

Title of Report	Hackney Local Development Scheme	
Key Decision No	CHE S165	
For Consideration By	Cabinet	
Meeting Date	27 February 2023	
Cabinet Member	Cllr Guy Nicholson, Deputy Mayor & Cabinet Member for Delivery, Inclusive Economy & Regeneration	
Classification	Open	
Ward(s) Affected	All	
Key Decision & Reason	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards
Implementation Date if Not Called In	04 March 2023	
Group Director	Rickardo Hyatt , Group Director Climate, Homes and Economy	

1. **Cabinet Member's introduction**

- 1.1. To keep Hackney's Planning policy up to date it is important to ensure that the Planning Service maps out a programme of planning policy review, renewal and replacement. The programme has to be published in a formal timetable called the Local Development Scheme (LDS). The current LDS has reached the end of its period so this report sets out the policy programme for the coming three years. The Council will develop, review, consult on and approve a series of planning policy documents to ensure growth and change in the borough realises the Council's vision for a fairer, safer, and more sustainable Hackney. The revised LDS sets out the scope of these projects and their timetable.
- 1.2. The LDS sets out a schedule to formulate a number of area based plans and thematic supplementary planning documents over the period 2023 - 2025. These will support the delivery of the Mayor's 2022 manifesto and help address some of the most important issues and challenges in our borough through new development. These challenges include the affordability of new homes and workspaces, making sure that local communities benefit from

development and change, describing what makes a good quality home and how development contributes towards tackling the climate emergency.

- 1.3. The plan making programme set out in the 2023 - 2025 LDS will respond to these challenges through the preparation of a range of planning documents as described in the LDS. It should also be noted that the Planning Service has mapped out and allocated resources to deliver the LDS programme. As is standard practice in Hackney, as each plan comes forward it will be subject to resident and stakeholder consultations prior to formal adoption.
- 1.4. I commend this report to Cabinet.

2. **Group Director's introduction**

- 2.1. The Local Development Scheme (LDS) is a programme for preparing Hackney's planning policies. It sets out in general terms the subject matter of planning policy documents and the timetable for preparing them. The LDS needs to be periodically reviewed to keep it up to date. An updated LDS has been prepared setting out an updated programme for the production development plan documents and supplementary planning documents, along with other planning documents.
- 2.2. The LDS delivers on the growth strategy and policy objectives set out in Hackney's Local Plan. It will also ensure that the Council realises its place making and good growth objectives set out in the Strategic Plan and will help the Council respond to the climate emergency. The updated LDS is appended to this report.

3. **Recommendations**

- 3.1. **Approve the Local Development Scheme, attached as Appendix 1 to this report and also resolve that the Local Development Scheme is to come into effect on 7 March 2023.**

4. **Reason(s) for decision**

- 4.1. The Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on the Council to maintain an up-to-date Local Development Scheme (LDS). The LDS must set out the documents which, when prepared, will comprise the Local Plan for the area and the timetable for their preparation and revision. It must be made publicly available and kept up-to-date so that local communities and interested parties can keep track of progress.
- 4.2. The current version of the LDS came into effect on 8 January 2018 and covered the period 2018 to 2021. This revised LDS covers the period 2022-25 (Appendix 1) and fulfils this requirement as it sets out the timetable for the production of the Council's local plans and supplementary planning documents.

5. **Details of alternative options considered and rejected**

- 5.1. The alternative would be to not revise the LDS. This option has been rejected as it would mean the Council would not fulfil its statutory obligations as set out in 4.1 above.

6. **Background**

Policy Context

- 6.1. Under planning legislation, it is a statutory requirement for a Local Planning Authority to publish and maintain a document known as a Local Development Scheme (LDS), which sets out the planning policy documents it intends to produce and over what timeframe. While the LDS itself does not provide any specific planning policies, it provides a useful starting point for the development industry, local communities, and other stakeholders, to understand what planning policy documents the Council intends to produce, and when they can engage in their development
- 6.2. The existing LDS came into effect in 2018 and covers the period of 2018-2021. The timescales within it are now out of date. There is a need to streamline and prioritise what planning policy documents the Council now intends to produce in order to ensure the contents of the LDS are realistic and deliverable.
- 6.3. The LDS is only required to include details of Development Plan Documents (DPDs), which in Hackney currently comprises the Local Plan, the North London Waste Plan and the Site Allocations Local Plan (in part). However for completeness, it is considered helpful to include other planning policy documents within Hackney's LDS so that Members and users of the planning system can be aware of all documents that are either adopted or in preparation. The updated LDS therefore provides details about Supplementary Planning Documents (SPDs), and various other projects including the Community Infrastructure Levy (CIL), the Low Carbon Development Action Plan, and the Statement of Community Involvement.

Summary of updates

- 6.4. The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.
- 6.5. The planning documents included in the Local Development scheme will help to deliver on the corporate priorities set out in the Council's Strategic Plan and also help to respond to the climate emergency and realising our ambitions to be zero carbon by 2040.

6.6. The adopted Local Plan 2033 provides the Hackney Council’s overarching policy framework for supporting and managing growth through the determination of planning applications. However, to ensure its effective implementation, a series of other planning policy documents are also needed – to provide area and site specific guidance in key growth areas in the borough, and to provide greater detail on a series of technical matters relating to design quality and heritage, or how best practice in responding to the climate emergency can be achieved.

6.7. The following local plans and supplementary planning documents will be prepared and/or reviewed:

Local Plans

Planning Policy Document	Scope	Timetable
Shoreditch Area Action Plan	<p>Shoreditch is an area experiencing high levels of growth and is identified as an Area of Intensification in the London Plan. The Area Action Plan (AAP) will provide a comprehensive planning framework for Shoreditch to manage development pressures and balance objectives of maintaining the historic character and identity of the area whilst encouraging and facilitating development that contributes to the economic growth of the Borough and the role of Shoreditch in accommodating the expansion of the city in the City Fringe Area. This AAP will replace the South Shoreditch SPD and SALP (2016) and Policies Map for sites within the AAP boundary.</p> <p>Current Status: Regulation 18 consultation was undertaken in 2019.</p>	<p>2023: Publication of the Regulation 19 Plan in Autumn 2023.</p> <p>2024: Submission of the Plan to Government and Examination in Public.</p> <p>2025: Anticipated adoption date - early 2025.</p>
Stamford Hill Area Action Plan	<p>Stamford Hill is an area where development and growth pressures require management through area-based planning policies. This Area Action Plan (AAP) will manage development and growth pressures in this area. It will partially replace the SALP (2016) and Policies Map for sites within the AAP</p>	<p>2023: Publication of the Regulation 19 Plan in Autumn 2023.</p> <p>2024: Submission of the Plan to Government and Examination in Public.</p> <p>2025: Anticipated adoption date - early 2025.</p>

	<p>boundary.</p> <p>Current Status: An extended stage of Regulation 18 consultation was undertaken in November 2021 - February 2022.</p>	
Local Plan Review	<p>Local Plans should be reviewed every 5 years. The current Local Plan was adopted in 2020. A review of the Local Plan will be undertaken to ensure the plan continues to support a post covid economic recovery, continues to respond to the climate emergency, and one which reflects any changes to legislation including the transfer of planning powers from the London Legacy Development Corporation to Hackney in 2024.</p>	<p>2023/24: Produce evidence to inform the review of the Local Plan</p> <p>Future stages to be confirmed following the review of the Local Plan and confirmed in the next Local Development Scheme.</p>

6.8. The Supplementary Planning Documents (SPDs) have been reviewed to better reflect which SPDs are anticipated as necessary to support the implementation of the Local Plan policies. NB there is no statutory requirement to provide details of which SPDs the Council intends to produce, but this has been included for completeness and to give stakeholders further clarity.

Supplementary Planning Documents

Planning Policy Document	Scope	Timetable
The Dalston Plan	<p>This SPD will provide more detailed guidance for the development of allocated sites throughout Dalston town centre. It will also provide a strategy for wider physical improvements to the public realm and links to the emerging economic regeneration strategy for Dalston and will take account of the potential introduction of a new Crossrail 2 station.</p> <p>Current Status: Regulation 12 consultation undertaken in 2021.</p>	2023: Finalise the plan and adopt the SPD in Summer.

Clapton SPD	This SPD will support the delivery of the LP33 Growth Strategy and place policy. An opportunity exists to redevelop a number of strategic sites in the Clapton area around the Lea Bridge roundabout to deliver new genuinely affordable homes, provide new commercial space and jobs, reduce pollution and improve air quality and improve the public realm.	<p>2023/24: Produce evidence base and baseline work to inform the draft SPD.</p> <p>2024: Produce draft SPD for consultation in Summer / Autumn.</p> <p>2025: Adoption of the SPD in Spring/ Summer.</p>
Homerton SPD	This SPD will support the delivery of the LP33 Growth Strategy and place policy. The SPD aims to improve the local environment and reinstate a civic heart centred around key landmarks including St Barnabas' church. The SPD will aim to enhance the public realm through improving the high street and reactivating frontages, as well as intensifying and reinforcing walking and cycling links. The plan will also review the existing connectivity in the area, with an aim to improve linkages and wayfinding between Chatsworth Road, Homerton station and Well Street.	<p>2025: From early 2025, produce baseline evidence / analysis to inform the SPD.</p> <p>Timetable to be confirmed in future LDS.</p>
Ash Grove Planning Brief SPD	This SPD will provide strategic and detailed guidance for allocated sites in the South Mare Street area.	<p>2023: Collate existing evidence base and engage with internal stakeholders.</p> <p>2023: Produce draft SPD for consultation in Summer.</p> <p>2024: Adoption of SPD in early 2024.</p>
The Planning Contributions SPD	The existing Planning Contributions SPD (adopted in 2020) sets out Council's approach to securing Planning Contributions and other non-financial obligations from new developments that require planning permission. The SPD	<p>2022/23: Develop evidence base through the Low Carbon Action Plan work.</p> <p>2023: Public Participation of the draft SPD in Autumn.</p>

	will be reviewed to update the rate for carbon offsetting.	2024: Adoption of SPD in Spring.
The Sustainability SPD	The existing Sustainable Design and Construction SPD (2016) will be revised to provide guidance on how sustainable design measures should be embedded into developments in Hackney. It will also provide well designed buildings with sustainability measures incorporated up-front that will provide carbon and financial benefits throughout the lifetime of the building, taking account of emerging and more recent guidance such as Part L and Part F of the Building Regulations. This will align with work on the Low Carbon Action Plan, in collaboration with London Boroughs, London Councils and the GLA.	2023 - 2025: Develop evidence base through the Low Carbon Development Action Plan work. Timetable to be confirmed in future LDS.
Extensions and Alterations SPD	The existing Residential Extensions and Alterations SPD (2009) will be revised to provide guidance on how the borough's building stock can be extended or altered in the most appropriate manner based on an analysis of the existing townscape and built character within the Borough. It will continue to provide guidance for buildings of a residential typology including those that were originally in residential use and have been or are being converted into non-residential uses (e.g. community uses, places of worship, office etc). The SPD will also include guidance on disabled accessibility and cycle storage and other typical alterations to commercial buildings such as roof extension, plant, flues and shopfront design.	2023: Preparation of draft SPD and public participation on draft SPD (Winter) 2024: Adopt SPD in the Spring/Summer.
The Stamford Hill Design Guide	This SPD will provide guidance on the residential extensions and alterations policy set out in the Stamford Hill Area	2023: Preparation of draft SPD and public participation on draft

	Action Plan, setting out options on how to reconfigure and extend some of the common house types across the Stamford Hill area, in order to create larger homes.	SPD in Autumn alongside the final draft Stamford Hill AAP 2024: Finalise SPD 2025: Adoption of SPD alongside Stamford Hill AAP.
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6.9. Other planning documents or projects that will be produced over the next three years are outlined in the table below.

Other planning documents/ projects

Planning Document / Project	Scope	Timetable
Low Carbon Development Action Plan	This action plan sets out a pathway for all boroughs to deliver low carbon development, mitigating against carbon emissions and adapting to climate change, through guidance, policies and procedures. Hackney is currently the lead borough for this programme. The action plan is being developed collaboratively by London boroughs, with support from London Councils, the GLA and experts from the built environment.	2023/24: development of research, evidence and toolkit for local authorities 2025/26: review/ update of low carbon policies by all boroughs
Community Infrastructure Levy Charging Schedule	The review of the existing CIL charging schedule will take place alongside the review of the Local Plan. This will ensure that infrastructure planning and the new charging schedule take into account the changes proposed through the Levelling up and Regeneration Bill (LURB) and also ensure that key infrastructure priorities are delivered to facilitate growth and the delivery of planned development. Although it should be noted that the timetable for this review may be subject to change, as more clarity emerges on the detail and timetable for proposed changes to infrastructure planning generally outlined	Twin track the review alongside the Local Plan review however this will need to be monitored in light of the impact of the Levelling Up and Regeneration Bill.

	in the LURB.	
Statement of Community Involvement (revised)	<p>The Statement of Community Involvement (SCI) outlines the Council's standards for community involvement in the planning process and to identify ways we will achieve these standards. The SCI sets out the Council's approach to public consultation in all areas of planning including plan making and development management. The Council will undertake a comprehensive review of the existing Statement of Community involvement (2012) to take account of the following:</p> <ul style="list-style-type: none"> a. recommendations in the Child Friendly Places SPD a. opportunities of new technology and consultation methods b. The latest Planning Legislation 	<p>2023: Review of SCI.</p> <p>2024: Public consultation on draft SCI in Spring and adoption of the SCI in Autumn.</p>
Article 4 Direction - Central Activities Zone, City Fringe, Town and Local Centres	<p>The Article 4 Direction will provide protection for uses in commercial, business and service uses from being converted into residential without seeking full planning permission from the LPA. These are the borough's most significant areas in terms of contributions to the economy, employment, and supply of retail, commercial and community facilities to communities.</p>	<p>2022: Cabinet Approval to make two Article 4 Directions for the CAZ/ City Fringe and the Town Centres in February.</p> <p>2023: Confirmation of the A4Ds in Spring/Summer 2023.</p>
Article 4 Direction - Designated Industrial Areas	<p>The Article 4 Direction will provide protection for uses in commercial, business and service uses from being converted into residential without seeking full planning permission from the LPA. The PIAs and Locally Significant Industrial Sites are the most significant areas for light and general industrial use, including some offices, and warehousing/ storage in the Borough.</p>	<p>2022: Cabinet approval to make the A4D in July.</p> <p>2023: Confirmation of A4D in Summer/Autumn.</p>

6.10. It should be noted that the work programme set out in the updated LDS is based on the current legislative framework. While the government has

signified an intent for major reforms of the UK planning system through the Levelling Up and Regeneration Bill, there is currently no certainty of when such reforms will be introduced and how far they will go.

Equality Impact Assessment

- 6.11. Officers have considered the need for a formal Equalities Impact Assessment (EIA) of the proposed update to the LDS. Individual documents within the LDS will each be subject to consideration of their impacts on groups with protected characteristics, either through subsequent Cabinet Member reports, or through inclusion as part of an Integrated Impact Assessment for Development Plan Documents. The commitment within the LDS to progressing the production of future planning policy documents, does not in itself have any direct impacts, and it has therefore been concluded that a full EIA is not necessary.

Sustainability and climate change

- 6.12. The publication of the updated LDS commits the Council to the production of several documents that will help ensure future development in Hackney fully considers its impacts on the built and natural environment. This includes all the area based plans along with the thematic supplementary planning documents. The Low Carbon Development Action Plan and the review of the Planning Contributions SPD (carbon offset pricing) will also help the Council achieve its climate change ambitions towards net zero by 2040.
- 6.13. The direct impacts of such documents will be assessed as they are progressed, including through an Integrated Impact Assessment that supports the Site Allocations Document, and future Cabinet Reports on individual SPDs.

Consultations

- 6.14. There are no requirements to formally consult on the LDS however the planning policy documents identified in the LDS are subject to statutory consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) and the Community Infrastructure Levy (amendment) (England) (No.2) Regulations 2019. The programme for consultation for each document is set out in the LDS timetable. Consultation will also be carried out in accordance with the Council's Statement of Community Involvement.

Risk assessment

- 6.15. The timetable for preparing policy documents set out in this LDS is based on the current legislative and regulatory context, together with assumptions about the availability of resources and the work involved. There are uncertainties about these factors which should be recognised as they could lead to revisions in the programme. Each project has or will have its own project plan, including a risk register that identifies any relevant risk mitigation measures.

7. Comments of the Group Director of Finance and Corporate Resources.

- 7.1. Every local planning authority is required to create and manage a work schedule for tasks associated with its local plan, also known as the Local Development Scheme (LDS). The Planning & Compulsory Purchase Act of 2004's Section 15 mandates this.
- 7.2. The Local Development Scheme (LDS) is a procedural document. Its primary goals are to lay forth the council's development planning strategy for the local area. Additionally, it offers information to help make sure that nearby communities, businesses, developers, service and infrastructure providers, and other interested organisations are aware of when they will be able to participate.
- 7.3. There are no costs directly associated with this report. However, there will be costs associated with the preparation of the new plans, to be funded through operational budgets.

8. Comments of the Director of Legal, Democratic and Electoral Services

- 8.1. By section 15(1) of the Planning and Compulsory Purchase Act 2004 the authority must prepare and maintain a Local Development Scheme (LDS).
- 8.2. Under Section 15(2) PCPA 2004 the LDS must identify:
- Which of their local development documents are to be development plan documents.
 - The subject matter and geographical area to which any development plan document relates.
 - Which development plan documents (if any) are to be prepared jointly with another Local Planning Authority.
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under *section 29* of the PCPA 2004.
 - The timetable for the preparation and revision of the development plan documents.
- 8.3. To bring the LDS into effect, LPAs must:

- Resolve that the LDS is to have effect.
- Specify in the resolution the date from which the LDS is to have effect.

8.4. Cabinet is is authorised to approve the Recommendation in paragraph 3 of this report by virtue of:

Article 13.5 of the Council’s Constitution - A key decision is a Cabinet decision which is likely to:

i) Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decisions relates, or

ii) Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

Article 13.6 - Key Decisions can be taken by the Elected Mayor alone, Cabinet collectively, individual Cabinet councillors and Officer.

Appendices

Appendix 1 - Hackney’s Local Development Scheme 2023 - 2025

Exempt

None

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