



ADOPTION OF THE LOCAL PLAN 2033

Key Decision No. NH Q17

**CABINET MEETING DATE
(2020/21)**

20 July 2020 Cabinet

22 July 2020 Council

CLASSIFICATION:

OPEN

WARD(S) AFFECTED

ALL WARDS

CABINET MEMBER

Cllr Guy Nicholson

Planning, Culture and Inclusive Economy

KEY DECISION

Yes

REASON

Affects two or more wards

GROUP DIRECTOR

Ajman Ali, Acting Group Director of Neighbourhoods and Housing

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The new borough wide Local Plan 2033 is the primary strategic planning policy document that establishes and describes a vision, a growth strategy and the supporting planning policies to curate and guide development in the Borough through to 2033.
- 1.2 Known as LP33, the plan includes ambitious and step-changing policies that will enable the delivery of the borough's Community Strategy, Hackney A Place for Everyone, and realise the Council's vision for a fairer, safer and more sustainable Hackney. It links and supports the delivery of the Council's portfolio of secondary strategies and sets out a physical growth strategy and an approach to managing land uses, alongside Planning policies and Planning guidance for centres and neighbourhoods in the borough
- 1.3 LP33 responds to both development challenges and opportunities facing the borough and ensures that new development serves the needs of the community, directing the right type of development to the right place and ensuring that 'growth' and new development is managed in a thoughtful and considered way, helping to shape regeneration in the borough's neighbourhoods.
- 1.4 Consultation and evidence gathering to inform the development of the LP33 has been extensive and on-going over the past 4 years, including full consultation on a draft Plan and the Proposed Submission Local Plan 2033. Following the examination in public in June 2019, the Council received the Planning Inspector's report and schedule of Main Modifications in June 2020 which concluded that the Hackney Local Plan with the incorporation of modifications is 'sound and capable of adoption'. Hackney's LP33 can now be recommended to Cabinet and Council for full adoption.
- 1.5 I commend this report to Cabinet and to Full Council.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 This report seeks Cabinet's and Council's approval to adopt Hackney's new Local Plan 2033.
- 2.2 The Local Plan is one of the most important policy documents produced by the Council. It responds to the key challenges facing our communities and aims to achieve the strategic objectives of Hackney's Sustainable Community Strategy 2018-2028 ('the Community Strategy') and a range of other Council policies. Cabinet and Council approval is sought to adopt the Local Plan.

3. RECOMMENDATION

- 3.1 **Cabinet is asked to:**

1. Approve the adoption of Hackney's Local Plan (Appendix 1) and Policies Map (Appendix 2) in accordance with the Planning Inspector's Report June 2020 and Schedule of Main Modifications (Appendix 3).
2. Recommend to Full Council to approve the adoption of Hackney's Local Plan (Appendix 1) and Policies Map (Appendix 2) in accordance with the Planning Inspector's Report June 2020 and Schedule of Main Modifications (Appendix 3).
3. Delegate authority to the Group Director of Neighbourhoods and Housing to approve administrative alterations, typographical amendments, to improve cross referencing (e.g para numbering, page numbering) and typographical errors prior to the publication of the final plan.

3.2 Council is asked to:

- 1. Approve the adoption of Hackney's Local Plan (Appendix 1) and Policies Map (Appendix 2) in accordance with the Planning Inspector's Report June 2020 and Schedule of Main Modifications (Appendix 3).**

4. REASONS FOR DECISION

- 4.1 The Council is required by legislation to have an up to date Local Plan. The Local Plan will help inform and influence the plan and Hackney's spatial approach to the challenges up to 2033. The National Planning Policy Framework requires Local Planning Authorities to maintain an up-to-date local plan and that it should clearly demonstrate a 5-year housing supply. In the absence of such, the NPPF and its presumption in favour of sustainable development takes precedence, meaning that proposed developments should be granted planning permission unless their adverse impacts "significantly and demonstrably" outweigh their benefits.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 The alternative is to retain the suite of existing development plan documents, primarily the Core Strategy (2010) Development Management Local Plan (2015), and Site Allocations Local Plan (2016) and adopted Area Action Plans. This has been rejected as it would result in Hackney's Local Plan being out of date. LP33 ensures that Hackney's planning policies are robust, up to date, and opportunities to effect change are maximised.

6.1 Background

- 6.1.1. A Local Plan, along with the London Plan (prepared by the Mayor of London and applicable to all London Boroughs) together comprise the statutory land use and development plan for a borough. Local Plan 2033 provides the

spatial planning framework for Hackney to deliver the Community Strategy and other corporate strategies. Upon adoption the Local Plan will replace the Core Strategy (2010), the Development Management Local Plan (2015), some of the sites in the Site Allocations Local Plan (2016) and adopted Area Action Plans. It will also provide the strategic policy framework for emerging Area Action Plans for Stamford Hill and Shoreditch.

- 6.1.2. LP33 has been prepared alongside a number of other strategies and plans including the Community Strategy and the Housing Strategy. This has enabled the development of a shared vision, evidence and consultation.
- 6.1.3. There have been three main stages of public consultation in the development of LP33. The LP33 'Direction of Travel' consultation was undertaken between November 2016 and January 2017; the draft LP33 (Regulation 18) consultation between October 2017 and December 2017; and the Proposed Submission (Regulation 19) consultation between November 2018 and January 2019.
- 6.1.4. Representations received, and amendments to LP33 were reported to Cabinet. Cabinet and Council in October 2018 approved the Proposed Submission LP33 for both public consultation, and subsequent submission of the Plan to Government for the Examination in Public (EiP).
- 6.1.5. Following consultation of the Proposed Submission LP33, the Plan, representations received and supporting evidence that informed it were submitted to the Planning Inspectorate for Examination in Public (EiP) in January 2019. The hearing sessions took place in June 2019.
- 6.1.6. The Inspector considered the representations made on the Plan at the hearings and explored a number of modifications to policies with officers to resolve matters of soundness and legal compliance. Consultation on the Main Modifications was carried out between 25 September to 6 November 2019. All responses received were sent to the Inspector in November 2019 for consideration in concluding on the soundness of Plan.

Overview of LP33 Growth Strategy and Policies

- 6.1.7. LP33 sets out a vision for what Hackney will be like in 2033 and the planning policies to guide and manage development and investment in the borough. It will help ensure development serves the needs of the borough and allow the Council and local people to influence development.

Place policies

- 6.1.8. Hackney's growth strategy has been articulated at an area-based level through Place Policies. These policies provide the strategic guidance to

enable the Council to develop area-based plans and allocate sites for development. They include an area-based vision, an urban design and character analysis, development opportunities, key land use designations and development or strategic principles for each place.

- 6.1.9. More detailed guidance in the form of Area Action Plans, supplementary guidance and masterplans will be developed and shaped by local communities over the life-time of the plan to bring forward development and growth which is fair, inclusive and appropriate.

Place Policies relate to the the following areas:

1. Dalston
2. Hackney Central and Surrounds
3. Stamford Hill
4. Enhanced Corridors
5. Hackney Wick
6. Clapton and Lea Bridge Roundabout
7. Shoreditch and Hoxton
8. Manor House
9. Homerton

Housing

- 6.1.10. Maximising the delivery of genuinely affordable homes remains one of the biggest challenges facing the Plan. LP33 has a policy that would require affordable housing contributions on both large sites (capacity to develop 10 plus dwellings) and small sites (1-9 dwellings).
- 6.1.11. In addition to this, policies will require new housing products such as co-living and build-to-rent to provide at least 50% on-site affordable housing at Hackney Living Rent levels; the protection of housing also applies to sites within employment areas; and to enable the Council to prioritise the delivery of homes (or in some cases workspace) ahead of hotel accommodation where it is demonstrated that this better meets the needs of our communities.

Employment

- 6.1.12. In order to help retain vital industrial land and floorspace within Hackney and ensure that sufficient office floorspace is delivered to meet Hackney's economic needs. LP33 directs employment activities to the designated employment areas, with new office development to the most sustainable locations primarily in the south of the borough within the City Fringe Opportunity Area and within existing town centres, and protecting and intensifying long established industrial land and floorspace, particularly in the northern employment areas.

- 6.1.13. Policies continue to protect existing industrial uses across the whole borough, not just within designated employment areas, and ensure employment-led development particularly in the south of the borough delivers a more varied mix of uses, not just office development.
- 6.1.14. LP33 seeks to secure affordable and or low cost workspace, with the discount on market rents being different between Shoreditch and the rest of the borough. This reflects differences in land values and affordability across the borough.

Town Centres

- 6.1.15. Hackney's town centres operate as a network and perform different roles and functions – larger town centres provide more shops for durable comparison goods with smaller centres meeting the day to day needs of residents.
- 6.1.16. Town centres will remain the main destinations for shops, however the growth of e-tailing (on line shopping) m-tailing (shopping through mobile phones, tablets etc), means that for centres to remain viable they must provide an attractive shopping and leisure experience to increase the amount of time people spend on the high street.
- 6.1.17. LP33 directs retailing towards the town centres, and promotes and protects other retail offers such as street markets and individual shop /parades outside the centres.
- 6.1.18. Policies manage the evening economy, and specific uses like hot food takeaways and controlling betting shops and pay day loan shops. This is to complement other strategies and plans beyond planning.

Sustainable Development

- 6.1.19. In addition to policies on housing, employment and town centres, LP33 also sets out policies on communities, design, open space and the environment to ensure high quality sustainable development. In response to the new London Plan and the 2018 Hackney manifesto commitments the following policies include:
- Reflecting Hackney's vision for a child friendly borough, policies on new children's play space make it clear that new play space should be accessible to all communities not just those living in the new development
 - There is a new requirement for developers to provide 10% carbon reduction from renewables within the context of maximising energy savings through design and build.
 - There is a new policy so that development above 7 metres incorporates design measures for swifts and other nesting birds

- In addition to policies on open space, further policies on urban greening linked to the London Mayor’s Urban Greening Factor and Hackney’s vision for vertical forests.
- There is a new policy to improve digital connectivity – focussing on connectivity speeds and affordability.

The Examination in Public (EiP) of LP33

6.1.20. The examination of LP33 took place between 18th and 26th June 2019. The Planning Inspector interrogated it under the National Planning Policy Framework (2012) stipulations for:

1. Legal compliance
2. Duty to Co-operate, inc. much liaison and discussion with the GLA
3. Soundness, the four tests of soundness being:
 - “(a) Positively prepared – meeting objectively assessed needs ; informed by agreements with other authorities, and achieves sustainable development;
 - (b) Justified – has considered reasonable alternatives based on proportionate evidence;
 - (c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters, evidenced by the statement of common ground;
 - (d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

6.1.21. The Inspector considered the representations made on the Plan at the hearings and explored a number of modifications to policies with officers to resolve matters of soundness and legal compliance. The Council consulted on these modifications between 25 September to 6 November 2019. All responses received were sent to the Inspector in November 2019 for consideration in concluding on the soundness of Plan.

6.1.22. The Inspector’s Final Report was received in June 2020 which concluded that the Hackney Local Plan is ‘sound’ subject to a number of Main Modifications in (Appendix 3). The headline Main Modifications to LP33 ensure the Plan’s policies are clear and effective and relate to the following:

- Modifications to the **Place Policies** to clarify that the development/ strategic principles, development opportunities, site allocations or key land use designations form the policy requirements - by setting these out in separate policy boxes.
- Moving the **Site Allocations** from Appendix 3 into the main part of the Plan and the allocation, development principles and indicative capacities to form the policy for each site.
- Clarifying the Plan’s approach to good **design**, particularly in relation to tall buildings to make explicit the Council’s intention to prepare building height strategies and, where appropriate, identify sites and locations

suitable for taller buildings through Area Action Plans and Supplementary Planning Documents providing localised additional guidance.

- Ensuring the policy approach to the **historic and natural environment** is consistent with national policy, specifically updating the criteria-based policy against which developments affecting designated heritage assets will be assessed to ensure they preserve or enhance the character or appearance of the area (rather than both).
- Modifications to the **affordable housing** policy and supporting text to clarify that schemes that propose less than 50% on-site affordable housing will be required to submit a detailed viability assessment and will be subject to early and late review mechanisms, and that schemes meeting or exceeding 50% genuinely affordable housing will not be required to submit viability information.
- Update the **gypsy and traveller accommodation** needs figures within the Plan to reflect latest evidence and clarify the position regarding meeting such needs.
- Clarifying the approach towards the delivery of **employment floorspace** including explicit requirement of 118,000 sqm of office floorspace to be provided over the plan period, and for all new employment floorspace (where appropriate) to be fitted-out to a standard which enables immediate occupation to support meantime uses and aid the activation of such space pending permanent occupation.
- Modifications to the **railway arches** policy and supporting text to clarify the intention of the policy to protect and support the continued use for railway arches for industrial purposes, whilst also facilitating a wider range of economic uses and activities. The modifications also clearly set out what use classes and ancillary uses will be acceptable in different locations in the borough.
- Clarifications to **transport** policies to explicitly reduce the dependency on fossil-fuel vehicles and explicit intention of road-space reallocation away from car use, improved permeability in development and the public realm to promote sustainable and active travel.
- Ensuring the Plan reflects a nationally-consistent and justified approach to **green infrastructure, water and flooding and the mitigation of climate change** by explicitly stating that the Council will protect and enhance Metropolitan Open Land in accordance with the London Plan and the national Green Belt policy and the requirement for living roofs to be in accordance with the specifications set out in the Biodiversity Action Plan.

6.2 Equality Impact Assessment

6.2.1 The Draft LP33, Proposed Submission Local Plan 2033, and Main Modifications following the EiP have been informed by an Integrated Impact Assessment which includes an Equalities Impact Assessment that demonstrates compliance with the public sector duty in the Equality Act 2010 by having due regard to:

- eliminating discrimination; harassment and victimisation,

- advancing equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
- fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.3 Sustainability

6.3.1 A Strategic Environmental Assessment and Sustainability Appraisal (SA) have been undertaken as part of the Integrated Impact Assessment to ensure that the plan meets agreed sustainability objectives.

6.4 Consultations

6.4.1 Consultation on the Local Plan was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Hackney's Statement of Community involvement.

6.5 Risk Assessment

6.5.1 A full risk assessment has been carried out as part of the project plan produced for the Plan.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

7.1 There are no direct financial implications from the adoption of the Local Plan as recommended in the report.

8. COMMENTS OF THE DIRECTOR OF LEGAL

8.1 The Local Government Act 2000 created the executive model of government whereby functions not reserved to Full Council are to be the responsibility of the Executive. Other functions and responsibilities are to be shared between Full Council and the Executive. Functions which are to be the shared responsibility of the Full Council and the Cabinet are those relating to the Council's policy framework and budget. Development Plans are a shared responsibility. In cases where there is shared responsibility the law (The Local Authorities Functions and Responsibilities Regulations 2000 as amended by the 2005 Regulations in relation to Planning) provide that the decision making is shared so that the Executive makes proposals for Full Council to agree, reject or send back to Cabinet for different proposals.

8.2 Section 13 of the Planning and Compulsory Purchase Act 2004 requires the local planning authority to keep under review the matters which may be expected to affect the development of their area or the planning of its development. By section 17(3) of the same Act the authority must keep under

review their local development documents having regard to the results of any review carried out under section 13.

- 8.3 The Procedure for preparing and adopting a local plan is set out in section 19 to 24 of The Planning and Compulsory Purchase Act 2004 and part 6 of the Local Plan Regulations 2012. In preparing the plan the Council has to have regard to the matters set out in section 19(2) of The Planning and Compulsory Purchase Act 2004, among other matters. For a London Borough this list of matters includes, having regard to the London Plan, national policies and other LDDs adopted by the Council. This Report sets out how the Council has met these obligations. Part 6 of the Local plan Regulations set out other procedural requirements. Where a statement of Community Involvement is in place the process must comply with its requirements in addition to those of the Regulations.
- 8.4 Section 20 of the Planning Compulsory Act 2004 requires that the Plan be submitted to independent examination. The report indicates that an Examination has taken place and that the Inspector has made recommendations.
- 8.5 To come into force the local plan has to be adopted by resolution of full council on the recommendation of the Executive. The full Council has the following options:
- Adopt the plan with any main recommendations recommended by the Inspector and any non-material modifications as required by the Council
 - Defer adoption of the plan while asking the secretary of state to intervene under section 21 and to overrule the inspector

- Bring Judicial Review proceedings against the Inspector
- Withdraw the plan

This report is recommending the first option.

8.6 Cabinet's authority to approve the recommendations

Cabinet is authorised to approve the recommendations in Section 3 of this report pursuant to the Mayor's Scheme of Delegation in the Council's Constitution (See Note 3 and the section on 'Policy Framework' which grants Cabinet the responsibility for making recommendations to the Council on the Local Development Framework (now known as the Local Plan).

8.7 Council's authority to approve the recommendations

The Council is authorised to approve the recommendations in Section 3 of this report pursuant to:

- Article 4.6(ii) of the Constitution which states that the Full Council will among other things exercise functions on approving or adopting the policy framework. Articles 4.7 and 4.8 of the Constitution define the policy framework, which includes 'the Local Development Framework' prepared pursuant to section 15 of the Planning and Compulsory Purchase Act 2004. Section 15 of this Act has been amended and now refers to 'development plan documents' instead and includes strategic planning policies such as the Local Plan 2033; and
- Clause 3.3.1 (3) of Part 3 of the Constitution which authorises Full Council to approve or adopt plans including the Local Development Framework (which includes the Local Plan 2033)

APPENDICES

Appendix 1	Hackney Local Plan 2033 (incorporating the modifications)
Appendix 2	Policies Map
Appendix 3	Planning Inspector's Report June 2020 and Schedule of Main Modifications

BACKGROUND PAPERS

None

Report Author	Katie Glasgow, Acting Strategic Planning Manager katie.glasgow@hackney.gov.uk 020 8356 7743
Comments for and on behalf of the Group Director of Finance and Corporate Resources	Simon Theobald, Group Accountant simon.theobald@hackney.gov.uk 0208 356 2396
Comments for and on behalf of the Director of Legal & Governance (Acting)	Christine Stephenson, Senior Planning Solicitor (Acting) christine.stephenson@hackney.gov.uk 020 8356 8578