LONDON BOROUGH OF HACKNEY PROPOSED SUBMISSION LOCAL PLAN 2033

REPRESENTATIONS MADE PURSUANT TO REGULATION 19 CONSULTATION

On behalf of our client, we wish to make representations pursuant to the Proposed Submission Local Plan 2033.

Our client owns land within the Shoreditch Priority Employment Area, now envisaged within the new document to be a Priority Office Area (POA).

The comments made below relate to the soundness of specific policies proposed within the Proposed Submission Local Plan 2033.

Policy LP1 Design Quality and Local Character

Part B-iv of Policy LP1 states that all tall buildings must preserve and enhance heritage assets (our emphasis added). The wording of this part of the policy is inconsistent with the National Planning Policy Framework 2018 (NPPF) which states that the public benefits of a scheme can be used to outweigh harm or total loss of a designated heritage asset (paragraphs 195 and 196).

The current drafting of Policy LP1 does not allow for any scenario whereby a tall building may result in the preservation of heritage assets only, rather than preservation and enhancement, or where harm resulting from development proposals could be outweighed by the public benefits. It is therefore considered that part B-iv of Policy LP1 is inconsistent with national planning policy and other draft local plan policies and at present is unsound. It is suggested that the wording is amended as follows:

“...A taller building must:

... iv. preserve, and where possible enhance, the Borough’s significance of the Borough’s heritage assets and their settings, subject to the provisions of Policies LP3 and LP4”

LP4 Non-Designated Heritage Assets

Policy LP4, as drafted, requires development proposals affecting non-designated heritage assets to “conserve, reveal and enhance the significance of the assets and their setting”. The current proposed policy is inconsistent with Paragraph 197 of the NPPF, which states that whilst the effect of an application on the significance of a non-designated heritage asset should be taken into account, a
balanced judgement is required with regard to the scale of any harm to the significance of the heritage asset. Whilst the intent of the Council to make a balanced planning decision when considering proposals which affect non-designated heritage assets is written within the supporting text to Policy LP4, the wording of the Policy as drafted does not support this approach as it requires all development proposals to enhance the non-designated heritage asset. It is recommended that the policy is redrafted to ensure it is consistent with national planning policy, specifically Paragraph 197 of the NPPF.

**LP29 Affordable Workspace and Low-Cost Employment Floorspace**

Policy LP29 sets a requirement for 10% of gross new employment floorspace to be provided as either affordable or low cost workspace.

It is considered that in order for this policy to be deliverable, the 10% requirement for low cost/affordable workspace should be required on the uplift in employment floorspace only and it is recommended that the policy is amended to clarify this approach.

Development in the Shoreditch POA requires,

\[...at least 10\% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 40\% of the locality’s market rent in perpetuity, subject to viability.\]

This approach is considered too prescriptive and does not provide sufficient flexibility to react to market conditions. Furthermore, there is also a concern that the amount of affordable workspace required and the requisite rent levels of the affordable workspace are not justified or based on proportionate evidence, as required by Paragraph 35 of the NPPF.

The Hackney Employment Land Study 2017, prepared by Boyer, tested viability of including affordable workspace based on 80% and 60% of market rent levels on office only schemes, which found the impact on residual land value to be between 4% and 19% as reported in paragraph 8.20 of the study. The Hackney Employment Land Study does not appear to recommend that 60% of market rents in POAs, CAZ and town centres and 40% of market rents in the Shoreditch POA is justified as the maximum level at which employment floorspace is affordable for small businesses which cannot access employment floorspace at prevailing market rents. It also does not demonstrate that 60% and 40% are the appropriate affordable rent levels in light of ensuring that the provision of 10% of employment floorspace as affordable workspace would not compromise the overall deliverability of additional employment floorspace.

Paragraph 8.61 of the Hackney Employment Land Study recommends that further viability work be undertaken to test the deliverability of employment floorspace including Affordable Workspace and Affordable housing provision. In the absence of this further viability work, there is no evidence to demonstrate that mixed use developments which would generate a requirement for both affordable workspace and affordable housing under the proposed submission draft policies would be viable or deliverable.

As currently worded the draft policy reflects what the London Borough of Hackney deem appropriate at this particular snap-shot point in time. The wording does not reflect an everchanging market with many variables including, for example, fluctuating build costs. Nor does it reflect new and innovative ways of providing ‘affordable’ workspace without reducing rental levels – examples of which include the renting of individual desks, or hot desking. From our experience, the renting of individual desks within a wider multi-tenanted workspace environment is becoming an increasingly popular form of ‘affordable’ workspace in the market.
Finally, the draft wording requires the affordable workspace to be provided in perpetuity. From our experience, this requirement is likely to significantly harm the viability of future schemes and place severe risk on the deliverability of developments in the borough. It is proposed that provision for a 10 year period would be more appropriate as per recent schemes approved in the borough.

With all of the above in mind, it is proposed that the policy is reworded as follows:

*Development in the POAs: 10% of the proposed uplift in employment floorspace (gross) should be affordable (nature to be discussed and agreed on a case-by-case basis) for a period of 10 years, subject to viability.*

**LP48 New Open Space**

Policy LP44, as drafted, requires all development proposals for more than 1,000sqm of commercial floorspace to provide 4 sqm per employee for commercial development schemes.

The policy, as drafted, does recognise that there may be instances where it is not possible to deliver public open space as part of commercial or mixed use schemes. For sites outside of Open Space Deficiency Areas the policy includes an alternative option for a financial and / or physical contribution for the enhancement of public open space in the vicinity. As currently drafted, this option does not apply to sites that are within Open Space Deficiency Areas.

The Hackney Open Space Assessment 2018, prepared by LUC, found that the current rate of open space provision is good at 1.36 ha per 1,000 head of population. New commercial developments will typically not be able to deliver open space at the rate of the proposed provision due to constraints on the availability of land and urban nature of the borough.

The Hackney Open Space Assessment does not include any evidence to demonstrate that communal open space is required from commercial developments in order to provide acceptable amounts of open space across the borough. No recommendation with regards to communal open space and commercial/mixed use developments are made. The policy requirement to provide 4sqm of communal open space per employee for major developments is therefore considered to be unjustified, not being based on proportionate evidence as stipulated in Paragraph 35 of the NPPF.

Paragraph 16 of the NPPF requires plans to be positively prepared in a way that is aspirational but deliverable. The open space requirements for commercial and mixed use development are considered to compromise the deliverability of employment floorspace, which is central to the objectives of the Local Plan.

In addition, paragraph 34 of the NPPF specifies that policies which set out the contributions from development such as green infrastructure should not undermine the deliverability of the plan. The contributions required from developments in respect of open space are considered to jeopardise the deliverability of the plan. Policy LP44 is inconsistent with national policy in this regard.

By applying the 4sqm requirement, the requisite quantum of open space required would, in many schemes, be vast and would significantly compromise the deliverability of projects. It is also considered that in many schemes the policy as worded is unworkable as it would yield either a greater or commensurate public open space requirement than that of the site area itself.
We look forward to receiving acknowledgement of receipt of these representations and request that we be notified of further opportunities to comment on the draft plan accordingly.

Yours faithfully,

[Signature]

DP9 LTD.
Dear Sir,

Below please see my response to the Hackney Local Plan 2033. I have had difficulty in working with the electronic documents e.g. there appears to be no electronic links between the index and pages. Page numbers differ from those shown on the screen thumbnails.

I set out my personal details and representations below.

These representations are made solely on my behalf.
For your information, I am a member of the Finsbury Park and Stroud Green Neighbourhood Forum working party.

Part B

6
I believe the Local Plan 2033 submission is not legally compliant, is unsound and fails to comply with the duty to cooperate for the following reasons:

Chapter Paragraph Policy:
I have a general concern that there is insufficient recognition of the need for, reference or commitment to working with neighbouring boroughs at key points of the Hackney borough boundaries. I have in mind particularly the conjunction of the London Boroughs of Hackney, Islington and Haringey at Finsbury Park.
I draw your attention to
9 Planning for Vibrant Town Centres
LP 32 page 108 and LP34 page 117
Finsbury Park is designated as a district Town centre. However in considering development 'of an appropriate scale' (LP 34 para A) there is no reference to or recognition of any consideration of development within Finsbury Park
District Town centre as a whole i.e. taking account of development in that part of the District Town centre that is within Haringey or Islington. This failure to recognise another borough contrasts with the entry PP9 Manor House Page 49 Paragraph 4.84 Development Principles; which sets out a development principle for Hackney concerning the park edge and entrance that are within Haringey borough 'but are more closely associated with Manor House'. No explanation is given as to what amounts to 'closely associated with' in any particular case. Clearly, however, Hackney is willing to take account of the proximity and action of other boroughs when it chooses to do so.

Furthermore, LP 32 page 109 paragraph 9.
There is specific reference to Hackney working "alongside the GLA" in respect of some of its proposed changes to its town centre network "as some of these changes will need to be reflected in the London Plan". There is a glaring omission to any engagement with Haringey or Islington to consider Finsbury Park District Town Centre as a single entity and to work with them as to what might need to be reflected in Hackney's or their local plans. Concentration on the small area within Hackney without consideration of the whole area does not recognise the need for consideration of or engagement with the community.

7
I suggest the following modifications:
9 Planning for Vibrant Town Centres
I suggest that an additional paragraph is inserted:-
9.* Where a town centre is not wholly within Hackney, Hackney policies will be applied with full consideration of the town centre as a whole and will work with the o the London Boroughs and/or other relevant authorities so as to ensure that there would be no harm to the vitality and viability of that town centre and the policies meet the needs of the community as a whole."

8
I wish to participate at the oral examination.
I wish to be notified
a. when the local plan is submitted to the inspector
b. when the local plan examination will occur
c. when the report is published
d. when the Local Plan is adopted

Elizabeth Lowe
7th January
Dear Strategic Policy Team

**Hackney Local Plan 2033 (Regulation 19).**

Thank you for consulting us on the Hackney Local Plan 2033 (Regulation 19). This response has been prepared following a review of the proposed local plan submission and technical evidence based documents within our remit, submitted in support of this consultation.

**Points of soundness**

The majority of site allocations in this local plan fall within Flood Zone 1, and are therefore at low risk of fluvial flooding. The main area at risk of fluvial flooding in Hackney is Hackney Wick, which is not covered by this local plan, as it falls under the London Legacy Development Cooperation. Therefore, we find the Strategic Flood Risk Assessment (SFRA) justified, and satisfactory to address fluvial flooding in Hackney. However, we strongly recommend that you update the surface water section of the SFRA, as this has not been looked at since 2010.

This local plan has been positively prepared addressing water quality and usage, biodiversity and flood risk, whilst meeting your objectively assessed development and infrastructure needs. It is also consistent with national policy, enabling the delivery of sustainable development. Therefore we find this local plan **SOUND**. In this letter, we provide you with specific points of accuracy and clarity to further strengthen your local plan, to make it more effective and in line with national policy.

**Points of accuracy and clarity**

We welcome the inclusion of policies referring to water quality and usage, biodiversity and flood risk. However, we are concerned that the some of our recommendations from the previous Regulation 18 consultation have not been included in this proposed revised local plan. For ease of reference, we have related our comments below to the relevant section, policy and page number.
Challenges and Opportunities, Chapter 2 (Page 3)
Although mentioned later on in the document, water resources and efficiency of water use, represent a big challenge to future development across London, including the London Borough of Hackney. We strongly advise that this is addressed in the ‘Challenges and Opportunities’ and ‘Vision’ and ‘Objectives’ sections, which form the preliminary part of the document.

Chapter 12, Climate Change (Page 147)
We strongly recommend that water resources and efficiency of water use are incorporated into the introductory paragraphs of this chapter. Water resources will face increasing pressure under climate change, and need signposting to give context to the policies that follow in this chapter.

Policy LP 47 - Biodiversity and Sites of Importance of Nature Conservation, (Page 137)
We welcome the inclusion of this policy. A healthy environment leads to healthy communities and people with health and wellbeing benefits, where biodiversity should be integral to any local plan. However, there are a number of topics that this policy fails to address.

It is strongly recommended within this policy and its supporting text, reference is given to the Water Framework Directive (WFD) and the River Basin Management Plan (RBMP), and the role that planning and development have in delivering RBMP actions and objectives. It should reference relevant designated water bodies in Hackney, and how future development can assist in improving the Good Ecological Status or Potential of these water bodies.

WFD Waterbodies within the Borough include the Lee Navigation, Lower Lee (around Hackney Marsh), Stoke Newington reservoirs. WFD reach actions for these waterbodies are to:

- Improve floodplain connectivity with Wick Field - Linked to FRMP ACT228
- Improve floodplain connectivity with Hackney Marshes
- Install fish pass at Lea Bridge Weir

WFD point actions identified for the rivers within Hackney have been supplied previously. All development should implement these actions as the opportunity arises.

Whilst we welcome the mention of net gain, this policy could be strengthened further with reference to national policy. National Planning Policy Framework (NPPF) requires local planning authorities to apply a mitigation hierarchy of avoidance, mitigation and compensation, with distinctions made between international, national and locally designated sites. In the context of the natural environment, this means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures. Where these measures cannot be achieved, the NPPF makes it clear that permission should be refused.

Ecological impacts should be quantified by utilising and taking into account a locally approved Biodiversity Metric where appropriate, where development must demonstrate a net gain in ecological units. Ecological information should be supplied in accordance with British Standard BS 42020 2013.
Part B of this policy could be strengthened further by providing examples of how development could maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure networks. For example, deculverting, regrading banks to a more natural profile, buffer zones, improving in-channel habitat, SUD’s, reduce levels of shade (e.g. tree thinning) to allow aquatic vegetation to establish etc. Culverted stretches of river must be de-culverted through development and rivers re-naturalised to improve water dependent habitats. Buffer zones of at least 8m from the top of bank should be incorporated into designs. These must consist of native species and be managed appropriately. Reference should also be given to how these enhancements and opportunities help to achieve WFD. Mention should also be given to if this should prove impossible, then financial or land contributions towards the restoration of rivers will be required through means such as S106.

Reference should also be made to non native invasive species and their management, including biosecurity measures. Invasive species are a growing issue and must be addressed to stop the spread where development is proposed.

Policy LP48 - New Open Space (Page 139)
It is strongly recommended within this policy and its supporting text, reference to WFD, relevant designated water bodies in Hackney, and how future development can assist in improving the Good Ecological Status or Potential of these water bodies, be included. This policy should therefore be cross referenced with Policy LP 47 Biodiversity and Sites of Importance of Nature Conservation.

Policy LP49 - Green Chains and Green Corridors (Page 140)
It is positive to see the inclusion of green chains and corridors, and the recognition of the need for green infrastructure. We feel that this policy would benefit from cross referencing with Policy LP 47 Biodiversity and Sites of Importance of Nature Conservation, and Policy LP48 New Open Space, as this policy fails to identify that water courses play an integral part of these environments. This is highlighted in Policy 2.18 of the London Plan where water courses are identified as a type of green infrastructure.

This policy would also benefit from introducing the importance of a natural buffer zone of no development, where the Environment Agency recommend a minimum of 8m from the top of banks of all watercourse, to provide valuable river corridor and improve habitat connectivity. A 5m buffer zone for ponds would also help to protect their wildlife value and ensure that the value of the adjacent terrestrial habitat is protected. Article 10 of the Habitats Directive stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors and the adjacent riparian buffer zones are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change.

River corridors are very sensitive to lighting and rivers and their 8m buffer zones (as a minimum) should remain/be designed to be intrinsically dark e.g. Lux level of 0-2. Therefore, lighting alongside all watercourses and their buffer zones should be designed to minimise ecological impact. Artificial lighting should:

- Not have an unacceptable adverse impact on neighbouring uses or the wider landscape;
- Be the minimum required for security and operational purposes;
- Minimise the potential glare and spillage;
- Minimise harm to the amenity of residents and road users and prevent impacts on the local ecology.

Where appropriate, the District Council should seek to control the times of illumination. Reference to light pollution on main rivers could also be incorporated into policy LP58 Improving the Environment – Pollution.

Policy LP52 - Waterways, Canals and Residential Moorings (Page 133)
This policy proposes that the number of residential moorings and boat activity will increase along waterways and canals. Increased residential mooring and recreational activity does pose a number of issues with regards to water quality; this can be in the form of increased waste pollution associated with foul waste or rubbish, the transport of invasive species, impact on the flow regime as locks are repeatedly used and increased bank erosion and sediment input resulting from boat wash. These pose a risk of potential deterioration of the classification of a water body. Therefore, it is essential that this policy and supporting text makes reference the requirement to implement mitigation measures to protect against the deterioration of these water bodies as a result of increased development and activity. The list of measures can change and an up to date list can be provided, as required, via a Freedom of Information Request.

It is strongly recommended that this policy emphasises the fact that the three water courses referenced in Policy LP 47 - Biodiversity and Sites of Importance of Nature Conservation, are designated under WFD, and how development in these areas can contribute to achieving Good Ecological Status to Potential. Furthermore, development should also act to mitigate against any potential effects, so that no deterioration of these water courses occurs. We would like to see within the supporting text, classifications and an overview of issues impacting on the water bodies and their ability to meet Good Ecological Status or Potential.

It is also recommended that the list of measures which have been identified, as required to enable these water bodies achieve Good Ecological Status or Potential be included within your Infrastructure Delivery Plan. The list of measures can change and an up to date list can be provided, as required, via a Freedom of Information Request.

Policy LP53 – Water and Flooding (Page 148)
We welcome the inclusion of all development giving regard to flood risk and sustainable drainage. Whilst we also welcome the mention of BREEAM, for clarity, this paragraph should quantify the number of BREEAM credits. It should read ‘development should be expected to meet maximum BREEAM water-efficiency credits’, as per policy LP55 ‘Mitigating Climate Change’.

Policy LP55 – Mitigating Climate Change (Page 150)
For clarity, ‘zero-carbon’ should be defined in paragraph C. There are several definitions of zero carbon open to interpretation, where we recommend reference to the GLA’s definition of zero carbon.

Policy LP 58 – Improving the water environment - Pollution (Page 152)
Misconnections are commonly associated with incorrect drainage whereby foul water is directed into surface water drains. This may be the result of the incorrect plumbing of toilets, baths, sinks and household appliances. The surface water drains ultimately discharge into rivers and streams and can impact the water quality and ecology,
affecting the environmental impact of a development. This has been identified as an issue within the Thames River Basin Management Plan (TRBMP) and the measures identified to improve the water bodies in this area to Good Ecological Status or Potential. Therefore, we would strongly encourage you to identify this as an issue within this policy and supporting text, and ensure that the drainage of new developments is correctly set up. Additionally, we would expect this to be rectified in any redevelopment or retrofitting of existing buildings.

Final comments
We hope this feedback is helpful as you continue to improve and update your Local Plan. We are happy to provide further support where needed. Please do not hesitate to contact me if you have any questions about this response or would like to set up future meetings.

Yours faithfully

Lisa Mills
Sustainable Places Planning Advisor

Direct dial 0208 4748770
E-mail HNLsustainableplaces@environment-agency.gov.uk
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by **5pm on 7th January 2019** by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit **one** copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

1 - **Personal Details**

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
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<tbody>
<tr>
<td>First Name:</td>
<td>Alex</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Fifthstate</td>
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**Contact details:**

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:as@fifthstate.co.uk">as@fifthstate.co.uk</a></th>
<th>Telephone:</th>
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<tbody>
<tr>
<td>Address:</td>
<td>46 James Street</td>
<td></td>
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<tr>
<td>Post code:</td>
<td>London W1U 1EZ</td>
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2 - If you are an agent or representing an organisation or group please provide their details below:

**Organisation:**
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   ● Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

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<th>Policy</th>
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4. Do you believe the Local Plan Proposed Submission is:

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<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
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<td>(2) Sound</td>
<td>Yes</td>
<td>No ✓</td>
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<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

<table>
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<th>it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<td>the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Large-scale purpose-built shared housing schemes can play an important role in meeting housing needs in Hackney.

LP12 should state that non-self-contained accommodation for students and shared living schemes count towards a Boroughs housing target, in accordance with Policy H3 of the Draft London Plan, which states that:

“non-self-contained accommodation for students and shared living schemes should count towards meeting housing targets on the basis of a 3:1 ratio, with three bedrooms being counted as a single home.”

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See above

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

*After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.*

8. Do you wish to participate at an oral part of the examination?

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

| No | ✓ | Yes |
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:

- Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

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If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
LP21 - Criterion i

Criterion i states that large scale purpose-built housing will only be permitted where, inter alia “it meets an identified need; and the site is not suitable for development for conventional self-contained-units”.

Paragraph 7.29 adds further detail relating to the requirement site is not suitable for development for conventional self-contained-units, stating:

‘C3 residential is still the priority land use in the borough…. shared housing proposals will usually be resisted on sites allocated for residential development and sites already with planning permission for residential development’.

The LB Hackney SHMA 2014 and the Mayor’s 2017 London Strategic Housing Market Assessment (SHMA) identify a significant growth in the need for rental accommodation and single occupancy households over the plan period. Purpose built shared living accommodation can therefore play an important role in meeting housing needs in Hackney and London, and contribute towards the creation of mixed and balanced communities.

The NPPF (paras 15 and 16) outline that plans should provide a positive vision for the future of area, addressing housing needs and other economic, social and environmental priorities, and should be prepared positively to ensure aspiration and deliverability. In addition, para 81 states that planning policies should be flexible enough to accommodate needs not anticipated in the plan and enable rapid response to changes in economic circumstances.

As the current wording of criterion i precludes shared living if the site is suitable for conventional housing, the policy fails to meet the NPPF requirements to plan positively for an identified housing need and enough flexibility to meet changing economic circumstances.

Additionally, contrary to the NPPF, the policy does not consider the deliverability of a site, particularly if conventional housing proves to be unviable. This can be the case on employment or industrial sites, which are suitable for redevelopment, where conventional residential is not a compatible use, and shared housing prevents a more viable option to be co-located with employment and/or industrial uses.

Furthermore, Policy H18 of the Draft London Plan does not include a requirement to assess a site’s suitability for conventional self-contained units.

Therefore, Fifthstate requests that the requirement to demonstrate that a site is not suitable for conventional residential is removed. Similarly, we also request that Criterion D of Policy LP12 is deleted.

LP21 - Criterion vi

Criterion vi states that large scale purpose-built housing will only be permitted where, inter alia “at least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills)”.

LP21 does not refer to the option of a financial contribution towards the delivery of off-site affordable housing, as per Policy 19 of the previous version of the Local Plan (Regulation 18 - November 2017).

In this context, it is noted that Policy H18 of the Draft London Plan requires large scale purpose-built shared housing schemes to provide a cash in lieu contribution towards
conventional C3 affordable housing (the policy does not make reference to a discount market rent approach), as either an:

a. upfront cash in lieu payment to the local authority, or
b. in perpetuity annual payment to the local authority.

Therefore, to ensure the Hackney Local Plan is consistent with the draft London Plan, and so that shared housing schemes have flexibility to maximise their contribution towards mixed and balanced communities, we request that LP21 is updated to include the flexibility for shared housing to focus any subsidy available for affordable housing in one or both of the following ways:

1. A financial payment to the Borough to bring forward conventional affordable housing to meet the specific local needs, in accordance with Policy H18 of the Draft London Plan (2017); or
2. A discounted market rent approach.

The above proposed approach is consistent with paragraph 62 of the NPPF which states that where there is an identified need for affordable housing, policies should be set for meeting this need on-site, unless:

“Off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.”

Importantly, the level of financial contribution or rental discount needs to be subject to viability testing to take account of changing market conditions, build costs and individual site circumstances, in accordance with National Planning Policy Framework (Paragraph 122), the Planning Practice Guidance and the London Plan (Policy 3.12).

It is noted that Hackney’s Local Plan and Community Infrastructure Levy Viability Assessment (October 2018), which forms part of the evidence base for the Local Plan, does not appear to test the requirement in LP21 for at least 50% of units to be capped at one third of ward level incomes. Fifthstate therefore welcome clarification from Hackney as to whether this level of discount has been tested in order to ensure the policy is realistic and deliverable, in accordance with national planning guidance on plan-making. We also request further clarity from officers regarding how ‘ward-level incomes’ will be defined and calculated, although we anticipate it will be related to household incomes. We look forward to discussing this further with officers.

Notwithstanding the above, LP21 needs to explicitly state that the requirement for affordable housing from shared housing products will be subject to viability – as per the wording of LP13 (Affordable Housing), which states that “the Council will seek the maximum reasonable amount of affordable housing, subject to viability and site context.”

Furthermore, Criterion vi notes that utility bills are excluded from the rental level cap. We support this as occupants of the shared living accommodation rooms may pay an all-in cost, which would include all utility bills, in addition to council tax and other services over and above conventional C3 residential (i.e. cleaning services). Accordingly, we request that the rental cap referred to in the policy also explicitly excludes council tax and services over and beyond conventional C3 residential to ensure the viability of shared living schemes is not undermined.
7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Based on the comments above, we request criterion vi of LP21 is updated as follows (suggested alterations in bold):

"Development involving the provision of new large-scale purpose-built shared housing comprising of at least 50 units will only be permitted if all of the following criteria are met:

vi. at least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills, council tax and services over and beyond conventional C3 residential), or an equivalent financial payment is made towards conventional C3 affordable housing, subject to viability."

We also request that criterion i is revised as follows: "it meets an identified need".

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

| No | ✓ | Yes |
Natalie Broughton  
Strategic Policy Manager  
London Borough of Hackney  
3rd Floor, 2 Hillman Street  
London  
E8 1DY

By email: planmaking@hackney.gov.uk  
Natalie.broughton@hackney.gov.uk

Dear Natalie,

**Statement of general conformity with the London Plan (Planning and Compulsory Purchase Act 2004, Section 24(4)(a) (as amended); Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local Development) (England) Regulations 2012**

**RE: Hackney LP33 Proposed Submission Local Plan Regulation 19 consultation**

Thank you for consulting the Mayor of London on the Hackney LP33 proposed submission Local Plan Regulation 19 version. As you are aware, all Development Plan Documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor has afforded me delegated authority to make detailed comments which are set out below. Transport for London (TfL) have provided comments, which I endorse, and which are attached at Annex 1.

This letter sets out where you may need to amend existing and proposed policies and supporting text to be more in line with the current London Plan and the emerging Draft New London Plan.

**The draft new London Plan**

The Mayor published his Draft London Plan for consultation on 1st December 2017 and the Minor Suggested Changes (following consultation) on 13 August 2018. The Examination in Public of the Draft London Plan will commence in January 2019 with publication anticipated in Winter 2019/20. Once published, the new London Plan will form part of the Hackney Development Plan and contain the most up-to-date policies.

The Hackney Local Plan is required to be in general conformity with the current London Plan, however any policies that diverge from the Draft New London Plan will become out of date as the Draft New London Plan gains more weight as it moves towards publication. In addition, the Draft New London Plan and its evidence base are now material considerations in planning decisions.
General

The Mayor recognises this is a full review of Hackney’s Local Plan and notwithstanding the concerns over the proposed affordable housing policy, he welcomes the overall approach to growth and development in many parts of the draft document. To address the Mayor’s concerns, it is proposed that Hackney should subscribe to the Mayor’s threshold approach to affordable housing, as set out in the Mayor’s Affordable Housing and Viability SPG and the Draft New London Plan, (including applying it to gross housing development, as opposed to net housing development), then the Local Plan would be in general conformity with the London Plan. The Mayor also considers that in general the plan should adopt a more proactive approach in implementing the overarching policies relating tall buildings as set out in the Draft New London Plan.

The Mayor’s response that follows, includes suggestions and other representations to clarify and improve upon some policy areas and to ensure the document is more aligned with the draft new London Plan.

On 04 December 2017, the Mayor provided comments (reference: LDF12/LDD15/BS) on Hackney’s New Local Plan 2033 – Regulation 18 consultation, making suggestions as to how the Local Plan should progress in light of the emerging Draft New London Plan. This letter follows on from that earlier advice.

Housing delivery

The Mayor welcomes Hackney’s ambition to deliver, as a minimum, its new housing target of 1,330 new homes a year between 2019 and 2029 while creating the conditions to achieve its objectively assessed housing need of 1,750 new homes a year up until 2033. In order to achieve its target indicative growth has been earmarked in Shoreditch (7000), Woodberry Down/Stamford Hill (3000), Dalston (2000), Hackney Central (3,000) and along the borough’s identified Enhanced Corridors. The Mayor recognises and appreciates that Hackney have performed very well in meeting housing need, delivering on average 1,652 dwellings a year over the last five years. Hackney has been positive in acknowledging the role that small housing sites can play in delivering a significant part of the boroughs housing needs but should set out clearly its annual small housing sites target of 660 new homes as illustrated in Table 4.2 of the Draft New London Plan.

Growth Strategy

The Mayor welcomes Hackney’s approach to growth, directing the most significant development towards town centres, high streets and employment hubs and its ambition to provide 26,250 new homes over the plan period. At paragraph 3.3 Hackney Central is described as the borough’s major civic hub and this is now reflected in the Draft New London Plan as a major town centre in Table A1.1 and Stamford Hill is now recognised as a district town centre. Hackney’s relationship with the Central Activities Zone (CAZ), Central Services Area, City Fringe and Lee Valley Opportunity Areas should be clearly defined at the outset of the Local Plan and clearly illustrated in key diagrams and maps throughout the document.

PP3 Hackney Central and surrounds

The Mayor welcomes the council’s ambition to make Hackney Central an area for office space development which is in line with Draft New London Plan Policy E1.
PP6 Hackney Wick

Hackney’s vision for the Hackney Wick area is welcome but should place greater recognition and emphasis on its location in the Central Services Area and the key role of its Strategic Industrial Location. The area lies within the London Legacy Development Corporation (LLDC) authority area and the relevance of this should be made more apparent in this section and the wider document.

LP1 Design Quality and Local Character

**Taller Buildings** – In seeking to make optimal use of the capacity of sites that are well connected by public transport and that have good access to services and amenities the Draft New London Plan sets out that boroughs should define what is considered a tall building for specific localities in their respective areas and Hackney is advised to follow the guidance set out in Policy D8 and identify those locations on the borough’s policy map. Hackney’s Characterisation Study 2018 provides the basis from which to inform the borough’s tall buildings policy. It identifies Dalston and Shoreditch as areas where tall buildings may be more appropriate, noting that buildings of between 9-15 storeys are more common in the Shoreditch area, towards the borough’s border with the City of London. However, the supporting text also notes most of Dalston is within a Conservation Area. Officer’s at Hackney have advised that a detailed approach will be set out in the relevant Area Action Plans, but in the absence of a tall building definition, Draft New London Plan Policy D8 will apply to proposals for developments of 30m or more (see paragraph 3.8.2 Draft New London Plan).

LP9 Health and wellbeing

The Mayor welcomes Hackneys approach to health and wellbeing and the requirement for health impact assessments from schemes of 50 dwellings or more and on non-residential developments of 10,000sqm or more. This is in accordance with Draft New London Plan Policy GG3.

LP10 Arts, culture and entertainment facilities

The Mayor welcomes Hackney’s approach in locating new cultural facilities towards the Central Activities Zone (CAZ), larger town centres and places well served by public transport in line with Draft New London Plan Policies SD4 and HC5.

LP11 Utilities and digital connectivity infrastructure

The Mayor welcomes Hackney’s approach in ensuring that development capitalises on opportunities to deliver functional utilities and digital infrastructure in line with Draft New London Plan Policy SI6 and paragraph 11.1.41 recognising its importance in accommodating anticipated growth.

LP12 Housing supply.

The Mayor welcomes Hackney’s ambition to deliver its housing target of 1,330 new homes a year as set out in the Draft New London Plan. Its ambition to exceed this is by delivering 1,750 homes a year, in order to meet identified local need is very welcome. Hackney’s positive and proactive approach towards small housing development and the role it can play in achieving its housing targets is also very welcome.
**LP13 Affordable housing**

Where Hackney’s intention to maximise affordable housing delivery through setting a requirement of 50% affordable housing is applauded as drafted it is unlikely to be effective and it does not follow the approach set out in the Mayor’s Housing and Viability SPG and the Draft New London Plan. Hackney is advised to follow both policies H5 and H6 of the Draft New London Plan. Policy H5 sets out that the strategic target for affordable housing across London is 50% but that boroughs should apply the threshold approach on gross residential development, setting a threshold requirement of 35% affordable housing without grant on major developments and a threshold of 50% on public sector and industrial land. Where development proposals cannot meet these threshold requirements, they should be subject to the Viability Tested Route and late stage viability reviews. It is noted that Hackney are seeking to apply the requirement for 50% affordable housing on net housing delivered as opposed to gross residential development which is not in conformity with Policy H6 of the Draft New London Plan.

The Mayor is pleased that Hackney wishes to secure affordable housing contributions from small housing development, this is supported by the draft London Plan. Most recently Camden and Richmond have both successfully introduced tariff-based approaches. Hackney should ensure its approach is viable and carefully crafted so as not to prevent the smallest housing developments coming forward.

**LP23 Gypsy and traveller accommodation**

The policy sets a criteria-based approach from which to assess proposals for new pitches and protects against the loss of existing provision. While this may go some way in addressing the accommodation needs of gypsies and travellers, the policy should actively plan to meet identified need over the plan period. Simply applying a criteria-based policy approach such as Policy LP23, is unlikely to result in adequate provision over the plan period and Hackney should identify sufficient capacity through its site allocations. Furthermore, Hackney should make use of available funding as set out in paragraph 4.16.8 of the Draft New London Plan for the provision of new pitches and should consider co-operating with neighbouring boroughs to identify capacity on a multi-borough basis.

**Priority Office Areas (POAs).** Hackney’s intention to create a new area-based designation for office development is welcome but should reflect the Office Guidelines set out in Table A1.1 of the Draft New London Plan, which identifies Dalston and Hackney Central as areas which have the capacity, demand and viability to accommodate new office development as part of mixed use developments. Finsbury Park and Stoke Newington are similarly identified as areas where small office capacity should be protected. Shoreditch lies within the CAZ and is also identified in the Draft New London Plan as having a significant office function and is supported by Policies SD4 and SD5. It is recommended that Hackney’s POA designations correspond with the Office Guidelines set out in Table A1.1 of the Draft New London Plan. It is recognised that ‘Mare Street’ and ‘Hackney Central’ are names used interchangeably and in Table A1.1 of the draft London Plan ‘Hackney Central’ is used rather than ‘Mare Street’. Hackney should consider renaming this centre to ensure consistency with the London Plan and throughout the Local Plan.
LP27 Protecting and promoting office floorspace in the borough.

Shoreditch is named as a POA in LP27 but not in LP26 and should be corrected for consistency. The London Office Policy Review 2017 identifies forecast demand for office space in Hackney for between 128,300-201,800 sqm for the period 2016-2041. The policy should clearly set out how the POAs will create sufficient floorspace to meet this forecast.

LP28 Protecting and promoting industrial land and floorspace in the borough.

As a retain capacity borough, Hackney should be seeking to intensify the borough’s industrial floorspace capacity in accordance with paragraph 6.4.7 and policies E4, E6 and E7 of the Draft New London Plan, applying as a minimum, the principle of no net loss of industrial capacity across all of its industrial sites, including non-designated ones. Amendments to the policy should apply these principles, making it clear that B1a office space, although providing higher employment densities, will not be considered as suitable re-provision for the loss of industrial floorspace capacity. Hackney is advised to plan, monitor and manage their industrial capacity in accordance with Draft New London Plan Policy E4.

It is noted that some of Hackney’s site allocations have resulted from planning applications approved since December 2017 (initial consultation of the Draft New London Plan) and will result in a net loss of industrial floorspace. As a retain capacity borough, Hackney will be expected to re-provide this industrial floorspace across its remaining industrial sites or at new ones to maintain no net loss of industrial capacity over the plan period. Suitable uses to replace lost industrial capacity are set in draft new London Plan policy E4.

Hackney’s policy for mixed-use or residential development proposals on non-designated industrial land should reflect the approach set out in Part D of Policy E7 of the Draft New London Plan. Policy LP28 should note Hackney’s position within the Central Services Area and as such it is essential that the policy makes provision for industrial sites that are able to provide necessary services to the wider Central Activities Zone, in particular, sustainable ‘last mile’ distribution/logistics, ‘just in time’ servicing, waste management and recycling, and land to support transport functions. See Policy E4 of the Draft New London Plan.

Priority Industrial Areas (PIAs). It is noted that Hackney wishes to categorise ten of its industrial areas under a new local designation, Priority Industrial Areas (PIAs), identifying them as more suitable for industrial development. It is not clear how PIAs have been selected for their suitability and whether this has been based on opportunities for intensification or co-location with other uses. Further work should be conducted which builds on Hackney’s industrial land evidence and analyses the potential for increasing industrial floorspace capacity across whole LSISs based on the potential redevelopment of individual industrial sites.

In amending the draft Local Plan, guidance set out in the Mayor’s Practice Note on Industrial intensification and co-location through plan-led and masterplan approaches, should be followed and applied across Hackneys LSISs and PIAs. (https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf). Hackney should also note that the scope of plan-led approaches should take into account the wider property market area and in Hackney’s case this would include the London Legacy DC area.

LP29 Affordable workspace and low cost employment floorspace

While the Mayor welcomes Hackney’s general intent the policy combines both affordable workspace and low cost business space and fails to recognise and differentiate clearly between
the two, and the introduction of the term ‘low cost workspace’ further confuses the policy approach. Hackney should consider redrafting the policy making the approach clearer.

**LP31 Local jobs, skills and training.**

The Mayor welcomes Hackney’s intention to promote skills and training through planning obligations in line with Policy E11 of the Draft New London Plan.

**Paragraph 9.3 and 9.4.** Hackney Central is now identified in the Draft New London Plan (through the Minor Suggested Changes) as a major centre and Stamford Hill is identified as a district centre in Table A1.1 and the paragraphs should be amended to reflect this.

**LP38 Evening and night time economy.**

The Mayor welcomes Hackney’s intention to diversify its evening and night time economy which builds on his vision for London as a 24-Hour City and is in line with Draft New London Plan Policy HC6. However, the Draft New London Plan identifies five areas of night time significance within Hackney and these should be recognised in Policy LP38 and supporting text. These areas include Shoreditch, which lies in the Central Activities Zone and is classified as an area of international or national significance and as such it plays a crucial role in promoting London globally. Dalston and Hackney Central are identified as areas of regional or sub-regional significance and Finsbury Park and Stoke Newington are areas with more than local significance. The draft policy is generic in applying the same controls to all evening and night time economy activities across the borough and should be amended to differentiate its approach for each of these areas. In accordance with Draft New London Plan paragraph 7.6.4 Hackney should recognise the individual character of each of its night time economy areas, supporting development which promotes the rich diversity of London’s night time economy.

**LP47 Biodiversity and Sites of Importance for Nature Conservation.**

The Mayor welcomes Hackney’s approach to the protection and enhancement of biodiversity and its ambition to achieve biodiversity gains from development. Hackney should build on this approach, identifying areas of deficiency in access to nature in accordance with Draft New London Plan Policy G6.

**Paragraph 11.11.** Where harm to a site of importance for nature conservation is unavoidable Hackney should refer to the mitigation hierarchy set out in Part C of Draft New London Plan Policy G6 and include this in the supporting text.

**LP48 New open space.**

The Mayor welcomes Hackney’s approach for the provision of new open space and is one which helps deliver his commitment to make more than half of London green by 2050. Hackney’s approach to urban greening is also welcome and it is noted that the factors it wishes to apply are the same as those set out in the Draft New London Plan Policy G5. Hackney should be working towards developing its own Urban Greening Factor, based on factors which are more locally appropriate and should only use the suggested factors as an interim measure as stated in part B of the policy.
LP51 Tree management and landscaping.

In recognition of the benefits that trees can bring to urban environments it is the Mayor’s intention that London’s urban forest is expanded and wants to increase tree canopy cover in London by 10% by 2050. Hackney’s approach towards the protection of its trees will go some way in achieving this. However, in accordance with Draft New London Plan Policy G7, Hackney should identify opportunities for tree planting in strategic locations. In accordance with the same policy, where development would result in the loss of trees, suitable replacement should be made, based on the existing value of the benefits of the trees removed. Hackney’s policy should specify the use of i-Tree Eco, CAVAT or equivalent as the appropriate calculation method in doing so.

LP54 Overheating and LP55 Mitigating climate change.

The approach to reducing overheating and mitigating climate change is welcome but policy LP54 should also include the incorporation of green infrastructure as a method of reducing the impacts of the urban heat island effect. Both policies should make it a requirement that major development proposals are accompanied by an energy strategy setting out how they will reduce internal overheating, over reliance on air conditioning systems and demonstrate how the zero-carbon target will be met in line with Draft New London Plan Policies SI2 and SI4.

LP56 Decentralised energy networks.

It is considered that policy LP56 should be more proactive in supporting heating and cooling networks in the borough. Amendments to policy should follow or refer to the guidance set out in Draft New London Plan Policy SI3, identifying need, suitable sites and necessary energy infrastructure requirements in accordance with the policy and opportunities for expanding existing networks should be identified.

LP58 Improving the environment – pollution

Hackney has nine air quality focus areas as illustrated in Figure 9.1 of the Draft New London Plan and in accordance with Policy SI1, these should be reflected and treated more sensitively in Hackney’s policy. Furthermore, major development proposals must be at least air quality neutral and be submitted with an Air Quality Assessment. Masterplans, development briefs for large-scale development proposals subject to an Environmental Impact Assessment should aim to achieve an air quality positive approach. Hackney is advised to follow the guidance set out in Draft New London Plan Policy SI1 and where development is proposed in the City Fringe and Upper Lee Valley OAs the guidance set out in paragraph 9.1.3 should be followed.
### Hackney’s Site Allocations

<table>
<thead>
<tr>
<th>Section</th>
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<th>Comment</th>
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<tr>
<td>General</td>
<td></td>
<td>Site allocations should be supported by capacity evaluations to provide an indication of the development potential at each site. With accompanying capacity figures for residential, employment, industrial and other uses each proposal can then be tested for viability and its ability to deliver affordable housing etc. In the absence of indicative capacity figures for each site it is impossible to determine if the site allocations are able to deliver upon the ambitions set out in Hackney’s Local Plan. Furthermore, capacity figures provide guidance to developers and planners to ensure that each site will achieve its optimum delivery potential. Site allocations should provide a threshold for suitable building heights for their respective locations in accordance with Draft New London Plan Policy D8. The site allocations fail to identify areas or sites most suitable for small housing developments in accordance with Draft New London Plan Policy H2C.</td>
</tr>
<tr>
<td>HC9: 51-61 Mare St, E8 4RG</td>
<td>191</td>
<td>These sites are currently in industrial use and as a retain capacity borough Hackney should be seeking to intensify industrial capacity (to compensate for recent losses) at these sites, or at the very least, apply the principle of no net loss of industrial capacity. See paragraph 6.4.7 and Policy E7 of the Draft New London Plan. Site allocations should provide detailed information on the existing employment uses on site including, but not limited to, existing floorspace capacity for B1c, B2 and B8 uses. Information should also include the current plot ratio to explore intensification potential through the more efficient use of land at each site. Any proposed reconfiguration of existing industrial floorspace capacity should follow the plan-led or masterplan approaches set out in the Mayor’s Practice Note on Industrial intensification and co-location through plan-led and masterplan approaches with the intention of increasing industrial floorspace capacity, and as a minimum demonstrating no net loss of industrial floorspace capacity.</td>
</tr>
<tr>
<td>CL1: Tram Depot, 38-40 Upper Clapton Road</td>
<td>213</td>
<td></td>
</tr>
<tr>
<td>SHX3: Eagle Wharf Road</td>
<td>221</td>
<td></td>
</tr>
<tr>
<td>D9: Stamford Works</td>
<td>211</td>
<td>These sites appear to have potential for the provision of affordable workspace and this should be explored as part of these site allocations in accordance with Policies E3 and HC5 of the Draft New London Plan.</td>
</tr>
<tr>
<td>D10: Former CLR James Library</td>
<td>212</td>
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City Hall, London, SE1 2AA • london.gov.uk • 020 7983 4000
I hope these comments inform the development of the Hackney Local Plan. If you have any specific questions regarding the comments in this letter please do not hesitate to contact Hassan Ahmed on 020 7983 4000 or at hassan.ahmed@london.gov.uk.

Yours sincerely

Juliemma McLoughlin
Chief Planner

Cc  Jennette Arnold, London Assembly Constituency Member
    Nicky Gavron, Chair of London Assembly Planning Committee
    National Planning Casework Unit, MHCLG
    Lucinda Turner, TfL
Annex 1 – Transport for London Comments

Dear Sir/Madam,

Re: Hackney Local Plan 2033

Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a “without prejudice” basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL’s role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by TfL Property to reflect TfL’s interests as a landowner and potential developer.

Thank you for giving Transport for London (TfL) the opportunity to comment on the Hackney Local Plan 2033. We welcome the aspiration of the draft local plan to support growth while enabling people to get around by walking, cycling and public transport. In particular we welcome the approach set out in the draft local plan to reduce car use and that development must be car-free. TfL will continue to work with the Council to ensure that new development enables people to travel by walking, cycling and public transport.

The draft London Plan was published in December 2017 and was open for public consultation until March 2018. Following the consultation, a revised draft was published in August 2018 showing Minor Suggested Changes made in response to consultation comments. The draft London Plan is a material consideration in assessing local policy and determining planning applications.

TfL is sponsoring a number of street improvements in Hackney, and will continue to work with the Council on developing these schemes. TfL will continue to work with Hackney to develop improvements at Dalston Junction as part of the Healthy Streets Approach. We encourage the Healthy Streets ‘wheel diagram’ (see Appendix B) to be included in the Hackney Local Plan to fully embed the Healthy Streets Approach into planning decisions in the borough.

The draft local plan sets out policies that support the development of new cycle routes across the borough. TfL will continue to work with Hackney on developing designs for new cycle routes from Camden to Tottenham Hale, Lea Bridge to Dalston, and Hackney to Isle of Dogs. We support proposals to enhance walking and cycling connections to neighbouring boroughs as set out in PP5 Enhanced Corridors.

TfL is currently considering Hackney Council’s response to our recent consultation on the Central London Bus Services Review and will publish the outcome in 2019. We
support the Council’s plan to submit a January bid to the GLA Homebuilding Capacity Fund seeking approximately £250,000 for exploratory analysis of bus operations and network development in and around Ash Grove, Clapton and Lea Bridge Roundabout bus facilities, with the objective of maximising housing delivery.

Redevelopment of Lea Bridge Roundabout should improve the bus passenger experience, for example through:

- The provision of adequate space on the highway to facilitate the bus service, including space for high quality stops, shelters, and standing space. Wherever possible, standing will be located to avoid negative impacts upon the surrounding area;
- Streetscape and highway engineering measures to improve bus journey times and reliability, such as general bus priority and in particular the central London Bus Priority Grid;
- The simplification of the bus network, where possible, with frequencies adjusted to provide sufficient capacity to meet changing levels of demand.

We are pleased that Crossrail 2 remains supported in the Hackney Local Plan 2033, and in particular that the spatial objectives of the draft local plan support regeneration benefits and opportunities that come from Crossrail 2. We recognise that the draft text has been amended following our previous comments at Regulation 18 stage.

We have set out a number of comments and proposed changes on the following pages which we hope are helpful. We look forward to continuing to work together in drafting the final document and are committed to continuing to work closely with the GLA to deliver integrated planning and make the case for continued investment in transport capacity and connectivity to enable Good Growth.

Sincerely,

Josephine Vos | Acting Manager
London Plan and Planning Obligations team | City Planning
Email: josephinevos@tfl.gov.uk
Appendix A: Specific suggested edits and comments from TfL on the Hackney Local Plan 2033

<table>
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<tr>
<th>Section</th>
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<tr>
<td>2.6</td>
<td>3</td>
<td>Please amend mentions of “Crossrail2” to “Crossrail 2”</td>
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<tr>
<td>Figure 2</td>
<td>5</td>
<td>Please add a reference to this figure to provide clarity on forecast growth of passenger interchange at stations.</td>
</tr>
<tr>
<td>Objectives</td>
<td>8</td>
<td>Objective 6 – please include a reference to the role of streets in enabling people to walk and cycle and as an essential element of creating liveable and accessible neighbourhoods.</td>
</tr>
<tr>
<td>PP1 Public Realm</td>
<td>12</td>
<td>Please include a reference to putting the community at the heart of multi-functional shared public space for uses of all ages. See TfL’s Small Change, Big Impact guide to changing London’s public spaces: <a href="http://content.tfl.gov.uk/small-change-big-impact.pdf">http://content.tfl.gov.uk/small-change-big-impact.pdf</a>.</td>
</tr>
<tr>
<td>PP5</td>
<td>29</td>
<td>TfL requests clarity on what is intended by “improved legibility of stations along these corridors”.</td>
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<tr>
<td>n/a</td>
<td>31</td>
<td>The key in the figure on page 31 differs from that on page 49. The former has yellow points referring to “public realm opportunity” while the latter has yellow lines referring to “potential public realm improvements”. Consistency across keys would be helpful in achieving good public realm outcomes.</td>
</tr>
<tr>
<td>PP9</td>
<td>47</td>
<td>The section dealing with the area around Manor House only makes passing reference to the station. Significant design work was undertaken in the early 2000s to develop a step-free access scheme; however, this was never progressed further owing to the scheme’s complexity, high cost and disruption to the road junction. Nevertheless, this project could warrant being revisited, especially given the high level of interchange at this location and the fact that the draft local plan refers to wanting to make this area “accessible to all”.</td>
</tr>
<tr>
<td>4.85</td>
<td>50</td>
<td>This section references Dalston, but the chapter is on Manor House. Please clarify whether the associated diagram refers to Dalston or Manor House.</td>
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<td>Section</td>
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<td>Track change/comment</td>
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<tr>
<td>PP10</td>
<td>51</td>
<td>This section on Homerton is less detailed than the Places for People sections for other sub-areas. TfL requests greater clarity in setting out barriers to walking and cycling movement and how integration of the high street with public transport could be improved. This is particularly important given the regional importance of the nearby hospital as a significant destination.</td>
</tr>
<tr>
<td>5.3</td>
<td>55</td>
<td>TfL supports the guiding principles of ‘reinforce, repair, reinvent’ in achieving a high quality of design for buildings and public realm.</td>
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<tr>
<td>LP1</td>
<td>56</td>
<td>LP1 – it is important that development supports delivery of the Healthy Streets Approach. New buildings must contribute to successful streets for example through ensuring that microclimate and shade is appropriate at street level so as to support place and active travel functions. The Healthy Streets Approach should be embedded throughout LP1.</td>
</tr>
<tr>
<td>LP2</td>
<td>58</td>
<td>The Healthy Streets Approach should be embedded into LP2. Please consider including the Healthy Streets ‘wheel diagram’ in this or other policies to ensure that the Healthy Streets Approach is embedded in all development.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (i) – Please amend text: “Create an environment where people actively choose to walk and cycle as part of everyday life, including by improving access to open space and town centres.”</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (ii) – Please amend text: “Reduce the dominance of the private motor vehicles cars both in terms of traffic and congestion on our roads and managing excessive car parking on our streets.” The dominance of cars extends beyond the private car, and also encompasses taxis, private hire vehicles and car clubs, including electric and hybrid versions. The dominance of all of these types of cars should be reduced, including managing related on-street and off-street parking.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (iii) – Please amend text: “Contribute to the Healthy Streets approach to improve air quality, reduce manage congestion and make Hackney’s diverse communities become greener, healthier and more attractive places in which to live, play and do business.”</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (iv) – Please amend text: “Contribute to a safe reducing road environment danger where traffic accident casualties are steadily reduced and reducing deaths and serious injuries, supporting Vision Zero objectives.”</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td>Track change/comment</td>
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<tr>
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</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (vii) – TfL requests clarity on this policy, and specifically how development will reduce people's exposure to transport-related pollution.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (ix) – This policy should clarify how new development will support permeability, including how development of larger sites should be expected to create new 24-hour access streets to improve permeability.</td>
</tr>
<tr>
<td>LP41</td>
<td>127</td>
<td>LP41 10.3 – The supporting texts states that 'Reducing car use and promoting active travel also contributes to the Hackney Health and Wellbeing Strategy priority to reduce childhood obesity'. This is the first reference to 'reducing car use' in this Chapter. Reducing car use needs to be more explicitly introduced and incorporated in the policy text under LP41 rather than this brief mention in the policy's supporting text.</td>
</tr>
<tr>
<td>LP41</td>
<td>127</td>
<td>LP41 10.4 – Please amend text: “[…] and to continue to reduce the need for private car use”. Car use encompasses more than private cars. Taxis, private hire vehicles, and car clubs must also be covered when referring to reducing car use.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>TfL would encourage Hackney Local Plan policy to support development that enables sustainable travel among vulnerable or marginalised communities, for which there are particular barriers to walking and cycling.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 – TfL supports this policy which prioritises walking and cycling in Hackney. Part of promoting sustainable transport involves rebalancing how streets are used by different modes. The policy provides greater clarity, however, on how a better balance can be achieved in practice, for example by restricting motorised traffic, reducing car parking, and maximising permeability for active travel modes. The phrasing and terms used in this policy need to be made clearer in order to avoid ambiguity, which could lead to the spirit of the policy not being followed.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 B (i) – Please clarify what is meant by “high quality safe road crossings”.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 B (iii) – The Healthy Streets Approach and the Mayor’s Transport Strategy make clear that streets are not only for pedestrian movement, but also function as places where people want to spend time and engage in various activities. Streets make up 80 per cent of London’s public space and should be designed in line with the Healthy Streets Approach, which provides the framework for putting human health and experience at the heart of planning the city. The policy should refer to the various functions of streets beyond simply their movement function.</td>
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<tr>
<td>Section</td>
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</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 C (iii) – Please clarify what is meant by “an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes”. This needs to define what is meant by “adequate”. Minimum cycle parking standards should be at least equal to those set out in Table 10.2 of the draft London Plan.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 10.4 – Please include a reference in this section of the supporting text for policy LP42 to the recently published TfL Cycling Action Plan.</td>
</tr>
<tr>
<td>LP42</td>
<td>128-129</td>
<td>TFL supports the inclusion of this supporting text. In particular this links well with future cycling routes in Hackney.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 C – Please amend text: “Major development proposals are required to include the submission of either a Transport Assessment and Travel Plan, or a Transport Statement and Local Level Travel Plan, in accordance with the London Borough of Hackney thresholds and TfL’s latest online guidance”</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (i) – This comment refers to both bullet points labelled as (i) under policy LP43 D. TFL supports the mitigation of adverse impacts of development on capacity of transport infrastructure, public transport services, footways and cycle routes. There needs to be greater clarity between this policy element, and that which sets out that “new development will only be permitted where it [...] encourages high-density and high-trip generating development around transport nodes”.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (iii) – Please amend text: “Minimises the demand for private car trips, and enables new residents to make journeys by active modes and public transport”.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (iv) – Please amend text: “The transport and environmental impacts of development construction must be minimised and mitigated through Constructions and Logistics Plans (CLPs) produced in accordance with TfL’s latest online guidance, incorporating adherence to the Construction and Logistics Community Safety Scheme (CLOCS) and the Freight Operator Recognition Scheme (FORS)”</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (v) – TFL requests greater clarity on deliveries and servicing, which give rise to some of the most significant transport challenges for new development, particularly development on constrained sites.</td>
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<tr>
<td>Section</td>
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</tr>
<tr>
<td>LP44</td>
<td>130</td>
<td><strong>LP44 A</strong> – Please amend text: “Protect existing and proposed transport infrastructure, particularly routes for walking, cycling and public transport, from removal or severance which could compromise their use or operation. <strong>Development should aim to reduce severance by creating new walking and cycling routes through development sites.</strong> Proposals which are contrary to the safeguarding of strategic infrastructure improvement projects, including Crossrail 2 will be refused.”</td>
</tr>
<tr>
<td>LP44</td>
<td>130</td>
<td><strong>LP44 D</strong> – TfL does not consider car clubs a sustainable transport mode. They are only appropriate when delivered in conjunction with an overall reduction in parking or other effective demand management measures. Electric vehicle charging infrastructure should only be installed where there is no negative impact on walking, cycling and public transport modes or on the street environment. Please amend the policy to reflect this.</td>
</tr>
<tr>
<td>LP45</td>
<td>130</td>
<td><strong>LP45 A</strong> – TfL supports policy LP45 A, which states that all new development in Hackney must be car-free.</td>
</tr>
<tr>
<td>LP45</td>
<td>131</td>
<td><strong>LP45 B</strong> – TfL considers the exceptions to car-free development set out in policy LP45 B too generous. Policy LP45 B (iii) in particular could allow for many exceptions which would undermine car-free development. Where there is an “an overall package of measures improving legibility, including walking and cycling routes, and making improvements to the public realm”, there is even less need to re-provide car parking spaces. We request that greater clarity is provided for policy LP45 B, emphasising that parking should only be re-provided in exceptional situations, and even then only as a last resort after walking, cycling and public transport improvements have been maximised.</td>
</tr>
<tr>
<td>LP45</td>
<td>131</td>
<td><strong>LP45 F</strong> – TfL does not consider car clubs a sustainable transport mode. Policy LP45 F, which requires all major residential developments to contribute towards the expansion of the local car club network, therefore does not encourage sustainable transport modes and is not car-free development. The draft London Plan sets out that all residential development in the Central Activities Zone, inner London Opportunity Areas, Metropolitan and Major Town Centres, and inner London areas of PTAL 4-6 should be car-free. In areas where the draft London Plan maximum car parking standard is not car-free, any parking may be provided by car clubs. TfL requests that policy LP45 F is altered or removed. TfL officers would be happy to discuss this in person.</td>
</tr>
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<td>Section</td>
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<td>Track change/comment</td>
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</tr>
<tr>
<td>Site D2</td>
<td>204</td>
<td>If a new station is to be brought forward at Dalston as part of Crossrail 2, it is envisaged that works would be required to the existing Dalston Kingsland station. We support Site Allocation D2 and proposed improvements to the station, and we recognise that it is located within the Limits of Safeguarding as set out in the 2015 Crossrail 2 Safeguarding Directions.</td>
</tr>
<tr>
<td>Sites D3 and D5</td>
<td>205 and 207</td>
<td>As referenced within the text for Site Allocations D3 and D5 these sites contain land that is currently Safeguarded for Crossrail 2 worksites. We support Hackney’s recognition that this is safeguarded. We note reference to a proposed Supplementary Planning Document which will provide further guidance on the development principles and request that we are engaged from an early point to ensure development opportunities are optimised. We suggest amending the text for Site Allocation D3 to delete “maximising the provision of genuinely affordable new homes” given that Policy LP13 Affordable Housing already seeks to maximise opportunities to supply genuinely affordable housing on all sites.</td>
</tr>
<tr>
<td>Site SHX3</td>
<td>221</td>
<td>Site allocation SHX3 Eagle Wharf Road is located outside the Limits of Safeguarding as set out in the 2015 Crossrail 2 Safeguarding Directions. This site was identified as a potential location for a shaft in 2015; however, in the event that powers to deliver Crossrail 2 are approved, this site could be required to deliver and/or construct the Crossrail 2 scheme. We therefore suggest that Hackney continues to engage with Crossrail 2 around how this site could be required.</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>n/a</td>
<td>The site “Morrison’s site / 41-45 Stamford Hill” is not included in the sites identified in Appendix 3, but is shown as part of the Proposed Submission Policies Map. We understand that this site will come forward as part of the Stamford Hill Area Action Plan. We remind the Council that this site has been identified in the Crossrail 2 Safeguarding Directions 2015 as a potential Crossrail 2 worksite. Therefore this safeguarding should be recognised in preparing the Stamford Hill AAP. We suggest Hackney continue to engage with Crossrail 2 around how this site could be bought back into use in order to maximise overall benefits.</td>
</tr>
</tbody>
</table>
Appendix B: Healthy Streets Wheel

Source: Lucy Saunders
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
Part A – Personal Details (You need only submit one copy of Part A)
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Ms</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Kate</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Poland</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Cordwainers Grow, Daubeney Fields Forever and a network of community gardens and supporters.</td>
</tr>
</tbody>
</table>

Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
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<td>Telephone:</td>
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<td>Address:</td>
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<tr>
<td>Post code:</td>
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</tr>
</tbody>
</table>

2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Hackney Green Spaces Manifesto Signatories
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   - Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

<table>
<thead>
<tr>
<th>Chapter</th>
<th>11</th>
<th>Paragraph</th>
<th>7</th>
<th>Policy</th>
<th>Green and Open Spaces</th>
</tr>
</thead>
</table>

4. Do you believe the Local Plan Proposed Submission is:

| (1) Legally compliant | Yes | x | No |
| (2) Sound | Yes | No | x |
| (3) Complies with the Duty to Co-operate | Yes | x | No |

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

| (1) Positively Prepared | it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development. |
| (2) Justified | it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. |
| (3) Effective | the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. |
| (4) Consistent with national policy | the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework. | x |

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
We welcome Hackney Council’s recognition that allotments and community gardens provide many benefits to the physical and mental wellbeing of residents. We welcome its statement that new food growing initiatives will be encouraged on existing open spaces and temporarily derelict land where short or medium-term development is not planned. And we welcome the Council’s commitment to actively support the expansion and improvement of existing allotments and food-growing schemes led by independent groups and social enterprises. (11.7)

However, while the Plan states that the Council will protect existing allotments and designated green spaces it says only that it will support the provision of new food growing spaces. The nature of that support is ambiguous - particularly when the council receives applications to develop land either fully or partially used by community gardens for food growing.

Clarification and further policy commitments are needed to ensure that the Local Plan is sound and enables the delivery of sustainable development in accordance with the policies in the National Policy Planning Framework (NPPF) 2018.

The NPPF states that plans should be prepared with the objective of contributing to the achievement of sustainable development [and] contain policies that are clearly written and unambiguous (16). It states that planning policies should:

- play an active role in guiding development towards sustainable solutions. (9)
- aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles … for example through the provision of safe and accessible green infrastructure…. (91)
- plan positively for the use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments … [and]… guard against the unnecessary loss of valued facilities and services. (92)
- contribute to and enhance the natural environments by …minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. (170)

The NPPF states that existing open space … should not be built on unless … the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. (97)

The NPPF also allows for the designation of land as Local Green Space through local and neighbourhood plans which allows communities to identify and protect green areas of particular importance to them. Local Green Spaces should be designated when a plan, like LP33, is prepared or updated.

Designating land as a Local Green Space enhances the protection afforded to it. However, there is no reference to the designation of land as Local Green Space in the LP33. We are unaware that any opportunities been provided or promoted to Hackney’s communities to designate land in the borough as Local Green Space during the consultation on it.

(Continue on a separate sheet if necessary)
the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We are seeking greater protection for Hackney’s community gardens and green spaces in LP33. We submit that the following additions are needed to ensure that the plan is sound and consistent with the NPPF.

- insertion of the following sentence into paragraph 11.7. Suitable alternative provision for existing community gardens and food growing spaces lost from development will be found either on site or at a nearby location.
- A commitment in LP33 to consult with communities on the designation of local green spaces in the borough. To retain the following policy in the current Management Development Local Plan: ‘Where an existing open or green space is reasonably close to the community it serves, is demonstrably special to a local community and holds a particular local significance because of its beauty, historic significance, recreational value (including as playing field), tranquillity or richness of its wildlife and is local in character, then local communities can recommend them for Local Green Space designations in either the Local Plan or Neighbourhood Plan. Providing that the space satisfies the criteria of the NPPF paragraphs 76-78 then any designated Local Green Space will be afforded protection from new development other than in very special circumstances’ and to consult with local communities and update the LP33 with a list of designated local green spaces in the near future.

A greater level of protection for Hackney’s green spaces and community gardens would be consistent with the LP33 commitment:

- to protect and enhance existing open spaces and develop and improve green links between these spaces.
- that all new developments should enhance the network of green infrastructure and seek to improve access to open space.
- that development of non-designated open space will only be permitted where replacement and/or enhancement of open space of better or equivalent quality is provided either on site or a location within the vicinity of the site.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

<table>
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<tr>
<th>No</th>
<th>Yes</th>
<th>x</th>
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9. Do you wish to be notified of any of the following? Please mark all that apply.

- [ ] (a) when the Hackney Local Plan is submitted to the Planning Inspectorate
- [x] (b) when the Hackney Local Plan Examination will occur
- [ ] (c) when the Inspector’s Report is published
- [x] (d) when the Hackney Local Plan is adopted

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public. However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our [privacy notice](#).

10. Signature: Kate Poland  
    Date: 5/1/19
Hackney Local Plan 2033 – Proposed Submission 2018
Representation Form

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Part A – Submit only one copy of this

1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>John</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Parmiter</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Hackney Joint Estate Charity</td>
</tr>
</tbody>
</table>

Contact details:

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<th>Email:</th>
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<th>Post code:</th>
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2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Hackney Joint Estate Charity

Part B – Please use a separate page for each representation for parts 3-8
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:

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<table>
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<th>Paragraph</th>
<th>Policy</th>
<th>11C</th>
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4. Do you believe the Local Plan Proposed Submission is:

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<thead>
<tr>
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<th>Yes</th>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No X</td>
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<td>(3) Complies with the Duty to Co-operate</td>
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| (1) Positively Prepared it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development. | X |
| (2) Justified it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. | x |
| (3) Effective the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. | x |
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Policy 11C seeks to secure financial payments from housing developments of 9 units or less.

This policy is contrary to national planning policy (NPPF) where paragraph 63 clearly states that: “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas ….”. Hackney is not such an area; major developments comprise 10 units or more. The policy should be deleted.

The policy is not sound as it is not, evidenced and it is not clear what amounts will be sought, so that developers cannot properly appraise sites in advance of committing to a project.

It will not be effective in that it will severely impact the delivery of small sites, which make such an important contribution to the supply of housing in the borough.

For these reasons the policy cannot be said to be positively prepared.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should be deleted. (Continue on a separate sheet if necessary)

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10. Signature: John Parmiter  
    Date: 7.1.19
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Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

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Part A – Personal Details (You need only submit one copy of Part A)
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

Part A – Submit only one copy of this

1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>John</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Parmiter</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Hackney Joint Estate Charity</td>
</tr>
</tbody>
</table>

Contact details:

| Email:                | john@johnparmiter.com |
| Telephone:            | 07796177426 |
| Address:              | Unit 11, Celia Fiennes House, 8-20 Well Street, London |
| Post code:            | E9 7PX |

2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Hackney Joint Estate Charity

Part B – Please use a separate page for each representation for parts 3-8
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:

- Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Paragraph</th>
<th>Policy</th>
<th>33B</th>
</tr>
</thead>
</table>

4. Do you believe the Local Plan Proposed Submission is:

- (1) Legally compliant
  - Yes
  - No

- (2) Sound
  - Yes
  - No

- (3) Complies with the Duty to Co-operate
  - Yes
  - No

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

- (1) Positively Prepared it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.
  - X

- (2) Justified it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
  - X

- (3) Effective the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
  - X

- (4) Consistent with national policy the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.
  - X

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
**Policy 33B** is effectively a blanket ban on shop amalgamations.

The Hackney Joint Estate Charity (HJEC) owns a significant segment of Well Street, a designated local shopping centre. The charity is investing significant sums in upgrading the quality of the occupier line-up in the street; the amalgamation of selected units will enable such enhancements to be achieved.

There is no justification for such a blanket policy. Blanket policies are to be avoided in plans.

In any event, national policy requires local plan policies to be based on relevant, up-to-date, robust and proportionate evidence. There seems to be no such evidence.

This is not a policy that is positively prepared. The NPPF (para 85) requires local planning authorities to take a positive approach to the growth, management and adaptation of town centres. This policy does not achieve that.

The amalgamation of selected units in town centres can help deliver shop units that meet market demand and so ensure the continued vitality and viability of the centre. These can be assessed on their merits and an unjustified blanket ban does not assist this.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should be deleted.

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*After this stage, further submissions will be only at the request of the Inspector,*
8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

<table>
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<tr>
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<th>x</th>
</tr>
</thead>
</table>

9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | x |
| (b) when the Hackney Local Plan Examination will occur | x |
| (c) when the Inspector’s Report is published | x |
| (d) when the Hackney Local Plan is adopted | x |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: John Parmiter  
Date: 7.1.2019
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

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<tr>
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<tr>
<td><strong>First Name:</strong></td>
</tr>
<tr>
<td><strong>Organisation where relevant:</strong></td>
</tr>
</tbody>
</table>

**Contact details:**

| **Email:** |  |
| **Telephone:** |  |
| **Address:** |  |
| **Post code:** |  |

2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Hackney Swifts Group (submission discussed & agreed with Mr. Hamish Burnett and Mr. Gideon Corby).
Hackney Local Plan 2033 – Proposed Submission 2018
Representation Form

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**Hackney Local Plan – Proposed Submission 2018 - Representation Form**

**Part B – Please use a separate page for each representation for parts 3-8**

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<th>Paragraph</th>
<th>11.7</th>
<th>Policy</th>
<th>LP46</th>
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4. Do you believe the Local Plan Proposed Submission is:

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<tr>
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<th>No</th>
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</thead>
<tbody>
<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
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<td>Yes</td>
<td>No</td>
</tr>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

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<th>it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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</table>
(2) **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.  

**Yes**

(3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

- 

(4) **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.

- 

6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.

Section 11 “HACKNEY’S GREEN AND OPEN SPACES” lacks some essential detail to be effectively implemented with respect to biodiversity.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
Clause 11.7 should also state “Living roofs should be demonstrated to be genuinely biodiverse, as appropriate to the local area and in accordance with the Biodiversity Action Plan.”

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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</tr>
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</table>

9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | Yes |
| (b) when the Hackney Local Plan Examination will occur | Yes |
| (c) when the Inspector’s Report is published | Yes |
| (d) when the Hackney Local Plan is adopted | Yes |

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10. Signature: [Signature]
    Date: 06/01/19
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### Hackney Local Plan – Proposed Submission 2018 - Representation Form

**Part B – Please use a separate page for each representation for parts 3-8**

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   - Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)  

<table>
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<tr>
<th>Chapter</th>
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<th>Paragraph</th>
<th>11.10-11.11</th>
<th>Policy</th>
<th>LP47</th>
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</table>

4. Do you believe the Local Plan Proposed Submission is:

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
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If you have entered **No** to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

| (1) **Positively Prepared** it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development. | - |
(2) **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.  

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(3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.  

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(4) **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.  

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.

Section 11 “HACKNEY’S GREEN AND OPEN SPACES” lacks some essential detail to be effectively implemented with respect to biodiversity, and we also believe includes an incorrect transcription from the current Hackney Biodiversity Action Plan.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
LP47 Biodiversity and Sites of Importance of Conservation Nature Clause D should commence: “All development schemes involving buildings with an eaves height or roof commencement height of 5 metres and above are…”

Clause 11.11 should commence: “All development schemes where the buildings have an eaves height or roof commencement height of 5 metres and above should…”

[# We believe the current reference to 7 metres is an incorrect transcription from the current Hackney Biodiversity Action Plan, which refers to a band of nesting bricks from 7 metres height, but states nesting bricks to be installed from 5 metres which is in line with established practice; our suggested reference to roof commencement height is to include developments without eaves (e.g. with a flat roof or parapet) where nesting bricks are still equally applicable.]

Clause 11.10 should commence: “11.10 Hackney is seeking to achieve net gain in biodiversity; this means that development should leave biodiversity in a better state than before. Net Gain is demonstrated through a standardised metric such as the BREEAM ecology methodology or as stated in the Hackney Biodiversity Action Plan (BAP).”

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</table>

9. Do you wish to be notified of any of the following? Please mark all that apply.

<table>
<thead>
<tr>
<th>Question</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) when the Hackney Local Plan is submitted to the Planning Inspectorate</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) when the Hackney Local Plan Examination will occur</td>
<td>Yes</td>
</tr>
<tr>
<td>(c) when the Inspector’s Report is published</td>
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| 10. Signature: | [Signature] | Date: | 06/01/19 |
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1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Miss</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Georgina</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Redpath</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>DP9 Ltd</td>
</tr>
</tbody>
</table>

Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:Georgina.redpath@gp9.co.uk">Georgina.redpath@gp9.co.uk</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>02070041784</td>
</tr>
<tr>
<td>Address:</td>
<td>DP9 Ltd, 100 Pall Mall, London</td>
</tr>
<tr>
<td>Post code:</td>
<td>SW1Y 5NQ</td>
</tr>
</tbody>
</table>

2 - If you are an agent or representing an organisation or group please provide their details below:

| Organisation: | Hackney Walk Limited |

---

**Part B – Please use a separate page for each representation for parts 3-8**
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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<table>
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<tr>
<th>Chapter</th>
<th>Paragraph</th>
<th>Policy</th>
<th>PP3</th>
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4. Do you believe the Local Plan Proposed Submission is:

<table>
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<tr>
<th></th>
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<th>x</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Legally compliant</td>
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<tr>
<td>(2) Sound</td>
<td></td>
<td>No</td>
<td>x</td>
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<tr>
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<td>xx</td>
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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
The place policy for Hackney Central and Surrounds includes a number of strategic principles featured on page 22 of the plan. One such principle is to ‘utilise Bohemia Place as a pedestrian route and open up the railway arches to improve movement throughout the town centre’.

There is a concern that this principle may impact on the deliverability of redevelopment of the adjacent site allocations at 55 Morning Lane and Clapton Bus Garage in light of scheme viability and the provisions of other development plan policies, such as the need to reprovide low cost employment space, which would be displaced by the opening up of the railway arches. Encouraging the redevelopment of 55 Morning Lane is also an identified strategic principle and there ought to be recognition that the vision to pedestrianize Bohemia Place and open up the railway arches should not compromise the redevelopment of sites allocated for redevelopment due to viability considerations.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

There ought to be recognition that the vision to pedestrianize Bohemia Place and open up the railway arches should not compromise the redevelopment of sites allocated for redevelopment due to viability considerations.

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<tr>
<th>Chapter</th>
<th>Paragraph</th>
<th>Policy</th>
<th>LP1</th>
</tr>
</thead>
</table>

4. Do you believe the Local Plan Proposed Submission is:

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<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part B of Policy LP1 sets mandatory design criteria which all proposals for tall buildings, defined as buildings taller than the existing context, as follows.

“...A taller building must:

i. have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and
ii. relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and not lead to unacceptable overshadowing of public spaces, especially public open spaces and watercourses/canals; and
iii. make a positive contribution to the quality of the public realm; and
iv. preserve and enhance the Borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’.”

Part B-iv of Policy LP1 states that all tall building must preserve and enhance heritage assets (our emphasis added). The wording of this part of the policy is inconsistent with the provisions of the National Planning Policy Framework 2018 (NPPF), specifically paragraphs 195 and 196, which requires any harm to the significance of heritage asset which may be caused by development proposals to be balanced against public benefits. Draft Local Plan Policy LP3 also makes it clear that there may be instances where development which leads to harm to the significance of a heritage asset may be acceptable.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
The current drafting of Policy LP1 does not allow for any scenario whereby a tall building may result in the preservation of heritage assets only, rather than preservation and enhancement, or where harm resulting from development proposals could be outweighed by the public benefits. It is therefore considered that part B-iv of Policy LP1 is inconsistent with national planning policy and other draft local plan policies and at present is unsound. It is suggested that the wording is amended as follows:

“...A taller building must:

... iv. preserve, and where possible enhance, the Borough’s significance of the Borough’s heritage assets and their settings, subject to the provisions of Policies LP3 and LP4”

(Continue on a separate sheet if necessary)

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

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<tr>
<th>Chapter</th>
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<th>LP4</th>
</tr>
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4. Do you believe the Local Plan Proposed Submission is:

(1) Legally compliant Yes No
(2) Sound Yes No x
(3) Complies with the Duty to Co-operate Yes No

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

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Effective the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

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Policy LP4, as drafted, requires development proposals affecting non-designated heritage assets to “conserve, reveal and enhance the significance of the assets and their setting”. The current proposed policy is inconsistent with Paragraph 197 of the NPPF, which states that whilst the effect of an application on the significance of a non-designated heritage asset should be taken into account, a balanced judgement is required with regard to the scale of any harm to the significance of the heritage asset. Whilst the intent of the Council to make a balanced planning decision when considering proposals which affect non-designated heritage assets is written within the supporting text to Policy LP4, the wording of the Policy as drafted does not support this approach as it requires all development proposals to enhance the non-designated heritage asset. It is recommended that the policy is redrafted to ensure it is consistent with national planning policy, specifically Paragraph 197 of the NPPF.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
It is recommended that the policy is redrafted to ensure it is consistent with national planning policy, specifically Paragraph 197 of the NPPF.

(Continue on a separate sheet if necessary)

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<td>LP13</td>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
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<td>No</td>
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Policy LP13 sets a minimum 50% of net housing to be delivered as affordable housing, subject to viability and site context. It requires developments to deliver the maximum reasonable amount of affordable housing.

Part (ii) of the policy goes on to set a specific tenure mix which must be met. Part (ii) is considered to be at odds with Part A of the policy, which seeks to achieve the maximum reasonable amount of affordable housing. Planning policies which set prescriptive and inflexible tenure mixes with no allowance for developments to propose alternate tenure mixes can compromise their ability to deliver the maximum reasonable amount of affordable housing; there is a consequential relationship between tenure mix, scheme viability, and the resultant maximum reasonable amount of affordable housing that can be delivered. The policy is therefore considered unsound due to the potential for a prescriptive tenure mix to compromise an individual development’s ability to deliver the maximum reasonable amount of affordable housing, which is a priority land use of the plan.

The prescriptive nature of the requisite tenure mix, to be applied to all affordable housing, is also inconsistent with Policy H7 of the Draft London Plan (2018). Part B of draft London Plan Policy H7 states that where affordable homes are proposed above a 35% threshold, their tenure should be flexible so long as the homes are genuinely affordable and take into account the need to maximise the affordable housing provision, along with preference of applicants to propose a particular tenure. Policy LP13 as drafted is currently inconsistent with the London Plan in this regard.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you
are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is therefore suggested that Part (ii) of Policy LP13 is reworded as follows:

“Conventional C3 housing schemes should target the delivery of 35% affordable housing in accordance with the following tenure split, subject to securing the maximum reasonable amount:

<table>
<thead>
<tr>
<th>Affordable housing tenures</th>
<th>Type of affordable housing</th>
<th>Target proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Rent/London</td>
<td>Social</td>
<td>60%</td>
</tr>
<tr>
<td>Affordable Rent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hackney/London</td>
<td>Intermediate</td>
<td>40%</td>
</tr>
<tr>
<td>Living Rent or</td>
<td></td>
<td></td>
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<tr>
<td>London Shared Ownership or</td>
<td></td>
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<tr>
<td>other genuinely affordable</td>
<td></td>
<td></td>
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<tr>
<td>products that the Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>considers appropriate</td>
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Affordable housing proposed above 35% should seek a tenure mix which enables the amount of affordable housing to be maximised.”

(Continue on a separate sheet if necessary)

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<th>Yes</th>
<th>No</th>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No  x</td>
</tr>
<tr>
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(3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

(4) **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.

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Policy LP14 sets preferred dwelling mixes for all tenures, including intermediate and market housing. Whilst it may appear that some degree of flexibility is built into the policy in respect of 1 and 2 bedroom units for intermediate and market housing, the inclusion of a prescriptive requirement of 3+ bedroom units for market and intermediate housing has the effect of fixing minimum requirements for other dwelling sizes.

The requirement for 33% of market housing to be 3+ bedrooms, along with the requirement for 2-bedroom units to be provided at a higher proportion than 1-bedroom units, means that a minimum proportion of 34% is set for 2-bedroom units and a maximum proportion of 33% is set for 1-bedroom units. Prescribing the requirement for one unit size locks in minimum and maximum requirements for other unit sizes. This approach is inconsistent with draft London Plan Policy H12 ‘Housing Size Mix’ which states at Part C that **‘boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes’**.

(Continue on a separate sheet if necessary)

### 7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
Prescribing dwelling size mixes for intermediate and market housing is inconsistent with the draft London Plan and therefore the dwelling mix requirements for intermediate and market housing within Policy PL14 ought to be deleted, in order to be made sound.

(Continue on a separate sheet if necessary)

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The aim to promote high quality new office floorspace throughout the Borough is actively welcomed and supported. Part A of Policy LP27 includes a requirement for new development involving office floorspace to be provided ‘with good natural light’. Whilst a desire for good natural light in offices is encouraged, it is considered to be aspirational rather than a requirement and the policy lacks clarity as to how decision makers should assess development proposals for offices in respect of natural light, at odds with Paragraph 16 of the NPPF. The BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 was not produced as guidance for commercial office developments and in the absence of a suitable method of assessment, there is a concern that the requirement for ‘good natural light’ in new office developments is undefinable and does not make clear how decision makers should assess proposals.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
It is therefore recommended that in the absence of further clarification, this aspect of the policy is removed. (Continue on a separate sheet if necessary)

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<th>Policy</th>
<th>LP29</th>
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4. Do you believe the Local Plan Proposed Submission is:

- (1) Legally compliant | Yes | No |
- (2) Sound | Yes | No |
- (3) Complies with the Duty to Co-operate | Yes | No |

If you have entered *No* to 4.(2), continue with Q5, otherwise please go straight to Q6

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Policy LP29 sets a requirement for 10% of gross new employment floorspace to be provided as either affordable or low cost workspace.

It is considered that in order for this policy to be deliverable, the 10% requirement for low cost/affordable workspace should be required on the uplift in employment floorspace only and it is recommended that the policy is clarified as such.

The specific requirement in relation to appropriate rent levels for affordable workspace (60% of market rent within POAs (except Shoreditch), CAZ and town centres) to be provided in perpetuity is considered to be overly prescriptive and inconsistent with the NPPF.

There is also a concern that the amount of affordable workspace required and the requisite rent levels of the affordable workspace is not justified or based on proportionate evidence, as required by Paragraph 35 of the NPPF.

The Hackney Employment Land Study 2017, prepared by Boyer, tested viability of including affordable workspace based on 80% and 60% of market rent levels on office only schemes, which found the impact on residual land value to be between 4% and 19% as reported in paragraph 8.20 of the study. The Hackney Employment Land Study does not appear to recommend that 60% of market rents in POAs, CAZ and town centres and 40% of market rents in the Shoreditch POA is justified as the maximum level at which employment floorspace is affordable for small businesses which cannot access employment floorspace at prevailing market rents. It also does not demonstrate that 60% and 40% are the appropriate affordable rent levels in light of ensuring that the provision of 10% of employment floorspace as affordable workspace would not compromise the overall deliverability of additional employment floorspace.

Paragraph 8.61 of the Hackney Employment Land Study recommended that further viability work be undertaken to test the deliverability of employment floorspace including Affordable Workspace and Affordable housing provision. In the absence of this further viability work, there is no evidence to demonstrate that mixed use developments which would generate a requirement for both affordable workspace and affordable housing under the proposed submission draft policies would be viable or deliverable.

(Continue on a separate sheet if necessary)

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<td>x</td>
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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part B of Policy LP33 states “any redevelopment of larger A1 retail units over 1,000qm must re-provide at least the existing quantum of A1 retail floorspace”. Part I of the Policy relates to secondary shopping areas only and states that a diversity of A class, commercial, leisure and cultural facilities will be supported within the secondary shopping areas and Part J sets out conditions whereby change of use from A1 retail would be acceptable in the secondary shopping areas.

There is concern that the provisions of Part B whereby large retail units must be re-provided at an equivalent level of A1 floorspace may compromise the deliverability of developments with a diverse range of town centre uses within Secondary Shopping Areas which would otherwise contribute to achieving successful town centres.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is suggested that Part B of policy LP33 is revised to read as follows:

“Any redevelopment of larger A1 retail units over 1,000qm must re-provide at least the existing quantum of A1 retail floorspace as either A1 or other appropriate main town centre uses, subject to ensuring that the proposed uses will maintain the viability and vitality of the centre and that active shopfronts are provided in appropriate locations”.

The proposed revision would ensure that Policy LP33 reflects the evolving retail market whereby retailing does not solely occur through conventional A1 units. Retail units can also be complemented through increasing visitor footfall by the introduction of other non-A1 units, such as A3. The recommendations of the London Borough of Hackney Town Centre and Retail Study 2017, conducted by GVA, emphasises at paragraph 12.5 that town centre strategies “which support the continued evolution of the high street are now vital. This may include providing a higher quality shopping ‘experience’ through... improving the mix of retail and non-retail outlets to increase the length of time people spend in a centre (and the amount they spend in a centre), with a particular focus on enhancing commercial leisure provision, and, where appropriate, evening economy uses to ensure the centre has a role and function at all times of day.... it will be necessary to encourage further enhancement and diversification – whilst ensuring that the retail functions of the centre are not eroded”.

Paragraph 85 of the NPPF also states planning policies should “define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;”
It is considered that the suggested rewording to part B of Policy LP33 is supported by the evidence base and will ensure that the policy has sufficient flexibility to adapt to rapid change, as required by the NPPF.

(Continue on a separate sheet if necessary)

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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4. Do you believe the Local Plan Proposed Submission is:

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<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>No</td>
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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

<table>
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<tr>
<th>(1) Positively Prepared</th>
<th>it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<tr>
<td>(2) Justified</td>
<td>it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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<tr>
<td>(3) Effective</td>
<td>the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
</tr>
<tr>
<td>(4) Consistent with national policy</td>
<td>the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is or is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
As drafted, Policy LP44 states that new major development must:
“B. Make a financial contribution towards improvements to the bus network and associated infrastructure including new bus services, bus priority measures and frequency upgrades.
C. Contribute to improving rail infrastructure at local stations including travel interchange facilities and step free access.
D. Support car club development, cycle hire facilities and other sustainable transport initiatives, such as electric vehicle charging infrastructure and pocket parks,
E. Improve access to public transport facilities by promoting walking and cycling.”

The wording of the policy does not relate the contributions required of a development to be proportionate to their impact on the existing infrastructure, subject to viability considerations, or to be required only where applicable to that development. This is inconsistent with Paragraph 34 of the NPPF which states that policies which set out the contributions expected from development should not undermine the deliverability of the plan. With no consideration of viability or policy provision for contributions to the public transport network and infrastructure to be proportionate to the scale or impact of a proposed development, the policy as drafted may impact on the deliverability of development proposals which would otherwise contribute to delivering the plan’s identified need for 26,250 new homes, 23,000 new jobs and 34,000sqm of retail and leisure floorspace over the plan period.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
It is therefore recommended that Policy LP44 is revised to recognize that the contributions required from a development must be proportionate to the impacts of a development and will be subject to viability considerations. (Continue on a separate sheet if necessary)

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
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4. Do you believe the Local Plan Proposed Submission is:

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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6.

5. Do you consider the Hackney Local Plan is **unsound** because it is NOT:

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<td>(3) <strong>Effective</strong> the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
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<td>(4) <strong>Consistent with national policy</strong> the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is **or is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Policy LP44, as drafted, requires all development proposals for 10 or more residential units and / or more than 1,000sqm of commercial floorspace to provide the following levels of communal amenity open space:

1. 14sqm per person for residential development schemes;
2. 4 sqm per employee for commercial development schemes.

The policy, as drafted, does recognise that there may be instances where it is not possible to deliver public open space. For sites outside of Open Space Deficiency Areas the policy includes an alternative option for a financial and / or physical contribution for the enhancement of public open space in the vicinity. As currently drafted, this option does not apply to sites that are within Open Space Deficiency Areas.

The policy requirements for residential, commercial and mixed use developments proposed within Policy LP44 in respect of open space provision are considered to be wholly unsound due to their effect of the deliverability of developments which are integral in meeting the objectively assessed needs of the borough as contained within the plan, principally 26,250 new homes and 23,000 new jobs.

The Hackney Open Space Assessment 2018, prepared by LUC, found that the current rate of open space provision is good at 1.36 ha per 1,000 head of population. However, the policy requirement of 14sqm of open space per resident is entirely unrealistic and undeliverable; in order to provide additional homes for an increased population it is inevitable that the ratio of open space per head of population is reduced. New developments will categorically not be able to deliver open space at the rate of existing provision due to constraints on the availability of land and urban nature of the borough. The open space requirements set in respect of residential developments significantly impacts the deliverability of 26,250 new homes required over the plan period.

The Hackney Open Space Assessment does not include any evidence to demonstrate that communal open space is required from commercial developments in order to provide acceptable amounts of open space across the borough. No recommendation with regards to communal open space and commercial/mixed use developments are made. The policy requirement to provide 4sqm of communal open space per employee for major developments is therefore considered to be unjustified, not being based on proportionate evidence as stipulated in Paragraph 35 of the NPPF.

Paragraph 16 of the NPPF requires plans to be positively prepared in a way that is aspirational but deliverable. The open space requirements set for both residential development and commercial/mixed use development are considered to compromise the deliverability of new homes and employment floorspace, which are central aims of the plan.

In addition, paragraph 34 of the NPPF specifies that policies which set out the contributions from development such as green infrastructure should not undermine the deliverability of the plan. The contributions required from developments in respect of open space are considered to jeopardise the deliverability of the plan. Policy LP44 is inconsistent with national policy in this regard.

By applying the 4sqm and / or 14sqm requirements, the requisite quantum of open space required would, in many schemes, be vast and would result in large losses of floorspace, viability impacts and ultimately an increased risk in the deliverability of projects. It is also considered that in many schemes the policy as worded is unworkable as it would yield either a greater or commensurate public open space requirement than that of the site area itself. The indicative capacity for the 55 Morning Lane (Tesco Site) as set out in Site Allocation HC2 is used as an example as set out below:

Site Area: 1.39ha (13,900sqm)
Number of Residents: 840 (based on an average of 2 residents per unit)
Number of Employees: 1,298 (based on an employment density of 12sqm)
Open Space Yield (based on 14sqm per resident and 4sqm per employee): 1.69ha (16,941 sqm)
As it can be seen, in this particular example, the open space requirement far exceeds the entire footprint of the development site and, therefore, is unworkable in practice. This issue is likely to be encountered for many large developments on constrained sites. The policy is therefore considered unsound for the reasons set out above.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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4. Do you believe the Local Plan Proposed Submission is:

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- (2) Sound
- (3) Complies with the Duty to Co-operate

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- (1) Positively Prepared it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.

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| x |

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part B of the Policy LP45 recognises that where sites are redeveloped there may be site specific justification to re-provide an element of existing car parking provision. However, Part C and Part G of the policy do not reflect this recognition, with Part G stating “proposals for redevelopment of existing car parks for a different use shall be subject to the car-free and Transport Assessment need requirements within this policy”. Part G does not reflect that there may be site specific justification to re-provide an element of car parking specified in Part A.

It is therefore recommended that the policy is revised to ensure a consistent approach to re-providing existing car parking throughout. This would be consistent with Paragraph 107 of the NPPF which states that in town centres, local authorities should seek to improve the quality of parking and that maximum parking standards should only be set where there is a clear and compelling justification.

Policy LP45 also states that “if a development is to have entirely new occupiers it must be car free”. Paragraph 105 of the NPPF lists the considerations to be taken into account when setting local parking standards; the occupier of a development is not one such consideration. A site may be conducive to providing some car parking due to its use, location and accessibility levels which are not bound to an occupier. It is therefore suggested that this line of the policy be deleted.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

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9. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Hackney Local Plan is submitted to the Planning Inspectorate

| Yes |

(b) when the Hackney Local Plan Examination will occur

| Yes |

(c) when the Inspector’s Report is published

| Yes |

(d) when the Hackney Local Plan is adopted

| Yes |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice

10. Signature: DPG Ltd.  Date: 07/01/2019
LONDON BOROUGH OF HACKNEY PROPOSED SUBMISSION LOCAL PLAN 2033

REPRESENTATIONS MADE PURSUANT TO REGULATION 19 CONSULTATION

On behalf of our client, Hackney Walk Limited, who are owners of the site at 55 Morning Lane (Tesco) and other properties in the immediate vicinity within the Hackney Central area, we wish to make representations pursuant to the Proposed Submission Local Plan 2033. Our client’s site currently accommodates retail use, and is allocated as a site for redevelopment within the Proposed Submission Local Plan. The comments made below relate to the soundness of specific policies proposed within the Proposed Submission Local Plan.

PP3 Hackney Central and Surrounds

The place policy for Hackney Central and Surrounds includes a number of strategic principles featured on page 22 of the plan. One such principle is to ‘utilise Bohemia Place as a pedestrian route and open up the railway arches to improve movement throughout the town centre’.

There is a concern that this principle may impact on the deliverability of redevelopment of the adjacent site allocations at 55 Morning Lane and Clapton Bus Garage in light of scheme viability and the provisions of other development plan policies, such as the need to reprovide low cost employment space, which would be displaced by the opening up of the railway arches. Encouraging the redevelopment of 55 Morning Lane is also an identified strategic principle and there ought to be recognition that the vision to pedestrianize Bohemia Place and open up the railway arches should not compromise the redevelopment of sites allocated for redevelopment due to viability considerations.

Policy LP1 Design Quality and Local Character

Part B of Policy LP1 sets mandatory design criteria which all proposals for tall buildings, defined as buildings taller than the existing context, as follows.

“...A taller building must:

i. have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and

ii. relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and not lead to unacceptable overshadowing of public spaces, especially public open spaces and watercourses/canals; and

iii. make a positive contribution to the quality of the public realm; and
iv. preserve and enhance the Borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’.

Part B-iv of Policy LP1 states that all tall building must preserve and enhance heritage assets (our emphasis added). The wording of this part of the policy is inconsistent with the provisions of the National Planning Policy Framework 2018 (NPPF), specifically paragraphs 195 and 196, which requires any harm to the significance of heritage asset which may be caused by development proposals to be balanced against public benefits. Draft Local Plan Policy LP3 also makes it clear that there may be instances where development which leads to harm to the significance of a heritage asset may be acceptable. The current drafting of Policy LP1 does not allow for any scenario whereby a tall building may result in the preservation of heritage assets only, rather than preservation and enhancement, or where harm resulting from development proposals could be outweighed by the public benefits. It is therefore considered that part B-iv of Policy LP1 is inconsistent with national planning policy and other draft local plan policies and at present is unsound. It is suggested that the wording is amended as follows:

“...A taller building must:

...iv. preserve, and where possible enhance, the Borough’s significance of the Borough’s heritage assets and their settings, subject to the provisions of Policies LP3 and LP4”

LP4 Non Designated Heritage Assets

Policy LP4, as drafted, requires development proposals affecting non-designated heritage assets to “conserve, reveal and enhance the significance of the assets and their setting”. The current proposed policy is inconsistent with Paragraph 197 of the NPPF, which states that whilst the effect of an application on the significance of a non-designated heritage asset should be taken into account, a balanced judgement is required with regard to the scale of any harm to the significance of the heritage asset. Whilst the intent of the Council to make a balanced planning decision when considering proposals which affect non-designated heritage assets is written within the supporting text to Policy LP4, the wording of the Policy as drafted does not support this approach as it requires all development proposals to enhance the non-designated heritage asset. It is recommended that the policy is redrafted to ensure it is consistent with national planning policy, specifically Paragraph 197 of the NPPF.

LP13 Affordable Housing

Policy LP13 sets a minimum 50% of net housing to be delivered as affordable housing, subject to viability and site context. It requires developments to deliver the maximum reasonable amount of affordable housing.

Part (ii) of the policy goes on to set a specific tenure mix which must be met. Part (ii) is considered to be at odds with Part A of the policy, which seeks to achieve the maximum reasonable amount of affordable housing. Planning policies which set prescriptive and inflexible tenure mixes with no allowance for developments to propose alternate tenure mixes can compromise their ability to deliver the maximum reasonable amount of affordable housing; there is a consequential relationship between tenure mix, scheme viability, and the resultant maximum reasonable amount of affordable housing that can be delivered. The policy is therefore considered unsound due to the potential for a prescriptive tenure mix to compromise an individual development’s ability to deliver the maximum reasonable amount of affordable housing, which is a priority land use of the plan.
The prescriptive nature of the requisite tenure mix, to be applied to all affordable housing, is also inconsistent with Policy H7 of the Draft London Plan (2018). Part B of draft London Plan Policy H7 states that where affordable homes are proposed above a 35% threshold, their tenure should be flexible so long as the homes are genuinely affordable and take into account the need to maximise the affordable housing provision, along with preference of applicants to propose a particular tenure. Policy LP13 as drafted is currently inconsistent with the London Plan in this regard.

It is therefore suggested that Part (ii) of Policy LP13 is reworded as follows:

“Conventional C3 housing schemes should target the delivery of 35% affordable housing in accordance with the following tenure split, subject to securing the maximum reasonable amount:

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<tr>
<th>Affordable housing tenures</th>
<th>Type of affordable housing</th>
<th>Target proportion</th>
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<tr>
<td>Social Rent/London Affordable Rent</td>
<td>Social</td>
<td>60%</td>
</tr>
<tr>
<td>Hackney/London Living Rent or London Shared Ownership or other genuinely affordable products that the Council considers appropriate</td>
<td>Intermediate</td>
<td>40%</td>
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Affordable housing proposed above 35% should seek a tenure mix which enables the amount of affordable housing to be maximised.”

**LP14 Dwelling Size Mix**

Policy LP14 sets preferred dwelling mixes for all tenures, including intermediate and market housing. Whilst it may appear that some degree of flexibility is built into the policy in respect of 1 and 2 bedroom units for intermediate and market housing, the inclusion of a prescriptive requirement of 3+ bedroom units for market and intermediate housing has the effect of fixing minimum requirements for other dwelling sizes.

The requirement for 33% of market housing to be 3+ bedrooms, along with the requirement for 2-bedroom units to be provided at a higher proportion than 1-bedroom units, means that a minimum proportion of 34% is set for 2-bedroom units and a maximum proportion of 33% is set for 1 bedroom units. Prescribing the requirement for one unit size locks in minimum and maximum requirements for other unit sizes. This approach is inconsistent with draft London Plan Policy H12 ‘Housing Size Mix’ which states at Part C that ‘boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes’.

Prescribing dwelling size mixes for intermediate and market housing is inconsistent with the draft London Plan and therefore the dwelling mix requirements for intermediate and market housing within Policy PL14 ought to be deleted, in order to be made sound.

**LP27 Protecting and Promoting Office Floorspace in the Borough**

The aim to promote high quality new office floorspace throughout the Borough is actively welcomed and supported. Part A of Policy LP27 includes a requirement for new development involving office floorspace to be provided ‘with good natural light’. Whilst a desire for good natural light in offices is
encouraged, it is considered to be aspirational rather than a requirement and the policy lacks clarity as to how decision makers should assess development proposals for offices in respect of natural light, at odds with Paragraph 16 of the NPPF. The BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 was not produced as guidance for commercial office developments and in the absence of a suitable method of assessment, there is a concern that the requirement for ‘good natural light’ in new office developments is undefinable and does not make clear how decision makers should assess proposals. It is therefore recommended that in the absence of further clarification, this aspect of the policy is removed.

**LP29 Affordable Workspace and Low Cost Employment Floorspace**

Policy LP29 sets a requirement for 10% of gross new employment floorspace to be provided as either affordable or low cost workspace.

It is considered that in order for this policy to be deliverable, the 10% requirement for low cost/affordable workspace should be required on the uplift in employment floorspace only and it is recommended that the policy is clarified as such.

The specific requirement in relation to appropriate rent levels for affordable workspace (60% of market rent within POAs (except Shoreditch), CAZ and town centres) to be provided in perpetuity is considered to be overly prescriptive and inconsistent with the NPPF.

There is also a concern that the amount of affordable workspace required and the requisite rent levels of the affordable workspace is not justified or based on proportionate evidence, as required by Paragraph 35 of the NPPF.

The Hackney Employment Land Study 2017, prepared by Boyer, tested viability of including affordable workspace based on 80% and 60% of market rent levels on office only schemes, which found the impact on residual land value to be between 4% and 19% as reported in paragraph 8.20 of the study. The Hackney Employment Land Study does not appear to recommend that 60% of market rents in POAs, CAZ and town centres and 40% of market rents in the Shoreditch POA is justified as the maximum level at which employment floorspace is affordable for small businesses which cannot access employment floorspace at prevailing market rents. It also does not demonstrate that 60% and 40% are the appropriate affordable rent levels in light of ensuring that the provision of 10% of employment floorspace as affordable workspace would not compromise the overall deliverability of additional employment floorspace.

Paragraph 8.61 of the Hackney Employment Land Study recommended that further viability work be undertaken to test the deliverability of employment floorspace including Affordable Workspace and Affordable housing provision. In the absence of this further viability work, there is no evidence to demonstrate that mixed use developments which would generate a requirement for both affordable workspace and affordable housing under the proposed submission draft policies would be viable or deliverable.

**Policy LP33 Hackney Central and Dalston**

Part B of Policy LP33 states “any redevelopment of larger A1 retail units over 1,000qm must re-provide at least the existing quantum of A1 retail floorspace”.

Part I of the Policy relates to secondary shopping areas only and states that a diversity of A class, commercial, leisure and cultural facilities will be supported within the secondary shopping areas and Part J sets out conditions whereby change of use from A1 retail would be acceptable in the secondary shopping areas.
There is concern that the provisions of Part B whereby large retail units must be re-provided at an equivalent level of A1 floorspace may compromise the deliverability of developments with a diverse range of town centre uses within Secondary Shopping Areas which would otherwise contribute to achieving successful town centres. It is suggested that Part B of policy LP33 is revised to read as follows:

“Any redevelopment of larger A1 retail units over 1,000qm must re-provide at least the existing quantum of A1 retail floorspace as either A1 or other appropriate main town centre uses, subject to ensuring that the proposed uses will maintain the viability and vitality of the centre and that active shopfronts are provided in appropriate locations”.

The proposed revision would ensure that Policy LP33 reflects the evolving retail market whereby retailing does not solely occur through conventional A1 units. Retail units can also be complemented through increasing visitor footfall by the introduction of other non-A1 units, such as A3. The recommendations of the London Borough of Hackney Town Centre and Retail Study 2017, conducted by GVA, emphasises at paragraph 12.5 that town centre strategies “which support the continued evolution of the high street are now vital. This may include providing a higher quality shopping ‘experience’ through... improving the mix of retail and non-retail outlets to increase the length of time people spend in a centre (and the amount they spend in a centre), with a particular focus on enhancing commercial leisure provision, and, where appropriate, evening economy uses to ensure the centre has a role and function at all times of day.... it will be necessary to encourage further enhancement and diversification – whilst ensuring that the retail functions of the centre are not eroded”.

Paragraph 85 of the NPPF also states planning policies should “define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;”

It is considered that the suggested rewording to part B of Policy LP33 is supported by the evidence base and will ensure that the policy has sufficient flexibility to adapt to rapid change, as required by the NPPF.

**LP44 Public Transport and Infrastructure**

As drafted, Policy LP44 states that new major development must:

“B. Make a financial contribution towards improvements to the bus network and associated infrastructure including new bus services, bus priority measures and frequency upgrades.
C. Contribute to improving rail infrastructure at local stations including travel interchange facilities and step free access.
D. Support car club development, cycle hire facilities and other sustainable transport initiatives, such as electric vehicle charging infrastructure and pocket parks,
E. Improve access to public transport facilities by promoting walking and cycling.”

The wording of the policy does not relate the contributions required of a development to be proportionate to their impact on the existing infrastructure, subject to viability considerations, or to be required only where applicable to that development. This is inconsistent with Paragraph 34 of the NPPF which states that policies which set out the contributions expected from development should not undermine the deliverability of the plan. With no consideration of viability or policy provision for contributions to the public transport network and infrastructure to be proportionate to the scale or impact of a proposed development, the policy as drafted may impact on the deliverability of development proposals which would otherwise contribute to delivering the plan’s identified need for 26,250 new homes, 23,000 new jobs and 34,000sqm of retail and leisure floorspace over the plan period. It is therefore recommended that Policy LP44 is revised to recognize that the contributions required from a
development must be proportionate to the impacts of a development and will be subject to viability considerations.

**LP45 Parking and Car Free Development**

Part B of the Policy LP45 recognises that where sites are redeveloped there may be site specific justification to re-provide an element of existing car parking provision. However, Part C and Part G of the policy do not reflect this recognition, with Part G stating “proposals for redevelopment of existing car parks for a different use shall be subject to the car-free and Transport Assessment need requirements within this policy”. Part G does not reflect that there may be site specific justification to re-provide an element of car parking specified in Part A.

It is therefore recommended that the policy is revised to ensure a consistent approach to re-providing existing car parking throughout. This would be consistent with Paragraph 107 of the NPPF which states that in town centres, local authorities should seek to improve the quality of parking and that maximum parking standards should only be set where there is a clear and compelling justification.

Policy LP45 also states that “if a development is to have entirely new occupiers it must be car free”. Paragraph 105 of the NPPF lists the considerations to be taken into account when setting local parking standards; the occupier of a development is not one such consideration. A site may be conducive to providing some car parking due to its use, location and accessibility levels which are not bound to an occupier. It is therefore suggested that this line of the policy be deleted.

**LP48 New Open Space**

Policy LP44, as drafted, requires all development proposals for 10 or more residential units and / or more than 1,000sqm of commercial floorspace to provide the following levels of communal amenity open space:

1. 14sqm per person for residential development schemes;
2. 4 sqm per employee for commercial development schemes.

The policy, as drafted, does recognise that there may be instances where it is not possible to deliver public open space. For sites outside of Open Space Deficiency Areas the policy includes an alternative option for a financial and / or physical contribution for the enhancement of public open space in the vicinity. As currently drafted, this option does not apply to sites that are within Open Space Deficiency Areas.

The policy requirements for residential, commercial and mixed use developments proposed within Policy LP44 in respect of open space provision are considered to be wholly unsound due to their effect of the deliverability of developments which are integral in meeting the objectively assessed needs of the borough as contained within the plan, principally 26,250 new homes and 23,000 new jobs.

The Hackney Open Space Assessment 2018, prepared by LUC, found that the current rate of open space provision is good at 1.36 ha per 1,000 head of population. However, the policy requirement of 14sqm of open space per resident is entirely unrealistic and undeliverable; in order to provide additional homes for an increased population it is inevitable that the ratio of open space per head of population is reduced. New developments will categorically not be able to deliver open space at the rate of existing provision due to constraints on the availability of land and urban nature of the borough. The open space requirements set in respect of residential developments significantly impacts the deliverability of 26,250 new homes required over the plan period.

The Hackney Open Space Assessment does not include any evidence to demonstrate that communal open space is required from commercial developments in order to provide acceptable amounts of open
space across the borough. No recommendation with regards to communal open space and commercial/mixed use developments are made. The policy requirement to provide 4sqm of communal open space per employee for major developments is therefore considered to be unjustified, not being based on proportionate evidence as stipulated in Paragraph 35 of the NPPF.

Paragraph 16 of the NPPF requires plans to be positively prepared in a way that is aspirational but deliverable. The open space requirements set for both residential development and commercial/mixed use development are considered to compromise the deliverability of new homes and employment floorspace, which are central aims of the plan.

In addition, paragraph 34 of the NPPF specifies that policies which set out the contributions from development such as green infrastructure should not undermine the deliverability of the plan. The contributions required from developments in respect of open space are considered to jeopardise the deliverability of the plan. Policy LP44 is inconsistent with national policy in this regard.

By applying the 4sqm and / or 14sqm requirements, the requisite quantum of open space required would, in many schemes, be vast and would result in large losses of floorspace, viability impacts and ultimately an increased risk in the deliverability of projects. It is also considered that in many schemes the policy as worded is unworkable as it would yield either a greater or commensurate public open space requirement than that of the site area itself. The indicative capacity for the 55 Morning Lane (Tesco Site) as set out in Site Allocation HC2 is used as an example as set out below:

Site Area: 1.39ha (13,900sqm)
Number of Residents: 840 (based on an average of 2 residents per unit)
Number of Employees: 1,298 (based on an employment density of 12sqm)

Open Space Yield (based on 14sqm per resident and 4sqm per employee): 1.69ha (16,941 sqm)

As it can be seen, in this particular example, the open space requirement far exceeds the entire footprint of the development site and, therefore, is unworkable in practice. This issue is likely to be encountered for many large developments on constrained sites. The policy is therefore considered unsound for the reasons set out above.

**Concluding Remarks**

We look forward to receiving acknowledgement of receipt of these representations and request that we be notified of further opportunities to comment on the draft plan accordingly. If you require further information or clarification on the representations above then please contact Tom Horne or Georgina Redpath at this office.

Yours sincerely,

DP9 LTD.
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

1 - Personal Details

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<thead>
<tr>
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<th>Ms</th>
</tr>
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<tbody>
<tr>
<td>First Name:</td>
<td>Hilary</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Watchman</td>
</tr>
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Organisation where relevant:

Contact details:

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Address: [Redacted]

Post code: [Redacted]

2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation:
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
- Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

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<tr>
<td>5</td>
<td>5.12</td>
<td>Protecting and Enhancing Heritage and Leading the Way in Good Urban Design</td>
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4. Do you believe the Local Plan Proposed Submission is:

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<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
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<td>(2) Sound</td>
<td>Yes</td>
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<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

<table>
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<tr>
<th>(1) Positively Prepared</th>
<th>it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<td>(2) Justified</td>
<td>it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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<td>the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
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<tr>
<td>(4) Consistent with national policy</td>
<td>the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.
If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.

5.12 - I consider the following sentences to be not sound because not justified and therefore propose their deletion. They relate to the BRE guidance on daylight and sunlight: "In denser urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria will therefore be operated flexibly in relation to planning applications in dense urban locations such as that found in Hackney."

Other parts of the plan emphasise the quality of life for residents but that quality will be severely compromised along with the Council’s vision if high and dense buildings and dwellings do not have correct sunlight and daylight levels. BRE guidelines must be adhered to without exception and without ‘flexibility’.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet if necessary)

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.
After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | X |
| (b) when the Hackney Local Plan Examination will occur | X |
| (c) when the Inspector’s Report is published | X |
| (d) when the Hackney Local Plan is adopted | X |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney's Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: H Watchman. Date: 7/1/19
Dear Ms Broughton,

London Borough of Hackney Local Plan – Regulation 19 Proposed Submission Consultation

Thank you for the opportunity to comment on the above consultation and for our meeting on 6th December to discuss particular issues. As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection and enhancement of the historic environment is taken fully into account at all stages and levels of the Local Plan process.

Our comments are made in the context of the principles relating to the historic environment and local plans within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guide (PPG). These include the requirement that local plans contain both strategic policies (para 20) and a positive strategy (para 185) for the conservation and enhancement of the historic environment, and that they are underpinned by relevant and up to date evidence (para 31). Para 28 of the NPPF further indicates that non-strategic policies should also include detailed guidance relating to specific sites, such as design principles and policies to conserve and enhance the historic environment.

As a result, we welcome the draft Plan and consider that it offers an excellent platform to achieve a positive strategy for the historic environment through planning. We welcome the identification of the historic environment as a headline objective to the Plan, together with the aim of ensuring growth and development complements and enhances existing local character. We note the evidence base underlying the heritage-related policies and consider these comprehensive and proportionate. We also note and welcome the references to heritage-related considerations within and across wider policies – for example those covering town centre issues. We do however have some comments in relation to a number of specific...
issues that, if addressed, we consider would further strengthen the draft Plan in terms of its consistency with national policy.

**Site allocations HC1, HC2 and HC6.**

We note that all three of these site allocations have emerged as part of the Hackney Central and Surrounds Masterplan (2017). We note that in contrast to the adopted Masterplan, the development principles for HC1 and HC2 contain no indicative building heights (the Masterplan includes a proposal for a 15 storey building at HC2). Given the sensitivity of a number of nearby designated heritage assets and the potential for adverse impacts through inappropriately tall buildings, we recommend that further detail on building heights be included for both allocations, together with clarification that any proposals coming forward will need to be clear as to how these impacts have been considered and resolved in the light of the Borough’s Local Plan policies relating to the historic environment.

We also note the proposal for a 15 storey building at Florfield Road in site allocation HC6. This site is directly adjacent to two separate conservation areas (Graham Road & Mapledene and Mare Street), while it would also have potential effects on the Grade II Town Hall and the Town Hall Square conservation area. While we do not disagree that this site is suitable for redevelopment and offers an opportunity for residential use, there does not appear to have been any analysis of the likely impacts of such a tall building on the heritage assets in the vicinity. We would therefore suggest that there is potential for adverse impacts on the significance of these assets, and that the development as proposed would run contrary to policies elsewhere in the draft Plan and the NPPF.

We note the text in the development principles for HC6 that refers to the ‘Eleven Codes of the Hackney Tall Buildings Strategy’ that would need to be satisfied for the building in question. We would point out that this document is now 13 years old, while the more recent characterisation study (2018) indicates that it has now superseded this as the basis for tall building evidence. Further, the characterisation study identifies the prevailing building heights in and around Mare Street and the Town Hall as generally 3 to 4 storeys. We therefore consider the proposed building height to be out of scale with its surroundings and would fail to enhance or better reveal the significance of heritage assets (NPPF, para 200). Given the nature of the site, we would suggest that the quantum of development sought in the draft Plan could be achieved in ways other than involving a building significantly taller than its surroundings.
Policy LP6 – Archaeology

We note that there have not been major changes to the strategic policies dealing with heritage assets from the Regulation 18 consultation. However, we note the separate policy for archaeology as compared to other designated heritage assets (ie listed buildings, conservation areas, registered parks & gardens and world heritage sites). We would point out that the NPPF only sets out considerations for designated assets (paras 193-196) and for non-designated assets (para 197), and makes no distinction between types of asset. We also consider that specifically identifying non-designated heritage assets as including archaeology as part of the supporting text for LP4 would be helpful to potential applicants and promoters at an early stage of preparing proposals.

We would suggest that this issue could be clarified by moving the relevant sections of LP6 (ie Paras A, B, A(i) and A(ii) to LP3 Designated Heritage Assets) and Para B(i) to LP4 Non Designated Heritage Assets).

We also recommend that the final sentence of paragraph A should be amended to reflect the requirements of the NPPF: ‘Proposals that would adversely affect nationally important archaeological remains or their setting will be refused’.

As mentioned in our meeting on 6th December, we would also suggest that a reference to welcoming development proposals that help address Heritage at Risk, either within policy LP3 or the supporting text, would be a further significant step in delivering a positive strategy for the historic environment.

Policy LP10

Given the established benefits of public interpretation of archaeology within the Borough, we consider there would be some benefit for the supporting text for policy LP10 to be broadened to make reference to these with the aim of reinforcing awareness and enjoyment of the borough’s cultural heritage:

New para 6.11 ‘Public display and interpretation of archaeological heritage brings cultural, educational and economic benefits. Public enjoyment of the displayed Shakespearean theatres in Shoreditch, along with associated heritage sites, following consented redevelopment will stimulate tourism activity and approved design work improve the urban realm. There is potential for this approach in other archaeologically rich parts of the borough’.
I trust these comments are helpful. I would be pleased to discuss any of the issues above further.

Finally, it should be noted that this advice is based on the information that has been provided to us and does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from these documents, and which may have adverse effects on the environment.

Yours sincerely

Tim Brennan MRTPI
Historic Environment Planning Adviser
E-mail: tim.brennan@HistoricEngland.org.uk
DD: 020 – 7973 3279
Thank you for the opportunity to comment on the draft Local Plan. The following comments are submitted by the NHS London Healthy Urban Development Unit on behalf of City and Hackney CCG.

**LP1 Design Quality and Local Character**

We support Policy LP1 but suggest that criterion xvii is amended to reflect the need to promote and improve both physical and mental health and to refer to housing design and the use of standards as advocated by Policy LP17 Housing Design.

xvii. promote good physical and mental health by creating streets and spaces which are inclusive, feel safe, attractive and encourage physical activity walking and cycling through the use of active design principles and the Healthy Streets approach and housing design and accessibility standards.

**LP8 Social and Community Infrastructure**

We suggest that Policy LP8 should provide additional flexibility to reflect that service providers and commissioners have strategies to reconfigure or transform services which may result in the consolidation or rationalisation of premises. In the case of healthcare services, the CCG aims to provide primary care services at scale and make best use of existing facilities which could involve the consolidation of GP premises at a neighbourhood level. We suggest the following wording to criterion ii:

adequate alternative facilities identified as part of a service transformation plan are already within walking distance, which are capable of meeting the needs currently being met by the existing facility without leading to a shortfall in provision for the specific social infrastructure; or

We support criterion F which refers to the need for developer contributions to increase the capacity of social infrastructure to address the impact of development, which could include both on-site provision and contributions towards additional off-site capacity.

Paragraph 6.4 refers to engagement with service providers and commissioners, such as the CCG to inform updates to the Infrastructure Delivery Plan (IDP). This is welcomed, and it is suggested that the IDP is updated with information from the Sustainability and Transformation Partnership (STP) Strategic Estates Plan and capital pipeline and CCG estate priorities, and analysis and outputs from the new CCG primary care demand modelling tool. As such we suggest that paragraph 6.4 refers to the need for ‘additional GP capacity’ rather than the reference to four additional GP surgeries, to ensure that the plan does not become out of date.

**LP9 Health and Wellbeing**

We support the reference to health impact assessment in Policy LP9 which we consider to be a vital tool to comprehensively assess the health and wellbeing impacts of development and introduce measures to address negative impacts and maximise positive benefits or order to help deliver the plan objective to promote health and well-being and reduce health inequalities.

Regards
Malcolm Souch
NHS London Healthy Urban Development Unit
07958 528066
To: planmaking@hackney.gov.uk

Ms. Joanna Boxall

To whom it may concern,

I wish to participate at an oral part of the examination on all sections for which I have submitted responses. I wish to be notified of when Hackney LP is submitted to the planning inspectorate; when the Hackney examination in public will occur, when the inspectors report is published and when the Hackney LP is adopted.

yours sincerely, J.Boxall  07/01/19

Chapter 5. Protecting and enhancing heritage and leading the way in good urban design.

5.12- I consider the following sentences to be not sound because they are not justified and I propose deletion. They relate to the BRE guidance on daylight and sunlight, "In denser urban contexts sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. the target criteria will therefore be operated flexibly in relation to planning applications in urban locations such as those found in Hackney.

Thank you for your attention, I look forward to a reply.
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
Part A – Personal Details (You need only submit one copy of Part A)
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

Part A – Submit only one copy of this

1 - Personal Details

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<thead>
<tr>
<th>Title</th>
<th>Mr</th>
</tr>
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<tbody>
<tr>
<td>First Name:</td>
<td>Steven</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Simms</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>SSA Planning Limited</td>
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Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th>steve.simms @ssaplanning.co.uk</th>
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<tbody>
<tr>
<td>Telephone:</td>
<td>07717 788374 0115 849 1234</td>
</tr>
<tr>
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</tr>
<tr>
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</table>

2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Kentucky Fried Chicken (Great Britain) Limited

Part B – Please use a separate page for each representation for parts 3-8
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   - Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

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4. Do you believe the Local Plan Proposed Submission is:

(1) Legally compliant  
Yes ✔ No

(2) Sound  
Yes ✔ No

(3) Complies with the Duty to Co-operate  
Yes ✔ No

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6.

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

(1) Positively Prepared  
it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development. ✔

(2) Justified  
it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. ✔

(3) Effective  
the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. ✔

(4) Consistent with national policy  
the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework. ✔

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
The draft policy is not based on any objectively assessed development requirement. It effectively assesses the requirement for hot food takeaways within 400 metres of the boundary of a school or further education establishment as zero, but does so without evidence of either a link between the incidence of obesity and the proximity of hot food takeaways to such places or any particular distance at which that link is demonstrated. Consequently, the development requirement has not been objectively assessed.

In fact, the distance chosen could have the effect of banning hot food takeaways from a majority of the Borough. No assessment has been made of the number of hot food takeaways that might be refused as a result of this or what the social, economic or environmental impacts of that might be, so it is not possible to balance these impacts.

The policy is negative in its assumptions, using the concept of ‘unhealthy food’, which is at best unhelpful in isolation from an understanding of the person eating the food, their health and lifestyle, and at worst is simply subjective. Furthermore, it assumes all hot food takeaways offer little choice and serve the same type and standard of food.

We are further of the view that food of high energy density or poor nutritional value is sold from and at a range of premises within a variety of other classes, including many in Class A1, such as coffee or sandwich shops, bakeries or, simply, supermarkets, and that focusing on Class A5 uses is both unhelpful and unfair.

Furthermore, whilst in principle we support controls on over-concentration in order to maintain retail balance, no evidence is provided for criteria (i) and (ii).

There is no evidence for a causal link between the incidence of obesity and proximity of hot food takeaways to schools or further education establishments and only limited evidence of any correlation at all, so it is unclear how refusing planning permission for hot food takeaways within 400 metres of such locations could ever be justified.

The inclusion of primary schools is particularly problematic, as it is clear that children at primary schools are not usually permitted to leave the premises at lunchtime and, given their age, are unlikely to travel to or from school unaccompanied. Outside school time, children’s diets are quite properly the responsibility their parents or guardians.

Consequently, it is far from clear how refusing planning permission for hot food takeaways within 400 metres of primary schools could ever be justified. This has been the view consistently taken by Planning Inspectors at appeal (see, for example, APP/P4415/A/11/2159082 and APP/W4515/W/16/3154960).

The Evidence Base contains no evidence of any threshold number of hot food
takeaways at which the harm that the draft policy seeks to mitigate occurs or is noticeably greater. Indeed, there is no evidence of a causal spatial link between clusters of hot food and the incidence of obesity or overweight at all.

It is better to rely on objective evidence in a retail study to set maximum proportions of hot food takeaways. Whilst these are primarily directed at protecting the retail health of designated centres, there is scope to widen their application to support the retail health of retail provision outside centres, such as standalone or parade units.

As it is usually impractical to apply a maximum frontage proportion outside centres, the 400-metre walk distance might be applied, within which the proportion (rather than number) of units, be they in- or out-of-centre, used as hot food takeaways would not be permitted to exceed the same threshold as set for centres.

In adopting such an approach, it would be preferable to consider optimal proportions of all retail uses that could contribute to healthy centres or to a healthy offer generally, whether in- or out-of-centre, instead of focussing on particular uses considered a problem for wider social reasons unrelated to retail planning.

On a practical point, there is a difficulty in using distance radii in that it takes no account of real barriers, physical or perceptual, so that premises on the other side of a line feature such as a canal or busy road could be affected despite in reality being more than a 400m walk away. It is far better to use real walk isochrones.

In order for the policy to legitimately compel applicants to operate in compliance with the Healthy Catering Commitment, this must be included within the Local Plan itself (perhaps as an appendix) in order that it can be justified and scrutinised. As it stands, a link leads to a document that could change at any time without scrutiny.

EFFECTIVE

For the reasons set out, it is unclear how refusing permission for hot food takeaways within 400 metres of primary schools could ever be effective.

Some hot food takeaways, together with restaurants, pubs and shops are clearly a source of cheap, energy dense and nutrient poor foods, however, not all hot food takeaways, restaurants, pubs and shops are, and the planning system is ineffective in distinguishing between those that are and those that are not.

The area that would be affected by the policy covers a large part of the City, so it is hard to see how the effectiveness of its extent could be monitored. Would poor or negative achievement against objectives result in reduction or expansion of the zones? What other corrective action might be taken short of its withdrawal?

Diet is clearly a key determinant both of general health and obesity levels. Exercise is the other key determinant and must be considered for a complete picture. Focussing on improving access to open space, sport and recreation facilities would be a far more effective strategy for reducing childhood obesity.
CONSISTENT WITH NATIONAL POLICY

We consider that no regard has been had to national policy and advice in preparing Policy LP39 (A) because no NPPF policies deal with dietary issues.

The NPPF recognises the role planning takes in better enabling people to live healthier lifestyles. However, it seeks to do this by creating, not restricting choice, by increasing access to recreation and health services, and by ensuring developments are within walkable distances of local facilities and public transport to other facilities.

Whilst PPG part 53 paragraph 6 suggests that regard could be had to proximity to schools, community centres and playgrounds, it omits of what. Similarly, it refers only to over-concentration and clustering of “certain use classes” and high levels of obesity “in specific locations”. It leaves plan-makers to evidence such policy.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete draft policy LP39 Part A entirely or delete LP39 Part A criterion (iii) and justify criteria (i), (ii) and (iv).

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
8. Do you wish to participate at an oral part of the examination?

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

| No | Yes | ✔ |

9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | ✔ |
| (b) when the Hackney Local Plan Examination will occur | ✔ |
| (c) when the Inspector’s Report is published | ✔ |
| (d) when the Hackney Local Plan is adopted | ✔ |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our [privacy notice](#).

10. Signature: [Signature]
    
    Date: 07/01/2019
Dear Strategic Policy Team

I am Chair of the Kingsland Conservation Area Advisory Committee and I have read the Hackney Local Plan 2033 with interest. I am really not able to give an opinion as to whether the document is legally compliant however I have found a small number of errors in both diagrams and text in Part 1 which I have documented below. You may wish to correct these before you submit the document.

Regards

Fiona Darbyshire

Page 6. Figures 1 and 2 are misleading. Figure 1 shows a population growth of 20%, with eight new figures, a 16% growth would be 6.4 new figures. Figure 2 actually shows public transport use increasing by less than the predicted 50%, there should be 5.5 new figures.

Page 7. Figure 3, a 24% rise in jobs would result in two extra badges not three as shown.

Page 31. Haggerston Overground station is not correctly located on the map on this page. Both the station and the Residential Led Site in De Beauvoir, on the west of the Kingsland Road, which I assume is the former Rose Lipman Library, are positioned too far north of the canal.

Page 44. The diagram on this page, Shoreditch and Hoxton in context, shows Haggerston station on the south side of the canal, whereas it should be correctly located on the north side.

Page 168. Site D1 should refer to 130 Kingsland High Street not Kingsland Road.
Dear Sir/Madam,

London Borough of Islington response to Hackney: A Place for Everyone: Proposed Submission Local Plan (LP33) Full Consultation (Reg 19)

Thank you for providing us with the opportunity to comment on the above document. We welcome the ongoing engagement on planning matters to fulfil Duty to Co-operate requirements, including on future iterations of the Future Shoreditch AAP and any site allocations included within this document. We have some specific comments on the draft LP33, which follow on from comments made on earlier drafts of the Local Plan in January 2017 and December 2017.

For the vast majority of policy areas, the approach proposed in the draft plan aligns with Islington’s approach and is supported. The majority of policies will enable cross-boundary impacts to be considered effectively to mitigate or prevent any adverse impacts on Islington.

We have provided some specific comments below on certain elements of the draft plan where there are more significant potential cross-boundary implications, although we would advocate generally for all policies with potential for cross-boundary impacts to highlight these impacts explicitly, such as policies covering decentralised energy and community facilities (especially in terms of consideration of cross-boundary catchment areas).

Finsbury Park
Finsbury Park is the only town centre that spans the boroughs of Islington and Hackney. Both councils have designated Finsbury Park as a district centre, in line with the London Plan. The Hackney Draft Local Plan policy LP34 states that at least 55% of all units should be retained as A1. This aligns with the approach Islington have taken in our emerging Local Plan, where we are proposing a Primary Shopping Area (PSA) in Finsbury Park with target of 55% A1 retail use, with flexibility to change use to other town centre uses outside the PSA. Although our approach has a more focused spatial element rather than applying an A1 percentage target to the centre as a whole, we consider that our policies will align well and together will provide a coherent approach in terms of planning for retail in Finsbury Park. The requirement for active frontages will support the continued vitality and viability of the area, both in Hackney and Islington.
Retail, betting shops, hot food take aways, evening and night-time economy

Policy LP32 proposes to apply the sequential approach and impact assessment requirement to the development of retail (all A classes) and/or leisure uses over 200sqm outside of the town centres (excluding the CAZ). This approach is supported and aligns with the approach we are proposing in our emerging Local Plan, in order to focus retail in appropriate areas and ensure that small shops (and the benefits that they bring) are protected. We would support guidance/supporting text which required any impact assessment to factor in the impact on shops/centres in Islington. Similarly, with regard to the operation of a sequential assessment in Finsbury Park, we would welcome clarification whether this would look at relevant sequentially preferable sites within the Islington part of the Town Centre.

We support the approach taken in policy LP33 which provides strong protection for A1 uses in Dalston town centre. We would welcome further clarification on the scale of development envisaged under part A of the policy.

We support Policy LP39 which proposes restrictions on hot food takeaways, betting shops and payday loan shops. Such restrictions are important to prevent the adverse impacts associated with these uses. Islington’s existing and emerging approach to these uses aligns well with Hackney’s approach, although we have a smaller radius restriction in proximity to schools (200m vs 400m proposed by Hackney) due to the in size of our borough (as 400m would be a de facto ban on such uses). We support the reference to neighbouring boroughs in paragraph 9.27, in response to comments made on earlier drafts of the Hackney Local Plan; however, this should be explained further to note that applicants should take into account schools in neighbouring boroughs, rather than uses in neighbouring boroughs, given that the buffer proximity is derived from the location of schools. For reference, Islington’s Location and Concentration of Uses SPD, at paragraph 5.11, includes reference to consideration of cross-boundary impacts.

We would also note a shift toward provision of ‘adult gaming centres’ as well as (or sometimes instead of) betting shops. The impacts of these uses are very similar to betting shops, so it may be helpful for Hackney to reference these in the policy also.

Policy LP10 refers to Cultural Quarters, although the plan does not set out their role or identify locations. We support the designation of these areas in principle, and note that our emerging Local Plan identifies three cultural quarters. We would welcome further engagement on the location and role of these quarters, especially if they are proposed in close proximity to the Islington-Hackney boundary.

We support the approach to evening and night-time economy uses in Policy LP38. As with other policies, we would support an explicit reference to cross-borough impacts and considerations.

Employment floorspace

Policies LP26 and LP27 of Hackney’s draft Local Plan are similar to Islington’s existing and emerging approach to employment/business floorspace, which requires that development in designated employment areas should maximise employment floorspace. In particular, we support the introduction of requirements for certain proportions of floorspace proposed in designated areas to be B1 use. Islington’s emerging Bunhill and Clerkenwell AAP (which includes our part of the City Fringe Opportunity Area immediately adjacent to the Hackney boundary) requires 90% of floorspace (gross) of proposals to be in office use in the City Fringe OAPF or 80% in the rest of the Bunhill and Clerkenwell AAP area. We consider that the Islington and Hackney policies will complement each other by ensuring this part of the CAZ retains and promotes an agglomeration of business uses and supports the Tech City role of the area.

Tall buildings

The draft Hackney Local Plan sets out a criteria-based tall buildings policy, which covers a range of considerations triggered at application stage, rather than a location-specific policy (as proposed in our emerging Local Plan and in the draft London Plan) which gives finer grain control over tall building locations. The supporting text of the policy does mention potential further guidance on taller buildings in site allocations, which could be more location specific. We would like to be consulted on any future work – in particular the Future Shoreditch AAP - which designates sites suitable for tall buildings or provides
further guidance on where tall buildings may be appropriate. The Shoreditch area borders Islington and any tall buildings proposed in this area may have impacts across the borough boundary.

There have been a number of tall buildings developed or permitted in the recent past which we consider have adversely impacted on the character of Islington, through their inappropriate locations and/or excessive height. These buildings have also, to some degree, limited development opportunities within Islington, as subsequent development in Islington has had to have regard to the potential canyon effect that would be created between any new development and the often very tall buildings in Hackney. Ultimately, given the history of tall building development in this area, it is important that any future proposals for further tall buildings fully consider all relevant impacts, including cumulative cross boundary impacts. We consider that a criteria-based approach is not an appropriate method of enabling full and proper consideration of these impacts. Hackney should follow the approach taken by Islington and advocated in the draft London Plan by clearly identifying specific locations for tall buildings over 30 metres. To arrive at potential locations suitable for tall buildings, a thorough assessment would need to be undertaken which takes into account impacts on all sites including those across the borough boundary. This would ensure appropriate and effective cross-boundary planning for tall buildings, enabling a balanced approach in terms of development capacity and the protection of character on both sides of the boundary.

In terms of the definition of tall buildings, the characterisation study states that a proposal for a building 50% taller than the prevailing heights would be considered tall in its local context. This accords with Islington’s emerging policy which states that tall buildings are buildings which are more than twice the contextual reference height of surrounding buildings (or more than 30m in height). The draft plan does not incorporate much prescription on the definition of tall buildings. Without such prescription, the policy will remain open to interpretation which will limit its efficacy, especially in terms of exacerbating cumulative impacts.

**Residential moorings**
Policy LP52, regarding proposals for residential moorings on Regents Canal, should include an additional criterion focused on air quality impacts, given the often polluting nature of vessels.

**Site Allocations**
We note that several site allocations are proposed in Dalston, in relatively close proximity to the Islington-Hackney boundary. While we have no issue in principle with these allocations, a lot of details that would usually be expected to be included in a site allocation remain unclear, for example, what scale of development will be allowed. This very much influences our comments. We would welcome further engagement through the Local Plan process, or through development of an SPD if this is considered to be the most appropriate method of developing guidance for these sites.

I hope that the above comments are helpful. We look forward to further co-operation and engagement as the Local Plan progresses, including through the examination process itself as required. If you have any questions regarding any matters raised in this letter, please do not hesitate to contact me.

Yours sincerely,

Ben Johnson
Planning Policy Team Leader
Islington Council
‘Hackney A Place for Everyone’ – Proposed Submission Local Plan 2033 (LP33) Full Consultation (Reg 19)

Dear Natalie Broughton,

Thank you for providing the London Borough of Tower Hamlets (LBTH) the opportunity to respond to the above consultation. Overall, LBTH is supportive of the vision, key objectives and policies set out in the Plan.

In line with our previous representations on the Regulation 18 consultation, LBTH’s response will focus on the strategic issues.

Challenges and Opportunities, Vision and Growth Strategy
LBTH is broadly supportive of the objectives set out in these sections, and it recognises that many of Hackney’s challenges echo those within our own boundary.

Hackney Wick
Although not currently within either of our boundaries for planning purposes, the Hackney Wick town centre partially falls within LBTH. LBTH welcomes the reference to the potential for an eastern branch of Crossrail 2 to serve Hackney Wick and is keen to support any such lobbying by Hackney.

Shoreditch and Hoxton
LBTH is supportive of Hackney’s approach to Shoreditch and Hoxton which adjoins the LBTH boundary. With regard to the emerging Future Shoreditch Area Action Plan (AAP), LBTH welcomes further engagement to address strategic issues on heritage, design, employment and housing at the earliest opportunity.

Protecting and Enhancing Heritage and Leading the way in Good Urban Design
LBTH draft Local Plan has identified specific locations for taller buildings to guide and manage the scale across the borough. This approach is considered necessary to ensure the scale of growth within the borough does not cause harm to the local and adjoining character and unique identity.
Hackney’s Plan does not direct taller buildings to specific locations which could present a gap in terms of policy guidance should they come forward. Policy LP1.B refers to Hackney’s heritage assets, their significance and their setting. Given that one third of Hackney’s housing growth will take place in Shoreditch as referenced in policy LP12, the likely prospects of taller buildings coming forward in close proximity to LBTH boundary threatens the borough’s heritage assets. To ensure LBTH’s conservation area designations, statutory and local listed buildings are preserved or enhanced, we suggest an amendment to Policy LP1.B to reference that taller buildings should be proportionate in the borough, but also in wider London context. This change will ensure heritage assets, their significance and their setting is protected whether within Hackney or not.

Meeting Hackney’s Housing Need
LBTH is supportive of the objectives and policies of this section and the approach to delivering affordable housing.

A Strong and Competitive Economy which Benefits All
LBTH is supportive of Hackney’s approach to supporting diverse and mixed economy. In particular the Shoreditch Priority Office Areas (POAs) which is complementary to LBTH employment designations in the City Fringe area is welcomed.

We trust the comments are helpful. We appreciate the continued dialogue on our respective new Local Plans and are keen to continue cooperation on other planning matters as well as Hackney’s emerging Future Shoreditch AAP.

Yours sincerely,

Marissa Ryan-Hernandez
Plan Making Team Leader
Dear Natalie,

RE: Hackney Borough Council Local Plan Regulation 19 consultation: London Borough of Tower Hamlets representation – clarification

This email is to clarify the Borough’s comments regarding Tall Buildings. The Council does not have any concern about the soundness of the approach taken. And understands that it is Hackney Borough Council’s intention to provide detail on appropriate heights in your suite of Area Action Plans using a design lead approach.

Regards,

Adele.

Adele Maher | Strategic Planning Manager
Place Directorate

Email: adele.maher@towerhamlets.gov.uk
Tel: 020 7364 5375

London Borough of Tower Hamlets | Town Hall | Mulberry Place | PO Box 55739 | 5 Clove Crescent | London E14 2BG www.towerhamlets.gov.uk
Consultation - Proposed Submission Local Plan 2033 Hackney A Place for Everyone November 2018

Thank you for consulting the Regional Park Authority on the Proposed Submission version of the Local Plan 2033 ‘Hackney A Place for Everyone’. This document is due to be considered by the Authority’s Members at the Regeneration and Planning Committee on the 17 January 2019. The following is therefore an officer level response to meet the 7th January deadline. A final formal response will be issued as soon as possible after the committee.

Consideration has been given to the responses and changes made in relation to the Authority’s previous comments many of which are positive and helpful. A few matters remain however where it is considered that the addition of further detail and minor changes to policy would improve the effectiveness of the Local Plan; these are set out below.

Spatial Objectives
The Authority remains supportive of the revised Local Plan spatial objectives. As a significant part of the Borough’s green infrastructure adjacent to major residential and business populations, the Regional Park can make an important contribution to a number of these objectives particularly those associated with the promotion of good health and wellbeing (objective 2), and the creation of liveable and accessible neighbourhoods (objective 6).

The revision to Objective 8, as proposed by the Authority, to include a greater emphasis on biodiversity is welcome. This now reads: “To protect and enhance existing open spaces and biodiversity, develop and improve green links between these spaces and support the creation of new open spaces and vertical gardens”, (page 8).
The added reference to the ‘Lee Valley Biodiversity Action Plan 2017’ alongside the Park Development Framework Proposals under Policy LP46 G, (page 135) is also welcomed. A fully revised version of this document is due to be adopted by the Authority in early in 2019. A minor amendment is therefore sought to remove the date ‘2017’ so that policy text reads as follows:

G ii) The Council will work cooperatively with the Lee Valley Regional Park Authority to deliver the Lee Valley Park Development Framework Area proposals and the Lee Valley Biodiversity Action Plan.

Enhanced Corridors and the Lea Valley Edge

In your ‘Consultation Statement’ a new place policy ‘PP5 Enhanced Corridors’ is identified as the response to the Authority’s original concerns about a lack of detail on the ‘Lea Valley Edge’ proposal, – a corridor of land adjacent to the Regional Park identified as suitable for renewal and intensification, including previously developed land.

The Authority welcomes the addition of this policy but seeks the inclusion of further detail and clarification under the associated Strategic Principles. Supporting text for PP5 Enhanced Corridors (Para 4.43) recognises the River Lee Corridor as different from the other road and street corridors and highlights its importance for walking, cycling, and wildlife, for river communities and leisure and recreation. A clear reference within the policy is required to make clear that this corridor forms part of the Regional Park and therefore enables access to a continuous network of venues, open space and habitats, waterways, paths and cycle routes that open up the wider Regional Park to local residents and visitors.

The Strategic Principles for the Lee Valley Corridor should correspond more closely to the important elements of the Corridor identified in supporting text mentioned above. Whilst it is recognised that the new PP1 Public Realm policy is to be read alongside the place policies it is not clear whether this offers guidance that is specific enough in respect of the River Lee Corridor. Guidance is needed for example, on how mixed use housing led development at increased densities can incorporate open spaces and biodiversity that would complement the adjacent water corridor and waterside open spaces, conserving high quality mature landscapes in the area and protecting valuable leisure, heritage and ecological assets.

Supporting text should be amended to set out the relationship between this policy, PP5 and those others that are relevant such as policy LP46 G) which references the Regional Park, policy LP52 which covers development alongside waterways and canals, and LP1 Design Quality and Local Character.

Arts Culture and Entertainment Facilities

It is noted that reference to Strategic Cultural Areas has been deleted from supporting text under Policy LP10 Arts Culture and Entertainment Facilities, presumably to align with the revised wording in the draft London Plan. It is not clear however why reference to the important role of the Regional Park and
the Olympic Park in terms of providing opportunities for the arts, culture and entertainment to both the local and London wide community has also been removed. Supporting text either for LP10 (para 6.11), or under PP5 Enhanced Corridors should include an additional reference, to the Lee Valley Ice Centre, Lea Bridge Road. This is an important community asset located on the borough boundary with Waltham Forest which attracts a considerable number of residents from your Borough, a large proportion of whom are female and drawn from BAME communities which historically have low rates of sports participation. The Authority intends to announce plans for its redevelopment as a twin pad comprising two Olympic sized rinks later this year.

Biodiversity
The strengthening of policy in order to achieve a net gain in biodiversity is supported - Policy LP47 'Biodiversity and Sites of Importance for Nature Conservation'. However the Authority still questions why it is only major development proposals that will be required to include a biodiversity survey of the site, LP47 C). It is important that all development seeks to enhance biodiversity and create opportunities for wildlife, particularly if the Council is to achieve its aim for a net gain in biodiversity. This will require proposals to demonstrate how the development improves biodiversity which is likely in most cases to require ecological surveys as part of the planning and application process.

The Authority would be happy to discuss any of the matters raised above in due course.

Yours sincerely

Stephen Wilkinson
Head of Planning and Strategic Partnerships
Lee Valley Regional Park Authority
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
Part A – Personal Details (You need only submit one copy of Part A)
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

Part A – Submit only one copy of this

1 - Personal Details

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<tr>
<td>First Name</td>
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Contact details:

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2 - If you are an agent or representing an organisation or group please provide their details below:

This submission is made on behalf of the Residents of Lincoln Court Estate N16.
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
- Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

| Chapter | 11 | Paragraph | 11.1 | Policy | LP46 |

4. Do you believe the Local Plan Proposed Submission is:

<table>
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<th>(1) Legally compliant</th>
<th>Yes</th>
<th>X</th>
<th>No</th>
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<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
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<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
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If you have entered **No** to 4.(2), continue with Q5, otherwise please go straight to Q6.

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

<table>
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<th>(1) <strong>Positively Prepared</strong> it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<td>(2) <strong>Justified</strong> it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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<td>(3) <strong>Effective</strong> the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
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<td>(4) <strong>Consistent with national policy</strong> the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is **not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
We submit that the Proposed Submission Local Plan 2033 is Unsound as the Proportionate Evidence Base that has been used to compile the schedule of designated Open Spaces is incomplete and omits a number of amenity spaces that should have been considered for inclusion in the schedule of designated Open Spaces.

The spaces that have been omitted are the green spaces, amenity spaces and play spaces that form an integral part of the Lincoln Court Estate N16 – see diagram below. These spaces comprise:

- Gardens which provide amenity green space, and which include community food growing areas managed by the Lincoln Court Tenants & Residents Association.
- A purpose built MUGA.
- Playdecks over the estate parking garages, that provide the majority of the communal amenity open space and play space for the 198 households on the estate, and which provide areas for children to actively socialise, and for kick-about and cycle play opportunities. These playdecks also provide a venue for community and estate events.

The Lincoln Court Estate N16 sits within the area covered by the Draft Stamford Hill Area Action Plan, and as such is located in an area that is identified in the evidence base for the SHAAP as having:

- higher levels of child poverty than the Hackney, London and National averages (refer also to the latest figures from the End Child Poverty Coalition);
- higher levels of Economic Deprivation than the Hackney, London and National averages;
- higher levels of Childhood Obesity than the Hackney, London or National averages;
- high levels of Health Deprivation and Disability;
- deficiency in accessibility to Local and Small Local Parks;
- deficiency in accessibility to Child Play Areas;
Please note that the residents of Lincoln Court Estate N16 do not have access to private gardens or balconies, and so the aforementioned shared and communal spaces play a particularly important role in providing the necessary opportunities for amenity and play to allow residents to lead healthier and active lifestyles, which promotes good Health and Wellbeing.

With regard to the current level of amenity provision at Lincoln Court Estate N16, this is calculated as 10.2sqm per person, which includes all the aforementioned spaces, and which is assumed to include the 1643sqm of play space required to meet the needs of children living on the estate. This is in line with the Open Space requirements of Policy DM31 in the currently Adopted Development Management Local Plan, but is less than the 14sqm provision required by Policy LP48 in the Proposed Submission Local Plan 2033.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We submit that the aforementioned open spaces which form an integral part of Lincoln Court Estate N16, should be included in the Proportionate Evidence Base relating to Policy LP46, and should be incorporated in the schedule of designated Open Spaces attached to the Proposed Submission Local Plan 2033 in respect of Policy LP46, as is the case with open spaces on other housing estates within Hackney.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

| No | X | Yes |
9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | X |
| (b) when the Hackney Local Plan Examination will occur | X |
| (c) when the Inspector’s Report is published | X |
| (d) when the Hackney Local Plan is adopted | X |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: [Signature]  Date: 03/01/19
Dear Natalie

Hackney Local Plan (LP33)- Representation on behalf of London Legacy Development Corporation

Thank you for the opportunity to make comments on the Proposed Submission Local Plan (LP33). The Legacy Corporation is in broad support of the content and approach of the Local Plan and appreciates the ongoing engagement and collaborative working which has taken place between both authorities with respect to the preparation of the Hackney Local Plan 33 and the Legacy Corporation’s Regulation 19 Local Plan. As you are aware both authorities are also working together on a Statement of Common Ground which will set out the main areas of agreement, demonstrating the cooperation which has taken place on key strategic matters.

As you will be aware that the Legacy Corporation is the local planning authority for the Queen Elizabeth Olympic Park and surrounding areas, including the Hackney Wick area and has its own Local Plan which was adopted in July 2015. The Local Plan contains the planning strategy for the whole of its planning area and also includes area-specific policies and site allocations relating specifically to Sub Area 1 (Hackney Wick and Fish Island). The Legacy Corporation is now in the process of reviewing its Local Plan (currently at Regulation 19 stage). Although there are some minor amendments proposed to policies and site allocations within Sub Area 1 this strategy has not fundamentally changed. In this context the Legacy Corporation suggests some minor amendments to assist in the legal compliance and effectiveness of the plan.

PP6 Hackney Wick, Page 33-36

It is noted that the Hackney Local Plan Policies Map clearly shows the Legacy Corporation as the local planning authority for this part of the borough however Section PP6 of the Local Plan does not currently reflect this fact. Although it is acknowledged that the approach set
out within this section is broadly consistent to that contained within the Legacy Corporation’s Local Plan, as Hackney does not have planning powers for this area it cannot be effective as a strategic planning document without explicitly expressing this fact. Therefore in order for the Local Plan to be sound and legally compliant section PP6 should be amended to clearly demonstrate that the Legacy Corporation is the local planning authority for the area. It is also considered that the presentation of the section could also benefit from some element of visual distinction from the other Places for People (PP) policies to reinforce this detail.

Additionally, as currently drafted a small number of minor amendments and corrections are required. Officers are happy to liaise on these matters and will also make the GIS files available to correct the Conservation Area boundary. This also applies for the Policies Map.

Chapter 7

In the light of comments above this chapter would benefit from clarification that the housing delivery set out does not include the Legacy Corporation’s planning area.

Proposed Submission Policies Map

As above officers will provide the GIS layers to correct errors relating to the Metropolitan Open Land and Local Open Space designation.

Should you have any questions please contact the planning policy team using the above contact information or by telephone on 0203 288 1800.

Yours sincerely

Anthony Hollingsworth
Director of Planning Policy and Decisions
Queen Elizabeth Olympic Park: a dynamic new metropolitan centre for London
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Ms</th>
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<tr>
<td>First Name:</td>
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<tr>
<td>Last Name:</td>
<td>Monger</td>
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<tr>
<td>Organisation where relevant:</td>
<td>London Parks &amp; Gardens Trust</td>
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**Contact details:**

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:planningresponses@londongardenstrust.org">planningresponses@londongardenstrust.org</a></th>
<th>Telephone:</th>
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<tbody>
<tr>
<td>Address:</td>
<td>Duck Island Cottage</td>
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<tr>
<td></td>
<td>St James’s Park</td>
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<td>Post code:</td>
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2 - If you are an agent or representing an organisation or group please provide their details below:

<table>
<thead>
<tr>
<th>Organisation:</th>
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Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee. The London Parks and Gardens Trust (LPGT) is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT’s behalf in respect of such consultations.

LPGT supports Hackney’s approach to protecting and enhancing heritage and leading the way in good urban design. We welcome the policies to protect the Borough’s green and open spaces and ensure deficiency gaps are filled and the provision of new open spaces as part of new development to meet the needs of the expanding population.

4. Do you believe the Local Plan Proposed Submission is:

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>Y</th>
<th>No</th>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>Y</td>
<td>No</td>
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<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>Y</td>
<td>No</td>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is **unsound** because it is NOT:

<table>
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<tr>
<th>(1) Positively Prepared</th>
<th>It is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<tr>
<td>(2) Justified</td>
<td>It is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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<tr>
<td>(3) Effective</td>
<td>The plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
</tr>
<tr>
<td>(4) Consistent with national policy</td>
<td>The plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.

**Deliverability**

With regard to the deliverability of the Local Plan, we hope that mechanisms such as legal agreements and CIL will ensure that

- developers design quality, publicly accessible landscapes for the future; and
- development which benefits from its proximity to a public open space or heritage asset contributes to its ongoing maintenance;

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet if necessary)
Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

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<th>No</th>
<th>Yes</th>
<th>Yes, if the heritage policies are challenged</th>
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9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | Y |
| (b) when the Hackney Local Plan Examination will occur | Y |
| (c) when the Inspector’s Report is published | Y |
| (d) when the Hackney Local Plan is adopted | Y |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice

10. Signature: Planning & Conservation Working Group London Parks & Gardens Trust

Date:
Dear Sir/Madam,

PROPOSED SUBMISSION LOCAL PLAN (LP33); HACKNEY A PLACE FOR EVERYONE
Full Consultation (Reg 19)

Thank you for inviting London Wildlife Trust to comment on the above. The Trust has been active in Hackney since 1983, and we established (in partnership with Thames Water, Hackney Council and Berkeley Homes) and currently manage Woodberry Wetlands in Manor House. The Trust is currently working with the Council on plans for another phase of the Wetlands at Stoke Newington West Reservoir.

We welcome the creation of this document, we hope our comments below will help shape the final Local Plan. We have a number of comments on some of the Plan policies relevant to the Trust’s interests, which we believe help to strengthen the Local Plan. We have not made comments on policies that are outside our remit.

2. Challenges and Opportunities
We welcome the commitment in para 2.8 that the “key challenge for the Plan is to plan for growth in a sustainable way that respects the built and natural environment.”

Vision and Objectives
We support the vision, although we suggest it can become more closely linked to Objective 8 in the final para.: “…We have tackled institutional barriers to create healthy and safe streets and neighbourhoods, which are pedestrian- and cyclist-friendly and ensure fair and easy access to wildlife-rich and ecologically-resilient green spaces.”

We particularly welcome support the Objectives:
8. To protect and enhance existing open spaces and biodiversity, develop and improve green links between these spaces and support the creation of new open spaces and vertical gardens

9. To become a low carbon and carbon-resilient borough realising significant improvements to air quality and reducing the urban heat island effect within the Borough
3. Growth Strategy
We support the key approach to the growth areas, but recommend that protecting the ecological interests of the Lee Valley corridor are paramount, which should be reflected in Para 3.8:

“Previously developed land along the Lea Valley Edge – making best use of the setting next to the River Lea and enhancing access to and the quality of the environmental assets of the Lee Valley Regional Park.”

4. Places for People
Policy PP1: Public realm
We support this policy but feel it can be strengthened with a broader link to the green infrastructure ambitions of Policy LP46, the London Plan and National Planning Policy Framework (NPPF) with an additional clause (vii):

Public realm improvements and spaces between buildings must be considered as part of all development schemes. Where appropriate, development should:

i. Integrate new and existing public realm: improving the quality and function of existing routes; creating well-defined streets and open spaces; and taking advantage of existing topography and landscape features;

ii. Create wide, clear and level pavements and avoid unnecessary street clutter;

iii. Provide landscaping, planting, seating, drinking water fountains, shade and shelter, street lighting and signage - incorporating these into the frontage of a building where possible;

iv. Make it easy for people to find their way around, by marking focal points and accesses to buildings and open spaces;

v. Encourage community interaction, safe building entrances and exits, and appropriately designed lighting and security features as an integral part of the development;

vi. Create multi-functional shared public space for users of all ages, allowing opportunity for informal play and recreation as well as for sitting and lingering;

vii. Secure environmental gains and green infrastructure functions, such as sustainable drainage and biodiversity interest, where possible.

PP4 Stamford Hill
We welcome and support the objective to “Improve connections between existing open spaces within the Stamford Hill area with a particular focus on east west links” and “Address deficiencies in children’s play provision in the northern and southern parts of the area.”

PP5 Enhanced Corridors
We welcome and support the Urban Corridors objectives to “Improve air quality along these routes by minimising car use, enabling walking and cycling and reducing pollution through tree planting; Improve the corridors as places which make walking and cycling safer, healthier and more enjoyable options by reducing pollution and improving corridors as places to spend time”, and the Lee Valley Corridor objective to “Create a higher quality edge to the Lee Valley by improving the routes which run along it, and improving the relationship of buildings to it.”

PP6 Hackney Wick
We suggest one of the key Development Principles should also be to: “Protect and enhance the unique blue and green infrastructure as part of Hackney Wick’s character.”

PP7 Clapton and Lea Bridge Roundabout
We welcome and support the Strategic Principle to “Create new green links connecting open spaces to Clapton station and a new civic heart.”

PP8 Shoreditch and Hoxton
We welcome and support the Strategic Principle to “Prioritise connections to existing green spaces and identify opportunities for the delivery of new high quality green space through new developments.”
PP9 Manor House

The Area Character requires a correction in para 4.82

“There is a concentration of hotels and B&B on the Seven Sisters Road, and the centre is located next the major regeneration in Woodberry Down. Finsbury Park is a major open space on the doorstep of the area, and the enhanced Woodberry Wetlands makes the already important nature habitat for migrating birds in particular more publicly accessible, without compromising its ecological importance, nor adversely affecting the waterborne leisure activities in the adjacent East West Reservoir.”

In addition Woodberry Wetlands plans to be more than the work completed at the East Reservoir over 2013-16; the Trust is currently developing the second phase at West Reservoir with Hackney Council.

We recommend that an additional Development Principle would be to:

“Secure the completion of Woodberry Wetlands to enhance the landscape along the New River and reservoirs between Finsbury Park and Green Lanes, providing a better green link with Clissold Park.”

PP10 Homerton

We welcome and support the Strategic Principle to “Create a better balance between green assets and active street frontage on Homerton High Street.”

5. Protecting and Enhancing Heritage and Leading the Way in Good Urban Design

Policy LP1: Design Quality and Local Character
We welcome and support this policy.

Policy LP2: Development and Amenity
We welcome and support this policy.

Policy LP3: Designated Heritage Assets
We welcome and support this policy.

Policy LP6: Archaeology
We welcome and support this policy.

Policy LP7: Advertisements
We welcome and support this policy, but would also wish to see (under Bii) recognition of the impact of lighting upon biodiversity.

“…contribute to an unsightly proliferation or clutter of signage in the local area and detract from the amenity of the street scene; cause a physical obstruction to the public realm; and cause visual intrusion by virtue of light pollution into adjoining residential properties or environmentally sensitive areas (such as Sites of Importance for Nature Conservation), and avoid flashing internal or external illumination.”

6. Hackney’s People

Policy LP9: Health and Wellbeing
We welcome and support this policy. We recommend a more explicit link to the role of the external environment is made in supporting para 6.7 along the lines of:

“The built environment – and the landscape in which it is sited - can help influence changes in lifestyle and help achieve positive health outcomes. The Council will seek to secure a local environment which promotes physical activity and mental wellbeing through new development, and seek to improve people’s economic, social and environment conditions.”
7. Meeting Hackney’s Housing Need
Policy LP23: Gypsy and Traveller Accommodation
We welcome and support this policy.

8. A Strong and Competitive Economy Which Benefits All
No comments.

9. Planning For Vibrant Town Centres
Policy LP38: Evening and Night Time Economy
We welcome this policy, but feel reference to the impact of nocturnal noise and light on biodiversity within open spaces and gardens. This could be inserted to an amended clause C along the lines of:

“C. Proposals for evening and night time economy uses will only be permitted if both of the following criteria are met:
   i. There is no negative impact on the amenity of adjoining or adjacent residential accommodation and non-residential uses, including open spaces, such as through noise disturbance, cooking smells, inappropriate lighting, anti-social behaviour, and highway safety; and
   ii. There is no negative cumulative impacts resulting from the proposed use in relation to the number, capacity and location of other night-time economy uses in the area.”

10. Improving Accessibility and Promoting Sustainable Transport
Policy LP41: Liveable Neighbourhoods
We welcome and support this policy.

Policy LP42: Walking and Cycling
We welcome and support this policy, but wish to see some recognition of the need to respect environmental sensitivities when designing the necessary infrastructure. Cycle paths often seem to ‘join up the green spaces’ and have become increasingly road-like in their design and scale, with potential adverse impacts.

11. Hackney’s Green and Open Spaces
Policy LP46: Protection and Enhancement of Green Infrastructure
We welcome and support this policy.

Policy LP47: Biodiversity and Sites of Importance of Nature Conservation
We welcome and support this policy. Nevertheless clause C requires synergy with current policy and suggest this is amended to:

“C; All major development proposals are required to evaluate the biodiversity interest of the site and set out how this will be best protected, enhanced and/or mitigated for as a result of the development, paying particular attention to habitats and species of principal importance.”

E: New development on or adjacent to Sites of Importance for Nature Conservation (SINCs), alongside watercourses and wetlands, Walthamstow Reservoirs Special Protection Area and Walthamstow Marshes Sites of Special Scientific Interest (in neighbouring Waltham Forest) must not have a detrimental impact on the biodiversity or nature conservation value of the site. Development will only be permitted where appropriate mitigation or compensatory biodiversity net gain measures are put in place.”

Supporting para 11.9 should reference the habitats and species of principal importance for which there is a duty to conserve under section 40 of the Natural Environment and Rural Communities Act 2006; 56 habitats and 943 species of principal importance are included on the S41 list; these are reflected in the Hackney Biodiversity Action Plan:
“Hackney is seeking to achieve net gain in biodiversity; this means that development should leave biodiversity in a better state than before. All development proposals should retain, enhance or create features and areas of nature conservation and/or geodiversity value and avoid harm to biodiversity with particular reference to habitats and species of principal importance and the objectives of the Hackney Biodiversity Action Plan. Wildlife corridors should be provided or enhanced where appropriate. All major development proposals are required to include a biodiversity survey of the site setting out actions that will be taken to protect and enhance the biodiversity value on the site and the methods of habitat management that will be implemented.”

Policy LP48: New Open Space
We welcome and support this policy.

Policy LP49: Green Chains and Green Corridors
We welcome and support this policy.

Policy LP50: Play Space
We welcome and support this policy.

Policy LP51: Tree Management and Landscaping
We welcome and support this policy. We recommend, under B, that reference to Sites of Importance for Nature Conservation should be included, along the lines of:

“B: Proposals resulting in the removal of protected trees (trees under a TPO and those within conservation areas) or a detrimental impact on the health and amenity of such trees will be refused except in exceptional circumstances and/or where over-riding planning benefits are demonstrated. Similar considerations apply to trees within Sites of Importance for Nature Conservation…”

Policy LP52: Waterways, Canals and Residential Moorings
We welcome and support this policy.

12. Climate Change
Policy LP53: Water and Flooding
We welcome and support this policy.

Policy LP54: Overheating
We welcome and support this policy.

Policy LP55: Mitigating Climate Change
We welcome and support this policy.

Policy LP58: Improving the Environment - Pollution
We welcome and support this policy.

13. Implementation and Monitoring
Monitoring
We acknowledge the commitment to monitor environmental trends (para 13.23), and note that the Council has reported to the Government’s Single Data List 160-00: Improved Local Biodiversity based on the percentage of Local Wildlife Sites (aka SINCs) in positive management. We recommend that this continues but should include a total area figure as well.

Appendix 3: Site Allocations
MH1 - Woodberry Down, Seven Sisters Road N4 1DH
Under the development principle we recommend a minor change:
• **Making the Most of Water** - Ensure that buildings open out to the New River and reservoirs in Woodberry Wetlands, and waterside parkland is introduced for recreational enjoyment. Continue to improve the waterside environment. Deliver a Sustainable Urban Drainage system throughout the site maximising water recycling.

• **An Ecological Network** - Preserve existing trees and plant additional trees so that Woodberry Down keeps a green feel and thrives as a place for wildlife as well as people. Enhance the nature conservation value of the New River, particularly next to the reservoirs as part of the Woodberry Wetlands objectives.

**D8 - 2-16 Ashwin Street, 11-15 Dalston Lane**
We support the objective to protect the adjacent open space.

**SHX2 - St Leonard's Hospital, Hoxton Street, Shoreditch, London**
We support the objective “Publicly accessible open space should be provided on the site for use by new and existing residents and to support local biodiversity.”

**Glossary**
We recommend the following amendment to *Sites of Nature Conservation*:

> “Sites of Importance for Nature Conservation (SINCs) - Locally important Non-statutory sites of nature conservation importance adopted by the Council local authorities that include Metropolitan; Borough Grade I; Borough Grade II; and Local. Criteria for their selection and adoption in London are published by the Greater London Authority.”


**Conservation Areas review**
In the Appendix A of the Conservation Areas Review[^1] we note that under CA12 (Stoke Newington Reservoirs, Filter Beds & New River) it refers (p28) to “....with repaired and reused listed Gas House.” An image of this features on the appendix cover and p29. This building was originally built to store coal (storing chlorine only in its later years), and the Trust has restored this listed building as the Coal House (now serving as a café to Woodberry Wetlands). We hope that future CA guidance refers to this as this.

If you want further clarification on any of these points please do not hesitate to contact me.

Yours sincerely,

Mathew Frith
*Director of Conservation*

Submission on the Hackney Plan LP33

Anna Eagar
To: planmaking@hackney.gov.uk

7 January 2019 at 08:31

Title Chair
First name: Anna
Last name: Eagar
Organisation: Mawson Crt Residents Assoc

Dear Madam/Sir

I wish to participate at an oral part of the examination on all sections for which I have submitted responses. I wish to be notified of when Hackney LP is submitted to the Planning Inspectorate; when the Hackney Examination in Public will occur; when the Inspector’s report is published; and when the Hackney LP is adopted.

Signature: Date:

Chapter 5 Protecting and Enhancing Heritage and Leading the Way in Good Urban Design

5.12 - I consider the following sentences to be not sound because not justified and therefore propose their deletion; they relate to the BRE guidance on daylight and sunlight: ‘In denser urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria will therefore be operated flexibly in relation to planning applications in dense urban locations such as that found in Hackney.’

Than you in advance for your attention.

Yours faithfully
Anna Eagar

Sent from my iPad
Planware Ltd on behalf of McDonald’s Restaurants Ltd

Objection Response to Hackney Proposed Submission Local Plan 2018

Policy LP39 – Over-Concentration of Uses - Hot Food Takeaways

1 Introduction

1.1 We have considered proposed Policy LP39 – Hot Food Takeaways – with regard to the principles set out within the Framework. We fully support the policy’s aim of promoting healthier living and tackling obesity. However, the proposed policy approach is unsound and fails to provide an evidence-based way of achieving the policy’s objective. It has also been found unsound by several planning inspectors. It is too restrictive and prevents local planning authorities from pursuing more positive policy approaches. The London Borough of Waltham Forest has had such a policy in place for over a decade and its application has proven ineffective in tackling obesity to date.

1.2 Within these broad points we have the following policy objections to draft Policy LP39:

A. The 400m exclusion zone is inconsistent with national planning policy
B. The policy is inconsistent, discriminatory and disproportionate.
C. Examination of other plans have found similar policy approaches to be unsound.
D. There needs to be further exploration into policies that are more positive, have a reputable evidence base and that comply with the Framework.

1.3 In summary, Planware Ltd consider there is no sound justification for a policy such as Policy LP39, Point A (iii), which imposes a blanket ban on restaurants that include an element of A5 use “within 400-metres of the boundary of a primary, and secondary school or community college.” Point A is unsound it should be deleted from the plan.

1.4 However, as stated in the opening paragraph, Planware Ltd supports the aim of promoting healthier living and tackling the obesity crisis. We acknowledge that planning can have a role in furthering these objectives. We would therefore welcome and support any studies between obesity and their relationship with development proposals, including examination of how new development can best support healthier lifestyles and tackling the obesity crisis. When a cogent evidence base has been assembled, this can then inform an any appropriate policy response. This has still not emerged.

1.5 Given the lack of any clear agreement between experts on the indices of obesity or poor health, analysing the evidence is a necessary part of this objection by way of background. This will all be highlighted in the below text.
2 Contribution of McDonald’s UK to the United Kingdom

2.1 This section of the objection sets out some background context relating to McDonald’s own business, its contribution to United Kingdom, and information on the nutritional value and healthy options of the food that it offers in its restaurants. This evidence is relevant to understanding the adverse and unjustified impacts of the blanket ban approach proposed under draft Policy LP39.

Economic and Environmental Benefits

2.2 The first store in the United Kingdom was first opened in 1974 in Woolwich, London. The store is still opened and was interestingly the 3,000th store across the world.

2.3 With over 36,000 McDonald’s worldwide, it operates in over 100 countries and territories. Approximately 120,000 people are employed by McDonald’s UK, compared to just over 1 million employees worldwide.

2.4 McDonald’s and its franchisees have become important members of communities in the United Kingdom: investing in skills and developing our people, supporting local causes and getting kids into football.

2.5 Nationally, the company operates from over 1,300 restaurants in the UK. Over 80% of restaurants are operated as local businesses by franchisees, that’s around 1,100 franchised restaurants.

2.6 McDonald’s is one of few global businesses that continues to anchor itself in high streets and town centres across the United Kingdom. Not just serving the general public but creating jobs and seeking to improve the communities around them.

2.7 All McDonald’s restaurants conduct litter picks covering an area of at least 100 metres around the site, at least three times a day, picking up all litter, not just McDonald’s packaging.

2.8 McDonald’s is a founding member of the anti-littering campaign, Love Where You Live. As part of this, our restaurants regularly organise local community litter picks. The campaign has grown and in 2017, 430 events took place across the UK with around 10,000 volunteers involved. Since the campaign started, 2,600 events have taken place with around 80,000 volunteers involved.

2.9 McDonald’s restaurants are operated sustainably. For example, their non-franchised restaurants use 100% renewable energy, combining wind and solar and use 100% LED lighting which means we use 50% less energy than fluorescent lighting. All of their used cooking oil is converted into biodiesel for use by delivery lorries. Their entire fleet of lorries runs on biodiesel, 40% of which comes from McDonald’s cooking oil. This creates over 7,500 tonnes fewer CO2 emissions than ultra-low sulphur diesel.

2.10 All new McDonald’s restaurants in the United Kingdom are fully accessible and we are working toward delivering this same standard for all existing restaurants.

2.11 McDonald’s restaurants provide a safe, warm and brightly lit space for people, especially those who may feel vulnerable or threatened waiting for a taxi or outside.

2.12 Many of their toilets are open to all members of the public. They are one of few night time premises that offer this service and given the fact restaurants are located in some of the busiest parts of the country, McDonald’s are helping to keep the United Kingdom cleaner.
2.13 McDonald’s offers a wide range of different food at its restaurants.

2.14 Nutritional information is easy to access and made available online, and at the point of sale on advertising boards, as well as in tray inserts. Information is given on calorie content and key nutritional aspects such as salt, fat and sugar content. This enables an individual is able to identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements.

2.15 The menu offer includes a range of lower calorie options, some of which are set out in the on the next page.

2.16 The restaurants now suggest meal bundles to assist customers in making informed, healthier choices. McDonald’s have suggested “favourites” meal bundles, across the breakfast and main menu that enable the choice of low-calorie options to be made even more easily. These 3-piece meal combinations will all be under 400kcals on the breakfast menu, and all under 600kcals on the main menu (with many options under 400kcals on the main menu also), and all individual items on these menu bundles will be either green (low) or amber (medium) on the Food Standards Agency traffic light system for food labelling.

2.17 Examples of low calorie (less than 400kcals) breakfast options (where no single item is red for FSA) include any combination of the following:

- Egg & Cheese McMuffin / Egg & cheese snack wrap / bagel with Philadelphia / porridge; with fruit bag; and a medium black coffee, or espresso or regular tea or water.

2.18 Examples of low calorie (less than 600kcals) main menu options (where no single item is red for FSA) are included in the table below. Some 90% of our standard menu is under 500 calories.
2.19 Those specifically wanting a meal low in either fat, salt, or sugar, can tailor their choices accordingly. Any combination of menu items sold at McDonald’s can be eaten as part of a calorie controlled nutritionally balanced diet. Customers alternatively eat anything from the menu allowing for this within their overall daily, or weekly nutritional requirements.

Quality of Ingredients and Cooking Methods

2.20 McDonald’s are always transparent about both their ingredients and their processes and strive to achieve quality. Their chicken nuggets are made from 100% chicken breast meat, burgers are made from whole cuts of British and Irish beef. Coffee is fair trade and their milk is organic. McDonald’s want their customers to be assured about what they are consuming. The ‘Good to Know’ section on our website - https://www.mcdonalds.com/gb/en-gb/good-to-know/about-our-food.html - provides a range of information about their processes and where produce is sourced from.
Menu Improvement and Reformulation

2.21 McDonald’s is actively and continuously engaged in menu reformulation to give customers a range of healthier options. Louise Hickmott, Head of Nutrition, at McDonald’s UK, has provided a letter giving examples of the steps that have been taken in recent years. The information is summarised below.

2.22 In recent years McDonald’s has made great efforts to reduce fat, salt and sugar content across their menu.

- 89% of their core food and drink menu now contains less than 500 kcals.
- Supersize options were removed from their menu in 2004;
- 72% of the Happy Meal menus are classified as not high in fat, salt or sugar according to the Government’s nutrient profile model;
- Since October 2015, 50% of the options on the drinks fountain have been no added sugar (Diet Coke, Coke Zero and Sprite Z);
- Recent years have seen the introduction of new items, offering more choice that has included porridge, salads, grilled chicken wraps, carrot sticks, fruit bags including apple and grape, pineapple sticks, and melon chunks, as well as orange juice, mineral water and organic semi-skimmed milk;
- Customers can swap fries for fruit bags, carrot sticks or shake salad on the main menu, or the hashbrown for a fruit bag or carrot sticks on the breakfast menu, at no additional cost;
- In 2014, McDonald’s introduced “Free Fruit Fridays” resulting in 3.7 million portions of fruit being handed out. Since then, discounted fruit is now available with every Happy Meal.

Fat

2.23 A recent meta-analysis and systematic review of 72 studies (45 cohort studies and 27 controlled trials) demonstrated that with the exception of Trans Fatty Acids (TFA), which are associated with increased coronary disease risk, there was no evidence to suggest that saturated fat increases the risk of coronary disease, or that polyunsaturated fats have a cardio-protective effect, which is in contrast to current dietary recommendations (Chowdrey et al, 2014).

2.24 However, UK guidelines currently remain unchanged; men should consume no more than 30g of saturated fat per day, and women no more than 20g per day (NHS Choices, 2013). It should be remembered that all fats are calorie dense (9kcal/g) and that eating too much of it will increase the likelihood of weight gain and therefore obesity, indirectly increasing the risk of coronary heart disease, among other co-morbidities.

2.25 What have McDonald’s done?

- Reduced the saturated fat content of the cooking oil by 83%;
- Signed up to the Trans Fats pledge as part of the Government’s “Responsibility Deal”;
- The cooking oil has been formulated to form a blend of rapeseed and sunflower oils to reduce levels of TFA to the lowest level possible;
- They have completely removed hydrogenated fats from the vegetable oils;
- Reduced the total fat in the milkshakes by 32% per serving since 2010;
- Organic semi-skimmed milk is used in tea/coffee beverages and in Happy Meal milk bottles, with lower saturated fat levels compared with full fat variants.
Sugar

2.26 Dietary carbohydrates include sugars, starches and fibre, and each has approximately 4kcal/g.

2.27 The Scientific Advisory Commission on Nutrition (SACN) currently recommends that approximately 50% of total dietary energy intake should be from carbohydrates (SACN Report, 2015). In 2015 SACN recommended that the dietary reference value for fibre intake in adults be increased to 30g/day (proportionally lower in children) and that the average intake of “free sugars” (what used to be referred to as non-milk extrinsic sugars) should not exceed 5% of total dietary energy, which was in keeping with the World Health Organisation (WHO) recommendations.

2.28 Current average intake of free sugars far exceeds current recommendations, and excess intake is associated with dental issues and excess calorie intake which can lead to weight gain and obesity.

2.29 Over the last 10 years our reformulation work has resulted in 787 tonnes less sugar across our menu in 2017 versus 2007. What have McDonald’s done?

- Reducing the sugar in our promotional buns, this removed 0.6 tonnes of sugar
- Their Sweet Chilli Sauce has been reformulated to reduce sugar by 14% this equates to 155 tonnes of sugar removed
- Their Festive Dip has removed 4 tonnes of sugar
- Their famous McChicken Sandwich Sauce has reduced in sugar 45%
- Their Tomato Ketchup has reduced in sugar by 20% which equates to 544 tonnes of sugar removed from the system
- Their Chucky Salsa has reduced in sugar by 28%
- Since 2016 they have reduced the sugar content of Fanta by 54%
- The Toffee Syrup in their Toffee Latte has been reformulated to remove 20% of the sugar
- McDonald’s have also reformulated their Frozen Strawberry Lemonade this has led to 8% sugar reduction per drink

Salt

2.30 A number of health-related conditions are caused by, or exacerbated by, a high salt diet. The strongest evidence links high salt intake to hypertension, stroke and heart disease, although it is also linked with kidney disease, obesity and stomach cancer (Action on Salt website).

2.31 Salt is often added to food for either taste or as a preservative, and in small quantities it can be useful. Adults in the UK are advised not to exceed 6g of salt per day, but the average intake at a population level is consistently higher than this.

2.32 Salt does not directly lead to obesity; however, it does lead to increased thirst, and not everyone drinks water or calorie-free “diet” beverages. If our thirst increases and leads to increased consumption of calories from extra fluid intake, then this may lead to increased weight and obesity. 31% of fluid drunk by 4-18-year-old children is sugary soft drinks (He FJ et al, 2008), which has been shown to be related to childhood obesity (Ludwig DS et al, 2001).
2.33 What have McDonald’s done?

- The salt content across the UK menu has been reduced by nearly 35% since 2005;
- Customers can ask for their fries to be unsalted;
- The salt added to a medium portion of fries has been reduced by 17% since 2003;
- The average Happy Meal now contains 19% less salt than in 2006;
- Chicken McNuggets contain 52% less salt than in 2003.

2.34 The process continues. McDonald’s have recently made the following changes to further improve their menu:

- Making water the default drink in the Happy Meals;
- Making it easier for people to understand the existence of a wide range of under 400 and 600 calorie meal options that are available.

2.35 Third Party Opinions of McDonald’s

McDonald’s regularly receive supportive comments from independent third parties.

2.36 Professor Chris Elliott, of the Department for Environment, Food & Rural Affairs’ independent Elliott Review into the integrity and assurance of food supply networks: interim report, December 2013:

“Each supply chain is unique, showing that there is no single approach to assuring supply chain integrity. The review has seen many examples of good industry practice that give cause for optimism. There is not space within this final report to reference all the good industry practices but those that have stood out include McDonald’s and Morrisons.”

2.37 Jamie Oliver, the TV chef, food writer and campaigner speaking in January 2016 at the Andre Simon Food & Drink Book Awards to the Press Association:

“Everyone always liked to poke at McDonald’s. McDonald’s has been doing more than most mid and small-sized businesses for the last 10 years. Fact. But no one wants to talk about it. And I don’t work for them. I’m just saying they’ve been doing it - 100% organic milk, free range eggs, looking at their British and Irish beef.”

2.38 Raymond Blanc, the TV chef and food writer, speaking in 2014, after having presented McDonald’s UK with the Sustainable Restaurant Association’s Sustainability Hero award:

“I was amazed. All their eggs are free-range; all their pork is free-range; all their beef is free-range.

“[They show that] the fast-food business could change for the better. They’re supporting thousands of British farms and saving energy and waste by doing so.

“I was as excited as if you had told me there were 20 new three-star Michelin restaurants in London or Manchester.”

2.39 Marco Pierre White, TV chef and food writer, speaking in 2007:

“McDonald’s offers better food than most restaurants and the general criticism of the company is very unfair.”
"Their eggs are free range and the beef is from Ireland, but you never hear about that. You have to look at whether restaurants offer value for money, and they offer excellent value."

These comments below represent independent opinions

**Supporting Active and Healthy Lifestyles among Employees and Local Communities**

2.40 McDonald’s is focused on its people and is proud to have been recognised for being a great employer. For example:

Great Place to Work 2017 ‘Best Workplaces’ – McDonald’s are ranked 4th on the Great Place to Work 2017 ‘Best Workplaces’ list (large organisation). This is our 11th year on the list.

- The Sunday Times Best Company to Work for List 2017 - we have made The Sunday Times 30 Best Big Companies to Work for list for the seventh consecutive year, achieving 6th position.
- Workingmums.co.uk Employer Awards 2017- Innovation in Flexible Working - in November 2017, we were awarded the Top Employer for Innovation in Flexible Working by workingmums.co.uk. The judges specifically recognised our approach to Guaranteed Hours contracts.
- The Times Top 100 Graduate Employers - the Times Top 100 Graduate Employers is the definitive annual guide to Britain’s most sought after employers of graduates.
- Investors in People Gold - Investors in People accreditation means we join a community of over 15,000 organisations across 75 countries worldwide and it is recognised as the sign of a great employer.
- School leavers Top 100 Employees - McDonald’s UK has been certified as one of Britain’s most popular employers for school leavers in 2017, for the third consecutive year. An award voted for by 15-18 year olds in the UK.

2.41 In April 2017, McDonald’s began to offer employees the choice between flexible or fixed contracts with minimum guaranteed hours. This followed trials in 23 restaurants across the country in a combination of company owned and franchised restaurants. All of their employees have been offered this choice and around 80% have selected to stay on flexible contracts.

2.42 Over the past 15 years, McDonald’s has been proud partners with the four UK football associations: The English Football Association; The Scottish Football Association; The Football Association of Wales; and The Irish Football Association.

2.43 This partnership has seen them support over one million players and volunteers. In London since 2014, more than 1,000 people have attended their Community Football Days and have distributed 3,328 kits to accredited teams in the Capital. Of the 171 McDonald’s restaurants within the M25, approximately 88 are twinned and actively supporting a local football club. This serves as an example of the company’s willingness to confront the obesity crisis by a multitude of different approaches.

2.44 McDonald’s do this work because increasing standards will ultimately create a better experience for young footballers, leading to increased participation and retention of children and young people in sport.
2.45 Their Community Football programme helps to increase participation at all levels. McDonald’s remain absolutely committed to it and are in the final stages of planning a new programme for future years.

**Marketing**

2.46 As a business, McDonald’s are committed to ensuring their marketing will continue to be responsible and will be used as a positive influence to help our customers make more informed choices.

2.47 McDonald’s recognise that marketing has a part to play in influencing customers’ choices. They comply, and go beyond, the UK’s stringent regulations on marketing to children and use their marketing to help families understand more about the range of food options they have to offer.

2.48 McDonald’s never market products classified as high in fat, salt or sugar to children in any media channel, at any time of the day. They are committed to ensuring that marketing is always responsible as well as informative, and that it reinforces positive food messages.

2.49 In addition, they go beyond the regulations in a lot of cases. For example, when advertising a Happy Meal, they only ever do so with items such as carrot sticks, a fruit bag, milk or water to ensure McDonald’s are not marketing HFSS food to children. This has been done voluntarily since 2007.

**Summary**

2.50 In the light of the above it is clear that McDonald’s restaurants offer the district considerable and substantial economic benefits, are supportive of active and healthy lifestyles. They also enable customers to make informed, healthy decisions from the wide-ranging menu options available. It is important that this is acknowledged, given the assumption in proposed Policy LP39 that all A5 uses should fall under a blanket ban if within 400 metres of the boundary of a primary school, secondary school or community college. Given the policy aim – which McDonald’s supports – of promoting healthier lifestyles and tackling obesity, other alternatives would be more effective than allowing blanket bans in school areas, which in turn will have negative land use consequences.

2.51 We turn now to the main points of the objection.
3 The 400m Exclusion Zone is Inconsistent with National Policy

Introduction

3.1 This section of the objection considers the proposed policy against national policy. The lack of evidence to support the policy is also discussed in the next section.

3.2 National policy contains no support for a policy approach containing a blanket ban or exclusion zone for A5 (or indeed any other) uses. Such an approach conflicts sharply with central planks of Government policy such as the need to plan positively and support economic development, and the sequential approach that seeks to steer town centre uses – which include A5 uses - to town centres.

3.3 Planware Ltd feel that restricting hot food takeaways within 400 metres of the boundary of a primary school, secondary school or community college, is in direct conflict with the framework as the approach is not positive, justified, effective or consistent. The policy, as currently worded, provides no flexibility in accordance with town centre sites, thus conflicting with the sequential approach. No detail is given as to how the policy is implemented if the proposal complies with point (i) but would conflict with point (iii). These points are further explained in this objection.

Practical Impacts

3.4 The practical impacts on a 400m exclusion zone around the boundary of a primary school, secondary school or community college would have unacceptable negative land use consequences.

3.5 Consideration should be given to school rules in terms of allowing children outside of the school grounds at lunch times. This is overly restrictive on secondary schools and colleges, where some pupils will be legally classed as an adult. Additionally, some college students will have access to a car, making such a restriction unsound.

3.6 No consideration is given to how the 400m is measured from the boundary. Guidance should be provided as to whether this is a straight line or walking distance, as this can vary greatly.

3.7 The Framework does not support the use of planning as a tool to limit people’s dietary choices. In addition to this, other A class uses can provide unhealthy products, therefore, there is limited justification for the proposed Policy LP39 to focus exclusively upon hot food takeaways (A5).

Conflict with National Policy

3.8 The local policy team do not appear to have fully assessed the potential impact of the policy. It essentially creates a moratorium against A5 uses leaving limited reasonable space for them to locate. No map is provided to indicate the land use impact of 400m exclusions around all three educational facilities.

3.9 Restricting the location of new A5 proposals through a 400m exclusion zone around the boundary of a primary school, secondary school or community college within the district of Hackney is not a positive approach to planning, thus failing to comply with the Framework.

3.10 The suggested restriction within proposed Policy LP39, takes an ambiguous view of A5 uses in relation to the proximity to all primary, secondary schools and colleges. The policy would apply
an over-generic approach to restrict A5 development with little sound planning reasoning or planning justification. This is contrary to paragraph 11 of the Framework that advises authorities to positively seek opportunities to meet development needs of their area.

3.11 Thus, is consistent with paragraph 80-81 of the Framework.

3.12 Para 80 states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

3.13 Para 81 states:

Planning policies should:

“a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

3.14 As explained in this objection, there is a lack of evidence to demonstrate the link between fast food, school proximity and obesity. The need for evidence is emphasised in paragraph 31 of the Framework that states that each local plan should be based on adequate, up-to-date and relevant evidence. Neither the policy nor the supporting text address this point. Policy needs to be based on evidence and the lack of evidence should highlight a red flag concerning the draft policy.

3.15 Point 9.27 relates childhood obesity, however no evidence is provided to show the location of A5 uses to educational facilities is causing this problem or indeed how the proposed restriction would assist.

3.16 The policy is likely to be damaging to the district’s economy due to the fact that it is restricting hot food takeaways to an unprecedented level without regard to the local area or the economy.

3.17 The Framework cannot be interpreted to provide generic restrictions on a particular use class. There is no basis for such a blanket ban approach in the Framework or Planning Practice Guidance. In fact, the Planning Practice Guidance emphasises that planning authorities should look at the specifics of a particular proposal and seek to promote opportunity rather than impose blanket restrictions on particular kinds of development. In the section on “Health and Wellbeing”:

3.18 Paragraph: 002 (Reference ID: 53-002-20140306) states that in making plans local planning authorities should ensure that:
“opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);”

3.19 Paragraph: 006 (Reference ID: 53-006-20170728) says that a range of criteria should be considered, including not just proximity to schools but also wider impacts. It does not support a blanket exclusion zone. Importantly, the criteria listed are introduced by the earlier text which states:

“Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.”

3.19 The above guidance serves to emphasise why it is important to look at particular proposals as a whole, rather than adopting a blunt approach that treats all proposals that include an A5 use as being identical.
4 The Policy is Inconsistent, Discriminatory and Disproportionate

4.1 The policy aims to address obesity and unhealthy eating but instead simply restricts new development that comprises an element of A5 use. Yet A1 retail outlets and A3 food and drink uses can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables, and hot food from an A3 unit can be delivered to a wide range of locations, including schools. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against operations with an A5 use. It also means that the policy has a disproportionate effect on operations with an A5 use.

4.2 The test of soundness requires that the policy approach is “justified”, which in turn means that it should be the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence (paragraph 35 of the Framework).

4.3 Given the objectives of the policy, it ought to apply equally to all relevant food retailers. It is unclear how the policy would be implemented and work in a real life scenario.

4.4 The table below shows the kind of high calorie, low nutritional value food that can be purchased from a typical A1 high street retailer at relatively low cost. It is contrasted with the kind of purchase that could be made at a McDonald’s. The evidence provided at Appendix 1 confirms that 70% of purchases by students in the school fringe are purchased in non-A5 shop.¹

If the policy is to be based on Use Classes, then the proposed policy should place restrictions on other use classes in addition to class A5. In fact, by restricting A5 uses only, the policy would encourage food purchases at other locations and allows for the overarching objectives to be compromised.

Finally, it is important that for the majority of days in the year (weekends and school holidays combined) schools are not open at all. Research by Professor Peter Dolton of Royal Holloway College states that “At least 50% of the days in a year kids don’t go to school if we count weekends and holidays and absence. They are only there for 6 hours and all but 1 are lessons. So only around 2-3% of the time can [children] get fast food at school.”

For the minority of the year when schools are open, it is important to recognise that many schools have rules preventing children from leaving the school grounds during the school day, and in any event proximity to schools has no conceivable relevance outside of the particular times when children are travelling to or from school in circumstances where their route takes them past the development proposal.

The policy’s blanket approach fails to acknowledge that the opportunity for children to access A5 development, as part of a school day, is extremely limited. The complete ban is wholly disproportionate to the circumstances when the concern underlying the policy might become a more prominent matter. Only limited purchases of food are made at A5 restaurants on journeys to and from school. Further details are set out in Appendix 2.

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<tr>
<th>Company</th>
<th>Snack or meal</th>
<th>Salt (g)</th>
<th>Fat (g)</th>
<th>Calories (kcal)</th>
<th>Price (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>McDonald’s</td>
<td>Apple and Grape fruit bag</td>
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<td>0.1</td>
<td>46</td>
<td>49p</td>
</tr>
<tr>
<td>McDonald’s</td>
<td>Garlic Mayo chicken wrap</td>
<td>1.3</td>
<td>11.0</td>
<td>345</td>
<td>2.99</td>
</tr>
<tr>
<td>Greggs</td>
<td>Sausage roll</td>
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<td>22.0</td>
<td>317</td>
<td>90p</td>
</tr>
<tr>
<td>Greggs</td>
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<td>1.6</td>
<td>30.0</td>
<td>436</td>
<td>1.35</td>
</tr>
<tr>
<td>Costa Coffee</td>
<td>Nutty flapjack</td>
<td>0.1</td>
<td>23.2</td>
<td>425</td>
<td>1.70</td>
</tr>
<tr>
<td>Costa Coffee</td>
<td>Ham and Cheese panini</td>
<td>2.5</td>
<td>13.5</td>
<td>427</td>
<td>3.95</td>
</tr>
</tbody>
</table>

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5 The Policy is not Justified because of a Lack of an Evidence Base

5.1 The test of soundness requires policy to be evidence based. There is no evidence of any causal link between the presence of A5 uses within 400m of the boundary of a primary school, secondary school or community college. Also, with no basis to indicate over-concentrated areas gives rise to obesity or poor health outcomes, justification is evidently incomplete. In fact, the studies that have considered whether such a causal connection exists [between proximity of a hot food takeaway and poor health outcomes], have found none.

5.2 Public Health England (PHE), which is part of the Department of Health and Social Case, expressly accept that the argument for the value of restricting the growth in fast food outlets is only “theoretical” based on the “unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes.”

5.3 A systematic review of the existing evidence base by Oxford University (December 2013), funded by the NHS and the British Heart Foundation ‘did not find strong evidence at this time to justify policies related to regulating the food environments around schools.’ It instead highlighted the need to ‘develop a higher quality evidence base’.

5.4 The range of US and UK studies used to support many beliefs about obesity, including the belief that the availability of fast food outlets increased obesity, was comprehensively reviewed in papers co-written by 19 leading scientists in the field of nutrition, public health, obesity and medicine. Their paper “Weighing the Evidence of Common Beliefs in Obesity Research” (published in the Critical Review of Food, Science and Nutrition (Crit Rev Food Sci Nutr. 2015 December 6; 55(14) 2014-2053) found that the current scientific evidence did not support the contention that the lack of fresh food outlets or the increased number of takeaway outlets caused increase obesity (see pp16-17 of the report).

5.5 There appears to have been no critical assessment of whether the underlying evidence supports the proposed policy approach.

5.6 In this context, it is important to consider the evidence from the Borough of Waltham Forest, which introduced a school proximity policy in 2008 – about a decade ago. Over that period, the Public Health England data for the borough shows that there has been no discernible impact on childhood obesity rates – with these worsening in recent years. The borough’s Health Profile for 2017 records childhood obesity (year 6) at 26.1% up from 20.3% in 2012, the year London hosted the Olympic Games.

5.7 While it is accepted that the causes of obesity are complex, it is clear that the school exclusion zone policy had no discernible effect in Waltham Forest. More research and investigation is needed before such a policy approach can be justified by evidence.

5.8 The policy clause A (i) about not permitting A5 within a designated centre that would result in more than 5% of the units in the centre as a whole being A5 uses, must be supported statistically to determine such an area, as it will become a significant part of Policy LP39. The proposed policies need to be statistically supported before being implemented.

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3 Public Health England & LGA, Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, page 5, November 2013

4 J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13, 11th December 2013. A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.
wording is inconsistent with the sequential approach and does not meet the four tests of the Framework. There is no justification and the draft policy is inconsistent and will likely cause negative land use implications.
6 Similar Policies Have Been Found Unsound When Promoted in Other Plans

6.1 The lack of evidence between proximity of takeaways to local schools and its impact on obesity has been confirmed in a number of planning decisions.

6.2 In South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating ‘the evidence base does not adequately justify the need for such a policy’, and due to the lack of information, it is impossible to ‘assess their likely impact on the town, district or local centres’.5

6.3 Similarly, research by Brighton & Hove concluded that ‘the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day’.6

6.4 The recent Inspectors response to the London Borough of Croydon (January 2018) regarding a similar prohibition on A5 uses, (where a similar campaign to persuade takeaway proprietors to adopt healthy food options existed) confirmed that the councils own ‘healthy’ plans would be stymied by the proposed policy, as would purveyors of less healthy food. The policy failed to distinguish between healthy and unhealthy takeaway food, and “confounds its own efforts to improve healthiness of the food provided by takeaway outlets” and failed to “address the demand for the provision of convenience food”. The Inspector concluded that because the reasons for the policy do not withstand scrutiny, they must be regarded as unsound.

6.5 The proposed 400m school exclusion zone and restriction of A5 developments in designated centres are two policies that we cannot agree to. The proposed approach is in direct conflict with the Framework. As mentioned in the above text, there is enough reputable information to demonstrate a current evidence base that fails to demonstrate the link between fast food and school proximity. There is also a clear absence of evidence to suggest restricting A5 use in designated centres will lead to healthier lifestyles or influence an individual’s dietary choice.

6 Brighton & Hove City Council & NHS Sussex, Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove, page 30, September 2011.


7 Alternative Approaches

7.1 Planware Ltd considers there is no sound justification for point A (iii) of the proposed Policy LP39 which imposes commercial restrictions on restaurants that include an element of A5 use within a 400m radius from a secondary school or college. Points A (iii) should therefore be removed to provide consistency and to abide by the Framework. No detail is given as to how regularly obesity figures will be reviewed.

7.2 Planware Ltd would welcome and support proposals for a wider study of the causes of obesity and their relationship with development proposals, including examination of how new development can best support healthy lifestyles and the tackling of obesity. When a cogent evidence base has been assembled, this can then inform an appropriate policy response. That time has not yet been reached.

7.3 It is considered until such a time has been reached, A (i and iii) should be removed.
8 Conclusion

8.1 McDonald’s supports the policy objective of promoting healthier lifestyles and tackling obesity. It does not consider that the proposed Policy LP39 is a sound way of achieving those objectives. The underlying assumption in the policy is that all A5 uses (and any restaurants with an element of A5 use) are inherently harmful to health. In fact, this is not supported by evidence. McDonald’s own business is an example of a restaurant operation which includes A5 use but which offers healthy meal options, transparent nutritional information to allow healthy choices, and quality food and food preparation. The business itself supports healthy lifestyles through the support given to its staff and support given to football in the communities which the restaurants serve.

8.2 In addition, the policy fails to acknowledge the wider benefits that restaurants can have, including benefits relevant to community health and wellbeing. McDonald’s own business is an example of a restaurant operation that supports sustainable development through the use of renewable energy, the promotion of recycling, the use of energy and water saving devices. The economic benefits of its restaurants in supporting town centres and providing employment opportunities and training are substantial, and important given that improved economic circumstances can support improved health.

8.3 The policy fails to acknowledge that food choices which are high in calories and low in nutritional value are made at premises trading with A1 and A3 consents and can be delivered from the latter. The policy makes no attempt to control these uses.

8.4 For the reasons given in this objection the proposed policy is very clearly inconsistent with government policy on positive planning, on supporting economic development and the needs of businesses, on supporting town centres, and on the sequential approach. There is no justification in national policy for such restrictions to be applied to A5 uses. The effect of the policy had it existed in the past would have been to exclude restaurants such as McDonald’s from major commercial and tourist areas.

8.5 For the reasons given in this objection the proposed policy lacks a credible evidence base, and similar policies have been found to be unsound by inspectors who have examined other plans. In the one London Borough that has had a similar policy, concerning a school exclusion zone, for around a decade (LB Waltham Forest). It has had no discernible effect on obesity levels, which have in fact increased since its introduction.

8.6 Given the overall objective of improving lifestyles and lowering obesity levels, restrictive policy regarding A5 development is a narrow-sighted approach. There is no mention of other possible reasons behind the national high levels of obesity. To discriminate against hot food takeaways alone is worrying and using the planning system to influence people’s daily lifestyle choices is not acceptable.
Appendix 1 – Food in the School Fringe Tends to be Purchased in Non-A5 Properties

1. Research by Professor Jack Winkler (London Metropolitan University) into the ‘school fringe’ – found just 3/10 purchases by students in a 400m school fringe were made in A5 properties.²

2. 70% of purchases in the school fringe were made in non-fast food outlets, and the same research concluded ‘the most popular shop near Urban was the supermarket, with more visits than all takeaways put together’.

3. Professor Winkler’s findings are not an isolated case. A report by Public Health England and the LGA states that fast food school proximity restrictions do ‘not address sweets and other high-calorie food that children can buy in shops near schools’.⁸

4. Research by Brighton and Hove found that ‘Newsagents were the most popular premises [in the school fringe], with more pupils visiting newsagents than any A5 premises’.⁹

5. Likewise, research for the Food Standards Agency on purchasing habits in Scotland found that ‘Supermarkets were the place that children reported they most frequently bought food or drinks from at lunchtime’.¹⁰

6. Indeed, there are several more researchers who have found no evidence to support the hypothesis that less exposure to fast food, or better access to supermarkets are related to higher diet quality or lower BMI in children.¹¹¹²¹³

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⁸ Public Health England & LGA, Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, page 5, November 2013

⁹ Brighton & Hove City Council & NHS Sussex, Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove, page 28, September 2011


Appendix 2 – Food Purchases made on School Journeys

Only a limited number of journeys to and from school involve a purchase at a food outlet.

1. This has been confirmed in research by the Children’s Food Trust, which found that only 8% of all journeys to and from school included a purchasing visit to a food outlet.\(^\text{14}\)

<table>
<thead>
<tr>
<th>Journeys including a visit to a food outlet</th>
<th>Number of journeys to school</th>
<th>Number of journeys from school</th>
<th>Total number of journeys</th>
<th>Percentage (%) of all journeys</th>
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<td>17</td>
<td>10</td>
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<td>journeys including a purchase from a food outlet</td>
<td>8</td>
<td>6</td>
<td>14</td>
<td>8</td>
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</table>

2. Of the food purchases made on school journeys, confectionary was the most popular item sold – which McDonald’s does not offer on its menu.

3. Likewise, research by Ashelsha Datar concluded that children ‘may not purchase significant amounts of junk food in school’ – partly due to ‘fewer discretionary resources to purchase them’.\(^\text{15}\)

4. Indeed, even where purchases were made, ‘children may not change their overall consumption of junk food because junk food purchased in school simply substitutes for junk food brought from home.’

5. Similarly, research by Fleischhacker highlighted the need for future school-based studies to ‘gather information on whether or not the students attending the studied schools actually eat at the restaurants near their schools.’\(^\text{16}\)

6. This was also highlighted in the systematic review by Oxford University, which states ‘future work should also incorporate a child’s usual mode of travel to and from school into decisions about appropriate buffer distances.’ The review added that age should also be taken into consideration, as this can impact on travel time and the availability of pocket change.\(^\text{17}\)

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\(^\text{14}\) Children’s Food Trust – November 2011, page 1 [http://www.childrensfoodtrust.org.uk/assets/research-reports/journey_to_school_final_findings.pdf](http://www.childrensfoodtrust.org.uk/assets/research-reports/journey_to_school_final_findings.pdf)

\(^\text{15}\) Ashelsha Datar & Nancy Nicosia, Junk Food in Schools and Childhood Obesity, page 12, May 2013

\(^\text{16}\) S Fleischhacker et al. A systematic review of fast food access studies, page 9, 17th December 2009

\(^\text{17}\) J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13-14, 11th December 2013. A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.
Dear Sir/Madam,

REPRESENTATIONS TO THE PROPOSED SUBMISSION LOCAL PLAN (LP33) ON BEHALF OF MR GREEN

I write on behalf of my client, Mr Green, to make representations to LB Hackney’s Proposed Submission Local Plan (LP33), which is currently out for consultation.

Introduction

Mr Green is a developer and major landowner in Hackney, including the owner of the Tram Depot site. Mr Green has a particular interest in developing sites for co-living.

Policy LP21 Large Scale Purpose-Built Shared Housing

Mr Green welcomes draft Policy LP21 ‘Large scale purpose built shared housing’. However, there are a number of concerns with the policy that we set out below, specifically around parts A.i, A.vi and A.vii.

Part A.i (identified need)

Part A.i sets out the first criteria for large scale purpose built shared housing schemes, stating that the following should be met:

‘it meets an identified need; and the site is not suitable for development for conventional self-contained units.’

Mr Green considers that the reference to ‘identified need’ in the draft policy is unnecessary as it is inconsistent with regional policy, therefore it is proposed that this is removed from the draft policy.

Supporting paragraph 7.28 of the draft policy states that shared housing is a ‘strategically important part of London’s housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock’ (our emphasis).
LB Hackney’s SHMA 2014 forms part of the evidence base for the proposed submission local plan. This document recognises that ‘the growth in private rent is a significant change in tenure and seems likely to continue further due to the interaction of growing demand against inadequate supply’ (paragraph 1.5).

The need for this type of accommodation is also reiterated at a regional level. The Mayor’s 2017 London Strategic Housing Market Assessment (SHMA) identifies significant growth in single occupancy households across the stated plan period 2017-2041. This housing need assessment forms the evidence base of the Draft New London Plan (2018) which includes a policy to support new purpose-built shared living developments.

Therefore, there is a clearly evidenced significant need for this type of accommodation across all of London, in particular Hackney, and therefore we request removal of the wording ‘an identified need’ from the policy.

**Part A.i (development not suitable for conventional self-contained units)**

Part A.i also states that shared housing developments will not be permitted if the site is suitable for conventional self-contained units.

Paragraph 7.29 adds further detail stating:

‘C3 residential is still the priority land use in the borough… shared housing proposals will usually be resisted on sites allocated for residential development and sites already with planning permission for residential development’.

Mr Green considers the inclusion of this requirement renders the plan ‘unsound’, as the draft policy is inconsistent with national and regional policy. This criterion and wording at paragraph 7.29 has the potential to significantly restrict the delivery of shared living.

**Inconsistency with National Policy**

The NPPF, specifically paragraphs 15 and 16 outline that plans should provide a positive vision for the future of area, addressing housing needs and other economic, social and environmental priorities, and should be prepared positively to ensure aspiration and deliverability. Additionally, NPPF paragraph 81 states that planning policies should be flexible enough to accommodate needs not anticipated in the plan and to ensure a rapid response to changes in economic circumstances.

As outlined above, shared housing meets an identified housing need. By the policy precluding shared living if the site is suitable for conventional housing, the policy fails to meet the NPPF requirements to plan positively for an identified housing need and enough flexibility to meet changing economic circumstances.
Additionally, contrary to the NPPF, the policy does not consider the deliverability of a site, especially if conventional housing proves to be unviable. This is often the case on employment or industrial areas where conventional housing is not a compatible use and shared housing prevents a more viable option to be co-located with employment and/or industrial uses.

**Inconsistency with the Draft New London Plan**

Draft Policy H18 of the New London Plan sets out that shared living meets an identified need and does not set out a criterion for assessing a site’s suitability for conventional self-contained units. The New London Plan is supported by the 2017 London SHMA which identifies significant growth in single occupancy households, emphasising the need for purpose-built shared housing. Therefore, as shared housing meets an identified housing need, Mr Green requests that this part of the criterion is removed and that the following amendments are made to part A.i of Policy LP21 and paragraph 7.29:

‘i. it meets an identified need; and the site is not suitable for development for conventional self-contained units’

‘7.29 Whilst it is recognised that shared accommodation is an increasingly valuable form of accommodation in the borough, C3 residential is still the priority land use in the borough and type of accommodation for which there is the greatest need. Shared housing proposals will usually be resisted on sites allocated for residential development and sites already with planning permission for residential development where all of the above criteria are not met’.

**Part A.vi**

Mr Green has considerable concerns with the soundness of part A.vi of this policy as it conflicts with national and regional policy through excluding an off-site contribution, as well as disregarding the need to consider viability.

Part A.vi of Policy LP21 specifically states:

‘At least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills)’

Although Mr Green accepts that affordable housing contributions are required as part of shared housing developments, it should be emphasised that this form of housing (shared housing) meets an identified housing need, providing a housing product largely aimed at individuals who may be struggling to find affordable accommodation. Shared housing also includes service charges and bills such as council tax, cleaning and utility bills which will
normally be additional to rental levels of conventional housing. Therefore, affordability thresholds should be applied flexibly with an offsite cash in lieu contribution supported.

**Inconsistency with National Policy**

The inclusion of an off-site provision has been outlined in NPPF paragraph 62 which states that on-site provision is expected unless:

‘a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

The NPPG outlines the importance of viability assessments at the plan making stage with:

‘Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage’ (ref. 10-002-20180724).

Hackney’s Local Plan and Community Infrastructure Levy Viability Assessment (October 2018), which forms part of the evidence base for the Local Plan, does not test shared housing viability. including the requirement for at least 50% of units to be capped at one third of ward level incomes. Mr Green therefore believes that this part of the policy is contrary to the NPPG and requests the omission of this requirement with the replacement of a site-specific viability assessment at the decision-making level.

**Inconsistency with Regional Policy**

Flexibility in affordable housing contributions for shared housing has been recognised in the Draft New London Plan which requires a cash in lieu contribution towards conventional C3 affordable housing and will be subject to a viability tested route.

Therefore, in line with national and regional policy, Mr Green suggests that part A.vi of Draft Policy LP21 should be amended to state:

‘At least 50% of all units provided at rental levels which do not exceed one-third of ward level incomes (excluding utility bills). A cash-in lieu contribution is provided towards conventional C3 affordable housing. This should be subject to viability’.

**Site Allocation CL1 – Tram Depot, 38-40 Upper Clapton Road E5 8BQ**

Mr Green supports the inclusion of the Tram Depot as a site allocation. The site is available, suitable and viable for redevelopment. Mr Green welcomes the inclusion of employment uses
on the site, however it is recommended that the site is also allocated for ‘shared housing’. This site is considered suitable for large-scale purpose-built shared housing as:

1. **Capacity**
   The site can provide at least 50 shared housing units

2. **Accessibility**
   The site falls within an area of excellent transport accessibility (PTAL 6A), with Clapton Overground Station located a 3-minute walk north of the site. This station has frequent connections to London Liverpool Street Station and Chingford Rail Station. The site is also well served by several bus routes, including services towards Aldgate, Hackney Central and Stoke Newington.

   This will ensure that any development promotes sustainable modes of transport and minimises any potential contribution to car dependency.

3. **Proximity to local services**
   The site is well connected to local services such as those along Upper and Lower Clapton Road. This will also reduce any car dependency and ensure contribution to the local economy.

4. **Mixed and balanced community**
   The development will not lead to an over-concentration of this type of accommodation. In fact, it will seek to address a local need for private rented dwellings and create a mixed community.

As outlined above, the site has capacity to provide over 50 shared housing units. Therefore, Mr Green disputes the indicative capacity of 25 residential units outlined in the site allocation. This indicative capacity and how it was calculated is not justified. Mr Green therefore requests clarification on how this capacity was calculated and justification for the figure being significantly different to the 2010 permitted proposal (ref. 2010/287) on the site for 85 residential units.

Mr Green also recommends that the site’s allocation should be amended to ‘employment or employment-led mixed-use including flexible residential use (not only conventional self-contained residential (use class c3)’. This flexibility is required to ensure a deliverable site is brought forward. This was evidenced by the previous permission for residential, which due to viability constraints the development was never implemented.

It is recommended that this is amended to ‘50+ shared housing units, with the intention to maximise housing density’. This is in line with the NPPF which encourages making effective use of land. Paragraph 123 of the NPPF specifically states that ‘it is especially important that planning policies and decision avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site’.
The site allocation also states that ‘38 - 40 Upper Clapton Road, also known as the Tram Depot, covers much of the site and is locally listed so should be retained and its setting enhanced’. Mr Green questions the soundness of this part of the allocation as it is unjustified by the evidence base, in particular the Employment Land Study (2017). This study outlines that part of 38-40 Upper Clapton Road is only in reasonable condition. Therefore, to ensure deliverability of a viable site being brought forward, Mr Green suggests the following amendment to this part of the allocation:

‘38 - 40 Upper Clapton Road, also known as the Tram Depot, covers much of the site and is locally listed so should be retained and its setting enhanced. To ensure the setting of this heritage asset is enhanced and any buildings on site are in good condition, options to redevelop it whilst maintaining the historical features should be explored’.

Conclusion

Mr Green supports the inclusion of Policy LP21 (Large Scale Purpose-Built Shared Housing) and Site Allocation C1 (Tram Depot, 38-40 Upper Clapton Road E5 8BQ). However, to ensure the Local Plan is sound and legally compliant, amendments to above elements of the Local Plan are requested. This is also to ensure the unique nature of shared housing is integrated, as well as ensuring this type of development is encouraged/delivered on the Tram Depot site, as well as other appropriate sites in Hackney.

Yours sincerely,

John Ferguson BSc (Hons), PG Dip TP, MRTPI
Director

T +44 (0)208 281 0127
M +44 (0)7713 627 094
john@collectiveplanning.co.uk
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

1 - Personal Details

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Contact details:

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2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Mr Green

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Hackney Local Plan – Proposed Submission 2018 - Representation Form

Part B – Please use a separate page for each representation for parts 3-8
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
- Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

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4. Do you believe the Local Plan Proposed Submission is:

- (1) Legally compliant
  - Yes   | No X |
- (2) Sound
  - Yes   | No X |
- (3) Complies with the Duty to Co-operate
  - Yes X | No |

**If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6.**

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**

- (1) **Positively Prepared** it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development. |
- (2) **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. |
- (3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. |
- (4) **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework. |

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to accompanying cover letter

(Continue on a separate sheet if necessary)

Please note:

Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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9. Do you wish to be notified of any of the following? Please mark all that apply.

(a) when the Hackney Local Plan is submitted to the Planning Inspectorate: X
(b) when the Hackney Local Plan Examination will occur: X
(c) when the Inspector’s Report is published: X
(d) when the Hackney Local Plan is adopted: X

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: SANA LAKHANY
Date: 7th January 2019
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| Organisation: | Mr Green |

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4. Do you believe the Local Plan Proposed Submission is:

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| (2) Justified it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. | X |
| (3) Effective the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. | |
| (4) Consistent with national policy the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework. | X |

6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice

10. Signature: SANA LAKHANY

Date: 7th January 2019
Dear Sir / Madam

Hackney Council: Local Plan 2033 (LP33) Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operates the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK’s gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Proposed sites crossed or in close proximity to National Grid infrastructure:

**Electricity Transmission**

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<td>ET295</td>
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Please see enclosed plan referenced ET295 at Appendix 1. The proposed Mixed-use site is crossed by a National Grid underground cable.
The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. To comply with statutory safety clearances the live electricity conductors of National Grid’s overhead power lines are designed to be a minimum height above ground. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

**Electricity Distribution**

UK Power Networks owns and operates the local electricity distribution network in Hackney Council. Contact details can be found at [www.energynetworks.org.uk](http://www.energynetworks.org.uk).

**National Grid Asset Guidance**

National Grid prefers that buildings are not built directly beneath its overhead lines. This is for two reasons, the amenity of potential occupiers of properties in the vicinity of lines and because National Grid needs quick and easy access to carry out maintenance of its equipment to ensure that it can be returned to service and be available as part of the national transmission system. Such access can be difficult to obtain without inconveniencing and disturbing occupiers and residents, particularly where properties are in close proximity to overhead lines.

National Grid seeks to encourage high quality and well-planned development in the vicinity of its high voltage overhead lines. Land beneath and adjacent to the overhead line route should be used to make a positive contribution to the development of the site and can for example be used for nature conservation, open space, landscaping areas or used as a parking court. National Grid, in association with David Lock Associates has produced ‘A Sense of Place’ guidelines, which look at how to create high quality development near overhead lines and offers practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines.

Potential developers of the sites should be aware that it is National Grid policy to retain our existing overhead lines in-situ. The relocation of existing high voltage overhead lines will only be considered for projects of national importance which has been identified as such by central government.

National Grid requests that any High Pressure Major Accident Hazard Pipelines (MAHP) are taken into account when site options are developed in more detail. These pipelines form an essential part of the national gas transmission system and National Grid’s approach is always to seek to retain our existing transmission pipelines in situ.

National Grid may have a Deed of Easement for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid easement strip, and a deed of consent is required for any crossing of the easement. In the first instance please consider checking with the Land Registry for the development area. If further information is required in relation to an easement please contact Spencer Jefferies, Development Liaison Officer, box.landandacquisitions@nationalgrid.com

If you require any further information in relation to the above, please contact National Grid’s Plant Protection team via plantprotection@cadentgas.com

**Further Advice**

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development,
please do not hesitate to contact us. In addition, the following publications are available from the National Grid website or by contacting us at the address overleaf:

- National Grid’s commitments when undertaking works in the UK - our stakeholder, community and amenity policy;
- Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties; and
- A sense of place - design guidelines for development near high voltage overhead lines http://www.nationalgrid.com/uk/Senseofplace/Download/
- IGE/SR/18 – Safe working practices to ensure the integrity of gas pipelines and associated installations.
- HS(G)47 – Avoiding Danger from Underground Services.
- Further information regarding development near overhead lines and substations is available here: http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/pdf/brochure.htm
- National Grid has provided information in relation to gas transmission assets via the following internet link: http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Appendices - National Grid Assets

Please find attached in:
- Appendix 1 provides maps of the sites referenced above in relation to the affected National Grid Transmission assets outlined above.

Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins
Consultant Town Planner
n.grid@woodplc.com

Spencer Jefferies
Development Liaison Officer, National Grid
box.landandacquisitions@nationalgrid.com

Wood E&I Solutions UK Ltd
Gables House
Kenilworth Road
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CV32 6JX

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully
[via email]
Hannah Lorna Bevins
Consultant Town Planner

cc. Spencer Jefferies, National Grid
Draft Revised Hackney Local Plan 2033
Representations submitted on behalf of The Arch Company Properties LP & Network Rail

We provide the following representations to the London Borough of Hackney’s Regulation 19 Draft Local Plan 2033 (the ‘Plan’) and specifically Draft Policy LP30 (Railway Arches).

GL Hearn is the Planning Consultant acting for The Arch Company Properties LP & Network Rail who are transacting on a portfolio of railway arches including those in the London Borough of Hackney. The transaction will allow Network Rail to invest in railway infrastructure and provides a unique opportunity for further stimulating the role the arches play in the economic vitality of the Borough and their contribution to local communities through a range of land uses.

As a major landowner in the LB Hackney and one directly affected by the proposed new policy, The Arch Company Properties LP & Network Rail (our ‘Clients’) are disappointed not to have been formally engaged or notified during previous iterations of the Plan. Having only recently been made aware of the Regulation 19 Consultation on the Plan, our Clients are particularly concerned about the implications of Draft Policy LP30 which is seen as being overly restrictive and giving rise to potentially unforeseen implications for railway arches in the Borough. We are therefore compelled to make representations on the soundness of the Plan and question whether it has been positively prepared.

Given the advanced stage of the Plan, we would urge dialogue between Hackney Council and our Clients and we reserve the right to add further evidence to our representation at or in advance of the Examination in Public.

Soundness of the Local Plan
In making these representations, we take account of NPPF Paragraph 35 which requires that Local Plans are assessed to be ‘sound’ and in this regard the relevant tests of soundness include:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

Draft Policy LP30 (Railway Arches)
The following comments on the Plan focus on Draft Policy LP30 and the implications that the Draft Policy may give rise to. The Draft Policy states:
A. Proposals for the use of railway arches for industrial and office development and ancillary uses will be supported if all of the following criteria are met. The proposal:

   i. Incorporates active frontage uses where arches are located within town centres, and results in the upgrade and appearance of the premises; and

   ii. Does not obstruct the public highway; and

   iii. Ensures that the primary use is for employment (B use class) purposes.

B. Proposals involving the redevelopment of existing low cost employment floorspace should re-provide such floorspace in perpetuity, in terms of rents and service charges, for these existing uses, subject to scheme viability, current lease arrangements, and the desire of existing businesses to remain on-site.

Part A of the Draft Policy, as worded, effectively restricts the use of railway arches to employment land uses (B Use Class) regardless of location, surrounding land uses, economic circumstances or alternative potential benefits of other land uses.

Our Clients do not dispute that railway arches in certain locations lend themselves to B Use Class including heavier industrial uses (B2 and B8 Use Classes) in appropriate locations. However, there are many examples across London of railway arches being converted to uses that contribute to the vibrancy and cultural enhancement of an area through a range of uses which falls outside the B2/B8 Use Class, such as offices, nurseries, shops, restaurants/bars/cafes, leisure activities and community uses. These can be A, B1, D or sui generis use classes.

Our primary issue is the blanket application of a mechanistic approach proposed in Part A of Draft Policy LP30 that would restrict all railway arches in the Borough to B Use Class, noting that the Borough’s strategic objective of protecting employment land is not disputed as this matter is addressed by other policies in LP33 and specific land use designations in the Policies Map.

For example, Draft Policy LP28 seeks to protect Priority Industrial Areas and Locally Strategic Industrial Areas (as well as other employment areas). If railway arches are situated within designated industrial or employment locations they will be addressed by those policies.

Indeed, the Borough’s Employment Land Study (October 2017) carried out in October 2017 identified 12 clusters of employment uses outside Priority Employment Areas (‘PEA’) and Locally Significant Industrial Sites (‘LSIS’). Two of these clusters (extension to Kingsland PEA and Anton Street PEA), both including railway arches, are recommended for consideration for employment land designation as an extension of existing PEA whilst the rest of the supporting text states that it is considered that “existing employment policies are considered to afford enough protection for the remaining clusters outside PEAs and LSISs.”

In response to demand/supply for employment floorspace, Paragraph 8.65 of the Employment Land Study highlights the importance for railway arches to continue to be prioritised for employment purposes, however this does not fully reflect the findings of Chapter 6 of the document. Whilst these key findings identify a shortfall in the pipeline to meet employment needs to 2033, particular emphasis is put on the intensification potential within existing and proposed PEA/LSIS as those identified above. Paragraph 8.65 goes on to state that “it is important for railway arches to continue to be prioritised for employment purposes” however there is little evidence provided in the Employment Land Review of railway arches being the most appropriate location for such employment floorspace or being a key contributor to the employment provision target.

Appendix 3 of the Employment Land Study comprises a review of the PEAs and LSISs including details on the condition and occupancy rate of the arches falling within these designated areas. Whilst some arches are identified for employment purposes (such as within the Kingsland PEA and Anton Street PEA), it is apparent
that some of the railway arches which accommodate the more traditional B1c / B2 floorspace are considered to be in only “reasonable” or “very poor” condition or with “limited intensification potential” which in some cases could result in missed redevelopment opportunity of the railway arches for various uses whilst employment floorspace may be directed towards better suited locations. It is therefore concluded that whilst employment floorspace in unallocated / non-designated arches should be considered it should not be the only option.

Where railway arches are not designated for employment use, there should be flexibility, subject to other relevant policies in the Plan, to be considered for alternative land uses. The fact that there is duplication between policies and a blanket approach to railway arches is applied without considering the scope for site specific circumstances means that the Plan is neither positively prepared nor justified and should therefore be considered as ‘unsound’.

To add to this, Part B of the Draft Policy LP30 unnecessarily overlaps Draft Policies LP28 and LP29 which seek to protect industrial employment designations, and affordable and low cost employment floorspace respectively. Our primary concern is that this definition of Low Cost Employment Floorspace is being applied through LP30 to railway arches but we do question the definition of ‘low cost employment floorspace’ generally. The Plan includes a definition in its Glossary at p236:

“Low cost employment floorspace - Employment floorspace which may be secondary or tertiary in nature, of a lower quality or specification, with cheaper rents or leases, often providing space for start-ups, creative or light industrial occupiers such as artists or makers spaces.”

This is not a defined product in national or regional planning policy in the same way that ‘affordable housing’ or ‘affordable workspace’ is defined. There does not appear to be a clear evidence base from the Borough’s Employment Land Review to support it.

The Plan does not refer to specific sites or floorspace as “low cost employment floorspace” which makes the identification of such sites unclear.

To restrict the future use or conversion of railway arches arbitrarily to ‘low cost employment floorspace’ affects viability and is unjustified.

In this regard the Policies of the Plan are neither justified nor positively prepared and they are unlikely to be effective in re-providing ‘low cost employment floorspace which could effectively take any form of use class and be encouraged equally where appropriate within the Borough rather than restricted to a certain location.

A further consideration is whether Draft Policy LP30 contributes to the sustainability and continuing viability of railway arches where many of these arches are currently used for vehicle maintenance and associated services. Whilst there is likely to be current demand for such services, this would be contrary to the direction of travel envisaged by other London Plan and Local Plan Policies that seek to discourage the use of private vehicles. This suggests that Draft Policy LP30 is unlikely to be effective and is therefore ‘unsound’.

Finally, we would point to the fact that nearby London Boroughs such as Camden and Tower Hamlets which also have railway arches in abundance have not sought to restrict the use of such arches to B Use Class. Neither has the Mayor of London identified a strategic need to restrict the use of railway arches in the way that the London Borough of Hackney has sought to do so. In this regard, we do not consider the Plan to have been positively prepared in consultation with neighbouring Boroughs or the Regional Planning Authority.

Preferred Option
The following modifications are proposed to Draft Policy LP30. These proposed changes would ensure flexibility to create the opportunity for inward investment and provide a range of uses where it is appropriate
to do so. The changes would also help ensure that railway arches remain vibrant and effectively utilised subject to the characteristics of their surroundings and do not become neglected creating wider issues for their localities [proposed changes in green text].

A. Proposals for the use of railway arches for industrial and office development and ancillary uses will be supported if all of the following criteria are met. The proposal:

i. Incorporates active frontage uses where arches are located within town centres, and results in the upgrade and appearance of the premises; and

ii. Does not obstruct the public highway; and

iii. Ensures that the primary use is for employment (B use class) purposes.

B. Proposals for alternative land uses for railway arches including, but not restricted to, retail (A Use Class) and leisure (D Use Class) will be supported in areas of residential intensification, particularly in the CAZ, in town centres and around rail stations and public transport hubs subject to compliance with other policies of the Development Plan.

And proposed changes to the supporting text to Draft Policy LP30 [changes in green text]:

8.18 Hackney contains a number of railway arches with adjacent land. Railway arches and adjacent land provide good sites for the location of some of the ‘heavier’ type industries, such as B2 and B8 uses, which they have traditionally been used for. Many of them provide relatively cheap accommodation for a range of activities which play an essential role in the functioning of the local economy. Policy LP30 protects and supports the continued use of some railway arches for industrial uses and also facilitates a wider range of economic uses and activities including office workspace and maker spaces. Ancillary uses are also permitted where the primary use remains for employment (B1 use class) purposes.

8.19 Other uses will be supported where these uses support vibrant communities and where they are complimentary to the range of uses supported in areas of residential intensification particularly in the CAZ, in town centres and around public transport nodes. Such uses may include shop, restaurant, bar, café, leisure and entertainment uses as well as community uses where these proposed uses are not contrary to other policies of the Development Plan and address the requirements of the sequential test where appropriate.

Alternative Option
We observe that Draft Policy LP30 is a significant departure from the adopted Policy DM18 from the Development Management Local Plan (2015) which supports retention of employment generating uses but also the provision of other commercial uses, such as A and D class uses in suitable locations and subject to completion of a sequential test and compliance with other relevant planning policies (see policy extract at Appendix A).

Another option would be for a return to Policy DM18 as this policy does not appear to have facilitated an erosion of existing employment space from railway arches. Indeed only the following applications including railway arches have been approved in the Borough since Policy DM18 was adopted in 2015. Both applications retain a component of B use classes:

- Railway Arch 377, Geffrye Street London E2 8HZ (LPA ref. 2018/1392) – Conversion of four of the Railway Arches (377, 379, 380 and 384) currently being used as a mixture of B1/B2 office use and B8 (storage and distribution) to form part of an existing photographic and imaging studio (B1/B2) located at arches 378, 381, 382 and 383 Geffrye Street. Approved July 2018.
The proposal seeks the use of the remaining arches as B1/B2 floorspace to be used as part of the existing photography studio which result in visual improvements to the premises and no loss of employment use.

- **Railway Arches 3-18 and 20 and Land at Bohemia Place Bohemia Place London E8 1DU (LPA ref. 2017/0307)** – change of use of railway arch numbers 4-13 (excluding arches 9, 10 and 11), 16 + 20 from B2 to A1/B1; arches 10 & 11 from B1 to A1/B1; arch 9 from sui generis to A1/B1; arches 3, 14, 15 and 18 from B2 to A3/A4; arch 17 from B2 to A1/A3/A4/B1; arch 21 from B2 to A1/A3/B1; and arch 187 from B2 to A3 together with the erection of 11 micro A1 retail units, the creation of a new tunnel feature under the arch at the corner of Bohemia Place and Nursery Road, the erection of gates at either end of Bohemia Place and associated waste storage and street furniture. Approved August 2017.
  - The proposal includes the provision of flexible floorspace (including A1/A3/A4/B1) at a town centre location, public realm and pedestrian accessibility enhancements and does not result in a significant loss of employment use as the arches are currently vacant.

**Conclusions**
In light of the above, we consider the Regulation 19 Draft Revised Local Plan 2033 to be ‘unsound’ in relation to **Draft Policy LP30**.

We assert that the Plan has not been positively prepared in that key stakeholders have not been consulted and the evidence base is insufficient to justify the approach taken to restricting the use of railway arches in the Borough.

We consider that the Plan is not justified in its blanket approach to railway arches and its disregard for alternative land uses that could improve the vibrancy, economic performance and long term integrity of the railway arches. Alternative proposals have not been considered and there is a risk that wider community benefits and sustainability would be limited by this approach.

We assert that the policies lack detail and will not be effective in either the protection of appropriate employment space or the encouragement of alternative uses in appropriate, areas.

For these reasons we respectfully encourage Hackney Council to reconsider their draft policies and engage with The Arch Company Properties LP & Network Rail to find a better alternative either as proposed herewith or similar.

For further information please contact either Alix.Denercy@glhearn.com or Stuart.Baille@glhearn.com tel 020 7850 4900.

January 2019
Appendix A

Extracts from the currently adopted Hackney Development Management Local Plan (2015)

4.11 Railway Arches

4.11.1 The Core Strategy and Policy DM17 set out the mix of uses appropriate within the Council’s employment designations. Hackney contains a number of railway arches with adjacent land. Railway arches and adjacent land, both inside and outside of those designations, provide good sites for the location of some of the ‘heavier’ type industries, such as B2 and B8 uses, which they have traditionally been used for. Although these uses do not fit the profile of a re-structuring economy, they are important employment-generators and businesses for local people, and assist in serving the London economy. Many of them provide relatively cheap accommodation for a range of activities which play an essential role in the functioning of the local economy. Also, space within railway arches can be flexible and used innovatively to provide other employment-generating uses, such as a range of B1 activities e.g. workshops. A1 and A3 uses may also be appropriate in certain locations in order to upgrade such premises.

4.11.2 Thus, in order to protect and support the continued use of railway arches and adjacent land for ‘heavier type’ industries, but to facilitate a wider range of uses and activities and encourage the upgrade of railway arches, the following policy is applied. In certain locations, railway arches can very successfully contribute to the regeneration and visual improvement of town centre and edge-of-centre locations, through accommodating active frontage uses and accommodating new vibrant uses. Proposals for town centre uses (e.g. Classes A1, A3, D2 uses) must meet the requirements for sequential approach and impact assessment for such uses proposed outside of designated Shopping Centres, and comply with other policies in this Plan namely Policies DM7, DM11, DM1 and DM2 for example.

POLICY DM18 - RAILWAY ARCHES

Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses.

Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area. Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough’s Shopping Centres and comply with other policies in this plan.

Proposals should:

i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises;

ii. Not obstruct the public highway; and

iii. Not result in the significant loss of any existing employment generating use.