed the key criteria set out in the analysis within the NCS and the draft Local Plan and have carried out initial testing with the help of VU.CITY and Accurate Visual Representations (AVRs). Citydesigner's findings show that a tall building of high-quality design on the Mayer Parry Wharf site, lower than the adjacent Crown Wharf scheme but higher than 80m would not harm or adversely affect any of the nearby areas of townscape value, heritage assets or distant and local townscape views, both when considered in isolation and cumulatively. The Mayer Parry Wharf site sits on the boundary between the TBZ13 Canning Town and TBZ14 Manor Road and can facilitate a transition in height from one TBZ to the other, taking into account the actual heights of surrounding emerging schemes, whilst improving connectivity and legibility in the area. Citydesigner's full analysis of this is provided at **Appendix A**.

Taking into account the character of the surrounding areas and the settings of relevant heritage assets, impact on townscape views and the urban fabric, and the cumulative effects on the townscape from already consented and constructed tall buildings, Policy D4 should be updated to reflect the actual heights currently in place or consented for the sites adjacent or near the Mayer Parry Wharf site, of approximately 100m.

References to site allocations within the policy should also be corrected to use the N4 (Canning Town) prefix, rather than the N5 (Canning Town and Custom House) prefix, which erroneously reflects the Regulation 18 version of the Local Plan draft.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"D4: Tall Buildings

1. Tall buildings in Newham are defined as those at or over 21m, measured from the ground to the top of the highest storey of the building (excluding parapets, roof plants, equipment or other elements).

2. Tall buildings will only be acceptable, subject to detailed design and masterplanning considerations, in areas designated as 'Tall Building Zones'. The height of tall buildings in any 'Tall Building Zone' should be proportionate to their role within the local and wider context and should not exceed the respective limits set in Table 1 below except where the findings of townscape and skyline analysis clearly demonstrate that a proposed development would not be harmful; and that the buildings would positively contribute to the character of the area; and that there would bring public benefits that would clearly outweigh any harm.

Table 1: Tall Building Zones

...

Tall Building Zone			Height Range Maximum	Further Guidance
Tall Building Zone	Neighbourhood	Site Allocation(s)		
TBZ13: Canning Town	N4 Canning Town and N2 Royal Victoria	N4.SA1 Canning Town East  N4.SA2 Silvertown Way East  N4.SA3 Canning Town Holiday Inn  N4.SA4 Limmo  N4.SA5 Canning Town Riverside  N2.SA4 Thameside West	50m (ca. 16 storeys) and 40m (ca. 13 storeys), 60m (ca. 20 storeys) and 100m (ca. 33 storeys) in the defined areas	<ul style="list-style-type: none"> <li>• Prevailing heights should be between 21m and 32m (ca. 7-10 storeys).</li> <li>• In the north east of the Tall Building Zone, a limited number of tall building elements up to 40m (ca. 13 storeys) could be delivered subject to careful transition to the lower rise residential development to the east.</li> <li>• <u>In the north west of the Tall Building Zone, including on Site N4.SA5 tall buildings with elements up to 100m (ca. 33 storeys) are suitable reflecting the presence of the completed building of 110m on the Manor Road site and the consented building of 102m on the Crown Wharf site in this part of the Tall Building Zone.</u></li> <li>• To mark Canning Town station and district centre, tall buildings, with elements of up to 100m (ca. 33 storeys) are suitable. It is considered that the existing cluster should be the highest point and all new tall elements should step down from this central cluster.</li> <li>• This step down should be marked at <del>N54.SA4 Limmo and N5.SA5 Canning Town Riverside</del> where there are limited opportunities for tall building elements up to 60m (ca. 20 storeys).</li> <li>• In the rest of the Tall Building Zone, including to mark the new DLR station and local centre at Thameside West, limited additional tall buildings with elements of up to 50m (ca. 16 storeys), could be integrated carefully to aid wayfinding and mark special locations.</li> <li>• Development including tall buildings in this zone should assess their visual and townscape impact in the context of existing and permitted tall buildings to ensure the cumulative impact does not saturate the skyline.</li> <li>• Development should be mindful of height transitions and visual impact when delivering industrial intensification through stacked industrial typology.</li> </ul>

...

3. All tall buildings should be of high quality design and environmental standards, and:

- a. address the criteria set by the London Plan Policy D9 section C; and
- b. achieve exemplary architectural quality and make a positive contribution to the townscape through volumetric form and proportion of the mass and through architectural expression of the three main parts of the building: a top, middle and base; and
- c. address London Plan Policy D9 section D when tall buildings fall within designated town centres and public viewing galleries at the higher levels might offer an opportunity for a view across the borough and London; and
- d. be independently assessed by Newham Design Review Panel and any future Community and/or Youth Design Review Panel, appointed by the Local Planning Authority.

4. In addressing the relationship of the proposed tall building with its context:

- a. the footprint of tall building should help to define new green spaces and integrate the development with the existing urban pattern or establish new routes that reinstate historic urban grain; and
- b. the base (shoulder height) of tall buildings should generally respect a 1:1 scale relative to the width of the street; and
- c. articulation and set-backs should be used to emphasise the relationship between the horizontal (street context) and the vertical (tall building), and to contribute to securing positive amenity spaces and a suitable microclimate around the building”.

*Policies Map change:*

*Redesignate the parts of TBZ13 containing N4.SA5 (Canning Town Riverside Site Allocation) and the Manor Road site (subject of LBN ref: 18/03506/OUT) so that they fall within the ‘Tall Building Zone up to 100m’ designation.*

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:

To discuss our recommendation with the inspector.

***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 6<sup>th</sup> September 2024**



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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy J1: Employment and Growth

Implementation Text

Paragraph 2a, 2b, 2c, Table 6 & Table 8

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

It is understood that Local Mixed Use Areas (LMUAs) are intended to be suitable for either solely employment development or mixed-use employment led development (and not just employment-led development). This needs to be clarified in policy terms. This is indeed confirmed within the Council's recent evidence base document: 'Proposed New Employment Land Designation and Boundary Amendments (Regulation 19) (July 2024)', which, on page 12, with reference to the new LMUA designation for Bidder Street, confirms that *"A planning application for a data centre (ref 24/00088/FUL) is currently in on the LMUA and pending for decision. This is considered no conflict with the LMUA designation as data centre is widely accepted as Use Class B8 (subject to wider scrutiny) which is allowed in LMUA, LIL and SIL under the Local Plan"*. Policy J1, at part 2(c) should therefore clearly identify that LMUAs are suitable for development comprised solely of employment uses.

This change is important to ensure that the allowances and limits of the policy can be clearly understood and to ensure that the policy is therefore fit for purpose.

Furthermore, Policy J1 is detailed to the extent that it confirms different types of uses that are acceptable in LMUAs within different use classes, including 'dark kitchen/shop' and 'micro fulfilment' within the B8 category. Given the confirmation within the Council's recent evidence base document: 'Proposed New Employment Land Designation and Boundary Amendments (Regulation 19) (July 2024)' identified above, data centres should be specifically identified as an acceptable B8 use within LMUAs and the policy adjusted accordingly, at parts 2(a), (b) and (c). Tables 6 and 8 should also be updated to refer to data centre uses as being priority uses in appropriate locations, this includes for the Mayer Parry Wharf site (comprising the northern part of the N4.SA5 draft Canning Town Riverside Site Allocation) within LMUA12, which is the subject of planning application reference 24/00088/FUL for a data centre development and the Former Paint Factory and Central Thameside West site within SIL3, where a data centre development was approved under planning application reference 23/01697/OUT.

To ensure consistency with the National Planning Policy Framework (NPPF) (2023) paragraphs 85, 86 and 87 and draft NPPF (2024) paragraphs 83, 84 and 85), the requirements of London Plan Policy SI6 and to reflect and recognise the 'Critical National Infrastructure' (CNI) classification that now applies to data centres in the UK (as per the [press release](#) from the Department for Science, Innovation and Technology on the 12<sup>th</sup> September 2024), digital infrastructure should benefit from being explicitly referenced and suitably emphasised within this policy to reflect the significant, overarching emphasis on the local, national and regional importance of such infrastructure, including data centres. This will ensure that the digital and data economy is properly planned for and that the importance of such infrastructure is afforded appropriate weight in the determination of planning applications.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"J1: Employment and Growth

...

2. New employment floorspace should be directed to, and delivered in accordance with the following spatial strategy and functional requirements and the design and delivery principles outlined in Local Plan Policy J2:

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 and data centres) 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) although are not precluded from being located in other appropriate locations as identified below. Uses identified in Tables 6 and 7 should be prioritised in each location.

b. In addition to the locations identified above, the development of industrial uses 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 and data centres) and industrial related sui generis (SG) uses (including waste, utilities including digital/ data and transport depots) may be located on retail and leisure parks with good accessibility to the Strategic Road Network.

c. The development of office (E(g)(i)), research and development (E(g)(ii)), light industrial (E(g) (iii)) and storage or distribution (B8) (including dark kitchen/ shop ~~and~~ micro fulfilment and data centres) uses will be supported in Local Mixed Use Areas (LMUA), either in isolation or as part of employment-led mixed use development. Uses identified in Table 8 should be prioritised in each location.

...

**Table 6: Strategic Industrial Locations (SILs)**

Local Mixed Use Areas (LMUAs)		
Designation	Priority Uses	Design and Delivery Principles
SIL3: Thameside West	Large scale industrial and small scale light industrial, suitable for: <ul style="list-style-type: none"> <li>• clean, green and low carbon industries; and</li> <li>• wharf related uses (on Peruvian and Royal Primrose wharves); and</li> <li>• cultural and creative production; and</li> <li>• digital and high technology industries, <u>including data centres</u>.</li> </ul>	i. No residential floorspace is permitted in these designations. ii. New office floorspace (E(g)(i)) will be supported only where it is ancillary to the function of the industrial floorspace and of an appropriate scale.

...

**Table 8: Local Mixed Use Areas (LMUAs)**

Local Mixed Use Areas (LMUAs)		
Designation	Priority Uses	Design and Delivery Principles
LMUA12: Bidder Street	<ul style="list-style-type: none"> <li>• Light industrial, warehousing and logistics <del>and</del> workspaces <u>and data centres</u>.</li> <li>• Cultural and creative production, digital and technology industries, SMEs, flexible workspaces and storage.</li> </ul>	i. Employment led co-location with residential development is supported.

..."

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:

To discuss our recommendation with the inspector.

***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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy J2: New Employment Floorspace

Implementation Text

Paragraph

1 & 2

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

It is understood that Local Mixed Use Areas (LMUAs) are intended to be suitable for either solely employment development or mixed-use employment led development (and not just employment-led development). This needs to be clarified in policy terms. This is indeed confirmed within the Council's recent evidence base document: 'Proposed New Employment Land Designation and Boundary Amendments (Regulation 19) (July 2024)', which, on page 12, with reference to the new LMUA designation for Bidder Street, confirms that *"A planning application for a data centre (ref 24/00088/FUL) is currently in on the LMUA and pending for decision. This is considered no conflict with the LMUA designation as data centre is widely accepted as Use Class B8 (subject to wider scrutiny) which is allowed in LMUA, LIL and SIL under the Local Plan"*. Policy J2, at part 2, should therefore clearly identify that LMUAs are suitable for development comprised solely of employment uses.

This change is important to ensure that the allowances and limits of the policy can be clearly understood and to ensure that the policy is therefore fit for purpose.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"J2: New employment floorspace

1. All developments on Strategic Industrial Locations (SILs) and Local Industrial Locations (LILs) must intensify site use to deliver a net increase in industrial floorspace through the most appropriate intensification format. Developments that co-locate industrial floorspace development with residential development are not supported in SILs and LILs.

2. Within Local Mixed Use Areas (LMUAs) and Micro Business Opportunity Area (MBOAs), the provision of new industrial floorspace is supported. Co-location of industrial development with residential development is also only supported in LMUAs and MBOAs but only where in the specific Local Mixed Use Areas (LMUAs) and Micro Business Opportunity Areas (MBOAs) identified in Tables 8 and 9 in Local Plan Policy J1 and specific site allocations and where:

a. the development remains employment-led in LMUAs, MBOAs and site allocations identified for employment-led development; and

b. a suitable co-location design can be accommodated which maintains the function and viability of the priority uses on site and the amenity of the residential accommodation; and

c. a suitable and robust Relocation Strategy for any existing businesses that cannot be incorporated within the redevelopment is provided in accordance with Local Plan Policies J3.2 and J3.3.

..."



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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

---

Name or Organisation: IXDS Ltd

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

Policy CE2: Zero Carbon Development

Implementation Text

Paragraph 1, 2, 3, 4 & 5

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

X

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

Part 1 of the policy requires the measuring, monitoring and minimisation of emissions from developments to be based on buildings' space heating demand (part 1 of the policy) and energy use intensity (part 3 of the policy) as measured in kwh/m<sup>2</sup> GIA/yr.

At part 4, the policy also includes a requirement for minimum renewable energy generation requirements of 80kWh/m per building footprint per annum for non-industrial uses and 120kWh/m for industrial uses, with non-achievement of this requiring financial offset.

At part 5, a requirement for high tech performance monitoring in respect of carbon emissions and for annual figures associated with this to be submitted to Newham for the first five years of operation also applies.

These requirements are inconsistent with London Plan policy SI2 which requires building emissions to be measured and monitored through SAP modelling relative to Part L of the Building Regulations and minimised through application of the energy hierarchy 'be lean, be clean, be green, be seen'. There is potential for the policy requirements to therefore constitute an overreach given the rigorous requirements to maximise carbon savings that are already captured within the London Plan. The more onerous targets could have negative viability implications in terms of unlocking growth for Newham. Furthermore, the setting of specific targets for space heating demand and energy use is unnecessary when a requirement to minimise these elements already applies within the policy. The policy should therefore be changed to align with the SI2 requirements.

At part 2, a requirement for no fossil fuels to be used for heat or energy generation is set out. This policy should confirm that this restriction would not apply in relation to emergency backup power generation, for which the use of fossil fuel based heat / energy sources may be necessary for use in emergency circumstances. Such backup power generation is essential for certain development types, such as data centres.

Parts 1 and 3 of the policy includes a requirement that new developments should be designed and constructed to be Net Zero Carbon in operation, using as little energy as possible. This is an overly simplified and rigid requirement that does not account for the nuance of the policy requirements in CE2 and London Plan policy SI2 and which does not acknowledge the likelihood that most developments will need to financially offset to achieve Net Zero Carbon, rather than be Net Zero Carbon in operation. The wording should therefore be adjusted to reflect this.

In drawing from and ensuring consistency with London Plan Policy SI 3, opportunities for the harnessing of excess heat from high heat generating developments (such as data centres) to benefit local neighbourhoods should be realised. Promotion of the delivery of district heat networks as part of data centre development should therefore be incorporated within CE2.

The quantity of heat which can be harnessed as excess from developments which export waste heat is not usually quantifiable at the point of planning submission. The policy should therefore include an acknowledgement that schemes which can or will export waste heat will have such benefits weighed accordingly in the planning balance.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"CE2: Zero Carbon Development

1. New development should be designed and constructed to ~~be Net Zero Carbon in operation~~, using as little energy as possible to heat a building over a year; and where possible to be Net Zero Carbon in operation. ~~meeting the following standards:~~

- ~~a. All new residential units should achieve a space heating demand of less than 20 kWh/m<sup>2</sup> GIA/yr.~~
- ~~b. All new non-domestic buildings except industrial buildings should achieve a space heating demand of less than 20 kWh/m<sup>2</sup> GIA/yr.~~
- ~~c. All new industrial buildings should achieve a space heating demand of less than 15 kWh/m<sup>2</sup> GIA/yr.~~
- ~~d. All other development is encouraged to use as little energy as possible to heat the building.~~

2. New development should not use fossil fuels for heat or energy, except for emergency backup power generation, and should meet the following standards:

- a. No new developments should be connected to the gas grid.
- b. Heat should be provided through low carbon sources.
- c. Future heating technologies will be supported if it can be demonstrated that they are low carbon and sustainable.

3. New development should be designed and constructed to ~~be Net Zero Carbon in operation~~, using as little energy as possible over a year and, where possible, to be Net Zero Carbon in operation. In achieving this, new developments should meet the requirements of London Plan Policy SI2. ~~should meet the following standards:~~

- ~~a. All new residential units should achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m<sup>2</sup> GIA/yr.~~
- ~~b. New non-domestic buildings should achieve an Energy Use Intensity (EUI) of no more than the following by the following use:~~
  - ~~i. Student accommodation — 35 kWh/m<sup>2</sup> GIA/yr.~~
  - ~~ii. Offices, Retail, Higher Education Teaching facilities, GP surgeries, Hotels — 55 kWh/m<sup>2</sup> GIA/yr.~~
  - ~~iii. Schools — 65 kWh/m<sup>2</sup> GIA/yr.~~
  - ~~iv. Leisure, warehouses, and light industrial units — 100 kWh/m<sup>2</sup> GIA/yr. An additional 20 kWh/m<sup>2</sup> GIA/yr budget is available for warehouses/industrial units that operate for 24 hours a day.~~
- ~~c. In all cases, a building should use as little as energy as possible.~~

4. In line with the requirements of the energy hierarchy (as detailed in the London Plan), New development should maximise the generation of renewable energy on site, as to a level equivalent to, or in excess of, the predicted annual energy demand of the building, in accordance with the following requirements:

- ~~a. As a minimum, the amount of energy generated in a year must be:~~
  - ~~i. at least 80 kWh/m<sup>2</sup> per building footprint per annum for all building types except industrial buildings; and~~
  - ~~ii. at least 120 kWh/m<sup>2</sup> per building footprint per annum for industrial buildings~~
- ~~b. Where it can be sufficiently evidenced that it is not technically possible for the amount of energy generated in a year through onsite renewable energy production to match or exceed the predicted annual energy demand of the building, the applicant should fund renewable energy generation (equivalent to the shortfall) elsewhere in the borough through a cash-in-lieu contribution.~~

5. New development must demonstrate they are delivering the intended performance approved, and that the 'performance gap' between design and actual in-use energy has been minimised, by:

- ~~a. Demonstrating and committing to the use of an assured performance method (e.g. Passivhaus or AECB) to ensure that the building's operational energy performance will meet the design intentions.~~
- ~~b. Major developments should monitor their total energy use and renewable energy generation and submit the annual figures to the London Borough of Newham for the first 5 years of operation, carrying out 'be seen' reporting and monitoring in line with the Greater London Authority's 'be seen' energy monitoring guidance.~~

6. New development should where feasible reduce the local heating demand by harnessing excess heat from high heat generating uses (such as data centres) to be supplied to local homes and businesses. Schemes which can or will export waste heat will have the benefits associated with this weighed accordingly in the planning balance."

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy CE3: Embodied Carbon and the Circular Economy

Implementation Text

Paragraph 3, 5 & 6

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

X

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.



This policy sets specific numerical targets for embodied carbon limits.

Given the requirements within London Plan policies SI2 and SI7 for Circular Economy and Whole Lifecycle Carbon assessments to be submitted for referable schemes only, Policy CE3, in requesting such submissions of major developments, but also in accordance with London Plan policy, should confirm that such requirements are sought of referable major schemes only.

The introduction of an embodied carbon limit target departs from the London Plan requirement which does not include a numerical element. This is unnecessary when the policy already requires minimisation of embodied carbon and could have negative viability implications for unlocking growth. The target should therefore be removed.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"CE3: Embodied Carbon and the circular economy

1. Embodied Carbon should be considered as early as possible in the planning process, as upfront embodied carbon contributes the largest proportion of embodied carbon across a building's life cycle.

2. The planning of a building should apply circular economy principles and reduce embodied carbon by considering:

- a. how a building is to be built; and
- b. how energy and waste can be minimised throughout the construction process; and
- c. how a building could be deconstructed in future; and
- d. how a building could facilitate future modification, adaption or retrofitting work.

3. Major developments that are referable to the Mayor of London should submit a Circular Economy Statement in accordance with the requirements outlined in London Plan (2021) Policy SI 7 or any additional requirements in the East London Joint Waste Plan.

4. Modern Methods of Construction (MMC) should be used carefully and, where appropriate, the use of MMC must comply with other energy policies.

5. Major developments that are referable to the Mayor of London should undertake a Whole Life Carbon assessment in accordance with the requirements outlined in London Plan (2021) Policy SI 2.

~~6. Major developments are expected to meet embodied carbon limits of less than 500kg CO<sub>2</sub> /m<sup>2</sup>."~~

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy CE8: Sustainable Drainage

Implementation Text

Paragraph

2

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

This policy, at part 2b, sets a firm requirement for development on site allocations within the Newham neighbourhoods that fall within the Royal Docks and Beckton Riverside Opportunity Area to implement Blue-Green Infrastructure runoff reduction interventions or Sustainable Urban Drainage Systems on 50% or more of their site area.

The requirement appears to derive from a comment within the Royal Docks and Beckton Riverside Integrated Water Management Strategy (2023) which, in referencing an aspirational target for 50% reduction in leakage across the Opportunity Area, considers that all strategic sites within the Opportunity Area have the potential to implement Blue-Green Infrastructure and Sustainable Urban Drainage Systems on 50% or more of their site area.

Owing to the constraints of individual sites and the variety of uses that come forward on them, it cannot be known if a 50% coverage of blue-green infrastructure runoff reduction interventions or Sustainable Urban Drainage Systems is achievable in every development scenario. The Royal Docks and Beckton Riverside Integrated Water Management Strategy (2023) has not tested individual sites to consider if this would be achievable.

The requirement at 2b should therefore be revised to require maximisation of Blue-Green Infrastructure runoff reduction interventions and Sustainable Urban Drainage Systems within the Royal Docks and Beckton Riverside Opportunity Area site allocations.

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.

Key to modifications:

Deletions in ~~striketrough text~~

Additions in underline text

"CE8: Sustainable drainage

1. All development is required to reduce the risk of surface water flooding, through separating foul and surface water flows and incorporating Sustainable Urban Drainage Systems that reduce surface water run-off.

2. All development must promote an integrated approach to water management through greening and incorporating rainwater storage for reuse and irrigation. In addition:

- a. major development must maximise the multifunctional benefits of Sustainable Urban Drainage Systems including improving biodiversity, amenity, cooling and water quality and/or
- b. site allocations within the N1 North Woolwich, N2 Royal Victoria, N3 Royal Albert North N4 Canning Town, N5 Custom House, N6 Manor Road and N17 Gallions Reach Neighbourhoods must implement blue-green infrastructure runoff reduction interventions or Sustainable Urban Drainage systems on ~~50 per cent or more~~ as much of their site area- as is feasible.

..."

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

---

## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy W1: Waste Management Capacity

Implementation Text

Paragraph

Policies Map Yes – in relation to identified waste sites in draft ELJWP

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

X

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

Mayer Parry Recycling Ltd (29 Bidder Street, London, E16 4SZ) is identified on the policies map as a site which was identified in the Evidence Base for the East London Joint Waste Plan and which therefore warrants continued protection as a waste site under Policy W1.

Whilst the Mayer Parry site has previously been identified as a safeguarded waste site, the evidence base for the East London Joint Waste Plan (including the 'Assessment of Existing Waste Management Capacity') (July 2024) does not identify the Mayer Parry site as a site which needs to be protected to safeguard East London's waste processing capacity. In confirming this status, the site is also not identified in the Regulation 18 Consultation Draft East London Joint Waste Plan (July 2024).

The same applies to the neighbouring waste site of P M C Soil Solutions Ltd.

As such, the protected status of the Mayer Parry Recycling Ltd and P M C Soil Solutions Ltd sites pursuant to Policy W1, as shown on the policies map, does not align with the emerging East London Joint Waste Plan and this protected status should be removed from both sites.

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.

*Policies Map changes:*

*Remove 'Mayer Parry Recycling Ltd 29 Bidder Street Canning Town London E16 4SZ' from the Policy W1 designation within the policies map.*

*Remove 'P M C Soil Solutions Soil Management Facility' from the Policy W1 designation within the policies map.*

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:

To discuss our recommendation with the inspector.

***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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy W4: Utilities and Digital Connectivity Infrastructure

Implementation Text

Paragraph

6

Policies Map

Yes

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

X

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

Newham Data recognises the importance of the data economy remains and this policy should reinstate and expand upon the previous (Regulation 18 draft) references to the need to accommodate data centres and the data economy in the borough, especially given Newham's proximity to the London Docklands data hub and in view of the data centre approval at the Former Paint Factory and Central Thameside West site (23/01697/OUT) and existing live application to deliver a data centre at the Mayer Parry Wharf site (24/00088/FUL).

This change is also required to ensure consistency with the National Planning Policy Framework (NPPF) (2023) paragraphs 85, 86 and 87 and draft NPPF (2024) paragraphs 83, 84 and 85), the requirements of London Plan Policy SI6 and to reflect and recognise the 'Critical National Infrastructure' (CNI) classification that now applies to data centres in the UK (as per the [press release](#) from the Department for Science, Innovation and Technology on the 12<sup>th</sup> September 2024). Accordingly, digital infrastructure should benefit from being explicitly referenced and suitably emphasised within this policy to reflect the significant, overarching emphasis on the local, national and regional importance of such infrastructure, including data centres. This will ensure that the digital and data economy is properly planned for and that the importance of such infrastructure is afforded appropriate weight in the determination of planning applications.

The requirements for development to be supported by appropriate electricity supply should be reinstated as this is an essential element of enabling development, particularly for the digital and data economy.

In view of the above and to ensure consistency with the draft NPPF (2024) (paragraphs 84 and 85), land for data centres should be identified (or safeguarded) through spatial designations within the Local Plan. As part of this, the Mayer Parry Wharf site (comprising the northern part of the N4.SA5 draft Canning Town Riverside Site Allocation which is the subject of planning application reference 24/00088/FUL for a data centre development ) should be explicitly safeguarded in the Local Plan for digital and data economy uses and needs to benefit from appropriate policy requirements to guide this form of development which is seen as a catalyst and gateway development. The same should apply to the Former Paint Factory and Central Thameside West site where a data centre development was approved under planning application reference 23/01697/OUT.



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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"W4: Utilities and Digital Connectivity Infrastructure

...

6. Major development proposals (including those within employment areas) must improve digital connectivity by:

- a. providing a sufficient supply of electricity capacity, particularly where demand is forecasted to exceed existing capacity and to meet potential growing demands including electric vehicle charging and data centre development; and
- b. providing sufficient ducting space for full fibre connectivity for end users; and
- c. promoting digital inclusivity by addressing gaps in digital connectivity and reducing barriers to digital access including affordability; and
- d. supporting digital connectivity infrastructure projects. Undertaking effective engagement with Counter Terrorism Security Advisors at the preapplication stage to ensure security is appropriately considered.

7. The Council will support digital and data development as part of inclusive growth by encouraging the development of land identified as suitable for digital and data economy uses as detailed in the neighbourhood and spatial policies.

*Policies Map changes:*

*Mayer Parry Wharf site (comprising the northern part of Site Allocation N4.SA5 : Canning Town Riverside) to be identified as safeguarded for digital and data economy uses pursuant to Policy W4.*

*Former Paint Factory and Central Thameside West site (comprising the site area for application reference 23/01697/OUT) to be identified as safeguarded for digital and data economy uses pursuant to Policy W4.*

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

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## Part B – Please use a separate sheet for each representation

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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

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

No

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.

As per representations made by IXDS Ltd on other policies, to ensure consistency with the emerging requirements of the draft NPPF (2024) and in recognition of the 'Critical National Infrastructure' (CNI) classification that now applies to data centres in the UK (as per the [press release](#) from the Department for Science, Innovation and Technology on the 12<sup>th</sup> September 2024), land for data centres should be identified or safeguarded through spatial designations within the Local Plan.

As such, the vision for the Royal Victoria neighbourhood (at pages 374 - 375 of the Local Plan) should include the safeguarding of the Former Paint Factory and Central Thameside West site where a data centre development was approved under planning application reference 23/01967/OUT.

Further to this, the policy text for N2 should explicitly refer to the Former Paint Factory and Central Thameside West site being safeguarded for digital and data economy uses.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"N2: Royal Victoria

Vision

Royal Victoria will be transformed into a unique, cohesive and lively city neighbourhood and will benefit from a high level of growth, delivered through the transformation of key sites at N2.SA1 Silvertown Quays, N2.SA2 Lyle Park West, N2.SA3 Connaught Riverside and N2.SA4 Thameside West, which make the most of the water and that complete and knit the neighbourhood together. The neighbourhood's industrial land will be intensified and will provide new jobs in a greener local economy.

The neighbourhood will continue to be home to a successful mix of uses including new housing, employment uses, visitor attractions and community facilities, as well as City Hall. It will benefit from public transport improvements, including a new DLR station and a new bridge to connect the two sides of the dock. New housing will be supported by a series of thriving, vibrant and diverse local centres at Silvertown, Thameside West and Connaught Riverside and a neighbourhood parade at Lyle Park West providing a local retail, data and digital economy leisure, services and community facility offer.

The vision for Royal Victoria will be achieved by:

...

8. intensifying the neighbourhood's industrial land, through increasing capacity at N2.SA4 Thameside West and through the delivery of a diverse range of modern industrial uses across the rest of the Strategic Industrial Location, including wharf related functions and requiring digital connectivity and digital innovation and technology as part of modern industrial development including at the Former Paint Factory and Central Thameside West site and encouraging further such development within the locality;

..."

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**



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## Part B – Please use a separate sheet for each representation

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Name or Organisation: IXDS Ltd

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

Policy N4: Canning Town

Implementation Text

Paragraph Vision (1) & 6

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

As per representations made by IXDS Ltd on other policies, to ensure consistency with the emerging requirements of the draft NPPF (2024) and in recognition of the 'Critical National Infrastructure' (CNI) classification that now applies to data centres in the UK (as per the [press release](#) from the Department for Science, Innovation and Technology on the 12<sup>th</sup> September 2024), land for data centres should be identified or safeguarded through spatial designations within the Local Plan.

As such, the vision for the Canning Town neighbourhood (at pages 406-407 of the Local Plan) should include the safeguarding of the Mayer Parry Wharf site for data centre use given the live planning application on this site (reference 24/00088/FUL).

Further to this, the policy text for N4 should explicitly refer to the Mayer Parry Wharf site being safeguarded for digital and data economy uses.

To ensure that Local Mixed Use Areas (LMUAs) are clearly identified as being suitable for development comprised solely of employment uses, the reference to the Bidder Street LMUA within the policy should specify that both solely employment and employment-led mixed use developments are to be supported.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"N4: Canning Town

Vision

The Canning Town neighbourhood will benefit from a high level of growth, which will be delivered through the transformation of sites in and around the Canning Town District Centre, whilst the north of the neighbourhood will benefit from the enhancement of its existing character. Canning Town District Centre will be a thriving and vibrant centre, with a successful street market and a growing evening and night time local offer, and will be enhanced through new housing, retail, data and digital economy, leisure and community uses, and improved public realm.

The neighbourhood will benefit from improved connections to the Royal Docks, with improvements to Silvertown Way and improvements to Canning Town Station. Walking and cycling routes across the neighbourhood will be improved to better connect Canning Town and Custom House. The neighbourhood will also benefit from a new park at N4.SA4 Limmo and improved access to the River Lea.

The vision for Canning Town will be achieved by:

...

6. supporting appropriate development at the Bidder Street Local Mixed Use Area (LMUA) to support lighter industrial workspaces as part of ~~employment, or employment-led~~ mixed use development on the LMUA and enabling a smooth and neighbourly transition to the Strategic Industrial Location in the north, as well as requiring digital connectivity and digital innovation and technology as part of modern industrial development including at the Mayer Parry Wharf site as part of Site Allocation N4.SA5 : Canning Town Riverside and encouraging further such development within the locality;

..."

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:

To discuss our recommendation with the inspector.

*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:

- d. the submission of the local plan for independent examination

Yes ☒ No ☐

e. the publication of the Inspector's report

Yes ☒ No ☐

f. 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 6<sup>th</sup> September 2024**

---

## Part B – Please use a separate sheet for each representation

---

Name or Organisation: IXDS Ltd

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

Policy N4: Canning Town → N4.SA5: Canning Town Riverside

Implementation Text

Paragraph Numerous

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

X

No

4.(2) Sound

Yes

No

4 (3) Complies with the  
Duty to co-operate

Yes

X

No

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.

As per representations made by IXDS Ltd on other policies, to ensure consistency with the draft NPPF (2024) (paragraphs 84 and 85), land for data centres should be identified (or safeguarded) through spatial designations within the Local Plan. As part of this, the Mayer Parry Wharf site (comprising the northern part of the N4.SA5 draft Canning Town Riverside Site Allocation which is the subject of planning application reference 24/00088/FUL for a data centre development) should be explicitly safeguarded in the Local Plan for digital and data economy uses and needs to benefit from appropriate policy requirements to guide this form of development which is seen as a catalyst and gateway development.

Given the advanced position that has been reached in seeking to deliver a data centre (as per LBN application ref: 24/00088/FUL) within N4.SA5 and the consent that is now in place in the south of N4.SA5 to deliver residential units and employment floorspace (as per LBN application ref: 23/0655/FUL), the site allocation should specifically reflect these uses coming forward.

To ensure that the site allocation brief remains compatible with the above, the discussion of development principles as they relate to employment uses should be amended to better enable the delivery of digital and data economy uses and to more accurately reflect the uses permitted by policy in LMUAs. It is understood that Local Mixed Use Areas (LMUAs) are intended to be suitable for either solely employment development or mixed-use employment led development (and not just employment-led development). This needs to be clarified in policy terms. This is indeed confirmed with the Council's recent evidence base document: 'Proposed New Employment Land Designation and Boundary Amendments (Regulation 19) (July 2024)', which, on page 12, with reference to the new LMUA designation for Bidder Street, confirms that *"A planning application for a data centre (ref 24/00088/FUL) is currently in on the LMUA and pending for decision. This is considered no conflict with the LMUA designation as data centre is widely accepted as Use Class B8 (subject to wider scrutiny) which is allowed in LMUA, LIL and SIL under the Local Plan"*. The site allocation should therefore clearly identify that industrial employment development within the Bidder Street LMUA is suitable for development comprised solely of employment uses. This change is important to ensure that the allowances and limits of the policy can be clearly understood and to ensure that the policy is therefore fit for purpose.

Whilst the Mayer Parry site has previously been identified as a safeguarded waste site, the evidence base for the East London Joint Waste Plan (including the 'Assessment of Existing Waste Management Capacity' (July 2024)) does not identify the Mayer Parry site as a site which needs to be protected to safeguard East London's waste processing capacity. In confirming this status, the site is also not identified in the Regulation 18 Consultation Draft East London Joint Waste Plan (July 2024). The same applies to the neighbouring site within the allocation of 'P M C Soil Solutions Ltd'. As such, the protected status of the Mayer Parry Recycling Ltd and P M C Soil Solutions Ltd sites pursuant to policy W1, as shown on the policies map, does not align with the emerging East London Joint Waste Plan and this protected status should be removed from both sites.

The N4.SA5 site allocation rehearses the Tall Building Zone (TBZ) restrictions that apply to the site through Policy D4. To ensure consistency with IXDS Ltd's representation on Policy D4, the site allocation wording should account for the changes sought in that representation. Please refer to the IXDS Ltd representation made in relation to Policy D4 for further information.

Site allocation N4.SA5 refers to the need for development to safeguard land for a new bridge connection from the Mayer Parry Wharf site to Level Road. Whilst the delivery of this bridge is identified as a project within the Newham Infrastructure Delivery Plan (July 2024) there is not sufficient evidence of the deliverability of this bridge within it and the project's inclusion within the site allocation is therefore unjustified. In particular, there is no indication that landowner agreements are in place and the technical constraints of delivering the bridge (such as whether there is sufficient land to deliver both the bridge and wharf wall improvements plus specific development buffers that may be identified by the Environment Agency on the Newham side) do not appear to have been explored. The reference to the safeguarding of land for the bridge should therefore be removed unless and until further studies can demonstrate the feasibility of the bridge project. Accordingly, the indicative bridge link as shown on the site allocation map should also be removed.

The site allocation refers to the Canning Town Riverside site requiring a new river wall. This is not correct and, as per communications with the Environment Agency in relation to planning application ref: 24/00088/FUL, raising of the river wall is considered sufficient to address the requirements of TE2100. The reference to the wall replacement should therefore be removed. The comments from the Environment Agency which indicate the raising of the river wall being acceptable are provided at **Appendix B**.

With regard to the map of the site allocation on page 425, it is not clear why the eastern edge of the site (fronting Bidder Street) is not shown as having opportunities for public realm improvement. This element should therefore be added to the map of the site allocation. As discussed above, the indicative bridge link should also be removed from this map.

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.

Key to modifications:

Deletions in ~~strike through text~~

Additions in underline text

"N4.SA5: Canning Town Riverside

**Development principles**

Residential, industrial and employment uses and open space.

Employment ~~led~~ development should be delivered in the Local Mixed Use Area (LMUA12 Bidder Street), ~~along with some residential development.~~

Residential uses should ~~also~~ be delivered outside the Local Mixed Use Area (LMUA12 Bidder Street) on the remaining part of the allocation.

The employment ~~uses floorspace~~ should be consistent with Local Plan Policy J1 and prioritise light industrial floorspace. ~~The employment floorspace should provide light industrial workspace, as well as workspace for creative and cultural production and digital and deliver for technology industries within the digital and data economy.~~

Open space should also be protected and enhanced on land to the east of Wharfside Road.

Development proposals should ensure that flood risk is minimised, mitigated and informed by a site-specific Flood Risk Assessment, as per Local Plan Policy CE7 and informed by the Strategic Flood Risk Assessment Level 2 Site Assessment (2023).

~~Redevelopment of the Local Mixed Use Area can only take place once the maximum achievable throughput of European Metals Recycling (EMR) waste site has been re-provided elsewhere in London. The maximum throughput of P M C Soil Solutions Ltd waste site also needs to be re-provided, either within the site boundary or elsewhere within London. The maximum achievable throughput of the existing waste sites need to be fully reprovided before redevelopment of the existing waste sites can take place, in accordance with London Plan 2021 Policy SI 9.~~

~~The East London Waste Plan Evidence Base 2022 is being used to inform the update to East London's Joint Waste Plan. Development should take into consideration the recommendations of the update to the East London Joint Waste Plan, albeit noting that until its adoption London Plan 2021 Policy SI 9 will be used to assess proposals for the redevelopment of waste sites.~~

**Design principles**

The site should be designed and developed comprehensively in accordance with Local Plan Policy BFN2.

The main building heights datum should range between 21-32m (ca. 7-10 storeys) with taller buildings where justified in accordance with Policy D4 and the stipulations of TBZ13. ~~in~~

Employment uses should be positioned to buffer the neighbouring Strategic Industrial Location. Non-residential stacked industrial buildings are considered to be the most appropriate typology to provide a buffer. The design and layout of the site should consider public realm enhancements and avoid habitable rooms and amenity spaces facing industrial uses. Separate HGV and pedestrian access should be designed to avoid conflicts between different uses.

Vehicular routes should allow for servicing of employment uses and make links to existing routes along Bidder Street.

Open space provision should be largely concentrated along the River Lea edge.

The design and layout of the site should establish a connected network of streets and spaces that connects to the existing street network and should create a street hierarchy. Development should reinforce the legibility of the street hierarchy through appropriate scale and massing on primary and secondary streets, creating continuous frontages on Bidder Street and on the riverside.

The layout of the site should enable the continuation of the Leaway Walk through the site, providing a continuous walking and cycling route along the edge of the Lea. The site should provide onward connections to Bow Creek Ecology Park, which is located to the south of the site, and the Lea River Park.



Routes through and to and from the site should improve access and connectivity to Canning Town Station and District Centre. Development should deliver improved wayfinding to Canning Town Station, being clear and legible, with well-lit and high quality public realm and consider step-free access to the station from the site.

Development should deliver active travel improvements along Bidder Street and Stephenson Street, improving the pedestrian and cycling environment along these roads.

Development should deliver improvements to the pedestrian routes either side of the A13, and an enhancement of the route to the station via the pedestrian crossing beneath the viaduct located to the north of Canning Town Station.

Development should deliver design enhancements to the existing underpass under the A13 on Wharfside Road. The route should allow for safe and convenient uses by pedestrians and cyclists, with clear sightlines and desire lines through the development to the underpass.

Development should conserve and enhance the Grade II listed Royal Oak Public House in the proximity of the site and its setting.

Design measures should minimise exposure to poor air quality in accordance with Local Plan Policy CE6, particularly on the A13 and Bidder Street. Design measures should minimise exposure to noise from the A13. In relation to buildings adjacent to the A13, this could be addressed through careful placement of and heights of buildings adjacent to the road, retention and/or planting of trees as a buffer and the positioning of decks and non-habitable rooms adjacent to the road.

The design and layout of the site should take account of risk of flooding from all sources and meet the requirements of Local Plan Policy CE7. Sustainable drainage should be considered from the outset and meet the requirements of Local Plan Policy CE8. Development should deliver the relevant site-specific integrated water management interventions outlined in section 1.3 of the Royal Docks and Beckton Integrated Water Management Strategy.

#### **Infrastructure requirements**

Development should address open space deficiencies by providing a pocket park. This pocket park and wider green infrastructure provision should contribute to creating a southern extension to the publicly accessible Leaway Walk. In addition to the open space provision, development should provide publicly accessible play space, in accordance with Local Plan Policy GWS5, in the form of a Locally Equipped Area for Play, a Neighbourhood Equipped Area of Play and a Local Area for Play, which should be playable public realm.

~~Development should safeguard land for a new bridge connection from the Mayer Parry site to Leven Road.~~

The site requires ~~a new~~ improvements to and the raising of the river wall.

#### **Phasing and implementation**

Short to medium term.

Phasing of the site should take account of the likely requirement for water supply upgrades, through early engagement with Thames Water in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development."

*Site Allocation Map changes:*

*An 'Opportunity for public realm improvement' to be added along the eastern edge of the site (Bidder Street frontage).*

*The bridge and key route associated with it should be removed.*

Change to summary table (page 424):

Existing uses:

Industrial land. ~~Waste management sites identified in the East London Waste Plan Evidence Base 2022 are located within the boundary of the allocation (Mayer Parry, Bidder Street and P M C Soil Solutions Soil Management Facility).~~

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:

To discuss our recommendation with the inspector.

*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 6<sup>th</sup> September 2024**

## **Appendix A**

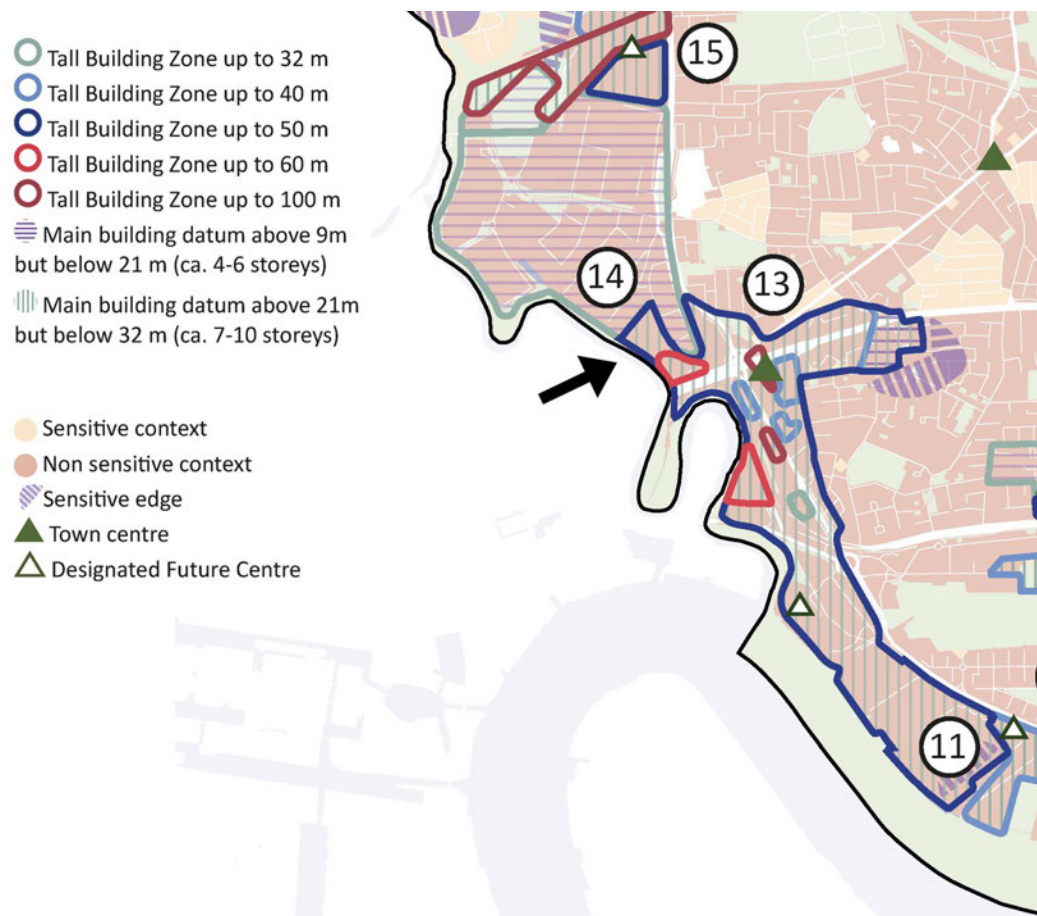
Observations on the Draft Submission Local Plan (Regulation 19) and updated Newham Characterisation Study, Townscape/Height (06.09.24)

Prepared by Citydesigner

## **Bidder Street, Mayer Parry Wharf site**

### **Observations on the Draft Submission Local Plan (Regulation 19) and updated Newham Characterisation Study, Townscape/Height**

- 1.1 The consultancy has reviewed the Draft Submission Local Plan (Regulation 19) policies, published in June 2024, specifically the emerging policy D4 relating to tall buildings, and the Newham Characterisation Study (NCS) by Maccreanor Lavington, New Practice, Avison Young and GHPA, dated June 2024. The below paragraphs relate to townscape matters in relation to this updated draft of the Local Plan and specifically policy D4 and the updated NCS, which form part of the representations submitted to the Council by the applicant.
- 1.2 The NCS is an evidence base report for the draft Local Plan. The methodology at page 141 of the updated Characterisation Study sets out the assessment undertaken to strategically characterise and evaluate, and to establish the capacity for change for each part of the borough. The analysis is based on four elements: (i) the sensitivity to change, reflecting heritage and historic value; (ii) the urban form quality and character, reflecting the quality of the architecture and urban design in the area; (iii) the opportunity for growth, reflecting existing densities and development patterns, identified opportunity or regeneration areas; and (iv) the socio-economic and cultural significance, reflecting elements such as presence of community, economic opportunities, etc. Based on the findings in each case, the document establishes whether each area is to be conserved, enhanced or transformed.
- 1.3 The report identifies neighbourhoods within the borough alongside design principles. The Mayer Parry Wharf site falls within the neighbourhood '4. Canning Town' and is directly to the south of the neighbourhood '6. Manor Road'. The part of the Canning Town neighbourhood that includes the Mayer Perry Wharf site is identified as being of low sensitivity to change and poor quality of urban form and character. It is an area to be 'transformed', meaning to "*substantially increase developments by introducing new buildings types with scope to creating a new street pattern/frontage*" and "*establish new character following a site specific vision*".
- 1.4 This analysis is used as a basis for the allocation of Tall Buildings Zones (TBZs), i.e., areas where heights of buildings can exceed 21m. The NCS states that "*within these areas the location and suitability of isolated tall elements should be assessed on a case by case basis considering their impact on the context and ability to aid legibility of key areas and facilitate wayfinding*". The policies set out in the draft Local Plan reflect the findings of the NCS. The emerging policy D4 relating to 'Tall Buildings' follows the allocation set out in the NCS. This is a sensible approach to the consideration of sites within the area.



**Fig 1:** Extract of map taken from the draft Local Plan (Reg19) showing the tall building zones in close proximity to the development site. The Mayer Parry Wharf site is indicated with a black arrow, within the 50m height range of TBZ13 and directly to the north of the 60m height range area.

- 1.5 The sites around Canning Town Station (part of the Canning Town neighbourhood) are included within the TBZ13: Canning Town (shown with a vertical hatch inside the dark blue outline in the above diagram) with prevailing heights between 21m and 32m, an overall maximum height range of 50m and defined areas where the height can range up to 60m or 100m. The tallest elements are allocated adjacent to Canning Town station with further tall elements stepping down from this central cluster. Parts of the Canning Town neighbourhood north of Newham Way and close to Silvertown Way can support a moderate uplift in density according to the NCS. The emerging policy D4 suggests that development including tall buildings in the TBZ13 zone *"should assess their visual and townscape impact in the context of existing and*

*permitted tall buildings to ensure the cumulative impact does not saturate the skyline*". The NCS also suggests that taller elements within this zone should be positioned carefully and their impact on 'conserve areas', i.e., areas of townscape value, should be carefully assessed.

- 1.6 The 'Manor Road' neighbourhood directly to the north falls within the TBZ14: Manor Road (shown with a horizontal hatch inside the light green outline in the above diagram) is suggested for prevailing heights between 9m and 21m with opportunity to include limited tall building elements up to 32m.
- 1.7 The draft Local Plan's vision for the Canning Town neighbourhood supports an uplift in density in areas where development enhances the character of the neighbourhood and improves the quality and legibility of the urban form. The site allocation N4.SA5 Canning Town Riverside set out in the draft Local Plan includes the Mayer Parry Wharf site to the north and the Crown Wharf site directly to its south. Specific heights are suggested in the draft Local Plan for the site allocation as follows: "*building heights should range between 21-32m with taller buildings up to 50m in the northern part of the site and up to 60m in the southern part of the site*". Development should reinforce the legibility of the street hierarchy through appropriate scale and massing. Consideration of public realm enhancements is required as well as open space provision along the River Lea edge.
- 1.8 Despite the guidance set out in the updated NCS, policy D4 and site allocation N4.SA5, a mixed use scheme by Barratt Homes within TBZ13 has been approved for the Crown Wharf site, directly south of the Mayer Parry Wharf site, with buildings rising up to 100m. The same applies for the site of the Manor Road development, also within TBZ13, east of the Mayer Parry Wharf site, which is currently under construction nearing completion. The height of the tallest element already constructed is approximately 110m, considerably higher than the allocated height of up to 50m. Therefore, the actual appropriate height for the sites adjacent and near the Mayer Parry Wharf site should be considered on a 'case by case' basis set out in the NCS. Policy D4 and the site allocation would need to be updated to reflect the actuality of the current and emerging condition.
- 1.9 As policy D4 states, townscape and skyline analysis is required to demonstrate the added value of new tall elements. The consultancy has reviewed the key criteria set out in the analysis within the NCS and the draft Local Plan and carried out initial testing with the help of VU.CITY and Accurate Visual Representations (AVRs). The consultancy's findings show that a tall building of high quality design on the Mayer Parry Wharf site lower than the adjacent, consented, Crown Wharf scheme and higher than 50m would not harm or adversely affect any of the nearby heritage assets or distant and local townscape views. It would not be visible from or affect the character of the Canning Town Areas of Townscape Value. The Mayer Parry Wharf site sits on the boundary between the TBZ13 Canning Town and TBZ14 Manor Road and can facilitate a transition in height from one TBZ to the other, taking into account the actual heights of surrounding emerging schemes, whilst improving connectivity and legibility in the area.
- 1.10 The cumulative impact of tall buildings has also been taken into account in this initial testing, including consented and emerging cumulative developments in both the London Borough of Newham (LBN) and the



London Borough of Tower Hamlets (LBTH). A tall building of 71m from street level (with flues rising to 77m) on the Mayer Parry Wharf site would be partly or fully obscured by existing development and by other consented or emerging cumulative developments in close distance views from the east and south-east, as well as in distant views from the Leamouth Peninsula, the O2, and conservation areas within LBTH and LBN. When seen cumulatively with other emerging and consented schemes, it would largely affect views from within the Manor Road neighbourhood, which is found in the NCS to be of no sensitivity to change.

- 1.11 The quality of the design embodied in a development on the Mayer Parry Wharf site is important in determining the acceptability of effects on the townscape. The NPPF requires building designs to aspire to beauty and Historic England acknowledges that a high quality design can mitigate harm to the setting of heritage assets. Policy D4 of the draft Local Plan also states that a high quality design is expected for all tall buildings proposed and assessment by Newham's Design Review Panel is required. According to the emerging policy D4, articulations and set-backs are encouraged to emphasise the relationship with the street context. These are welcome expectations for the development of the Mayer Parry Wharf site.
- 1.12 Taking into account the character of the surrounding areas and the settings of relevant heritage assets, impact on townscape views and the urban fabric, and cumulative impacts of tall buildings, the consultancy suggests that policy D4 should be updated to reflect the actual heights currently in place or consented for the sites adjacent or near the Mayer Parry Wharf site, of approximately 100m. The right height for the Mayer Parry Wharf site is not a definitive matter but one of artistic judgement and it can be concluded that a proposed height of 71m from street level (with flues rising to 77m) is not just acceptable, but also desirable when it is considered from all directions to facilitate a transition with the tall building zone to the north. A well-designed development of this height would optimise the development potential of the Mayer Parry Wharf site while protecting the significance of the surrounding townscape and nearby heritage assets.

**Citydesigner**

6<sup>th</sup> September 2024



**Appendix B**

Letter from the Environment Agency to LBN (21.08.24)

Addressing requirements in relation to the maintenance of the river wall at the Mayer Parry Wharf site

Marina Lai  
London Borough of Newham  
Development Control  
Building 1000 Dockside Road  
London  
E16 2QU

**Our ref:** NE/2024/136732/06  
**Your ref:** 24/00088/FUL  
**Date:** 21 August 2024

Dear Marina

**Land At Former EMR Site, Bidder Street, Canning Town, London, E16 4ST.**

**RECONSULTATION - On the basis that the Local Planning Authority has received further/revised information in response to requests issued on the 12th April 2024 and 31st May 2024 pursuant to Regulation 25 (1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (as amended)). The further/revised information is in relation to: - Social-Economics; - Air Quality; - Noise and Vibration; - Wind Microclimate; - Daylight, Sunlight and Overshadowing and Solar Glare; and - Archaeology; In relation to the following application: Erection of a data centre (Use Class B8), comprising a Data Centre Building of approximately 72.3m AOD in height (approximately 60,510sqm GEA including ancillary office space); a Plant Building of approximately 72.3m AOD in height (approximately 30,302sqm GEA), an Energy Centre of approximately 32.4m AOD in height (approximately 4,789sqm GEA), with associated works including landscaping, access, car and cycle parking, and servicing areas. This application is accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).**

Thank you for re-consulting us on the above application, on 29 July 2024. As part of this consultation we have reviewed the following information:

- Letter titled '079191 Curtins Response to EA.pdf' prepared by Curtins, dated 10 June 2024 (ref: 079191 v3).
- Letter titled '24\_00088\_FULAPPLICANT\_S\_RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4).
- Drawing titled 'MAYER PARRY WHARF TYPICAL RIVER WALL SECTION', dated 17 June 2024 (ref: 079198 - CUR - XX - XX - D - C - 92005).
- Drawing titled '3228-MA-SK001 Eco Fenders.pdf' (submitted to us via email on 09/07/2024).
- Document titled '*Preliminary Ecological Appraisal 2021*', prepared by Wardell Armstrong (dated: May 2024, ref: ST18898, report number: 0003 v2).
- Document titled 'BNG Technical Note', prepared by Wardell Armstrong (ref: ST18898, dated May 2024, revision 2).

**Environment Agency Position**

Cont/d..

We have reviewed the submitted plans and consider that they satisfactorily address our earlier concerns.

Subject to the **two conditions** outlined below, we **withdraw our previous objection**, dated 4 July 2024.

We have also included information regarding environmental permit requirements in the advice to applicant/ LPA section of this letter. This advice should be considered fully so that its implications on this development are understood.

Finally, we ask that you include our informative within the decision notice.

### **Condition 1 – Intrusive Survey**

A. The development hereby permitted shall not begin until a detailed intrusive survey and structural assessment of the quay wall, which forms the flood defence on this site and is shown in Figure 1 of the document titled 'Condition Survey Report, dated 7 October 2021 (ref: D1011-BLP-XX-XX-RP-C-00001, revision: P02) has been carried out. The survey shall include buried elements of the quay wall such as tie rods / anchor blocks. All of the above shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The survey and structural assessment shall answer the following:

- 1) Is the residual life of the flood quay wall consistent with the lifetime of the development (75 years)?
- 2) Is the quay wall able to withstand the additional load imposed on it as a result of the development including any associated ground raisings and Thames Estuary 2100 (TE2100) defence raising?
- 3) Is there suitable distance between the proposed development and any buried elements supporting the quay wall?

B. Should the survey and structural assessment demonstrate that items 1, 2 and 3 of Part A above are feasible then the applicant shall submit a design and feasibility assessment for the repair and/or modification of the quay wall plus a maintenance plan and inspection regime which covers what maintenance activities will be undertaken, when they will be undertaken and how they will be funded. The design and feasibility assessment for the repair and/or modification of the quay wall and the maintenance plan and inspection regime shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to the commencement of the Plant Building Phase 1 Site Establishment / Enabling Works or Data Centre Phase 1 Site Establishment / Enabling Works as shown in Table 5.1. of the document titled 'ES VOL 1 - CHAPTER 5 - CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT', prepared by Rpsgroup (ref: JCG25678, dated December 2023). No above ground construction works shall begin on the Plant Building or Data Centre identified in that document until the repair and/or modification works to the quay wall have been completed in accordance with the approved design. There shall be no encroachment into the river channel as a result of the repair and/or modification works. The maintenance plan shall be adhered to as approved throughout the remaining lifespan of the development (75 years).

C. Should the survey and structural assessment demonstrate that items 1, 2 and 3 of Part A are not feasible then the applicant shall submit a detailed design and feasibility assessment for the replacement / part replacement of the quay wall. The detailed design and feasibility assessment shall be based on 'Option B' outlined in the Letter

titled '24\_00088\_FUL APPLICANT\_S RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4) and shall include:-

- Detailed intertidal terrace design plans which include cross sectional drawing(s) of the terrace showing a sloped gradient between Mean High Water Neap and Mean High Water Spring tide levels; and
- Substrate and planting designs.

The detailed design and feasibility assessment for the replacement / part replacement of the existing quay wall shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to the commencement of Plant Building Phase 1 Site Establishment / Enabling Works or Data Centre Phase 1 Site Establishment / Enabling Works as seen in Table 5.1. of the document titled 'ES VOL 1 - CHAPTER 5 - CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT', prepared by Rpsgroup (ref: JCG25678, dated December 2023). No above ground construction works shall begin on the Plant Building or Data Centre identified in that document until the replacement / part replacement of the existing quay wall has been completed.

### **Reasons for Condition 1**

In order to ensure the site benefits from flood protection for the full life of the development (60 years) and to account for the possibility of the quay wall requiring replacement as a result of the required intrusive survey.

This condition is required so that the development remains safe from flooding for its lifetime in line with Paragraph 165 of the NPPF. This condition will also help ensure that the structural integrity of the flood defences is protected in line with Policy SI 12 of the [London Plan](#).

This condition will also help enhance biodiversity in line with Paragraph 185 of the NPPF, Policy SI 17 of the [London Plan](#) and Policy GWS2 of Newham's emerging [Local Plan](#).

### **Condition 2- Landscape, lighting and ecological management plan**

No above ground construction works comprised in the development shall be begun until a landscape, lighting and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to, and approved in writing by, the local planning authority. The plan shall include the following elements:

- details of maintenance regimes;
- details of any new habitat created on-site including habitat to enhance the river wall;
- details of treatment of site boundaries and/or buffers around water bodies;
- details of management responsibilities;
- details of Lighting and mitigation for light overspill into the watercourse;
- details of the river metric and enhancements to the river wall, not withstanding set- back); and
- timescales within which the above activities shall be carried out.

The approved landscape, lighting and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

### **Reason for Condition 2**

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policies 180 and 186 and Policy GWS2 of your emerging Local Plan.

The ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. Without a landscape management plan, the proposal's ecological impact may prevent a water body quality element from attaining good status or potential/prevent the recovery of a protected area/cause the deterioration of a protected area.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

**Informative:**

Please include the below informatives for any permission granted.

**Environmental permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

**Advice to LPA:**

**Flood Risk**

The site is located within Flood Zone 3 and is protected to a very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event.

However our latest flood modelling shows the site would be at risk if there was to be a breach in the defences or they were to be overtopped.

We are happy that the developer has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data.

Additionally, all finished floor levels are to be above the modelled 2100 tidal breach flood heights found on the site, as to improve flood resilience.

Further mitigations have been proposed with respect to the Thames Tidal Defence wall bordering the site which will be raised to the 2100 level as per the TE2100 Plan (raised to 6.20m AOD) to further help mitigate against tidal flood risk.

## **Sequential Test**

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 168), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
  - the proposed development is consistent with the use for which the site was allocated; and
  - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably

available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

### **Contaminated Land**

This development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use. We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 180 of the National Planning Policy Framework.

### **The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites**

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.



Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

### **Advice to Applicant/ LPA:**

#### **Environmental Permitting Regulations Advice**

This development will require a bespoke installation permit under Section 1.1 Part A of the Environmental Permitting Regulations (England and Wales) 2016 for the diesel generator genset plant only, which is indicated as totalling 48 engines; likely being medium combustion plant (MCP) individually i.e. >1MWth, and >50MWth in aggregation.

An Environment Agency installation permit is required to assess and enable engine commissioning (first fuel firing on-site) and then ongoing engine testing, maintenance and use in an emergency of grid-power outage. In the event of a prolonged power outage (planned or otherwise) short term emissions could be high, especially where several co-located data centres or standby engines generally are affected by the same outage.

We do not currently have enough information to know if the proposal can meet our requirements to prevent, minimise and control pollution in order to be granted an (Environmental Permit Regulations) EPR permit.

The following issues for the development will need be considered as part of the permitting process:

- Site is located in an urbanised setting and Air Quality Management Area. Emissions of NO<sub>x</sub>, SO<sub>2</sub> and particulates will need to be controlled to reduce the risk of exceeding air quality standards.
- Best Available Techniques (BAT) for selection of standby engines, fuel storage for groundwater protection.

In order to assess the risks identified above, the following information will be required:

- Dispersion modelling of emissions and impacts. (separately the annual planned engine uses i.e. testing & maintenance regime, and independently the prolonged outage worst case scenario of 72hours)
- BAT to minimise releases (emissions optimised plant and reduced test hours) and control engine emission peaks during power outage/emergency events.

To reduce the risks to people and the environment, and to obtain a permit,

- The design and/or layout of the buildings may need to change to accommodate an appropriate vertical stack(s) for the major emission point(s).
- The design and choice of engine plant may need to include abatement technology to reduce the impact of the development over and above the EA's Best Available Techniques (BAT) requirements for 'emissions optimised plant' (being roughly 750mg/m<sup>3</sup> of NO<sub>x</sub> at 15% O<sub>2</sub> reference, at representative load) usually for short term spikes of emissions. This could include, but is not limited to, selective catalytic reduction (SCR) – this can be particularly the case with sensitive human receptors located very close or in built-up areas with poor dispersion characteristics.
- Agreeing an emission monitoring programme for the installed combustion plant compatible with the requirements of limited hours MCP (<50hours testing per engine per year) and installation permit. *As a note: Standby plant emissions*



*might be controlled through S106 planning agreement conditions (e.g. Air Quality Contribution and emission caps based on DEFRA AQ annual damage costs), but care must be taken to ensure there isn't an overlap with the EA permit regulatory regime nor an associated disproportionate engine emission monitoring burden (i.e. MCERTs).*

- Agreeing an Air Quality Manage Plan (AQMP) with the EA and Local Authority to manage and monitor air quality risks during site standby maintenance, testing and outage operations.

We will not be able to determine an application for a permit until this information has been provided. **We therefore recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity.** Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

The EPR permit is also likely to control the following fuel storage and noise.

Further guidance can be found at <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>

For the operator pre-application advice at [Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](#)

#### **Advice to applicant:**

##### **Further information on lifetime of development**

We note that the applicant indicated that the lifetime of the proposed development is 60 years in their Letter titled '24\_00088\_FULAPPLICANT\_S\_RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4). However [Flood risk and coastal change](#) states that 'the lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment'. We have therefore used 75 years in the condition we have recommended. The applicant would need to make a case if they believe the lifetime of this development is less than 75 years.

##### **Water Resources**

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

##### Commercial/Industrial developments

We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the [BREEAM 'excellent' standard](#) for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

### **Pre Application Advice**

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk).

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

### **Final comments**

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely,

  
**Sustainable Places Planning Advisor**

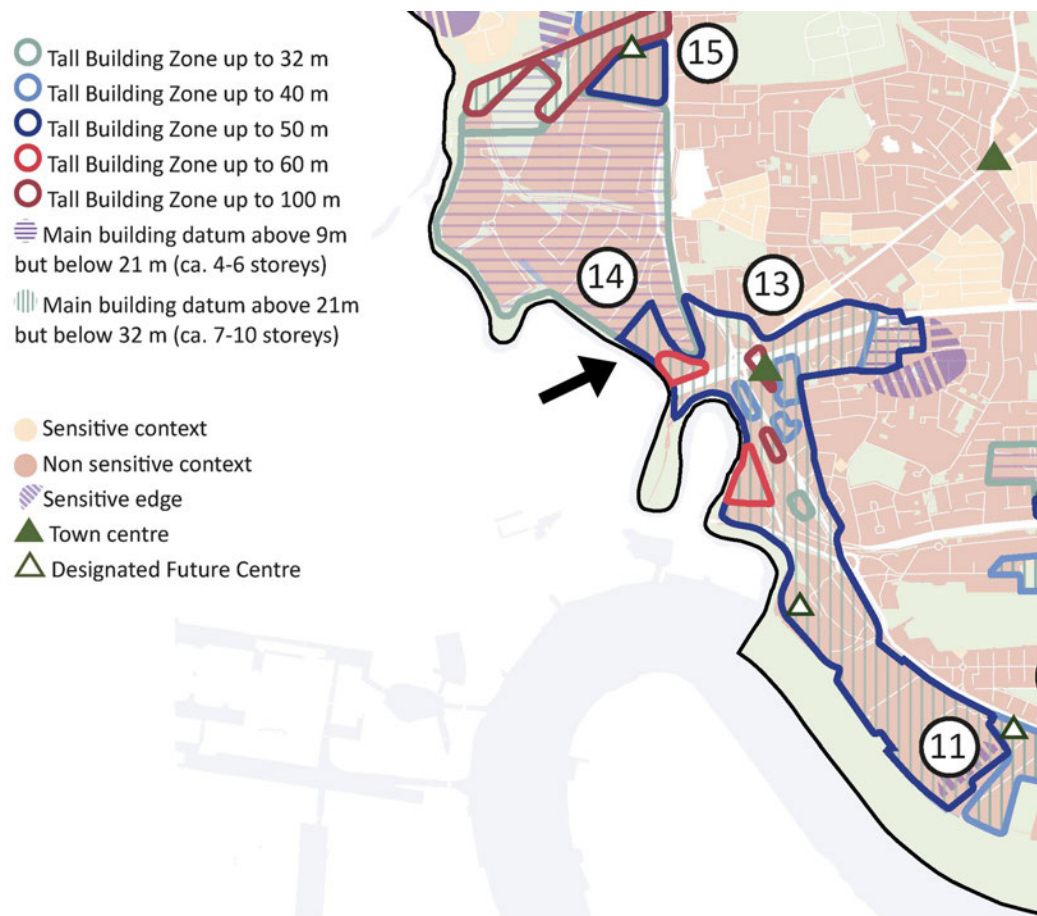
Email:   
Telephone: 



## **Bidder Street, Mayer Parry Wharf site**

### **Observations on the Draft Submission Local Plan (Regulation 19) and updated Newham Characterisation Study, Townscape/Height**

- 1.1 The consultancy has reviewed the Draft Submission Local Plan (Regulation 19) policies, published in June 2024, specifically the emerging policy D4 relating to tall buildings, and the Newham Characterisation Study (NCS) by Maccreanor Lavington, New Practice, Avison Young and GHPA, dated June 2024. The below paragraphs relate to townscape matters in relation to this updated draft of the Local Plan and specifically policy D4 and the updated NCS, which form part of the representations submitted to the Council by the applicant.
- 1.2 The NCS is an evidence base report for the draft Local Plan. The methodology at page 141 of the updated Characterisation Study sets out the assessment undertaken to strategically characterise and evaluate, and to establish the capacity for change for each part of the borough. The analysis is based on four elements: (i) the sensitivity to change, reflecting heritage and historic value; (ii) the urban form quality and character, reflecting the quality of the architecture and urban design in the area; (iii) the opportunity for growth, reflecting existing densities and development patterns, identified opportunity or regeneration areas; and (iv) the socio-economic and cultural significance, reflecting elements such as presence of community, economic opportunities, etc. Based on the findings in each case, the document establishes whether each area is to be conserved, enhanced or transformed.
- 1.3 The report identifies neighbourhoods within the borough alongside design principles. The Mayer Parry Wharf site falls within the neighbourhood '4. Canning Town' and is directly to the south of the neighbourhood '6. Manor Road'. The part of the Canning Town neighbourhood that includes the Mayer Perry Wharf site is identified as being of low sensitivity to change and poor quality of urban form and character. It is an area to be 'transformed', meaning to "*substantially increase developments by introducing new buildings types with scope to creating a new street pattern/frontage*" and "*establish new character following a site specific vision*".
- 1.4 This analysis is used as a basis for the allocation of Tall Buildings Zones (TBZs), i.e., areas where heights of buildings can exceed 21m. The NCS states that "*within these areas the location and suitability of isolated tall elements should be assessed on a case by case basis considering their impact on the context and ability to aid legibility of key areas and facilitate wayfinding*". The policies set out in the draft Local Plan reflect the findings of the NCS. The emerging policy D4 relating to 'Tall Buildings' follows the allocation set out in the NCS. This is a sensible approach to the consideration of sites within the area.



**Fig 1:** Extract of map taken from the draft Local Plan (Reg19) showing the tall building zones in close proximity to the development site. The Mayer Parry Wharf site is indicated with a black arrow, within the 50m height range of TBZ13 and directly to the north of the 60m height range area.

- 1.5 The sites around Canning Town Station (part of the Canning Town neighbourhood) are included within the TBZ13: Canning Town (shown with a vertical hatch inside the dark blue outline in the above diagram) with prevailing heights between 21m and 32m, an overall maximum height range of 50m and defined areas where the height can range up to 60m or 100m. The tallest elements are allocated adjacent to Canning Town station with further tall elements stepping down from this central cluster. Parts of the Canning Town neighbourhood north of Newham Way and close to Silvertown Way can support a moderate uplift in density according to the NCS. The emerging policy D4 suggests that development including tall buildings in the TBZ13 zone *"should assess their visual and townscape impact in the context of existing and*

*permitted tall buildings to ensure the cumulative impact does not saturate the skyline*". The NCS also suggests that taller elements within this zone should be positioned carefully and their impact on 'conserve areas', i.e., areas of townscape value, should be carefully assessed.

- 1.6 The 'Manor Road' neighbourhood directly to the north falls within the TBZ14: Manor Road (shown with a horizontal hatch inside the light green outline in the above diagram) is suggested for prevailing heights between 9m and 21m with opportunity to include limited tall building elements up to 32m.
- 1.7 The draft Local Plan's vision for the Canning Town neighbourhood supports an uplift in density in areas where development enhances the character of the neighbourhood and improves the quality and legibility of the urban form. The site allocation N4.SA5 Canning Town Riverside set out in the draft Local Plan includes the Mayer Parry Wharf site to the north and the Crown Wharf site directly to its south. Specific heights are suggested in the draft Local Plan for the site allocation as follows: "*building heights should range between 21-32m with taller buildings up to 50m in the northern part of the site and up to 60m in the southern part of the site*". Development should reinforce the legibility of the street hierarchy through appropriate scale and massing. Consideration of public realm enhancements is required as well as open space provision along the River Lea edge.
- 1.8 Despite the guidance set out in the updated NCS, policy D4 and site allocation N4.SA5, a mixed use scheme by Barratt Homes within TBZ13 has been approved for the Crown Wharf site, directly south of the Mayer Parry Wharf site, with buildings rising up to 100m. The same applies for the site of the Manor Road development, also within TBZ13, east of the Mayer Parry Wharf site, which is currently under construction nearing completion. The height of the tallest element already constructed is approximately 110m, considerably higher than the allocated height of up to 50m. Therefore, the actual appropriate height for the sites adjacent and near the Mayer Parry Wharf site should be considered on a 'case by case' basis set out in the NCS. Policy D4 and the site allocation would need to be updated to reflect the actuality of the current and emerging condition.
- 1.9 As policy D4 states, townscape and skyline analysis is required to demonstrate the added value of new tall elements. The consultancy has reviewed the key criteria set out in the analysis within the NCS and the draft Local Plan and carried out initial testing with the help of VU.CITY and Accurate Visual Representations (AVRs). The consultancy's findings show that a tall building of high quality design on the Mayer Parry Wharf site lower than the adjacent, consented, Crown Wharf scheme and higher than 50m would not harm or adversely affect any of the nearby heritage assets or distant and local townscape views. It would not be visible from or affect the character of the Canning Town Areas of Townscape Value. The Mayer Parry Wharf site sits on the boundary between the TBZ13 Canning Town and TBZ14 Manor Road and can facilitate a transition in height from one TBZ to the other, taking into account the actual heights of surrounding emerging schemes, whilst improving connectivity and legibility in the area.
- 1.10 The cumulative impact of tall buildings has also been taken into account in this initial testing, including consented and emerging cumulative developments in both the London Borough of Newham (LBN) and the



London Borough of Tower Hamlets (LBTH). A tall building of 71m from street level (with flues rising to 77m) on the Mayer Parry Wharf site would be partly or fully obscured by existing development and by other consented or emerging cumulative developments in close distance views from the east and south-east, as well as in distant views from the Leamouth Peninsula, the O2, and conservation areas within LBTH and LBN. When seen cumulatively with other emerging and consented schemes, it would largely affect views from within the Manor Road neighbourhood, which is found in the NCS to be of no sensitivity to change.

- 1.11 The quality of the design embodied in a development on the Mayer Parry Wharf site is important in determining the acceptability of effects on the townscape. The NPPF requires building designs to aspire to beauty and Historic England acknowledges that a high quality design can mitigate harm to the setting of heritage assets. Policy D4 of the draft Local Plan also states that a high quality design is expected for all tall buildings proposed and assessment by Newham's Design Review Panel is required. According to the emerging policy D4, articulations and set-backs are encouraged to emphasise the relationship with the street context. These are welcome expectations for the development of the Mayer Parry Wharf site.
- 1.12 Taking into account the character of the surrounding areas and the settings of relevant heritage assets, impact on townscape views and the urban fabric, and cumulative impacts of tall buildings, the consultancy suggests that policy D4 should be updated to reflect the actual heights currently in place or consented for the sites adjacent or near the Mayer Parry Wharf site, of approximately 100m. The right height for the Mayer Parry Wharf site is not a definitive matter but one of artistic judgement and it can be concluded that a proposed height of 71m from street level (with flues rising to 77m) is not just acceptable, but also desirable when it is considered from all directions to facilitate a transition with the tall building zone to the north. A well-designed development of this height would optimise the development potential of the Mayer Parry Wharf site while protecting the significance of the surrounding townscape and nearby heritage assets.

**Citydesigner**

6<sup>th</sup> September 2024

Marina Lai  
London Borough of Newham  
Development Control  
Building 1000 Dockside Road  
London  
E16 2QU

**Our ref:** NE/2024/136732/06  
**Your ref:** 24/00088/FUL  
**Date:** 21 August 2024

Dear Marina

**Land At Former EMR Site, Bidder Street, Canning Town, London, E16 4ST.**

**RECONSULTATION - On the basis that the Local Planning Authority has received further/revised information in response to requests issued on the 12th April 2024 and 31st May 2024 pursuant to Regulation 25 (1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (as amended)). The further/revised information is in relation to: - Social-Economics; - Air Quality; - Noise and Vibration; - Wind Microclimate; - Daylight, Sunlight and Overshadowing and Solar Glare; and - Archaeology; In relation to the following application: Erection of a data centre (Use Class B8), comprising a Data Centre Building of approximately 72.3m AOD in height (approximately 60,510sqm GEA including ancillary office space); a Plant Building of approximately 72.3m AOD in height (approximately 30,302sqm GEA), an Energy Centre of approximately 32.4m AOD in height (approximately 4,789sqm GEA), with associated works including landscaping, access, car and cycle parking, and servicing areas. This application is accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).**

Thank you for re-consulting us on the above application, on 29 July 2024. As part of this consultation we have reviewed the following information:

- Letter titled '079191 Curtins Response to EA.pdf' prepared by Curtins, dated 10 June 2024 (ref: 079191 v3).
- Letter titled '24\_00088\_FULAPPLICANT\_S\_RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4).
- Drawing titled 'MAYER PARRY WHARF TYPICAL RIVER WALL SECTION', dated 17 June 2024 (ref: 079198 - CUR - XX - XX - D - C - 92005).
- Drawing titled '3228-MA-SK001 Eco Fenders.pdf' (submitted to us via email on 09/07/2024).
- Document titled '*Preliminary Ecological Appraisal 2021*', prepared by Wardell Armstrong (dated: May 2024, ref: ST18898, report number: 0003 v2).
- Document titled 'BNG Technical Note', prepared by Wardell Armstrong (ref: ST18898, dated May 2024, revision 2).

**Environment Agency Position**

Cont/d..

We have reviewed the submitted plans and consider that they satisfactorily address our earlier concerns.

Subject to the **two conditions** outlined below, we **withdraw our previous objection**, dated 4 July 2024.

We have also included information regarding environmental permit requirements in the advice to applicant/ LPA section of this letter. This advice should be considered fully so that its implications on this development are understood.

Finally, we ask that you include our informative within the decision notice.

### **Condition 1 – Intrusive Survey**

A. The development hereby permitted shall not begin until a detailed intrusive survey and structural assessment of the quay wall, which forms the flood defence on this site and is shown in Figure 1 of the document titled 'Condition Survey Report, dated 7 October 2021 (ref: D1011-BLP-XX-XX-RP-C-00001, revision: P02) has been carried out. The survey shall include buried elements of the quay wall such as tie rods / anchor blocks. All of the above shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The survey and structural assessment shall answer the following:

- 1) Is the residual life of the flood quay wall consistent with the lifetime of the development (75 years)?
- 2) Is the quay wall able to withstand the additional load imposed on it as a result of the development including any associated ground raisings and Thames Estuary 2100 (TE2100) defence raising?
- 3) Is there suitable distance between the proposed development and any buried elements supporting the quay wall?

B. Should the survey and structural assessment demonstrate that items 1, 2 and 3 of Part A above are feasible then the applicant shall submit a design and feasibility assessment for the repair and/or modification of the quay wall plus a maintenance plan and inspection regime which covers what maintenance activities will be undertaken, when they will be undertaken and how they will be funded. The design and feasibility assessment for the repair and/or modification of the quay wall and the maintenance plan and inspection regime shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to the commencement of the Plant Building Phase 1 Site Establishment / Enabling Works or Data Centre Phase 1 Site Establishment / Enabling Works as shown in Table 5.1. of the document titled 'ES VOL 1 - CHAPTER 5 - CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT', prepared by Rpsgroup (ref: JCG25678, dated December 2023). No above ground construction works shall begin on the Plant Building or Data Centre identified in that document until the repair and/or modification works to the quay wall have been completed in accordance with the approved design. There shall be no encroachment into the river channel as a result of the repair and/or modification works. The maintenance plan shall be adhered to as approved throughout the remaining lifespan of the development (75 years).

C. Should the survey and structural assessment demonstrate that items 1, 2 and 3 of Part A are not feasible then the applicant shall submit a detailed design and feasibility assessment for the replacement / part replacement of the quay wall. The detailed design and feasibility assessment shall be based on 'Option B' outlined in the Letter



titled '24\_00088\_FUL APPLICANT\_S RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4) and shall include:-

- Detailed intertidal terrace design plans which include cross sectional drawing(s) of the terrace showing a sloped gradient between Mean High Water Neap and Mean High Water Spring tide levels; and
- Substrate and planting designs.

The detailed design and feasibility assessment for the replacement / part replacement of the existing quay wall shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to the commencement of Plant Building Phase 1 Site Establishment / Enabling Works or Data Centre Phase 1 Site Establishment / Enabling Works as seen in Table 5.1. of the document titled 'ES VOL 1 - CHAPTER 5 - CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT', prepared by Rpsgroup (ref: JCG25678, dated December 2023). No above ground construction works shall begin on the Plant Building or Data Centre identified in that document until the replacement / part replacement of the existing quay wall has been completed.

### **Reasons for Condition 1**

In order to ensure the site benefits from flood protection for the full life of the development (60 years) and to account for the possibility of the quay wall requiring replacement as a result of the required intrusive survey.

This condition is required so that the development remains safe from flooding for its lifetime in line with Paragraph 165 of the NPPF. This condition will also help ensure that the structural integrity of the flood defences is protected in line with Policy SI 12 of the [London Plan](#).

This condition will also help enhance biodiversity in line with Paragraph 185 of the NPPF, Policy SI 17 of the [London Plan](#) and Policy GWS2 of Newham's emerging [Local Plan](#).

### **Condition 2- Landscape, lighting and ecological management plan**

No above ground construction works comprised in the development shall be begun until a landscape, lighting and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to, and approved in writing by, the local planning authority. The plan shall include the following elements:

- details of maintenance regimes;
- details of any new habitat created on-site including habitat to enhance the river wall;
- details of treatment of site boundaries and/or buffers around water bodies;
- details of management responsibilities;
- details of Lighting and mitigation for light overspill into the watercourse;
- details of the river metric and enhancements to the river wall, not withstanding set- back); and
- timescales within which the above activities shall be carried out.

The approved landscape, lighting and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

### **Reason for Condition 2**

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policies 180 and 186 and Policy GWS2 of your emerging Local Plan.

The ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. Without a landscape management plan, the proposal's ecological impact may prevent a water body quality element from attaining good status or potential/prevent the recovery of a protected area/cause the deterioration of a protected area.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

**Informative:**

Please include the below informatives for any permission granted.

**Environmental permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

**Advice to LPA:**

**Flood Risk**

The site is located within Flood Zone 3 and is protected to a very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event.

However our latest flood modelling shows the site would be at risk if there was to be a breach in the defences or they were to be overtopped.

We are happy that the developer has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data.

Additionally, all finished floor levels are to be above the modelled 2100 tidal breach flood heights found on the site, as to improve flood resilience.

Further mitigations have been proposed with respect to the Thames Tidal Defence wall bordering the site which will be raised to the 2100 level as per the TE2100 Plan (raised to 6.20m AOD) to further help mitigate against tidal flood risk.

## **Sequential Test**

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 168), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
  - the proposed development is consistent with the use for which the site was allocated; and
  - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably

available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

### **Contaminated Land**

This development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use. We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 180 of the National Planning Policy Framework.

### **The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites**

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO<sub>x</sub>), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

### **Advice to Applicant/ LPA:**

#### **Environmental Permitting Regulations Advice**

This development will require a bespoke installation permit under Section 1.1 Part A of the Environmental Permitting Regulations (England and Wales) 2016 for the diesel generator genset plant only, which is indicated as totalling 48 engines; likely being medium combustion plant (MCP) individually i.e. >1MWth, and >50MWth in aggregation.

An Environment Agency installation permit is required to assess and enable engine commissioning (first fuel firing on-site) and then ongoing engine testing, maintenance and use in an emergency of grid-power outage. In the event of a prolonged power outage (planned or otherwise) short term emissions could be high, especially where several co-located data centres or standby engines generally are affected by the same outage.

We do not currently have enough information to know if the proposal can meet our requirements to prevent, minimise and control pollution in order to be granted an (Environmental Permit Regulations) EPR permit.

The following issues for the development will need be considered as part of the permitting process:

- Site is located in an urbanised setting and Air Quality Management Area. Emissions of NO<sub>x</sub>, SO<sub>2</sub> and particulates will need to be controlled to reduce the risk of exceeding air quality standards.
- Best Available Techniques (BAT) for selection of standby engines, fuel storage for groundwater protection.

In order to assess the risks identified above, the following information will be required:

- Dispersion modelling of emissions and impacts. (separately the annual planned engine uses i.e. testing & maintenance regime, and independently the prolonged outage worst case scenario of 72hours)
- BAT to minimise releases (emissions optimised plant and reduced test hours) and control engine emission peaks during power outage/emergency events.

To reduce the risks to people and the environment, and to obtain a permit,

- The design and/or layout of the buildings may need to change to accommodate an appropriate vertical stack(s) for the major emission point(s).
- The design and choice of engine plant may need to include abatement technology to reduce the impact of the development over and above the EA's Best Available Techniques (BAT) requirements for 'emissions optimised plant' (being roughly 750mg/m<sup>3</sup> of NO<sub>x</sub> at 15% O<sub>2</sub> reference, at representative load) usually for short term spikes of emissions. This could include, but is not limited to, selective catalytic reduction (SCR) – this can be particularly the case with sensitive human receptors located very close or in built-up areas with poor dispersion characteristics.
- Agreeing an emission monitoring programme for the installed combustion plant compatible with the requirements of limited hours MCP (<50hours testing per engine per year) and installation permit. *As a note: Standby plant emissions*

*might be controlled through S106 planning agreement conditions (e.g. Air Quality Contribution and emission caps based on DEFRA AQ annual damage costs), but care must be taken to ensure there isn't an overlap with the EA permit regulatory regime nor an associated disproportionate engine emission monitoring burden (i.e. MCERTs).*

- Agreeing an Air Quality Manage Plan (AQMP) with the EA and Local Authority to manage and monitor air quality risks during site standby maintenance, testing and outage operations.

We will not be able to determine an application for a permit until this information has been provided. **We therefore recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity.** Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

The EPR permit is also likely to control the following fuel storage and noise.

Further guidance can be found at <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>

For the operator pre-application advice at [Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](#)

#### **Advice to applicant:**

#### **Further information on lifetime of development**

We note that the applicant indicated that the lifetime of the proposed development is 60 years in their Letter titled '24\_00088\_FULAPPLICANT\_S\_RESPONSES\_TO\_EA\_COMMENTS-3652401', dated 24 July 2024 (ref: 079191 v4). However [Flood risk and coastal change](#) states that 'the lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment'. We have therefore used 75 years in the condition we have recommended. The applicant would need to make a case if they believe the lifetime of this development is less than 75 years.

#### **Water Resources**

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

#### Commercial/Industrial developments



We recommend that all new non-residential developments of 1000sqm gross floor area or more (i.e. 'major' developments) should achieve the [BREEAM 'excellent' standard](#) for water consumption (category 'WAT 01'), or equivalent. This standard may already be a requirement of the local planning authority.

We also recommend you contact your local planning authority for more information.

### **Pre Application Advice**

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk).

Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

### **Final comments**

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely,

  
**Sustainable Places Planning Advisor**

Email:   
Telephone: 