

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-033	Thames Water		Reg19-E-033/018	Climate Emergency	CE1 Environmental design and delivery						Blank	No						Blank	As previously set out in relation to the Reg18 consultation, Policy CE1 Part 5 in relation to water efficiency is supported in principle		Support noted.

Reg19-E-033	Thames Water		Reg19-E-033/019	Climate Emergency	CE1 Environmental design and delivery							Blank	No					Blank	<p>As previously set out in relation to the Reg18 consultation, Policy CE1 Part 5 [in relation to water efficiency is supported in principle but] needs to be strengthened to ensure the targets are met in line with current Building Regulations.</p> <p>The Environment Agency has designated the Thames Water region to be an area of “serious water stress” which reflects the extent to which available water resources are used. Future pressures on water resources will continue to increase and key factors are population growth and climate change. On average our customers each use 30% more water than they did 30 years ago. Therefore water efficiency measures employed in new development are an important tool to help us sustain water supplies for the long term.</p> <p>Water conservation and climate change is a vitally important issue to the water industry. Not only is it expected to have an impact on the availability of raw water for treatment but also the demand from customers for potable (drinking) water. Therefore, Thames Water support the mains water consumption target of 110 litres per head per day (105 litres per head per day plus an allowance of 5 litres per head per day for gardens) as set out in the NPPG (Paragraph: 014 Reference ID: 56-014-20150327) and support the inclusion of this requirement in Policy.</p> <p>Thames Water promote water efficiency and have a number of water efficiency campaigns which aim to encourage their customers to save water at local levels. Further details are available on our website via the following link: <a href="https://www.thameswater.co.uk/Be-water-smart">https://www.thameswater.co.uk/Be-water-smart</a></p> <p>It is our understanding that the water efficiency standards of 110 litres per person per day is only applied through the building regulations where there is a planning condition requiring this standard (as set out at paragraph 2.8 of Part G2 of the Building Regulations). As the Thames Water area is defined as water stressed it is considered that such a condition should be attached as standard to all planning approvals for new residential development in order to help ensure that the standard is effectively delivered through the building regulations.</p> <p>Within Part G of Building Regulations, the 110 litres/person/day level can be achieved through either the ‘Calculation Method’ or the ‘Fittings Approach’ (Table 2.2). The Fittings Approach provides clear flow-rate and volume performance metrics for each water using device / fitting in new dwellings. Thames Water considers the Fittings Approach, as outlined in Table 2.2 of Part G, increases the confidence that water efficient devices will be installed in the new dwelling. Insight from our smart water metering programme shows that household built to the 110 litres/person/day level using the Calculation Method, did not achieve the intended water performance levels.</p>	<p>We therefore consider that text in line with the following should be included in the Local Plan:</p> <p><b>“Development must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption) using the ‘Fittings Approach’ in Table 2.2 of Part G of Building Regulations. Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met.”</b></p>	<p>A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council’s response has not changed.</p> <p>We did not consider this change to be appropriate as we will not be using BREEAM as a policy criteria, and the policy maintains water efficiency standards (105 litres per head per day requirement) as per the 2018 Local Plan and representations from Thames Water.</p> <p>The Council is satisfied that the plan is sound without the proposed changes.</p>
-------------	--------------	--	-----------------	-------------------	---------------------------------------	--	--	--	--	--	--	-------	----	--	--	--	--	-------	--	--	--

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/108	Climate Emergency	CE1 Environmental design and delivery														No comment.		Comment noted.
Reg19-E-191	University College London	Deloitte	Reg19-E-191/010	Climate Emergency	CE1 Environmental design and delivery														UCL support the aims of Draft Policies CE1, CE2, CE3, CE4, and CE6 to achieve high environmental standards in new developments, and has incorporated reduced consumption and minimised impacts into the UCL East development through the design, construction, and operational stages. Consequently, UCL has had confirmation from BRE that both of the Phase 1 buildings have achieved BREEAM Excellent. <span style="color: red;">[This has been repeated for other policies listed]</span>		Support noted.
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/062	Climate Emergency	CE1 Environmental design and delivery														TSP agrees that development should address the climate emergency through design, construction and lifespan of the buildings it proposes to erect.		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/044	Climate Emergency	CE1 Environmental design and delivery			CE1.3											CE1: Environmental design and delivery In our Reg 18 response we said that ‘We argue that there is a clear need for groundwater protection, and not just the remediation of land. We strongly advise that consideration is given to whether a separate policy is needed for contaminated land and groundwater protection’. We note that Point 3 has been changed from ‘Development should remediate contaminated land’ to ‘Development should remediate contaminated land and address groundwater pollution’. We can also see that additional guidance has been added to the implementation section which states that ‘The protection of controlled waters – such as regulated groundwater and surface water – fall under the remit of the Environment Agency. Proposals on sites situated in a vulnerable groundwater area within Source Protection Zones (SPZs) or on an aquifer must protect the underlying groundwater. This is especially important where the previous land use at the site suggests the potential presence of contamination, or if the proposed land use is potentially contaminative.’		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/045	Climate Emergency	CE1 Environmental design and delivery			CE1.3											In our Reg 18 response we said that ‘It should be clarified here that the risks associated with contaminated land extend beyond environmental health and include the protection of controlled waters which falls under the Environment Agency’s remit’. We are pleased to see that the council has updated the implementation section for CE1.3 and it now states ‘The protection of controlled waters – such as regulated groundwater and surface water – fall under the remit of the Environment Agency’.		Support noted.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-238	Environment Agency		Reg19-E-238/046	Climate Emergency	CE1 Environmental design and delivery			CE1.3											In our Reg 18 response we also said that ‘there is currently no mention of Source Protection Zones (SPZs) or aquifers in the Local Plan, and this must be addressed’. We are pleased to see that the council has updated the implementation section for CE1.3 and it now states ‘Proposals on sites situated in a vulnerable groundwater area within Source Protection Zones (SPZs) or on an aquifer must protect the underlying groundwater. This is especially important where the previous land use at the site suggests the potential presence of contamination, or if the proposed land use is potentially contaminative’		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/047	Climate Emergency	CE1 Environmental design and delivery			CE1.3											In our Reg 18 response we also said that ‘For sites where piled foundation works are proposed in a Source Protection Zone, a Foundation Works Risk Assessment (FWRA) will be required to ensure that the risks to groundwater are minimised’. We are pleased to see that the council has updated the implementation section for CE1.3 and it now states ‘For sites where piled foundations are proposed in a SPZ, a Foundation Works Risk Assessment (FWRA) will be required to ensure that the risks to groundwater are minimised’		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/048	Climate Emergency	CE1 Environmental design and delivery			CE1.3											In our Reg 18 response we also said that ‘It should be noted that site investigations and subsequent remediation should be undertaken by a competent person, in line with NPPF paragraph 183. A ‘competent person’ is defined in the NPPF as ‘A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution and land instability, and membership of a relevant professional organisation’. We are pleased to see that the council has updated the implementation section for CE1.3 and it now state ‘A desk study and site investigation verification report by a competent person will be required in order to provide confirmation that work has been undertaken in line with best practice’.		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/049	Climate Emergency	CE1 Environmental design and delivery														Finally we are pleased to see that a reference has been made to The Environment Agency’s Approach to Groundwater Protection as we requested in our Reg 18 response.		Support noted.
Reg19-E-238	Environment Agency		Reg19-E-238/050	Climate Emergency	CE1 Environmental design and delivery														We also note that the implementation section is now referencing the London Borough of Newham: Contaminated Land Strategy (2023) instead of the 2003 Contaminated Land Strategy however this document doesn’t appear be hyperlinked.		Throughout the Plan, the evidence base documents are not hyperlinked, and therefore no change will be made.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-244	One Newham		Reg19-E-244/051	Climate Emergency	CE1 Environmental design and delivery														Climate emergency Just Transition and the Climate Emergency Policy CE1: Environmental design and delivery [and Policy CE3: Embodied carbon and the circular economy] Great this is in place - needs more promotion		Support noted.
Reg19-E-016	Kika Everington		Reg19-E-016/001	Climate Emergency	CE2 Zero Carbon development				3.249		No	No						Blank	<p>This paragraph has been inserted into the local plan since the version shown in the Regulation 18 guidance. It is under ‘justification’, but it is making assertions for which there is no evidence. It also states methods that the plan can be implemented, so should really be under ‘implementation text’. This differentiation is important, because by putting it in anew under justification, it could be an unlawful way of avoiding comments under Regulation 19 guidance</p> <p>I contest the line: ‘Low carbon heat can be produced with electricity or using waste heat sources.’ (my emphasis). This was not in the Regulation 18 draft guidance and has been inserted into the plan with no evidence. There is nothing at all to back up this assertion in the evidence base.</p> <p>Rather, it is highly contested and controversial, and to attempt to slip this in now without any consultation about this assertion, or any evidence to back it up, I imagine is unlawful and certainly not sound. The term ‘waste heat sources’ is not defined anywhere in the plan or mentioned at all in the evidence base.</p> <p>For further comments on how this is not legally compliant or sound, please see my representation on Implementation text CE2.2.</p>	<p>The lines that have been added to the draft plan should be removed and the original text should be restored. The phrase ‘or using waste heat sources’ should be removed for the reasons that I have explained [and the line ‘The use of electricity for heating also benefits air quality, as there are no local emissions’ should also be removed, for the reasons that I have explained].</p> <p>The paragraph should revert to the original as follows:</p> <p>‘New buildings cannot continue to burn fossil fuels for heating if the London Borough of Newham is to stay within carbon budgets. Low carbon heat is therefore an essential component of a Net Zero Carbon building. Electricity can be provided through on-site renewables and through grid electricity, which is becoming increasingly de-carbonised. To achieve electrification of heat, several viable technologies are already available, including heat pumps (including air, ground and water source) and direct electric radiators.’</p> <p>I would also add: ‘Air, ground and water source heat pumps are more energy efficient than gas boilers and direct electric heating’.</p>	This wording change is not supported. We did not consider this change to be necessary as the Council considers that waste heat can be used as a source of heat. The use of waste heat is well established in regional policy regarding heat networks, and the implementation text of Policy CE2.2 sets out limitations on the use of waste heat, including following the waste hierarchy, ensuring energy efficiency is maximised and that air quality impacts are considered. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-016	Kika Everington		Reg19-E-016/002	Climate Emergency	CE2 Zero Carbon development				3.249		No	No						Blank	<p>‘The use of electricity for heating also benefits air quality, as there are no local emissions’.</p> <p>Again, this line has also been inserted into the text since the plan consulted in in the Regulation 18 guidance, and again, with no evidence. There is no evidence of this in the evidence base. It is only true when the electricity is produced using particular low-carbon technologies/sources. Electricity can be produced from incinerators burning plastic, and from burning wood. Both of these damage rather than benefit air quality. Whether that damage is local or not depends on where the burning is done, but it damages air quality. The production of wood pellets also damages air quality, for the residents living near the wood pellet processing plants. I’m not sure it would be compatible with the aims of a just transition if Newham residents’ improved air quality was dependent on worsening air quality for residents in other boroughs, or other countries.</p> <p>Evidence that air quality is damaged by burning wood for electricity can be found in this article in the prestigious international scientific journal ‘Nature’:</p> <p><a href="https://www.nature.com/articles/d41586-024-02676-z">https://www.nature.com/articles/d41586-024-02676-z</a></p> <p>And also in this article in the Guardian:</p> <p><a href="https://www.theguardian.com/environment/2018/jun/30/wood-pellets-biomass-environmental-impact">https://www.theguardian.com/environment/2018/jun/30/wood-pellets-biomass-environmental-impact</a></p> <p>I have put these 2 links in the body of the e-mail I have sent this attached document to, for your ease <a href="#">[see links in email 1]</a>.</p>	<p>The lines that have been added to the draft plan should be removed and the original text should be restored. [The phrase ‘or using waste heat sources’ should be removed for the reasons that I have explained and] the line ‘The use of electricity for heating also benefits air quality, as there are no local emissions’ should also be removed, for the reasons that I have explained.</p> <p>The paragraph should revert to the original as follows:</p> <p>‘New buildings cannot continue to burn fossil fuels for heating if the London Borough of Newham is to stay within carbon budgets. Low carbon heat is therefore an essential component of a Net Zero Carbon building. Electricity can be provided through on-site renewables and through grid electricity, which is becoming increasingly de-carbonised. To achieve electrification of heat, several viable technologies are already available, including heat pumps (including air, ground and water source) and direct electric radiators.’</p> <p>I would also add: ‘Air, ground and water source heat pumps are more energy efficient than gas boilers and direct electric heating’.</p>	This wording change is not supported. We did not consider this change to be necessary for several reasons. The Council considers that waste heat can be used as a source of heat, and the policy sets out limitations of this. The implementation text sets out how low carbon heat can be achieved, including heat pumps. The Council notes that in the justification text that grid electricity is becoming increasingly decarbonised. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-016	Kika Everington		Reg19-E-016/003	Climate Emergency	CE2 Zero Carbon development				3.25		No	No						Blank	<p>This paragraph has been inserted into the local plan since the version shown in the Regulation 18 guidance. It is under ‘justification’, but actually states a new policy, so should be under ‘implementation text’. This differentiation is important, because by putting it in anew under justification, it could be an unlawful way of avoiding comments under Regulation 19 guidance</p> <p>I am against the new policy stated in this paragraph:</p> <p>‘Therefore, connections to existing heat networks will only be permitted where a fully funded decarbonisation plan that will be implemented within the lifetime of the plan has been agreed’</p> <p>That is, I do not think that this new measure, to allow new developments to connect to fossil fuel heat networks or high carbon heat networks, as long as they have a decarbonisation plan, should have been added as it is not in keeping with anything in the evidence base and completely contradicts and undermines the overall policy of CE2.2 and prevents Newham from meeting its mandatory carbon emissions reduction targets.</p> <p>For full details of my reasoning as to why this is not legally compliant and not sound, please see my representation on Implementation Text CE2.2.</p>	Paragraph 3.250 should be removed.	This wording change is not supported. We did not consider this change to be necessary as the Council wishes to assist existing heat networks to decarbonise over time. The Council is satisfied that the plan is sound without the proposed changes.



Climate Emergency Comments to the [full Regulation 19 Representations](#)

Reg19-E-016	Kika Everington		Reg19-E-016/004	Climate Emergency	CE2 Zero Carbon development						No	No						Blank	<p>The following paragraphs in the policy implementation text CE2.2 are not sound or legally compliant, (reasons detailed further below):</p> <p>1. The submission of an energy statement and the design of a scheme will not in all cases be sufficient to enable the council to determine if the application complies with planning policy. (Thereby making the plan undeliverable.)</p> <p>[2. The paragraph about heat networks is not sound or legally compliant.</p> <p>3. The paragraph about waste heat is not sound or legally compliant.]</p> <p>[Reasons:]</p> <p>1. Problems with the following paragraph on energy statement:</p> <p>‘Development should demonstrate they will not use fossil fuels in operation – whether for heat or energy. Development should use low carbon heat sources for heating. This should be demonstrated through the submission of an energy statement and in the design of a scheme.’</p> <p>The problem with this is that it will not always be evident, to anyone other than a technical specialist, in the design of the scheme or the energy statement whether or not the development will meet the requirements of the Newham local plan. Where the technology used is straightforward, and the absolute energy that will be generated by renewables and used by the heating can be shown, then Newham council will be able to verify the statement themselves. This should be relatively easy when, for example, PV solar and air source heat pumps are used on the buildings directly. Where however very complex explanations are given as to how it will meet the Newham Plan requirements, such as is the case in the Olympic Park District Heat Network decarbonisation plan <a href="#">[see email 4 attachment]</a> for example, it is doubtful whether the council’s own staff will have the time and necessary specialist expertise to verify the statements. This would lead to the developers self-regulating – not something that is compatible with assuring carbon emissions targets. The evidence base shows how some methods of reporting can be extremely misleading and actually lead to energy reports that bear no resemblance to reality. Therefore, relying on the submission of an energy statement and wrongly expecting the design of a scheme to make the carbon emissions reductions self-evident, will not in the case of schemes like district heat networks lead to the plan being actually deliverable, as it will not ensure carbon emissions reductions.</p>	<p>NB The reasons given for my modifications are presented in detail in my comments above</p> <p>CE2.2 should read as follows:</p> <p>Development must demonstrate they will not use fossil fuels in operation – whether for heat or energy. Development should use low carbon heat sources for heating. This should be demonstrated through the submission of an energy statement and in the design of a scheme. Where the source of heat and energy is too specialist to be assessed directly by the council, the developer will pay for the council to commission an independent specialist to assess to independently verify the carbon emissions claims in the energy statement. This is most likely to be required where the technologies used differ from those recommended in the council’s Climate Change evidence base. This charge would be in addition to the energy monitoring charge required from all developers.</p> <p>Heat pumps (including air, ground and water source) are currently the most viable technology to achieve widespread electrification of heat at scale while limiting overall demand on the electricity network. Air source, ground source and water source heat pumps powered by electricity are much more energy efficient than direct electric radiators.</p> <p>Decarbonisation of existing fossil fuel powered heat networks and heat networks powered by other high carbon sources is mandatory under the London Plan.</p> <p>A new development will not be able to comply with the Newham Plan if it connects to a district heat network that is currently powered by fossil fuels or other high carbon fuels.</p> <p>The Council will not support the installation of new fossil fuel or high carbon heat networks.</p> <p>At the present time, technology such as green hydrogen (ie hydrogen produced without using fossil fuels) is unavailable or not commercially viable. We also cannot foresee what technology will emerge as we move away from gas and other fossil fuels. Given this context, future heating technologies will be supported if demonstrated that they are low carbon and sustainable – e.g. ‘brown’ or ‘grey’ hydrogen made from fossil fuels would not be supported.</p> <p>The paragraph on ‘waste heat can be a potential source of low carbon’ should be removed from the Plan.</p> <p>NB The reasons given for my modifications are presented in detail in my comments above</p>	<p>This wording change is not supported. We did not consider this change to be necessary as energy submissions made by developers will be scrutinised by an independent expert. The Council is satisfied that the plan is sound without the proposed changes.</p>
Reg19-E-016	Kika Everington		Reg19-E-016/005	Climate Emergency	CE2 Zero Carbon development						No	No						Blank	<p>The following paragraphs in the policy implementation text CE2.2 are not sound or legally compliant, (reasons detailed further below):</p> <p>[1. The submission of an energy statement and the design of a scheme will not in all cases be sufficient to enable the</p>	<p>[NB The reasons given for my modifications are presented in detail in my comments above</p> <p>CE2.2 should read as follows:</p> <p>Development must demonstrate they will</p>	<p>A change to this policy approach has not been made. The policy strongly encourages the decarbonisation of existing fossil fuel powered heat networks. A development may connect to a heat network powered by gas only where there is a fully funded decarbonisation plan that will be implemented within the lifetime of the plan. The</p>



																		<p>council to determine if the application complies with planning policy. (Thereby making the plan undeliverable.))</p> <p>2. The paragraph about heat networks is not sound or legally compliant.</p> <p>[3. The paragraph about waste heat is not sound or legally compliant.]</p> <p>Reasons:</p> <p>2. Problems with the following paragraph on heat networks:</p> <p>‘Decarbonisation of existing fossil fuel powered heat networks is strongly encouraged. A development may connect to a heat network powered by gas only where there is a fully funded decarbonisation plan that will be implemented within the lifetime of the plan. (my emphasis) The Council will not support development that will use fossil fuels in a heat network beyond the lifetime of the Plan, (my emphasis) nor will the Council support the installation of new fossil fuel powered heat networks.’</p> <p>This paragraph is not compliant with carbon emissions reductions policy and legislation, or the London plan, and flies in the face of everything in the evidence base:</p> <p>It is unclear which plan is being referred to. I assume it means the Newham local plan. If so, this means that new developments would be able to be built even where they would use fossil fuels until 2038. It is also worth noting that the carbon emissions from the Olympic District Heat Network are higher than those homes that are connected to the National Grid for both their heating and electricity. I will forward the evidence document for this in a separate e-mail <a href="#">[see email 2 attachment]</a>. It is a report commissioned by the LLDC on how to be compliant with emissions reductions necessary for a staying at a 1.5degrees temperature increase. It is written by Levitt and Bernstein, and Etude, the same people who wrote the Newham local plan evidence base. Please see the chart on pages 20 and 21 which show the Olympic Park district heat network is higher carbon emissions than normal gas boilers. Allowing new buildings to be built that would use fossil fuels until 2038 – which is what you are doing if allowing homes to be connected to the district heat networks with decarbonisation plans - is not compliant with international, UK, London Plan, and Newham CO2 emissions targets. It is not compliant with the evidence base, which states very clearly that new buildings must immediately be Net Zero and not continue to add to the problem.</p> <p>The Newham Plan evidence base page 6 shows that if we carry on emissions at our current rate, we will use up our entire CO2 budget by 2030-2034. If then, we allow new homes to be built that are not only not net zero, but are actually higher emissions than ordinary gas boilers, we will use up our entire CO2 budget before this. If we carry on business as usual, there will be a 4-5 degrees temperature</p>	<p>not use fossil fuels in operation – whether for heat or energy. Development should use low carbon heat sources for heating. This should be demonstrated through the submission of an energy statement and in the design of a scheme. Where the source of heat and energy is too specialist to be assessed directly by the council, the developer will pay for the council to commission an independent specialist to assess to independently verify the carbon emissions claims in the energy statement. This is most likely to be required where the technologies used differ from those recommended in the council’s Climate Change evidence base. This charge would be in addition to the energy monitoring charge required from all developers.</p> <p>Heat pumps (including air, ground and water source) are currently the most viable technology to achieve widespread electrification of heat at scale while limiting overall demand on the electricity network. Air source, ground source and water source heat pumps powered by electricity are much more energy efficient than direct electric radiators.</p> <p>Decarbonisation of existing fossil fuel powered heat networks and heat networks powered by other high carbon sources is mandatory under the London Plan.</p> <p>A new development will not be able to comply with the Newham Plan if it connects to a district heat network that is currently powered by fossil fuels or other high carbon fuels.</p> <p>The Council will not support the installation of new fossil fuel or high carbon heat networks.</p> <p>At the present time, technology such as green hydrogen (ie hydrogen produced without using fossil fuels) is unavailable or not commercially viable. We also cannot foresee what technology will emerge as we move away from gas and other fossil fuels. Given this context, future heating technologies will be supported if demonstrated that they are low carbon and sustainable – e.g. ‘brown’ or ‘grey’ hydrogen made from fossil fuels would not be supported.</p> <p>The paragraph on ‘waste heat can be a potential source of low carbon’ should be removed from the Plan.</p> <p>NB The reasons given for my modifications are presented in detail in my comments above]</p>	<p>Council will not support development that will use fossil fuels in a heat network beyond the lifetime of the Plan, nor will the Council support the installation of new fossil fuel powered heat networks. The Council is satisfied that the plan remains sound without the proposed changes.</p>
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	--	--



																			<p>targets. See more below. See also the evidence against burning wood given in the main body of the e-mail and in my representation on paragraph 3.249.</p> <p>It should be noted that the fact that the previous government’s policy encouraged a particular fuel or technology should not be relied upon as evidence that it is compliant with mandatory emissions targets or indeed that it is legally compliant. A court case earlier this year, not long before the General Election, held that the previous government’s climate plan was unlawful as their policies did not actually deliver the mandatory emissions targets. It is also important to remember this where parts of the London Plan have encouraged policies and technologies because the previous Government compelled the GLA to do so, despite being in contradiction with other parts of the London Plan and with the London Plan’s own emissions targets.</p> <p>Allowing new developments to connect to a high-carbon district heat network with a decarbonisation plan as a means of passing carbon emissions requirements undermines the Newham Plan’s policy’s aim of bringing in genuine low-carbon in operation developments from their inception. There is no incentive to do this if they can pass just by saying that they will connect to a heat network that ‘will’/may become zero carbon in the future.</p> <p>The policy about district heat networks is not deliverable:</p> <p>There is no evidence at all that the decarbonisation plans will actually materialise, be implementable, and will be able to meet the emissions targets and policies set out above, even by 2038. The Council will not know that until it is too late to do anything about it and too late to stop missing the non-negotiable emissions targets. If it proves that it is not actually possible to decarbonise the networks, there will be many, many new developments that have not been designed to be net zero that will then require difficult, expensive retrofits. Who is going to pay for them and how can the Council know that this will not be too late? There is no absolutely no evidence that it will be deliverable.</p> <p>Indeed, the evidence does not look promising. In February 2021, the LLDC published ‘Preparing for a 1.5% future’, which was written by Levitt and Bernstein, and Etude, the same companies as the evidence base for the Newham Plan <a href="#">[see email 2 attachment]</a>. This stated clearly that every development connected to the district heat network took the LLDC further and further away from meeting its emissions targets, and that they understood the district heat network operator was investigating options to reduce the carbon emissions. That was three and a half years ago, but they are no closer to having a decarbonisation plan that gives definitely implementable, timed, definitely low carbon alternatives to the current fossil</p>	
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	--

																		<p>fuel operations. Equans, the district heat network operator, published what it referred to as a decarbonisation plan in 2022 – but this did not give any viable, genuine low-carbon options. We are not any closer to decarbonising as a result of this plan. The options included keeping the fossil fuel in the district heat network exactly the same but changing the way it is measured – quote from plan: ‘Gas CHP: Action: Pursue robust accounting for carbon emissions savings and optimised operation’ (p31) and ‘Valuing the benefits of CHP in compliance and policy’ (p33); connecting to the Edmonton incinerator, which the report states would require major river, rail and road crossings, costing more than £30 million, without specifying who would pay that. This clearly does not meet Newham plan’s requirement that any decarbonisation must be fully funded, and does not sound at all achievable/deliverable. It would also lock us into a permanent dependence on burning increasing amounts of waste. Other options suggested included burning wood, which does not decarbonise at all as it is actually higher carbon emissions than coal as well as environmentally destructive in other ways (see evidence in main e-mail and in representation on paragraph 3.249); hydrogen, which the Newham plan correctly states is not currently low carbon. Heat pumps are also considered in the decarbonisation plan – but the decarbonisation plan discounts air source heat pumps as not possible. The heat pump they suggest is a heat pump to use the waste heat from the cooling towers of their boiler – so in other words, a heat pump just to use their fossil fuels more efficiently, not as an alternative to fossil fuels, so it is not a decarbonisation plan. They also suggest a heat pump using waste heat from TfL – to a non-engineer such as myself, this sounds as though it could be good – but is it possible? Have they got any further to actually delivering this? It seems not, from the recent documents regarding Newham consulting with the LLDC in the Reg. 18 consultation. I have e-mailed LLDC and the Mayor of Newham about this many times, and I have not received any updates since the 2022 plan, so I am assuming no progress. The ‘decarbonisation plan’ also suggests water source and ground source heat pumps, seemingly suggesting putting these in the river in the Olympic Park. Whilst these are low-carbon, a permit is needed for this and it is not allowed near certain habitats and species; the decarbonisation plan itself says this option is a threat to the ecosystem of the river. So it does not sound deliverable or in keeping with the habitats assessment or the biodiversity goals in the Newham Plan.</p>		
Reg19-E-016	Kika Everington		Reg19-E-016/006	Climate Emergency	CE2 Zero Carbon development						No	No					Blank	<p>The following paragraphs in the policy implementation text CE2.2 are not sound or legally compliant, (reasons detailed further below):</p> <p>[1. The submission of an energy statement and the design of a scheme will not in all cases be sufficient to enable the council to determine if the application complies with planning policy. (Thereby making the plan undeliverable.)</p>	<p>[NB The reasons given for my modifications are presented in detail in my comments above</p> <p>CE2.2 should read as follows:</p> <p>Development must demonstrate they will not use fossil fuels in operation – whether for heat or energy. Development should use low carbon heat sources for heating.</p>	<p>This wording change is not supported. We did not consider this change to be necessary as the Council considers that waste heat can be used as a source of heat. The use of waste heat is well established in regional policy regarding heat networks, and the implementation text of Policy CE2.2 sets out limitations on the use of waste heat, including following the waste hierarchy, ensuring energy efficiency is maximised and that air quality impacts</p>

																		<p>2. The paragraph about heat networks is not sound or legally compliant.]</p> <p>3. The paragraph about waste heat is not sound or legally compliant.</p> <p>Reasons:</p> <p>3. Problems with the following paragraph on waste heat: The paragraph starting ‘waste heat can be a potential source of low carbon heat’ has been added to policy CE2.2 (or its equivalent in the original draft plan) since Regulation 18 consultation.</p> <p>But there is no evidence at all for the assertion that ‘waste heat can be a potential source of low carbon heat’ in the evidence base. The term ‘waste heat’ is not defined – if ‘waste heat’ is suggested as being compliant with the plan in some circumstances, surely it must be defined. Whilst I am pleased that there are restrictions and qualifiers in this section, I am concerned that two quite different things – heat that is already being created and wasted by a process such as a factory or building – and energy from burning waste – are being conflated. The line is not sound as there is no evidence for it.</p> <p>I contacted the Centre for Alternative Technology and asked them for their definition of ‘secondary heat’ and ‘waste heat’ and whether they considered it low-carbon. In their response – which I will send in a separate e-mail <a href="#">[see email 3]</a> – they said the following:</p> <p>‘secondary heat is basically heat otherwise wasted – vented away and lost – such as from the underground or from other industrial processes. It does indeed then raise the issue of ensuring the process giving the waste heat of is actually in itself sustainable, or if it should be replaced with something better (and so would not be a source of heat anymore).’ (my emphasis – ie I have put this in bold)</p> <p>‘To be low carbon, the warm water needs to produced without fossil fuels – so using renewable energy sources. This could be from a shared heat pump, or from digestion of food waste, or from waste heat from a factory process (if that’s also powered by renewable energy), or from other options.’ (my emphasis – ie I have put this in bold)</p> <p>The Centre for Alternative Technology does not then consider waste heat to be low-carbon if the process providing the heat is not in itself low-carbon. It does not consider the fact that it is ‘waste’ to be sufficient to be viewed as low-carbon.</p> <p>It is difficult to see how setting up a heating infrastructure that is dependent on increasing amounts of waste heat or plastic waste can be considered compatible with the aims of the Newham Plan.</p>	<p>This should be demonstrated through the submission of an energy statement and in the design of a scheme. Where the source of heat and energy is too specialist to be assessed directly by the council, the developer will pay for the council to commission an independent specialist to assess to independently verify the carbon emissions claims in the energy statement. This is most likely to be required where the technologies used differ from those recommended in the council’s Climate Change evidence base. This charge would be in addition to the energy monitoring charge required from all developers.</p> <p>Heat pumps (including air, ground and water source) are currently the most viable technology to achieve widespread electrification of heat at scale while limiting overall demand on the electricity network. Air source, ground source and water source heat pumps powered by electricity are much more energy efficient than direct electric radiators.</p> <p>Decarbonisation of existing fossil fuel powered heat networks and heat networks powered by other high carbon sources is mandatory under the London Plan.</p> <p>A new development will not be able to comply with the Newham Plan if it connects to a district heat network that is currently powered by fossil fuels or other high carbon fuels.</p> <p>The Council will not support the installation of new fossil fuel or high carbon heat networks.</p> <p>At the present time, technology such as green hydrogen (ie hydrogen produced without using fossil fuels) is unavailable or not commercially viable. We also cannot foresee what technology will emerge as we move away from gas and other fossil fuels. Given this context, future heating technologies will be supported if demonstrated that they are low carbon and sustainable – e.g. ‘brown’ or ‘grey’ hydrogen made from fossil fuels would not be supported.</p> <p>The paragraph on ‘waste heat can be a potential source of low carbon’ should be removed from the Plan.</p> <p>NB The reasons given for my modifications are presented in detail in my comments above]</p>	<p>are considered. The Council is satisfied that the plan is sound without the proposed changes.</p>
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	--	--

Reg19-E-024	Home Builders Federation		Reg19-E-024/030	Climate Emergency	CE2 Zero Carbon development							No				No		<p>CE2: Zero Carbon development</p> <p>The policy is unsound because it is contrary to national policy.</p> <p>The Council is proposing an approach to net zero carbon residential development that is contrary to the Government’s approach, which is to move towards zero carbon homes via the Future Homes Standard, delivered through the Building Regulations.</p> <p>The Government has established a stepped programme to reach zero carbon homes by 2030. This is the Future Homes Standard. The aim of this is for all new homes to be zero carbon by 2030. Housebuilders are required to build homes that are zero carbon ready by 2025 (i.e. they are ready to operate alongside the decarbonisation of the national grid), but they are not required to be fossil fuel free from now until then. This would be challenging in the extreme.</p> <p>The last Housing Minister, Lee Rowley, in his statement to parliament on 13 December 2023 has clarified the Government’s approach. As he wrote:</p> <p><i>A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.</i></p> <p>The Minister continued:</p> <p><i>In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</i></p> <ul style="list-style-type: none"><li><i>• That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.</i></li><li><i>• The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).</i></li></ul> <p><i>Where plan policies go beyond current or planned building regulations, those polices should be applied flexibly to decisions on planning applications and</i></p>	<p>The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.</p>
-------------	--------------------------	--	-----------------	-------------------	-----------------------------	--	--	--	--	--	--	----	--	--	--	----	--	--	---

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
																			<p><i>appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure (for example adequate existing and planned grid connections) and access to adequate supply chains.</i></p> <p><i>To be sound, local plans must be consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one.</i></p> <p>It is clear from this statement that local authorities should not be setting standards for energy in homes that depart from the Future Homes Standard.</p>		
Reg19-E-024	Home Builders Federation		Reg19-E-024/031	Climate Emergency	CE2 Zero Carbon development							No							<p>[It is clear from this statement that local authorities should not be setting standards for energy in homes that depart from the Future Homes Standard.]</p> <p>First, this should not be a priority for the Council given the problems with housing delivery within the local authority and London more generally. There is already a Government plan to achieve net zero homes from 2030. This policy is unnecessary in the context of the housing crisis and will only add obstacles to vital housebuilding in London.</p>		<p>The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.</p>



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-024	Home Builders Federation		Reg19-E-024/032	Climate Emergency	CE2 Zero Carbon development							No							<p>[It is clear from this statement that local authorities should not be setting standards for energy in homes that depart from the Future Homes Standard.</p> <p>First, this should not be a priority for the Council given the problems with housing delivery within the local authority and London more generally. There is already a Government plan to achieve net zero homes from 2030. This policy is unnecessary in the context of the housing crisis and will only add obstacles to vital housebuilding in London.]</p> <p>Second, one of the tests for introducing higher standards that go further than the current Building Regulations is the effect on development viability. We note this conclusion from the Council's viability assessment (page 68)</p> <p><i>Net Zero Carbon requirement: the emerging Local Plan seeks improved performance of buildings to facilitate net zero carbon objectives. Achieving Net Zero Carbon development results in a fairly significant reduction in residual land values which equate to an average of 19% (applying the lower end of the cost range) to 21.7% (at the upper end of the cost range). In cases where schemes are on the margins of viability, the impact on the residual land value is likely to be more significant and there may be a need to reduce other policy requirements to offset these costs.</i></p> <p>This is illustrated by Tables 60.6.64 to 60.6.66 which model the cumulative impact of local plan policies with 60 per cent affordable housing. One will note that practically no schemes are viable, even on cleared / undeveloped land (Table 60.6.66) – hardly likely to be a common category of land. Moreover, this modelling does not include the effect of Policy J4 (employment contributions) so the situation will be even worse than this.</p>		<p>The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-024	Home Builders Federation		Reg19-E-024/033	Climate Emergency	CE2 Zero Carbon development							No							<p>[It is clear from this statement that local authorities should not be setting standards for energy in homes that depart from the Future Homes Standard.</p> <p>First, this should not be a priority for the Council given the problems with housing delivery within the local authority and London more generally. There is already a Government plan to achieve net zero homes from 2030. This policy is unnecessary in the context of the housing crisis and will only add obstacles to vital housebuilding in London.</p> <p>Second, one of the tests for introducing higher standards that go further than the current Building Regulations is the effect on development viability. We note this conclusion from the Council’s viability assessment (page 68)</p> <p><i>Net Zero Carbon requirement: the emerging Local Plan seeks improved performance of buildings to facilitate net zero carbon objectives. Achieving Net Zero Carbon development results in a fairly significant reduction in residual land values which equate to an average of 19% (applying the lower end of the cost range) to 21.7% (at the upper end of the cost range). In cases where schemes are on the margins of viability, the impact on the residual land value is likely to be more significant and there may be a need to reduce other policy requirements to offset these costs.</i></p> <p>This is illustrated by Tables 60.6.64 to 60.6.66 which model the cumulative impact of local plan policies with 60 per cent affordable housing. One will note that practically no schemes are viable, even on cleared / undeveloped land (Table 60.6.66) – hardly likely to be a common category of land. Moreover, this modelling does not include the effect of Policy J4 (employment contributions) so the situation will be even worse than this.]</p> <p>Third, the policy requirements do not comply with the Government’s requirement that the additional requirements – i.e. those that goes further than the Building Regulations – are expressed as a percentage uplift of the dwelling’s Target Emissions Rate.</p>		<p>The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-024	Home Builders Federation		Reg19-E-024/034	Climate Emergency	CE2 Zero Carbon development							No							In view of the significant under-performance in housing delivery across London as a whole when compared to the London Plan target, including under-delivery specifically in Newham, this policy is unjustified. We recommend that the Council deletes this policy and adheres to the Government’s approved approach to deliver zero carbon homes through the Building Regulations.		The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/010	Climate Emergency	CE2 Zero Carbon development			CE2.2			Blank	Blank						Blank	<p>Policy CE2 – Zero Carbon development Part 2</p> <p>2. New development should not use fossil fuels for heat or energy, and should meet the following standards:</p> <p>a. No new developments should be connected to the gas grid.</p> <p>b. Heat should be provided through low carbon sources.</p> <p>c. Future heating technologies will be supported if it can be demonstrated that they are low carbon and sustainable.</p> <p>Unite make the following comments on Part 2 of Policy CE2:</p> <p>1. Neither the Policy wording, nor the supporting text clarified whether this requirement also applies to emergency generators.</p> <p>2. Following on from the above, it is also unclear whether the Policy would require battery storage for the emergency use of life safety equipment.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to provide clarification:</p> <ul style="list-style-type: none"><li>• Part 2 of Policy CE2 is amended to clarify whether this applies to emergency generators and whether battery storage is expected for the emergency use of life safety equipment.</li></ul>	This wording change is not supported. We did not consider this change to be necessary as details regarding emergency or back up generators is already in the Local Plan in the implementation text Policy CE6.1. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/011a	Climate Emergency	CE2 Zero Carbon development			CE2.3			Blank	Blank					No	Blank	<p>[Policy CE2 – Zero Carbon development] Part 3</p> <p>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 should meet the following standards:</p> <p>a. All new residential units should achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m2 GIA/yr.</p> <p>b. New non-domestic buildings should achieve an Energy Use Intensity (EUI) of no more than the following by the following use:</p> <p>i. Student accommodation – 35 kWh/m2 GIA/yr.</p> <p>ii. Offices, Retail, Higher Education Teaching facilities, GP surgeries, Hotels– 55 kWh/m2 GIA/yr.</p> <p>iii. Schools – 65 kWh/m2 GIA/yr.</p> <p>iv. Leisure, warehouses, and light industrial units – 100 kWh/m2 GIA/yr. An additional 20 kWh/m2 GIA/yr budget is available for warehouses/industrial units that operate for 24 hours a day.</p> <p>c. In all cases, a building should use as little as energy as possible.</p> <p>Unite make the following comments on Part 3 of Policy CE2:</p> <p>1. Part b(i) of the Policy sets the Energy Use Intensity (EUI) target for Student Accommodation as 35kWh/m2. As this target is for total energy use (considering both regulated and unregulated energy use), this will not be achievable for PBSA developments due to the inclusion of unregulated energy.</p> <p>2. Firstly, paragraphs 3.245 and 3.248 of the Policy’s supporting text refer to the Low Energy Transformation Initiative (LETI), which is based on residential developments and does not cater for PBSA or commercial residential developments. Thus, the targets that are applied to the PBSA are those set for conventional residential developments and therefore they do not factor in the limitation of PBSA. Unite argue that the Policy should instead follow UKGBC guidelines for assessing this building type.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to better align with the assessment of PBSA developments and avoid misrepresentation:</p> <ul style="list-style-type: none"><li>• Amend Part 3 of Policy CE2 to follow UKGBC guidelines for assessing PBSA developments and/or set the EUI target for PBSA developments for regulated energy only, clarifying that this does not include unregulated energy as this would be an unreasonable requirement and would lead to non-compliant or misrepresented buildings.</li></ul>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider this policy necessary to meet our climate objectives. The Climate Change Evidence Base and other evidence base sets out the methodology behind the policy, including regarding regulated energy. LB Newham notes that Unite Group has set a 2030 target for net zero development, and is building a Passivhaus PBSA development by Canary Wharf. The Council is satisfied that the plan is sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/011b	Climate Emergency	CE2 Zero Carbon development			CE2.3			Blank	Blank					No	Blank	<p>3. Secondly, it is important to note that EUI is a quare metre metric. On this basis, EUI can be a very poor guide for certain energy uses such as small power, cooking and laundry as the more people you have in a space, the more energy they will use ‘per m<sup>2</sup>’.</p> <p>4. Consequently, the target would be viable for regulated EUI only, which includes heating, cooling, ventilation and pumping, lighting and hot water use. This is because this is relative to the building size and not impacted by the amount of people within the space.</p> <p>5. However, as soon as you include unregulated energy (i.e. energy from small power, cooking, laundry etc) then efficient high-density buildings are penalised, as this usage increases with occupancy, not with building size. The inclusion of unregulated energy in targets will lead to misrepresentation and mis-assessment, as there is no standardisation for assumptions of unregulated energy, therefore, identical buildings could report EUI’s that vary by over 100kWh/m<sup>2</sup>, simply due to differences in occupancy and density.</p> <p>6. In PBSA applications, the only way to monitor and limit this usage effectively to meet the required target would be to ban students from using energy for personal items and everyday tasks, which is obviously not viable and therefore this would lead to non-compliant buildings. Thus, this is not an appropriate target for high density PBSA developments.</p> <p>7. It is only reasonable to require developers to improve the asset performance (inherent energy efficiency) of their proposed building. How the future occupants use that building is not something that can have targets set against it.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to better align with the assessment of PBSA developments and avoid misrepresentation:</p> <ul style="list-style-type: none"><li>• Amend Part 3 of Policy CE2 to follow UKGBC guidelines for assessing PBSA developments and/or set the EUI target for PBSA developments for regulated energy only, clarifying that this does not include unregulated energy as this would be an unreasonable requirement and would lead to non-compliant or misrepresented buildings.</li></ul>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider this policy necessary to meet our climate objectives. The Climate Change Evidence Base, as sets out the methodology behind the policy, and why EUI and SPD is an intrinsic part of the policy. This is further supported by other available evidence base.</p> <p>The Council is satisfied that the plan is sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/011c	Climate Emergency	CE2 Zero Carbon development			CE2.3			Blank	Blank					No	Blank	8. Finally, there are also no set embodied carbon targets within the London Plan and this Policy can therefore be considered to include onerous requirements beyond those set by the GLA.	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to better align with the assessment of PBSA developments and avoid misrepresentation:</p> <ul style="list-style-type: none"><li>• Amend Part 3 of Policy CE2 to follow UKGBC guidelines for assessing PBSA developments and/or set the EUI target for PBSA developments for regulated energy only, clarifying that this does not include unregulated energy as this would be an unreasonable requirement and would lead to non-compliant or misrepresented buildings.</li></ul>	This wording change is not supported. We did not consider this change to be necessary as we consider embodied carbon targets necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/012	Climate Emergency	CE2 Zero Carbon development			CE2.4			Blank	Blank						Blank	<p>[Policy CE2 – Zero Carbon development] Part 4</p> <p>4. New development should generate renewable energy on site, to a level equivalent to, or in excess of, the predicted annual energy demand of the building, in accordance with the following requirements:</p> <p>a. As a minimum, the amount of energy generated in a year must be:</p> <p>i. at least 80 kWh/m2 per building footprint per annum for all building types except industrial buildings; and</p> <p>ii. at least 120 kWh/m2 per building footprint per annum for industrial buildings</p> <p>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.</p> <p>Unite make the following comments on Part 4 of Policy CE2:</p> <p>1. The current wording of this Policy penalises efficient building forms. Tall buildings with limited roof space may require what little roof space they have for plant and therefore may not be able to fit enough PV on the roof to comply.</p> <p>2. Consequently, there is a strong risk that the Policy as it is currently worded could lead to less efficient form factors being proposed in building designs in order to avoid additional additional cash-in-lieu contribution payments.</p> <p>3. Additionally, if this offset is to be calculated against the aforementioned EUI, there will be further mis-assessment of unregulated energy use. As there are no standardisations for this type of energy usage, the policy will encourage unreasonable assumptions to be made to minimise offsets.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to avoid the penalisation of more efficient building forms:</p> <ul style="list-style-type: none"><li>• The Policy wording is amended to encourage renewable energy usage and allow for greater flexibility rather than setting stringent targets.</li></ul>	<p>A wording change has not been made, as the target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The evidence base modelled a variety of buildings to demonstrate that the policy can be complied with. 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 elsewhere in the borough. The evidence base does note that some roof area can be used for plant equipment while meeting policy requirements for renewable energy generation.</p> <p>The Council is satisfied that the plan is sound without the proposed changes.</p>



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/013	Climate Emergency	CE2 Zero Carbon development			CE2.5			Blank	Blank						Blank	<p>[Policy CE2 – Zero Carbon development] Part 5</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>Unite make the following comments on Part 5 of Policy CE2:</p> <p>1. As with Part 3 of the Policy, the current wording applies to total energy use, which will include both regulated and unregulated. For the reasons set out above, it is not viable to set targets for and monitor unregulated energy use and this is influenced by the number of people per sqm, which is inappropriate for high density developments such as PBSA which will subsequently be non-compliant and misrepresented. It is not reasonable to penalise developers for the energy used by tenants in their buildings (e.g. plug loads), over which they have no control.</p> <p>2. Guidance should therefore be provided on regulated vs unregulated energy use and both targets and monitoring should be based on regulated energy only as this is what the developer has control over.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendation to recognise what is within the control of the developer:</p> <ul style="list-style-type: none"><li>• Part 5 of Policy CE2 should be amended to include guidance on regulated vs unregulated energy use and subsequently only set targets and monitoring requirements for regulated energy.</li></ul>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider this policy necessary to meet our climate objectives. The Climate Change Evidence Base, as sets out the methodology behind the policy, and why EUI and SPD is an intrinsic part of the policy. This is further supported by other available evidence base. The Council is satisfied that the plan is sound without the proposed changes.</p>
Reg19-E-082	NHS Property Services		Reg19-E-082/007	Climate Emergency	CE2 Zero Carbon development						Yes	Yes						Yes	<p>Draft Policy CE2 states new development should be designed and constructed to be Net Zero Carbon in operation. The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world’s first net zero healthcare provider.</p> <p>NHSPS therefore considers Policy CE2 positively prepared and effective, and therefore sound.</p>	<p>N/A</p> <p>NHSPS considers Policy CE2 sound as currently drafted.</p>	<p>Support noted.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/109	Climate Emergency	CE2 Zero Carbon development														No comment.		Comment noted.
Reg19-E-091	IQL Office LP	Quod	Reg19-E-091/032	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	The overall approach to minimising energy is supported.		Support noted.
Reg19-E-091	IQL Office LP	Quod	Reg19-E-091/033	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	[The overall approach to minimising energy is supported.] However, the ability for developments to meet the policy aims is severely restricted by the site constraints and by land use and obligations to connect to district heat networks discussed below.		Comment noted. The Climate Change Evidence Base modelled a variety of buildings to demonstrate that the policy can be complied with.
Reg19-E-091	IQL Office LP	Quod	Reg19-E-091/034	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	District Heat Network  The Stratford Cross development is bound by obligations to connect to the district heat network in Stratford City operated by Equans, which has a decarbonisation plan but not expected to be fully implemented for several years.  Whilst the support text in paragraph 3.250 acknowledges that connections to existing heat networks will only be permitted where a decarbonisation plan is implemented, the policy should also allow for this to be taken into account in associated energy and carbon assessments. Otherwise, developments obligated to use district energy networks will artificially perform worse against targets and therefore be financially penalised through contributions without having any control over the decarbonisation.		A change to this policy approach has not been made. We did not consider this change to be necessary as the policy strongly encourages the decarbonisation of existing fossil fuel powered heat networks. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-091	IQL Office LP	Quod	Reg19-E-091/035	Climate Emergency	CE2 Zero Carbon development						Blank	No					No	Blank	Carbon Offsetting Costs  Carbon offsetting costs are already required under the London Plan Policy SI2 and therefore, viability assessments and financial contributions for schemes that are unable to meet the requirement to generate the equivalent of their own energy needs will further impact the viability of schemes and delivery of affordable housing.	Accordingly, we recommend that flexibility is applied to the policy so that it does not disproportionately affect high density schemes in accessible locations where roof space is limited for effective renewable energy provision.	A wording change has not been made, as the target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The evidence base modelled a variety of buildings to demonstrate that the policy can be complied with. 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 elsewhere in the borough. The evidence base does note that some roof area can be used for plant equipment, private/shared amenity space or biodiversity while meeting policy requirements for renewable energy generation. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-091	IQL Office LP	Quod	Reg19-E-091/036	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	Furthermore, if off-setting costs are applied these should be clearly set out and proposed at an affordable level.	Additionally, any rate for off-setting costs should be set at an affordable level.	Comment noted. The methodology behind the policy is set out in the Climate Change Evidence Base, which also sets out how it is technically and financially feasible.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-095	Get Living Plc	Quod	Reg19-E-095/007	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	Environment – flexibility should applied to policies so that it does not disproportionately affect the viability of developments nor cause delays in the planning process.		A change to this policy approach has not been made. The overall policy objective is that net zero buildings will use ultra-low amounts of energy, use low carbon heat, and contribute to the generation of renewable energy on-site. They will also have been constructed with low levels of embodied carbon. The evidence base demonstrates that these targets are deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-095	Get Living Plc	Quod	Reg19-E-095/025	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	[Appendix 2 - Representations Part 1]  The overall approach to minimising energy is supported by GL.		Support noted.
Reg19-E-095	Get Living Plc	Quod	Reg19-E-095/026	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	[Appendix 2 - Representations Part 1]  [The overall approach to minimising energy is supported by GL.] However, the ability for developments such as East Village to meet the specific energy related targets and policy aims is severely restricted by site constraints, land use and viability issues. Accordingly, GL recommends that flexibility is applied to the policy so that it does not disproportionately affect developments. Offsetting costs for example should be set at an affordable level.	Clear recognition should also be made to important and competing priorities and how conflicts between those requirements can be balanced against each other. Flexibility should be applied in the policy to allow competing issues to be considered in the planning balance, but that there is also a clear direction within planning policies about how these can be resolved. Not doing so can add significant uncertainty much later in the planning process which adds risk and delay.	This wording change is not supported. We did not consider this change to be necessary as we consider this policy necessary to meet our climate objectives. The overall policy objective is that net zero buildings will use ultra-low amounts of energy, use low carbon heat, and contribute to the generation of renewable energy on-site. They will also have been constructed with low levels of embodied carbon. The evidence base demonstrates that these targets are deliverable and viable. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-112	SEGRO	Gerald Eve	Reg19-E-112/024	Climate Emergency	CE2 Zero Carbon development						Blank	No						Blank	SEGRO reiterates the representations made to the Regulation 18 version of the Local Plan (part 6(b)) [see <b>Appended – Regulation 18 Draft Local Plan SEGRO response</b> ].		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council’s response has not changed.
Reg19-E-180	PEACH: The People's Empowerment Alliance for Custom House		Reg19-E-180/004	Climate Emergency	CE2 Zero Carbon development				3.254		Blank	Blank						Blank	As the plan recognises, at 3.254 the Climate Change Committee set out that offsetting must have a very limited and defined role if we are to achieve net zero by 2050. Yet the plan does nothing to limit the role of offsetting, as it is available to use by developers in relation to carbon emissions (although no onus for developers to offset embodied carbon, which is only ‘strongly recommended’). Financial contributions are also available to off-set negative impacts on air-quality, drainage amongst other factors.  Therefore this plan makes no genuine attempt to achieve net zero by 2050 or to tackle developer’s using loopholes to continue building in the same way as they have for decades. Neither is there policy which ensures that offsetting funds are being reported, administered and used by the council to assure communities they are fulfilling their purpose.		Comment noted. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-185	Hadley Property Group	Deloitte	Reg19-E-185/028	Climate Emergency	CE2 Zero Carbon development			CE2.5			No	No						No	Climate Emergency Policy CE2: Zero Carbon Development Hadley supports the vision to reduce emissions in the whole life cycle of a building and for the principle of net zero design and construction. However, the policy imposes very onerous requirements, such as that no new developments should be connected to the gas grid.	Hadley re-iterates its earlier comments suggesting that the wording of Part 5 should be amended to “new developments <b>that have the capacity to, should generate renewable energy on site and should not be connected to the gas grid</b> ” have not been incorporated. A number of sites in Stratford, including IQLN, have a legal requirement to connect to the existing District Heating Network. It is noted that the supporting text provides that connections to existing heat networks will only be permitted where a fully funded decarbonisation plan will be implemented within the lifetime of the plan has been agreed. While this is supported, it should be noted that developers do not have control over the District Heating Network and its decarbonisation and this requirement may delay development coming forward.	A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council’s response has not changed.
Reg19-E-191	University College London	Deloitte	Reg19-E-191/011	Climate Emergency	CE2 Zero Carbon development														UCL support the aims of Draft Policies CE1, CE2, CE3, CE4, and CE6 to achieve high environmental standards in new developments, and has incorporated reduced consumption and minimised impacts into the UCL East development through the design, construction, and operational stages. Consequently, UCL has had confirmation from BRE that both of the Phase 1 buildings have achieved BREEAM Excellent. <b>[This has been repeated for other policies listed]</b>		Support noted.
Reg19-E-191	University College London	Deloitte	Reg19-E-191/015	Climate Emergency	CE2 Zero Carbon development														As referenced in the UCL response to the Regulation 18 draft Local Plan, UCL understands that there is a legal requirement to connect to the district heating network (DHN), which due to the relevant DHN’s performance brings additional complexities when seeking to adhere to draft Policy CE2 which states that “new development should not use fossil fuels for heat or energy”. The DHN’s current increased carbon factors, comprised environmental performance and reliance on fossil fuels do not align with the aspirations of the draft policy.		Comment noted. Development may connect to a heat network powered by gas only where there is an fully funded decarbonisation plan that will be implemented within the lifetime of the plan.
Reg19-E-191	University College London	Deloitte	Reg19-E-191/016	Climate Emergency	CE2 Zero Carbon development			paragraph 3.250											UCL therefore welcomes added mention in the related supporting text (paragraph 3.250) that fossil fuel heat networks are present in the borough, and that these bring challenges in meeting LBN’s climate change targets. However, given the DHN’s current performance has significant implications for Phase 1 of UCL East, as well in future for the plots brought forward under Phase 2 of UCL East, UCL would be grateful for the opportunity to work and discuss the implications of connecting to the DHN further with LBN.	In addition, UCL requests that additional detail is given on the Park’s decarbonisation scheme and its progress, and would request the opportunity to discuss further alternative or independent low carbon schemes where related targets are not being met.	Comment noted. Development may connect to a heat network powered by gas only where there is an fully funded decarbonisation plan that will be implemented within the lifetime of the plan.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/069	Climate Emergency	CE2 Zero Carbon development							No							10 Climate emergency Policy CE2 Zero carbon development 10.1 St William recognises the importance of reducing carbon emissions to minimise climate change and have adapted their business to go beyond Government requirements by compiling a zero carbon transition plan for each new development to enable the homes to operate at net zero carbon by 2030. St William therefore remains supportive of the Council's intentions to ensure Local Plan policy plays a role in mitigating and adapting to climate change and maximising environmental benefits. 10.2 Notwithstanding this overall position, in their representations to the Regulation 18 draft of the Local Plan, St William commented that climate change policies should be outcome focussed and that energy policies that are too detailed can limit freedom to deliver the most suitable and effective long term carbon/sustainable and design strategies for a site.		Comment noted. The Council would consider alternative approaches to meeting targets - no specific technology is mandated or encouraged.
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/070	Climate Emergency	CE2 Zero Carbon development			CE2. 1				No				No			10.3 With reference to draft Policy CE2, Part 1 [and 3] set targets for space heating demand [and energy use intensity] which is contrary to what is set out in the 13/12/2023 Ministerial Statement which states 'Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations'. The incorporation of these specific standards if therefore at odds with Government guidance nor positively prepared, justified or effective and therefore not considered to meet all tests of soundness set out in the NPPF. It is on this basis that we are aware that other planning authorities have had to remove similar prescriptive policies prior to their adoption.	[Appendix 12: General Policies – Suggested amendments] 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, <del>and meeting the following standards:</del> <del>a. All new residential units should achieve a space heating demand of less than 20 kWh/m2 GIA/yr.</del> <del>b. All new non-domestic buildings except industrial buildings should achieve a space heating demand of less than 20 kWh/m2 GIA/yr.</del> <del>c. All new industrial buildings should achieve a space heating demand of less than 15 kWh/m2 GIA/yr.</del> <del>d. All other development is encouraged to use as little energy as possible to heat the building.</del>	The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/071	Climate Emergency	CE2 Zero Carbon development			CE2. 3				No							[10.3 With reference to draft Policy CE2, Part 1] and 3 set targets for [space heating demand and] energy use intensity [which is contrary to what is set out in the 13/12/2023 Ministerial Statement which states ‘Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations’. The incorporation of these specific standards if therefore at odds with Government guidance nor positively prepared, justified or effective and therefore not considered to meet all tests of soundness set out in the NPPF. It is on this basis that we are aware that other planning authorities have had to remove similar prescriptive policies prior to their adoption.]	[Appendix 12: General Policies – Suggested amendments] 3. New development should be designed and constructed to be Net Zero Carbon in operation, using as little energy as possible over a year <del>and should meet the following standards:</del> <del>a. All new residential units should achieve an Energy Use Intensity (EUI) of no more than 35 kWh/m2 GIA/yr.</del> <del>b. New non-domestic buildings should achieve an Energy Use Intensity (EUI) of no more than the following by the following use:</del> <del>i. Student accommodation – 35 kWh/m2 GIA/yr.</del> <del>ii. Offices, Retail, Higher Education Teaching facilities, GP surgeries, Hotels – 55 kWh/ m2 GIA/yr.</del> <del>iii. Schools – 65 kWh/m2 GIA/yr.</del> <del>iv. Leisure, warehouses, and light industrial units – 100 kWh/m2 GIA/yr. An additional 20 kWh/m2 GIA/yr budget is available for warehouses/industrial units that operate for 24 hours a day.</del> <del>c. In all cases, a building should use as little as energy as possible.</del>	The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Legal advice also sets out that the Written Ministerial Statement does not change the ability for councils to set their own standards. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/072	Climate Emergency	CE2 Zero Carbon development							No							10.4 St William also have some concern with the method outlined at Part 4 which relates to onsite renewable energy and overcomplicates the process for capturing off-site renewable energy generation. St William considers that it would be more appropriate to maintain a standard tariff based approach that aligns with regional planning policy.	[Appendix 12: General Policies – Suggested amendments] 4. New development should generate renewable energy on site, to a level equivalent to, or in excess of, the predicted annual energy demand of the building, <del>in accordance with the following requirements:</del> <del>a. As a minimum, the amount of energy generated in a year must be:</del> <del>i. at least 80 kWh/m2 per building footprint per annum for all building types except industrial buildings;</del> <del>and</del> <del>ii. at least 120 kWh/m2 per building footprint per annum for industrial buildings</del> 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.	The policy approach has not changed, in light of our climate commitments. The target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The Council notes that a number of local authorities are proposing a similar policy approach. Both the Climate Change Evidence Base and the viability assessment indicate how this policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/063	Climate Emergency	CE2 Zero Carbon development												No		The focus on net zero carbon development is supported, however, some detailed comments are provided. The space heating targets in Criteria 1 and 2 are onerous for certain types of building and a full assessment of the anticipated achievability of the targets should be provided. The inclusion of an absolute target for renewable energy generation as set out in Criterion 5 is not supported. The approach should be aligned to that in the London Plan in relation to maximising on site generation but supporting offsetting.		The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. Furthermore, the Council considers that a scheme compliant with Newham's policy would meet the strategic objectives of the London Plan policies - namely, being net zero buildings. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/12	Climate Emergency	CE2 Zero Carbon development			3											Draft Policy CE2 (Zero Carbon Development) includes the requirement at Part 3 for new development to be designed and constructed to be Net Zero in operation, using as little energy as possible over a year and for industrial units that operate for 24 hours a day to achieve an Energy Use Intensity (EUI) of no more than 120 kWh/m2 GIA/year. GLP's sustainability advisors, Cundall, advise that this will be challenging to achieve for data centre development given the nature of the industrial process carried out and the extensive use of plant.	Recommendation 3: Amend Policy CE2 to reflect the specific challenges of achieving the EUI and renewable energy generation requirements for data centre developments. Suggested track changes to policies: CE2 Part 3b: Add <b>v. Data centres – EUI target to be agreed that represents their inherent intensive energy usage.</b>	The policy approach has not changed, in light of our climate commitments. Where a nondomestic development does not have an applicable category of use outlined in the policy (e.g. data centres), the development should discuss with the Council what the EUI target should be. In all cases, the development should demonstrate efficiency, with a building that uses as little energy as possible. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/13	Climate Emergency	CE2 Zero Carbon development			4.a(ii)											The proposed requirement under CE2.4.a(ii) for renewable energy generation of at least 120 kWh/m2 per building footprint per annum would also be extremely challenging given the extent of roofspace required for cooling plant, which reduces the potential for photovoltaics.	Recommendation 3: Amend Policy CE2 to reflect the specific challenges of achieving the EUI and renewable energy generation requirements for data centre developments. CE2 Part 4a(ii): at least 120 kWh/m2 per building footprint per annum for industrial buildings ( <b>excluding data centres</b> )	The policy approach has not changed, in light of our climate commitments. The target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The evidence base also outlines that that roof space should be prioritised for solar photovoltaic panels. The evidence base does note that some roof area can be used for plant equipment while meeting policy requirements for renewable energy generation. The evidence base also indicates that the policy is achievable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/14	Climate Emergency	CE2 Zero Carbon development			3		3									The supporting text for CE2.3 states that where non-domestic development does not have an applicable category of use outlined in the policy (e.g. data centres), the applicant should discuss with Newham what the EUI target should be as early as possible. Whilst it is acknowledged that the latest version of the draft Local Plan has somewhat acknowledged GLP's Regulation 18 representations and includes reference to data centres, it is unclear on the specific targets that will be attributed to data centre developments.	GLP consider that data centres should be considered as a category under Policy CE2.3 with an EUI target that represents their inherent intensive energy usage.	The policy approach has not changed, in light of our climate commitments. Where a nondomestic development does not have an applicable category of use outlined in the policy (e.g. data centres), the development should discuss with the Council what the EUI target should be. In all cases, the development should demonstrate efficiency, with a building that uses as little energy as possible. The Council is satisfied that the plan is sound without the proposed changes.



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/15	Climate Emergency	CE2 Zero Carbon development			1.b and 1.c											For new non-residential developments, draft policies CE2.1.b and CE2.1.c encourages the use of CIBSE Technical Memorandum 54 (TM54) predictive energy modelling. IESVE, TAS and PHPP are three energy modelling packages that can be used to carry out TM54 assessments. GLP's sustainability advisors, Cundall, request clarification whether these are the only three software packages acceptable for the analysis as there are other packages with capacity for dynamic modelling that are widely accepted in the industry.		Comment noted. The consultants that produced the Climate Change Evidence Base recommended use of three energy modelling packages, however the Local Plan does not insist upon the use of these packages.
Reg19-E-217	LLDC		Reg19-E-217/005	Climate Emergency	CE2 Zero Carbon development														[From 1. 040920 LBN LP Reg 19 response Cover Letter] We welcome the amendments to policies CE2 and CE3 and the inclusion of additional and up to date evidence base to support the policies. The policies now allow for continued use of existing heat networks while ensuring that decarbonisation occurs within the lifetime of the Local Plan. However, it would be helpful for the policy to set out the likely scope of decarbonisation strategies for heat networks and what measure would be supported by the Council. We are proactively exploring options for our own district heat network and would welcome further engagement with the Council on this.		Comment noted.
Reg19-E-217	LLDC		Reg19-E-217/006	Climate Emergency	CE3 Embodied Carbon														[From 1. 040920 LBN LP Reg 19 response Cover Letter] We welcome the amendments to policies CE2 and CE3 and the inclusion of additional and up to date evidence base to support the policies. The policies now allow for continued use of existing heat networks while ensuring that decarbonisation occurs within the lifetime of the Local Plan. However, it would be helpful for the policy to set out the likely scope of decarbonisation strategies for heat networks and what measure would be supported by the Council. We are proactively exploring options for our own district heat network and would welcome further engagement with the Council on this.		Comment noted.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/028	Climate Emergency	CE2 Zero Carbon development			1			Yes	No					No	Yes	<p>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/m2 GIA/yr.</p> <p>[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.]</p>	<p>Key to modifications: Deletions in <del>strikethrough text</del> Additions in <u>underline text</u></p> <p>”CE2: Zero Carbon Development</p> <p>1. New development should be designed and constructed to <del>be Net Zero Carbon in operation</del>, using as little energy as possible to heat a building over a year, and, <b>where possible, to be Net Zero Carbon in operation</b>. <del>meeting the following standards:</del></p> <p><del>a. All new residential units should achieve a space heating demand of less than 20 kWh/m2 GIA/yr.</del></p> <p><del>b. All new non-domestic buildings except industrial buildings should achieve a space heating demand of less than 20 kWh/m2 GIA/yr.</del></p> <p><del>c. All new industrial buildings should achieve a space heating demand of less than 15 kWh/m2 GIA/yr.</del></p> <p><del>d. All other development is encouraged to use as little energy as possible to heat the building.</del></p>	<p>This wording change is not supported. We did not consider this change to be necessary as the Council considers that a scheme compliant with Newham's policy would meet the strategic objectives of the London Plan policies - namely, being net zero buildings. We are working with other London boroughs to coordinate a similar approach to help reduce regulatory burden. The Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan is sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/029	Climate Emergency	CE2 Zero Carbon development			4			Yes	No					No	Yes	<p>[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/m2 GIA/yr.]</p> <p>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.</p> <p>[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.]</p>	<p><b>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:</b></p> <p><b>a. As a minimum, the amount of energy generated in a year must be:</b></p> <p><b>i. at least 80 kWh/m2 per building footprint per annum for all building types except industrial buildings; and</b></p> <p><b>ii. at least 120 kWh/m2 per building footprint per annum for industrial buildings</b></p> <p><b>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..</b></p>	The policy approach has not changed, in light of our climate commitments. The target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The Council notes that a number of local authorities are proposing a similar policy approach. Both the Climate Change Evidence Base and the viability assessment indicate how this policy is justified, achievable, deliverable and viable. Furthermore, the Council considers that a scheme compliant with Newham's policy would meet the strategic objectives of the London Plan policies - namely, being net zero buildings. The Council is satisfied that the plan remains sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/030	Climate Emergency	CE2 Zero Carbon development			5			Yes	No					No	Yes	<p>[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/m2 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.]</p> <p>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.</p>	<p>3. [Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u></p> <p>”CE2: Zero Carbon Development]</p> <p>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:</p> <p><del>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.</del></p> <p><del>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.</del></p>	<p>The policy approach has not changed, in light of our climate commitments. The assured performance methods is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The Council notes that a number of local authorities are proposing a similar policy approach. Both the Climate Change Evidence Base and the viability assessment indicate how this policy is justified, achievable, deliverable and viable. Furthermore, the Council considers that a scheme compliant with Newham’s policy would meet the strategic objectives of the London Plan policies - namely, being net zero buildings. The Council is satisfied that the plan remains sound without the proposed changes.</p>
Reg19-E-218	IXDS	RPS	Reg19-E-218/031	Climate Emergency	CE2 Zero Carbon development			2			Yes	No						Yes	<p>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.</p>	<p>[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u></p> <p>”CE2: Zero Carbon Development]</p> <p>2. New development should not use fossil fuels for heat or energy, <b>except for emergency backup power generation</b>, and should meet the following standards:</p> <p>a. No new developments should be connected to the gas grid.</p> <p>b. Heat should be provided through low carbon sources.</p> <p>c. Future heating technologies will be supported if it can be demonstrated that they are low carbon and sustainable.</p>	<p>This wording change is not supported. We did not consider this change to be necessary as details regarding emergency or back up generators is already in the Local Plan in the implementation text Policy CE6.1. The Council is satisfied that the plan is sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/032	Climate Emergency	CE2 Zero Carbon development			1			Yes	No					No	Yes	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.	3. [Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE2: Zero Carbon Development]  New development should be designed and constructed to <del>be Net Zero Carbon in operation</del> , using as little energy as possible over a year and, <b>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/m2 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/m2 GIA/yr. ii. Offices, Retail, Higher Education Teaching facilities, GP surgeries, Hotels — 55 kWh/m2 GIA/yr. iii. Schools — 65 kWh/m2 GIA/yr. iv. Leisure, warehouses, and light industrial units — 100 kWh/m2 GIA/yr. An additional 20 kWh/m2 GIA/yr budget is available for warehouses/industrial units that operate for 24 hours a day. e. In all cases, a building should use as little as energy as possible.</b>	This wording change is not supported. We did not consider this change to be necessary as the Council considers that a scheme compliant with Newham's policy would meet the strategic objectives of the London Plan policies - namely, being net zero buildings. We are working with other London boroughs to coordinate a similar approach to help reduce regulatory burden. The Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-218	IXDS	RPS	Reg19-E-218/033	Climate Emergency	CE2 Zero Carbon development						Yes	No					No	Yes	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.	3. [Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE2: Zero Carbon Development]  <b>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."</b>	This wording change is not supported. We did not consider this change to be necessary as the implementation text of Policy CE2.2 sets out the Council's position regarding the use of waste heat, including how it is weighed in the planning balance. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-222	Ballymore	Rolfe Judd	Reg19-E-222/40	Climate Emergency	CE2 Zero Carbon development			1 and 3											Climate Emergency Policy CE2: Zero Carbon development Ballymore supports the Council’s ambitions for developments to be net zero carbon, however the current policy wording is too restrictive and could prevent the viable delivery of schemes.	Part 1 and 3 of the policy should be amended to require developments to demonstrate they have minimised operational carbon emissions, with an overall aim of net zero carbon in operation, rather than a strict requirement for all developments to be operationally net zero carbon. While Ballymore strives to maximise sustainability and minimise carbon emissions across all their developments, it is very challenging (and expensive) to meet net zero carbon and there therefore must be a balance with achieving net zero carbon and other development costs and obligations (such as the delivery of affordable housing.	The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-222	Ballymore	Rolfe Judd	Reg19-E-222/41	Climate Emergency	CE2 Zero Carbon development														We also consider the inclusion of defined energy standards (such as space heating demand and Energy Use Intensity) to be too prescriptive and should be amended to refer to relevant guidance or British Standards. The current drafting doesn’t allow the policy to be updated or reflect changes in environmental standards and targets throughout the plan period.		The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-222	Ballymore	Rolfe Judd	Reg19-E-222/42	Climate Emergency	CE2 Zero Carbon development														Further, we consider the targets themselves would be very difficult to achieve in practice based on Ballymore’s extensive experience in delivering high performing, sustainable developments. In regard to the proposed renewables target, a significant proportion of the roof space would need to be given over to the provision of PVs to meet the identified targets, assuming an average output and not accounting for any shading / orientation issues etc which may reduce the efficiency of the PV array. This requirement doesn’t account for other competing demands for roof space within a development, including plant, amenity space for residents and urban greening.		The policy approach has not changed, in light of our climate commitments. The target for renewable energy generation is an intrinsic part of the policy as a whole as set out in the Climate Change Evidence Base. The evidence base also outlines that that roof space should be prioritised for solar photovoltaic panels. The evidence base does note that some roof area can be used for plant equipment, private/shared amenity space or biodiversity while meeting policy requirements for renewable energy generation. The evidence base also indicates that the policy is achievable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-222	Ballymore	Rolfe Judd	Reg19-E-222/43	Climate Emergency	CE2 Zero Carbon development														As currently drafted, we consider the draft policy to set unrealistic and potentially unachievable targets which may overburden developments and impact the delivery of other key planning considerations (such as amenity space and urban greening) within schemes.  You may recall that we met in May 2023 with you and our specialist consultants to express our concerns and discuss the draft policy in further detail.	As such, we suggest that the draft policy should be less prescriptive in defining standards and targets, and should instead allow developments to demonstrate they have sought to maximise sustainability on site given site specific constraints and other competing planning requirements.	The policy approach has not changed, in light of our climate commitments. The Climate Change Evidence Base sets out why these policies are necessary and the methodology behind them. Both the Climate Change Evidence Base and the viability assessment indicate how the policy is justified, achievable, deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.



Reg19-E-239	Tate & Lyle Sugars		Reg19-E-239/003	Climate Emergency	CE2 Zero Carbon development							Blank	Blank							Blank	<p>CE2: Zero Carbon development:</p> <p>We fully understand the Council has declared a Climate Emergency and wants to encourage zero carbon development as much as possible. However having re-read Policy CE2, we are extremely concerned this could essentially prevent all development at Thames Refinery and Plaistow Wharf for potentially decades. Further it could have the surely unintended consequences of preventing major steps in reducing carbon emissions at the Refinery site and potentially endangering jobs and the business if it is impossible to replace or upgrade buildings or process technology at the end of their useful lives. We have put a suggested textual amendment to the draft plan below and then a detailed explanation beneath that.</p>	<p>Suggested Addition to text on page 289:</p> <p>CE2: Zero Carbon development:</p> <p><b>6. Recognising the unique difficulties in decarbonising Energy Intensive Industries and the role national Government policy on new fuels and technologies infrastructure will play, new developments by pre-existing Energy Intensive Industries shall not be subject to the requirements of Policy CE2 provided that:</b></p> <p>- <b>New development results in lower carbon intensity per m2 GIA/yr of the overall site</b></p> <p>- <b>An evidenced long term decarbonisation strategy is in place</b></p> <p><b>This recognises the unique characteristics of energy intensive industries which, at the time of plan writing, have no realistic alternative to fossil fuels to generate sufficient heat and / or power to carry out their core business activities. It specifically seeks to avoid the unintended consequence of preventing development which would significantly reduce the carbon emissions and carbon intensity of energy intensive sites within Newham. This could occur as new buildings or processes are proposed that would result in a reduction in carbon emissions but may not technically constitute net zero development as the buildings or processes would continue to use, albeit on a much more efficient basis, power or heat generated on site by fossil fuels. Furthermore it seeks to avoid a situation where decarbonisation enabling new development is prevented, ahead of new fuels or technologies becoming available in Newham or the UK.</b></p> <p>Explanation:</p> <p>In short, sugar refining is an energy intensive industry which requires very large quantities of heat and power, especially heat. Thames Refinery has a combined heat and power plant (CHP) within it. This is a constituent part of the sugar refinery. In essence, we bring in natural gas to the refinery via a pipe which is then used to produce both electricity and steam essential for running the refinery. Currently there is essentially no practical lower carbon alternative to gas as the base fuel, in particular to generate the on demand steam in the quantities the refinery needs to be able to run. We’ve done extensive work on decarbonisation in recent years and in the long run we believe a fuel switch to hydrogen is the most likely route to full decarbonisation. However the infrastructure and availability of hydrogen is simply not present currently. Further our work and research indicates that in the industrial quantities we will need, hydrogen availability is a number of years – probably over a decade – away. We are actively involved in lobbying at national and regional level to bring hydrogen to Newham as soon as possible, for example through our support for Capital Hydrogen and the nascent plan for an East London Hydrogen Pipeline.</p> <p>However there are other projects we may</p>	<p>The Council’s objective for this policy approach is to incentivise industry to use less fossil fuels, improve local air quality and reduce greenhouse gas emissions, as part of meeting our Climate Emergency targets.</p> <p>However, the Council recognises the importance of ensuring the Plan is justified and has therefore drafted the following modification, which will be presented to the Inspector for their consideration. This modification encourages steps to substantially reduce the carbon intensity of energy intensive industries, while also ensuring that a decarbonisation strategy will be delivered over the long term.</p> <p><b>Policy CE2.6</b></p> <p><b>Development of sites occupied by existing energy intensive industries subject to the UK Emissions Trading scheme will not be subject to the other policy requirements of Policy CE2 provided that:</b></p> <p>- <b>New development results in an substantially lower carbon intensity per m2 GIA/yr over the site; and</b></p> <p>- <b>At the point of application, a long term decarbonisation strategy, which the Council considers to be suitably ambitious, is in place for the site; and</b></p> <p>- <b>The proposed development demonstrates consistency with the agreed decarbonisation strategy.</b></p> <p><b>Policy CE2.6 Justification</b></p> <p>Given our climate emergency commitments, the Council wishes to incentivise industries to use less fossil fuels, improve local air quality and reduce greenhouse gas emissions, as part of meeting the targets set. However, it is recognised that existing energy intensive industries subject to the UK Emissions Trading scheme will take time to decarbonise. In the interim, the Council does not wish to prevent development that will substantially reduce carbon emissions and improve air quality. This policy therefore encourages steps to substantially reduce the carbon intensity of energy intensive industries, while also ensuring that a decarbonisation strategy will be delivered over the long term.</p> <p><b>Policy CE2.6 Implementation</b></p> <p><b>This policy considers existing energy intensive industries to be those that are subject to the UK Emissions Trading scheme. Evidence of this should be submitted as part of any planning application.</b></p> <p><b>It should be demonstrated that the carbon intensity of the industrial site overall will drop substantially, and as low as possible, as a result of the new development. The Council will not support development that results in a greater use of fossil fuels overall by the industrial site. The carbon intensity of the development should be reduced in line with the latest technological ability. Where the carbon intensity of the development does not meet the levels possible by the latest technological ability, the Council will seek a one-off carbon offset payment for the difference in carbon emissions. In order for the Council to assess a development proposal, funds will be sought from the applicant for an independent energy assessor.</b></p> <p><b>The decarbonisation strategy should be suitably ambitious, considering modern and up-to-date technology, and reflect national, regional and local policies regarding decarbonisation. The plan should also demonstrate the timescales within which decarbonisation will be delivered.</b></p>
-------------	--------------------	--	-----------------	-------------------	-----------------------------	--	--	--	--	--	--	-------	-------	--	--	--	--	--	--	-------	---	---	---



[illegible]

under the way policy CE2 is currently written it seems TLS could not replace out of date warehousing or office space. This is because the current warehousing and office space is powered by electricity produced on site in the CHP plant. Excess electricity from the CHP plant is currently exported to the grid. Again reading the policy it would seem, if we replaced warehousing and office space, we would be compelled not to connect (at least initially) to our own site electricity network even if there was a plan to decarbonise this electricity and instead have to sell the electricity that would otherwise power these buildings via export to the grid.

As a company we have already carried out extensive work on decarbonisation. This has included detailed research and feasibility work looking at wind, solar, hydrogen, biomass and carbon capture and storage as well as fundamental process technology changes to drive energy efficiency improvements. This work is ongoing and there are live projects in this area. Decarbonisation is one of the biggest strategic focuses for TLS. If we, for example were replacing a warehouse, we absolutely would be considering placing solar panels on the roof as form of renewable energy generation – but the contribution this would make to decarbonising the site is extremely minimal.

To give you some numbers and idea of the scale, we used 16 million therms of gas to produce 490,000 tonnes of sugar in a recent year. 16 million therms is equivalent 468,912,000 kwh. Imagine TLS were to come forward with a large project requiring a major planning application which reduced our energy usage by 1/3 through a fundamental change in our core sugar refining technology, but this project did not change our base fuel from gas. Policy CE2 4 b states “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.” Reading this it seems the intention would be that TLS would have to fund an extraordinary quantity of renewable energy generation elsewhere in the Borough. Imagine the new large project would include a building where now 2/3 of the energy would be used – 312,609,563 kwh – but it was not technically possible to produce this through onsite renewable energy generation, as explained previously. It would seem the policy is intending to mandate TLS to provide a cash in lieu contribution to fund 312,609,563 kwh of renewable energy generation elsewhere in the Borough. If this was done via solar it would likely require an area of 1.783km<sup>2</sup> of solar panels (excluding the ancillary essential infrastructure associated with the panels). This would be circa 5% of the entire land area of the borough of Newham at 36.21 km<sup>2</sup>. If this was done via a wind power, it is

Climate Emergency Comments to the <a href="#">full Regulation 19 Representations</a>																					
Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
																				essentially mandating TLS to fund the building of a multi turbine wind farm. Further the costs for either option would self evidently run into hundreds of millions, if not billions of pounds, which patently would mean TLS could not go ahead with such a project. TLS cannot believe this is the genuine intention of the Policy CE2 and rather the focus of the policy is ensuring entirely new developments, like large scale residential or office schemes, are sustainable in the context of the climate crisis. Finally it is worth saying that energy is the secondbiggest cost after raw sugar to the business and we are also members of the UK Emissions Trading scheme which places a direct cost on carbon emitted from the refinery, so TLS are already very strongly financially incentivised to reduce energy usage in the short term and find a route to long term decarbonisation as fast as possible. TLS appreciate at an application level planning is always a balance and it seems unlikely LBN as a planning authority would seek to refuse an application that’s principal purpose was significantly reduce carbon emissions from a large industrial site on the basis the application failed to achieve an impossible goal of immediate 100% decarbonisation. Nonetheless it is important that the Local Plan gets this right at a policy level, after all it is the development plan and plays a guiding role in all planning decision making. It should also be considered that huge amounts of time and resource could be taken up debating, evidencing and modelling the above issues at an application level. We are concerned that this specific policy, while clearly written with the best intentions, is “unsound” in relation to the test set out in the National Planning Policy Framework.	

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-239	Tate & Lyle Sugars		Reg19-E-239/011	Climate Emergency	CE2 Zero Carbon development					CE2.2	Blank	Blank						Blank	<p>TLS also note the following section on p293:</p> <p>CE2.2 Waste heat can be a potential source of low carbon heat, however any facility producing waste heat must:</p> <ul style="list-style-type: none"><li>• follow the waste hierarchy by reducing the amount of waste produced to the greatest extent possible, as set out in Policy W1.</li><li>• ensure that energy efficiency is maximised, using as little energy as possible before producing waste heat, as set out in Policy CE2.1</li><li>• Consider air quality impacts, as set out in Policy CE6</li></ul> <p>Waste heat would not be considered a benefit of a scheme, unless a development pays for the heat network infrastructure that would allow the waste heat to be delivered – i.e. passive provision is not considered a public benefit.</p> <p>TLS broadly supports this section. We think that genuine industrial waste heat would fall into this category and it addresses LBN’s concerns about inadvertently either incentivizing the production of “waste” heat from fossil fuels or disincentivizing energy efficiency and internal heat reuse. For Thames Refinery heat has a real value – pressurised steam is integral to the process and we seek TLS broadly supports this section. We think that genuine industrial waste heat would fall into this category and it addresses LBN’s concerns about inadvertently either incentivizing the production of “waste” heat from fossil fuels or disincentivizing energy efficiency and internal heat reuse. For Thames Refinery heat has a real value – pressurised steam is integral to the process and we seek TLS broadly supports this section. We think that genuine industrial waste heat would fall into this category and it addresses LBN’s concerns about inadvertently either incentivizing the production of “waste” heat from fossil fuels or disincentivizing energy efficiency and internal heat reuse. For Thames Refinery heat has a real value – pressurised steam is integral to the process and we seek to reuse this several times. Further, as explained previously, energy is the 2nd biggest cost after raw sugar to the business and we are also members of the UK Emissions Trading scheme which places a direct cost on carbon emitted from the refinery, so we have large financial incentives not to overproduce steam/heat for any reason.</p>		Support noted.

Reg19-E-024	Home Builders Federation		Reg19-E-024/035	Climate Emergency	CE3 Embodied Carbon								No					<p>CE3: Embodied Carbon and the circular economy</p> <p>The policy is unsound because it is contrary to national policy.</p> <p>The requirement for applicants for residential development to measure embodied carbon is contrary to the Government’s policy.</p> <p>The last Housing Minister, Lee Rowley, in his statement to parliament on 13 December 2023 has clarified the Government’s approach. As he wrote:</p> <p><i>A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.</i></p> <p>The Minister continued:</p> <p><i>In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</i></p> <ul style="list-style-type: none"><li>• <i>That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.</i></li><li>• <i>The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).</i></li></ul> <p><i>Where plan policies go beyond current or planned building regulations, those polices should be applied flexibly to decisions on planning applications and appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure (for example adequate existing and planned grid connections) and access to adequate supply chains.</i></p> <p><i>To be sound, local plans must be consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning</i></p>	<p>We recommend that the Council deletes this policy and adheres to the Government’s approved approach to deliver zero carbon homes through the Building Regulations.</p>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider it necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.</p>
-------------	--------------------------	--	-----------------	-------------------	---------------------	--	--	--	--	--	--	--	----	--	--	--	--	--	---	---

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
																			<p><i>policy, including this one.</i></p> <p>It is clear from this statement that Councils should not be setting standards for energy in homes that departs from the approach set out in the Future Homes Standard.</p> <p>In view of the significant under-performance in housing delivery across London as a whole compared to the London Plan target, including under-delivery specifically in Newham, this policy is also unjustified. The complexity of planning policies in London is a factor contributing to poor rates of delivery.</p>		
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/014a	Climate Emergency	CE3 Embodied Carbon			CE3.6			Blank	Blank						Blank	<p>6. Furthermore, point CE3.5 of the Policy implementation section states that “Developers are also encouraged to offset the remaining embodied carbon of new buildings, delivering developments that are zero carbon in both construction and operation”. This is a practice which has not been applied thus far due to the lack of consistencies in the benchmarks being followed. The text provides no further clarity on how this metric is being measured and what carbon price is attributed. PBSA’s potentially have higher in use emissions due to refresh rates and maintenance again this can have serious impact on carbon emissions thus penalising the building type further.</p>	<ul style="list-style-type: none"><li>• Part CE3.5 of the Policy implementation should be amended to provide clarity on how this would be measured, the attributed carbon price and how this will not penalise PBSA developments.</li></ul>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider this policy necessary to meet our climate objectives. The offsetting of remaining embodied carbon is encouraged, not mandated - many developers have set net zero targets and the Council wishes this offset to be invested in the borough. The Council is satisfied that the plan is sound without the proposed changes.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response	
Reg19-E-034	Unite Group Plc	ROK Planning	Reg19-E-034/014b	Climate Emergency	CE3 Embodied Carbon			CE3. 6			Blank	Blank							Blank	<p>Policy CE3 – Embodied Carbon and the circular economy</p> <p>Part 6</p> <p>6. Major developments are expected to meet embodied carbon limits of less than 500kg CO2 /m2.</p> <p>Unite make the following comments on Part 6 of Policy CE3:</p> <p>1. Unite strongly object the embodied target of 500kg Co2/sqm (assuming modules A-C).</p> <p>2. Paragraph 3.269 of the supporting text rightly refers to the lack of universal targets. Notwithstanding, to set a blanket target would greatly impede developments such as PBSA that tend to pack more material into a smaller amount of space thus leading to a greater carbon intensity per sqm.</p> <p>3. The text then refers to LETI, stating that “research indicates that current “average design” achieves an E (around 800kg CO2 /m2 ), with ‘good designs’ achieving a C score (around 500kg CO2 /m2 )”.</p> <p>However, this does not cover PBSA or commercial residential developments as a separate category and therefore reference to this can be limiting in this case.</p> <p>4. Consequently, Unite argue that the Policy should acknowledge PBSA as a separate category following UKGBC guidelines for commercial residential and allowing for a carbon budget suited to the building type rather than a generic target.</p> <p>5. It should also be recognised that there are elements during the construction process that might impact on this which could lead to an increase in material application on grounds of structural safety etc. which needs a caveat in the process.</p>	<p>Recommendations</p> <p>On the basis of the above comments, Unite make the following recommendations to better align with assessment of PBSA developments:</p> <ul style="list-style-type: none"><li>• Part 6 and the associated supporting text should be amended to follow RICS guidance as opposed to LETI which is for residential developments and does not cater for PBSA. This would mean encouraging and demonstrating carbon savings where possible with an aspiration of achieving the target but allowing for greater flexibility rather than stringency.</li></ul>	<p>This wording change is not supported. We did not consider this change to be necessary as we consider embodied carbon targets necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.</p>
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/110	Climate Emergency	CE3 Embodied Carbon														No comment.		Comment noted.	
Reg19-E-112	SEGRO	Gerald Eve	Reg19-E-112/025	Climate Emergency	CE3 Embodied Carbon						Blank	No						Blank	SEGRO reiterates the representations made to the Regulation 18 version of the Local Plan (part 6(c)) [see Appended – Regulation 18 Draft Local Plan SEGRO response].		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council’s response has not changed.	



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-180	PEACH: The People's Empowerment Alliance for Custom House		Reg19-E-180/005	Climate Emergency	CE3 Embodied Carbon						Blank	Blank						Blank	<p>The Royal Institute of British Architects have been advocating since 2021 that demolition should be halted as every year 50,000 buildings are demolished in the UK, producing 126 million tonnes of waste, which represent two-thirds of the UK's total waste. Building and construction account for 40% of carbon emissions.</p> <p>Yet there is nothing in the plan which requires that a developer must consider retrofit and refurbishment over demolition. Policy CE3 is weak and does in reality not oblige a true consideration of retrofit over demolition, let alone a policy that demolition should always be a last resort. This is absurd given that the council recognises that there is a climate emergency, and far from what is required to protect nature and our communities into the year 2038.</p>		Comment noted. Policy CE3 considers embodied carbon and the circular economy. This includes how a building is built, how construction waste can be minimised, how a building could be deconstructed in future, and how future modification/ adaption/ retrofitting could occur. Major development will be expected to meet embodied carbon limits of less than 500kg CO2/m2 - which evidence suggests can be delivered at no additional cost. Developers will also have to apply circular economy principles and reduce embodied carbon including by demonstrating that retaining and reusing existing buildings and structures (including incorporating the fabric of existing buildings into the new development) have been fully explored before considering substantial demolition.
Reg19-E-185	Hadley Property Group	Deloitte	Reg19-E-185/029	Climate Emergency	CE3 Embodied Carbon						No	No					No	No	CE3: Embodied Carbon Hadley objects to the policy and reiterates that policy should be amended to require whole life cycle carbon assessments for GLA referable schemes in accordance with the London Plan, rather than all major developments.		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council's response has not changed.
Reg19-E-191	University College London	Deloitte	Reg19-E-191/012	Climate Emergency	CE3 Embodied Carbon														UCL support the aims of Draft Policies CE1, CE2, CE3, CE4, and CE6 to achieve high environmental standards in new developments, and has incorporated reduced consumption and minimised impacts into the UCL East development through the design, construction, and operational stages. Consequently, UCL has had confirmation from BRE that both of the Phase 1 buildings have achieved BREEAM Excellent. <b>[This has been repeated for other policies listed]</b>		Support noted.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/073	Climate Emergency	CE3 Embodied Carbon							No							Policy CE3 Embodied carbon 10.5 In relation to embodied carbon, Part 6 of the draft policy outlines an expectation for major developments to meet embodied carbon limits of less than 500kg CO2/m2. St William notes that this aligns with the aspirational WLC benchmark within the GLA Guidance, as opposed to the standard benchmark (which is 850kg CO2/m2). Achieving the aspirational benchmark is extremely challenging and rarely seen from developments. St William therefore requests that Part 6 is updated to require the standard benchmark or align itself with GLA Guidance and acknowledge that it is aspirational. 10.6 Every development and its site-specific solution to climate change and environmental sustainability will differ, therefore St William’s preference is for the prescriptive requirements of these policies in particular Policy CE2 and CE3 are removed or more flexibility incorporated into this policy which ensures the optimum reduction in carbon emissions is reached whilst taking account of site specific circumstances and viability.	[Appendix 12: General Policies – Suggested amendments] <del>5. Major developments are expected to meet embodied carbon limits of less than 500kg CO2/m2.</del>	This wording change is not supported. We did not consider this change to be necessary as s we consider it necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-195	St William Homes LLP	Quod	Reg19-E-195/074	Climate Emergency	CE3 Embodied Carbon															[Appendix 12: General Policies – Suggested amendments] 2. Developments should mitigate overheating using ‘passive design’ principles <b>as a priority, rather than using ‘active cooling’ such as air conditioning.</b>  -----Regulation 19 policy wording----- -- 2. Developments should mitigate overheating by using ‘passive design’ principles, rather than relying on ‘active cooling’ such as air conditioning.	A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. A change was made for the Regulation 19 Local Plan, allowing active cooling in situations where agent of change requires it.
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/064	Climate Emergency	CE3 Embodied Carbon												No		It is noted that the intent of this policy aligns with the London Plan and supporting guidance. However, Criterion 6 sets a target which does not align with the GLA’s minimum benchmark, and therefore there should be justification of why higher targets are deemed to be achievable in Newham.		This wording change is not supported. We did not consider this change to be necessary as we consider embodied carbon targets necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/16	Climate Emergency	CE3 Embodied Carbon			6											<p>Clarification 1: Whether the proposed energy modelling packages limited to the three proposed.</p> <p>Draft Policy CE3 (Embodied Carbon) includes a number of requirements related to embodied carbon across a building's life cycle. Part 6 sets out that major developments are expected to meet embodied carbon limits of less than 500kg CO2/m2.</p> <p>As set out in our previous representations to the Regulation 18 consultation, the limit has been informed by LETI and RIBA targets which have only been set for 'best practice' for offices, retail, residential and educational typologies. This is about 50% less than the GLA benchmark values for major development requirements. It appears that the draft Plan assessment scope for the embodied carbon aligns with the LETI element scope not the GLA Whole Life Carbon Assessment Guidance Scope, therefore clarity should be provided.</p> <p>As informed by Cundall, the elemental breakdown and distribution for data centres would expect to differ significantly from these listed typologies, and therefore would be deemed unsuitable for comparison. For example, typical MEP contribution for these typologies sits between 15-20%, whereas for a data centre building, this would expect to be between 50-60%.</p> <p>Cundall have advised that in their experience, data centre schemes typically have an upfront embodied carbon of 1000 kgCO2e/m2.</p>	<p>Recommendation 4: Amend Policy CE3 Part 6 to exclude data centre developments from this requirement.</p> <p>Suggested track changes to policies: CE3 Part 6: Major developments <b>(excluding data centres)</b> are expected to meet embodied carbon limits of less than 500kg CO2 /m2.</p>	The policy approach has not changed, in light of our climate commitments. In all cases, the development should demonstrate efficiency, with development minimising the amount of embodied carbon. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-218	IXDS	RPS	Reg19-E-218/034	Climate Emergency	CE3 Embodied Carbon						Yes	No					No	Yes	<p>This policy sets specific numerical targets for embodied carbon limits.</p> <p>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.</p> <p>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.</p>		This wording change is not supported. We did not consider this change to be necessary as s we consider it necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/035	Climate Emergency	CE3 Embodied Carbon			1			Yes	No						Yes		Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "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.	Comment noted..
Reg19-E-218	IXDS	RPS	Reg19-E-218/036	Climate Emergency	CE3 Embodied Carbon			2			Yes	No						Yes		[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE3: Embodied Carbon and the circular economy]  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.	Comment noted..
Reg19-E-218	IXDS	RPS	Reg19-E-218/037	Climate Emergency	CE3 Embodied Carbon			3			Yes	No						Yes		[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE3: Embodied Carbon and the circular economy]  3. Major developments <b>that are referable to the Mayor of London</b> 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.	This wording change is not supported. We did not consider this change to be necessary as s we consider it necessary to meet our climate objectives. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-218	IXDS	RPS	Reg19-E-218/038	Climate Emergency	CE3 Embodied Carbon			4			Yes	No						Yes		[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE3: Embodied Carbon and the circular economy]  4. Modern Methods of Construction (MMC) should be used carefully and, where appropriate, the use of MMC must comply with other energy policies.	Comment noted..

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/039	Climate Emergency	CE3 Embodied Carbon			5			Yes	No						Yes		[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE3: Embodied Carbon and the circular economy]  5. Major developments <b>that are referable to the Mayor of London</b> should undertake a Whole Life Carbon assessment in accordance with the requirements outlined in London Plan (2021) Policy SI 2.	This wording change is not supported. We did not consider this change to be necessary as s we consider it necessary to meet our climate objectives. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-218	IXDS	RPS	Reg19-E-218/040	Climate Emergency	CE3 Embodied Carbon			6			Yes	No						Yes		[Key to modifications: Deletions in <del>striketrough text</del> Additions in <u>underline text</u>  "CE3: Embodied Carbon and the circular economy]  <del>6. Major developments are expected to meet embodied carbon limits of less than 500kg CO2 /m2."</del>	This wording change is not supported. We did not consider this change to be necessary as we consider it necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-222	Ballymore	Rolfe Judd	Reg19-E-222/44	Climate Emergency	CE3 Embodied Carbon															Policy CE3: Embodied Carbon We consider that draft policy CE3 should be amended to require whole life cycle carbon assessments for GLA referable schemes in accordance with the London Plan, rather than all major developments, as previously raised during Regulation 18 consultation.	This wording change is not supported. We did not consider this change to be necessary as we consider it necessary to meet our climate objectives. Evidence base from the West of England Combined Authority and City of Westminster indicate that embodied carbon targets can be reached with little impact. The Council is satisfied that the plan is sound without the proposed changes.
Reg19-E-244	One Newham		Reg19-E-244/052	Climate Emergency	CE3 Embodied Carbon														Climate emergency Just Transition and the Climate Emergency [Policy CE1: Environmental design and delivery] and Policy CE3: Embodied carbon and the circular economy Great this is in place - needs more promotion		Support noted.
Reg19-E-244	One Newham		Reg19-E-244/054	Climate Emergency	CE3 Embodied Carbon														Circular Economy Policy CE3: Embodied Carbon and the circular economy [and Policy CE5: Retrofit and the circular economy]  Great that this is in place - but in practice does not seem to happen . Eg use local universities such as UEL for research		Comment noted.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-C-006	Alex Burr		Reg19-C-006/001	Climate Emergency	CE4 Overheating						Yes	No						Yes	<p>The national plan states that "Plans should take a proactive approach to mitigating and adapting to climate change, taking into account [...] the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts..."</p> <p>The plan addresses mitigation of overheating in new building schemes. But planning rules should also avoid placing unnecessary obstacles to the improvement of existing stock.</p> <p>Currently, addition of simple, cheap solutions such as external blinds, shutters, canopies, and shading require planning permission when applied to property frontage - significantly increasing their cost.</p> <p>Furthermore, there is currently no guidance as to whether and which of these would be approved by the planning dept, and what criteria would be applied.</p> <p>The plan rightly promotes these solutions for new builds over active cooling; it should avoid placing these obstacles to their use in existing buildings.</p> <p>In Italy, France, and Germany there is a well developed market of products which can be installed to address overheating, including simple wooden shutters that householders can install themselves. In the UK such products are largely not available (except for purely decorative shutters, which don't even work). The current uncertainty as to what products would receive permission, is an obstacle to the local production or importation of such goods.</p>	<p>The plan should exempt the addition of external blinds, shutters, canopies, and shading from planning permission, for residential properties.</p> <p>If this is not possible, the plan should make clear that installation these products would receive planning permission, and provide (or obligate the council to provide) clear indication of what criteria would be applied (for example, what is necessary for a shutter to avoid providing an obstacle to pedestrians, if the house front is directly on the street).</p> <p>Because existing houses were not designed for the addition of such products, planning rules should avoid being too restrictive as to which solution they will accept. UK windows usually open outwards, unlike EU ones, and depending on how they open, different products may be ruled out. For example, windows that open upward may only be practical to shade with a canopy such as a drop arm canopy (because otherwise it may not be possible to open the window at the same time, which is a problem for both ventilation and means of escape). Such canopies can be tasteful but are not an obvious solution. Instead, rules should define broad limits and indicate specific cases where judgement may be required.</p>	<p>A change to this policy approach has not been made. We did not consider this change to be necessary as we consider that the existing policies support the retrofitting of homes, including consideration of overheating and design. The Council is satisfied that the plan is sound without the proposed changes.</p>
Reg19-C-006	Alex Burr		Reg19-C-006/002	Climate Emergency	CE4 Overheating						Yes	No						Yes		<p>Homes in conservation areas will also need protection from overheating, which historically accurate measures (eg, internal shutters) may not be able to satisfy. The council should consider how to allow such protection in an appropriate way.</p>	<p>A change to this policy approach has not been made. We did not consider this change to be necessary as we consider that the existing policy supports retrofitting homes, including in conservation areas. The Council has specific guidance for conservation areas. The Council is satisfied that the plan is sound without the proposed changes.</p>
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/111	Climate Emergency	CE4 Overheating														No comment.		<p>Comment noted.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-191	University College London	Deloitte	Reg19-E-191/013	Climate Emergency	CE4 Overheating														UCL support the aims of Draft Policies CE1, CE2, CE3, CE4, and CE6 to achieve high environmental standards in new developments, and has incorporated reduced consumption and minimised impacts into the UCL East development through the design, construction, and operational stages. Consequently, UCL has had confirmation from BRE that both of the Phase 1 buildings have achieved BREEAM Excellent. <b>[This has been repeated for other policies listed]</b>		Support noted.
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/065	Climate Emergency	CE4 Overheating														The benefit of the inclusion of Criterion 3 is queried, given compliance with Part O is required to be demonstrated at Building Control stage. A qualitative assessment of overheating measures may be a more useful exercise.		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council's response has not changed.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/17	Climate Emergency	CE4 Overheating			1.c											Draft Policy CE4 (Overheating) includes a range of requirements to mitigate the impact of overheating. By their nature, data centres require extensive mechanical cooling. As such it will be challenging to comply with parts 1c, 2 and 3 for data centre development, with the exception of the ancillary office spaces.	Recommendation 5: Amend Policy CE4 to exclude data centre developments from these requirements.  CE4 1c: All major non-residential development ( <b>excluding data centres</b> ) is expected to demonstrate how overheating potential has been minimised, reflecting the end use of the building.	The policy approach has not changed, in light of our climate commitments. In all cases, the development should demonstrate efficiency, with development minimising the amount of embodied carbon. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/18	Climate Emergency	CE4 Overheating			2											Draft Policy CE4 (Overheating) includes a range of requirements to mitigate the impact of overheating. By their nature, data centres require extensive mechanical cooling. As such it will be challenging to comply with parts 1c, 2 and 3 for data centre development, with the exception of the ancillary office spaces.	Recommendation 5: Amend Policy CE4 to exclude data centre developments from these requirements.  CE4 2: Developments ( <b>excluding data centres</b> ) should mitigate overheating by using 'passive design' principles, rather than relying on 'active cooling' such as air conditioning.	The policy approach has not changed, in light of our climate commitments. All development should be designed to minimise the need for active cooling as much as possible. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/19	Climate Emergency	CE4 Overheating			3											Draft Policy CE4 (Overheating) includes a range of requirements to mitigate the impact of overheating. By their nature, data centres require extensive mechanical cooling. As such it will be challenging to comply with parts 1c, 2 and 3 for data centre development, with the exception of the ancillary office spaces.	Recommendation 5: Amend Policy CE4 to exclude data centre developments from these requirements.  CE4 3: All development where Building Regulations Part O applies ( <b>excluding data centres</b> ) should submit proof of ability to meet Part O provided as part of the planning application.	The policy approach has not changed, in light of our climate commitments. All development should be designed to minimise the need for active cooling as much as possible. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-244	One Newham		Reg19-E-244/053	Climate Emergency	CE4 Overheating														Overheating Policy CE4: Overheating More tree planting in streets needed for shade etc. this is just transition plan - but highways do not seem to be on board.		Comment noted. Policy GWS4 sets out the Council's policy on trees and hedgerows, with the aim of 20 per cent canopy cover in the borough. The implementation text of Policy CE4 notes that the local microclimate can reduce overheating - including avoiding large areas of unshaded tarmac and urban greening (including street trees).



Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-176	Port of London Authority	Capita	Reg19-E-176/006	Climate Emergency	CE4: Overheating						Blank	Blank							Further to this, as part of the assessment of any required mitigation measures to protect future residents from inappropriate internal noise levels, such as fixed shut windows, the potential for overheating must also be considered in this context so that that an appropriate ventilation/cooling strategy is in place that can if required, enable windows to be kept closed by the occupant for noise mitigation purposes. The highlighting of this link between overheating and the Agent of Change principle must therefore be set out in the supporting text of Policy CE4: Overheating.		Comment noted. The implementation text of Policy CE4.2 supports active cooling where “external noise, significant local pollution, or ‘agent of change’ issues must be mitigated against”.
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/112	Climate Emergency	CE5 Retrofit and circular economy														No comment.		Comment noted.
Reg-19-D-EH-001	Sharon Fell		Reg-19-D-EH-001/007	Climate Emergency	CE6 Air quality						Blank	No						Blank	Statement – ‘minimise exposure to poor air quality’ – any building work only increases this as does emissions from homes.		Comment noted. The Local Plan addresses this topic through the Climate Emergency and Transport policies. The implementation text of Policy CE6 and the Characterisation Study provides recommendations on how local measures can improve the dispersal of identified pollutants and reduce exposure to poor air quality. However, many sources of poor air quality – such as vehicular traffic – are outside of the remit of the Planning system.
Reg19-E-015	Greater London Authority		Reg19-E-015/024	Climate Emergency	CE6 Air quality														Air quality LBN has five air quality focus areas, which are set out in Figure 9.1 of the LP2021. This should be made clear in draft Policy CE6. Development proposals in these areas should demonstrate that design measures have been used to minimise exposure to poor air quality		Comment noted. The Council considers Policy CE6 sets out specific design interventions and considerations for development to minimise exposure to poor air quality.
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/113	Climate Emergency	CE6 Air quality														No comment.		Comment noted.
Reg19-E-176	Port of London Authority	Capita	Reg19-E-176/007	Climate Emergency	CE6 Air quality			CE6.5			Blank	Blank						Blank	Detailed Policy Comments (Part 1) Part 5 of Policy CE6: Air Quality includes a requirement that new moorings on waterways must include an electrical hook up at each mooring point. Whilst this is in principle supported further detail is needed in the supporting text on all types of moorings that this would be a requirement for – ie. Residential / Visitor / Commercial.		Comment noted. The implementation text of Policy CE6.5 makes clear that the electrical hookups at new moorings would be for houseboats.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-191	University College London	Deloitte	Reg19-E-191/014	Climate Emergency	CE6 Air quality														UCL support the aims of Draft Policies CE1, CE2, CE3, CE4, and CE6 to achieve high environmental standards in new developments, and has incorporated reduced consumption and minimised impacts into the UCL East development through the design, construction, and operational stages. Consequently, UCL has had confirmation from BRE that both of the Phase 1 buildings have achieved BREEAM Excellent. <b>[This has been repeated for other policies listed]</b>		Support noted.
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/066	Climate Emergency	CE6 Air quality														Part 2 requires development along major roads or in other locations that experience poor quality that cannot be mitigated to improve the dispersal of pollutants. TSP queries the definition of major roads and examples of improving the dispersal of pollutants. Part 6 requires all masterplan development to consider how local air quality can be improved as part of an air quality approach. This has occurred in relation to Silvertown.		Comment noted. The implementation text of Policy CE6 and the Characterisation Study provides recommendations on how local measures can improve the dispersal of identified pollutants and reduce exposure to poor air quality.
Reg19-E-238	Environment Agency		Reg19-E-238/051	Climate Emergency	CE6 Air quality														CE6 Air Quality In our Reg 18 response we said that ‘We encourage consideration to be given to how an air quality positive approach can be linked to other policies within the Plan’. The council may wish to explore how this can be further linked into policies within the plan. For example, policies GWS3 and GWS4.		A change to this policy approach has not been made. We did not consider this change to be necessary as the air quality approach is part of Policy CE6.  The Council is satisfied that the plan remains sound without changes.
Reg19-E-244	One Newham		Reg19-E-244/055	Climate Emergency	CE6 Air quality														Circular Economy [Policy CE3: Embodied Carbon and the circular economy and] Policy CE5: Retrofit and the circular economy  Great that this is in place - but in practice does not seem to happen . Eg use local universities such as UEL for research		Comment noted.
Reg19-E-238	Environment Agency		Reg19-E-238/062	Climate Emergency	CE7 Managing flood risk			CE7.4											In our Reg 18 comments regarding Point 4 we said that ‘The wording of policy requirement CE7.4 should be strengthened by adding that for residential developments a lifetime of at least 100 years is required, and 75 years for commercial developments. It does not appear that the changes to policy wording have been made however we note that the implementation section for CE7.4 mentions this. This policy also provides details on timings of any works where it says ‘If any improvements are required, these should be made at the earliest possible stage’.	This should be changed to ‘If any improvements are required, these should be <b>completed prior to development made at the earliest possible stage</b> ’. This change should also be reflected in the implementation section for CE7.3 and CE7.4 which currently reads ‘earliest possible stage’	The Council’s objective for this policy approach is to ensure that development adequately considers and addresses flood risk in line with national policy requirements. As noted, the comments made at regulation 18 have been addressed in the implementation text.  However, the Council recognises the importance of ensuring the Plan is fully comprehensive and directly reflects national policy on this point and has therefore made your wording change which is included in the modification table: If any improvements are required, these should be <b>completed prior to development made at the earliest possible stage</b> .

Representation Reference	Represntor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-238	Environment Agency		Reg19-E-238/063	Climate Emergency	CE7 Managing flood risk			CE7.5											We note that Point 5.b which reads as follows ‘Proposals within Gallions Reach, North Woolwich, Royal Victoria, Royal Albert North Canning Town and Custom House and Manor Road Neighbourhoods must have regard to: the emerging Riverside Strategy to ensure flood defence requirements are delivered to improve flood risk management and maximise multifunctional benefits including public access to the river and an improved the riverside environment’ has been removed.	We would recommend that reference to the Riverside Strategy is made as per Reg 18 submission.	A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. The Council’s response has not changed.
Reg19-E-238	Environment Agency		Reg19-E-238/065	Climate Emergency	CE7 Managing flood risk			CE7.5											In our Reg 18 response we advised that policy CE7.5 includes specific requirements for development along the tidal riverside. It does not appear that these suggestions have been taken on board. The specific requirements we suggested included: <ul style="list-style-type: none"><li>•Maintain, enhance, or replace flood defence walls, banks, and flood control structures to provide adequate protection for the lifetime of the development, including ensuring adequate provision of space for this in regeneration or Local Plan site allocations.</li><li>• Demonstrate how the tidal flood defences can be upgraded to the required Thames Estuary 2100 levels in the future through submission of plans and cross-section of the proposed raising. Where opportunities exist, this could be achieved through developers raising defences now to the require heights, as long as these are able to be adapted if required in future.</li><li>• Demonstrate the provision of improved access to existing defences, or where opportunities exist, to realign or set back defences.</li><li>• Provide associated landscape, amenity and habitat improvements alongside defence improvements where appropriate, in line with the riverside strategy approach.</li><li>• Safeguard and protect land for future defence raising and possible modification to the existing Thames Barrier.</li><li>• Secure financial contributions from partners in order to enable flood defence works</li></ul>		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. Where considered appropriate or necessary these amends have been made and are included in the implementation text. Some changes were not considered necessary as we considered sufficient guidance was already provided in the policy. The Council’s response has not changed.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-238	Environment Agency		Reg19-E-238/066	Climate Emergency	CE7 Managing flood risk														In our Reg 18 response we said that ‘Policy CE7 needs to be amended to specifically acknowledge the presence and importance of the Thames Barrier. The TE2100 Plan contains a number of high-level options to manage flood risk in London and the estuary to the end of the century and beyond. One of these options is to modify the existing Thames Barrier, and if chosen, we want to ensure that no proposed developments or land uses, within the vicinity of the Thames Barrier site, prevent this modification from occurring. This should be reflected either in CE7.4 or as a new part CE7.6. within the policy’. This has not been done.		A response to this comment was provided in the Regulation 18 Local Plan Consultation Report. This included a change to the policy approach to provide further detail regarding the Thames Barrier replacement into the implementation text, with part 4 of the policy already providing a sufficient hook to require this consideration. The Council’s response has not changed
Reg19-E-083	Aston Mansfield	Savills	Reg19-E-083/115	Climate Emergency	CE8 Sustainable drainage														No comment.		Comment noted.
Reg19-E-202	The Silvertown Partnership LLP	DP9	Reg19-E-202/068	Climate Emergency	CE8 Sustainable drainage														In principle TSP agrees that development should be 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.	However, 2b sets out a specific approach and it states that N2 Royal Victoria site allocations will need to implement blue-green infrastructure runoff reduction interventions or Sustainable Urban Drainage systems on 50 per cent or more of their site area. TSP questions where this justification comes from due to the specific nature and cost implications associated with providing this and notes that this is not part of the HPA proposals nor has it been requested by technical consultees. It is proposed that this wording is deleted	This wording change is not supported. We did not consider this change to be necessary as the deliverability of the policy has been fully considered as part of the development of the Royal Docks and Beckton Riverside OAPF Integrated Water Strategy, with further site specific detail provided in part 2, section 1.6. This work was developed with the GLA, Port of London Authority, Royal Docks Management Authority, Thames Water and the Environment Agency (a technical consultee), and is considered necessary to better manage the high risk levels for surface water flooding in the area. The Council is satisfied that the plan remains sound without the proposed change.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-218	IXDS	RPS	Reg19-E-218/041	Climate Emergency	CE8 Sustainable drainage			2.b			Yes	No						Yes	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Key to modifications: Deletions in <del>strike through text</del> Additions in <u>underline text</u></p> <p>”CE8: Sustainable drainage</p> <p>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.</p> <p>2. All development must promote an integrated approach to water management through greening and incorporating rainwater storage for reuse and irrigation. In addition:</p> <p>a. major development must maximise the multifunctional benefits of Sustainable Urban Drainage Systems including improving biodiversity, amenity, cooling and water quality and/or</p> <p>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 <del>50 per cent or more</del> as much of their site area- <b>as is feasible</b>.</p>	<p>This wording change is not supported. We did not consider this change to be necessary as the deliverability of the policy has been fully considered as part of the development of the Royal Docks and Beckton Riverside OAPF Integrated Water Strategy, with further site specific detail provided in part 2, section 1.6. This work was developed with the GLA, Port of London Authority, Royal Docks Management Authority, Thames Water and the Environment Agency (a technical consultee), and is considered necessary to better manage the high risk levels for surface water flooding in the area. The Council is satisfied that the plan remains sound without the proposed change.</p>
Reg19-E-238	Environment Agency		Reg19-E-238/067	Climate Emergency	CE8 Sustainable drainage														<p>In our Reg 18 response we said that ‘Policy CE8 can be strengthened by referencing sustainable drainage in the context of groundwater protection’. We note that the policy itself has not been strengthened by referencing sustainable drainage in the context of groundwater protection however the implementation section for CE8.1 and CE8.2 has. We also note that this section now discusses Environmental Permit for discharges of surface water run-of.</p>		<p>Support noted.</p>
Reg19-E-238	Environment Agency		Reg19-E-238/068	Climate Emergency	CE8 Sustainable drainage			CE8. 3d											<p>Point 3.d states that ‘where culverted watercourses are present, investigates opportunities for de-culverting’. This however does not put any obligations on developers to actually carry out any de-culverting. This Policy should be amended in order to require de-culverting where feasible.</p>		<p>The Council notes the proposed modification. This is not considered necessary for soundness. However the Council supports the intentions for the proposal and considers their inclusion could improve the delivery of Sustainable Urban Drainage, which is a key Local Plan objective. Therefore, if they are further proposed by the Inspector, the Council would be supportive of these modifications being made.</p>

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-C-023	Bob Sharples		Reg19-C-023/009	Climate Emergency	GWS2 Water spaces						Yes	Yes						Yes	Consideration should be given to using existing playing field sites for creating district heating centres. Sport England is supporting the Department of Education using school playing fields for this purpose. Ground source heating can be installed under the playing pitches and the kit required, which is relatively small can be located on the edge or preferable just of the playing fields, then heat collected can be used in nearby buildings. The playing pitches, once restored can continue to be used for sport as playing fields.		Comment noted. The Climate Change Evidence base sets out examples of how low carbon heat can be achieved, including through the use of ground source heat pumps. Any application for ground source heat pumps would be duly considered, against all the policies in the Local Plan.
Reg19-C-033	Alexander Morgan		Reg19-C-033/001	Climate Emergency							No	No						No	Indicators of willingness of an attempt to meaning fully reduce carbon emissions from sector 1st source, sector 2nd transport 3rd use of the materials. But no reference to water quality only a photo of the toxic Thames river as an essential priority to maintain newhams natural capital not just carbon data. Carbon must be validated and project creation enabled for tradable emission units to offset councils unavoidable emissions, every new build a win for the environment.	Newham's future Just Transition Fund for offsetting their remaining embodied carbon, rather than offsetting this embodied carbon elsewhere in The UK or the world.  All offsets are valid. And play a part in climate action. We can look for a meaningful quantifiable of 100,000 tons of co2 reduction to validate a local project. Grouping offset methodologies IE carbon reduced building material for project verification on construction site, into offset units per project.	A change to this policy approach has not been made. The overall policy objective is that net zero buildings will use ultra-low amounts of energy, use low carbon heat, and contribute to the generation of renewable energy on-site. They will also have been constructed with low levels of embodied carbon. The evidence base demonstrates that these targets are deliverable and viable. The Council is satisfied that the plan remains sound without the proposed changes.
Reg19-E-015	Greater London Authority		Reg19-E-015/025	Neighbourhoods															Air quality [LBN has five air quality focus areas, which are set out in Figure 9.1 of the LP2021. This should be made clear in draft Policy CE6. Development proposals in these areas should demonstrate that design measures have been used to minimise exposure to poor air quality] and this should be reflected in relevant site allocations.		Comment noted. The Council considers Policy CE6 sets out specific design interventions and considerations for development to minimise exposure to poor air quality.
Reg19-E-026	London Borough of Barking and Dagenham	BeFirst	Reg19-E-026/010	Climate Emergency															<u>Climate Emergency</u> • This chapter is very comprehensive, ambitious and we commend the work done to integrate a Just Transition Plan. We also recognise the importance of putting more emphasis on the need for a Just Transition and focus on retrofit in our own future policy development.		Support noted.

Representation Reference	Representor	Agent	Comment Reference	Chapter	Policy	Site allocation	Introduction	Clause	Justification	Implementation text	Legally Compliant?	Sound?	Positively prepared?	Justified?	Effective?	Consistent with the NPPF?	Consistent with the London Plan?	Complies with Duty to Cooperate?	Representor Comment	Proposed modifications and explanation	LB Newham Response
Reg19-E-174	Daniel Blaney		Reg19-E-174/001	Climate Emergency															The Local Plan and the Climate Emergency I am concerned that the regulation 19 draft plan is insufficiently robust is setting down its statutory requirements cited relation to climate change. Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by Section 182 of the Planning Act 2008, states: ‘Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’ There is clear policy guidance in the NPPF and professional guidance published by the RPTI to ensure its compliance with this requirement. I am alarmed by the following sentence in the Regulation 19 Viability Report: “in some cases there may be a need to balance the net zero carbon objective against other plan requirements,” which appears contrary to the guidance for ensuring compliance with the climate change objectives set out in primary legislation, and which could be subject to legal challenge.		Comment noted. Policies which increase build costs, which the energy policy requirements do, are included in the viability assessment to demonstrate they are deliverable, in line with the NPPF.
Reg19-E-206	GLP (Land at Central Thameside West and Former Alnex site)	DP9	Reg19-E-206/11	Climate Emergency															The onerous energy and sustainability policy requirements in the context of data centre developments The Climate Emergency chapter of the draft submission Local Plan includes a range of draft policies relating to energy and sustainability ambitions. GLP are committed to delivering a data centre development with the highest level of sustainability, however given the nature of data centre developments there are inherent constraints around what this form of development can achieve compared to other industrial uses.		Comment noted.
Reg19-E-238	Environment Agency		Reg19-E-238/069	Climate Emergency															W4: Utilities and Digital Connectivity Infrastructure In our Reg 18 response we stated that ‘There are number of misconnections within the borough which contribute to diffuse pollution in our waterbodies We recommend he inclusion of a retrospective recognition of this in your policies, ensuring new developments aim to clean up misconnections in their proposal of works and ensure new ones are not created’. We are pleased to see that Point 3 has been amended to read ‘All new development, including road and rail schemes, should incorporate future-proofed ducting to accommodate utilities connection requirements, rectify existing, and avoid future, pipe misconnections’.		Support noted.