Hackney Local Plan (LP33) Examination 2019
Hackney Council Response

Matter 8 – Environment

Main issues – Does the Plan set out a positively prepared strategy for the natural, built and historic environment that is justified, effective and consistent with national policy? Does it adequately address climate change and other environmental matters and are the policies sound?

Design

91. Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?

8.1 The Plan, overall, makes sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework. The Council has set out detailed criteria in particular in the policies in Chapter 5 ‘Protecting and Enhancing Heritage and Leading the Way in Good Urban Design’, and Chapter 4 ‘Places for People’ for assessing the quality of design within the dense urban context of Hackney. The criteria pervade all aspects of good design including health and well being and the achievement of fully inclusive environments.

92. LP1 Design quality and local character
   a. Is the negatively worded policy and requirement to meet all the defined criteria for part A and where relevant part B, justified by the evidence, effective and consistent with the London Plan and national policy? Is the policy achievable?
   b. Are any suggested amendments as set out in relevant representations, necessary for soundness?
   c. In relation to part A are all the 16 criteria (criteria v and xiv are the same) relevant for all types of development? Does it allow for potential site specific considerations?
   d. Is part A clear on what is meant by ‘the highest architectural and urban design quality’ and ‘respects and complements historic character’? How will these requirements be assessed and are they justified and effective?
   e. Part A iv requires development to ‘preserve or enhance the character and appearance of the historic environment….’. Is this consistent with national policy which seeks to preserve or enhance the significance of heritage assets?
f. In relation to part B is the definition of a taller building clear within the Plan and is it justified? Does the Hackney Characterisation Study (ED024) provide appropriate evidence to assess taller building development?

g. Are the Council’s suggested changes to part B and the supporting text justified and necessary for soundness?

Response to 92 a

8.2 The Council has set out detailed evidence in support of its approach to delivering good design in the Hackney Boroughwide Characterisation study (ED024). The Hackney Boroughwide Characterisation Study (ED024) provides a detailed analysis of the borough’s context which has been translated into a series of detailed design criteria as set out in LP1.

8.3 The criteria identified in Policy LP1 are relevant to all development. However, the Council accepts that application will vary and that the policy could be more positively framed. The application of the criteria will vary subject to the nature of the development and site based on the nature of the development - such as scale as well as the location and character of the site. The Council also acknowledges that the policy wording could also be more positively framed. Proposed modifications to the policy are set out below.

Response to 92 b

8.4 The Council considers that the policy is sound and based on robust evidence as amended by the changes set out below.

Response to 92 c

8.5 The Council considers that design quality is important in all contexts and in practice the policy will vary depending on the scale and location of the development. Proposed changes are set out below.

Response to 92 d

8.6 LP1 Part A is clear as it sets out a series of criteria by which to meet the highest architectural and urban design quality. These align with the 2012 National Planning Policy Framework (NPPF) and are justified and effective.

Response to 92 e

8.7 The requirements to “preserve or enhance the character and appearance” derives from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relates to Conservation Areas only. The Council accepts that NPPF uses the modern language of conservation and the term
“significance”. “Significance” includes character and appearance but is a broader and preferable term. The term “historic environment” is slightly broader than “heritage assets”. This is the language used in LP33 paragraph 5.13 onwards is preferred. Proposed modifications are set out below. The policy as amended is justified and effective.

Response to 92 f

8.8 The definition of a taller building, subject to the following further suggested amendments, is justified. The Hackney Characterisation Study (ED024) provides appropriate evidence to assess taller building development. The following further amendments are suggested to the policy and supporting text informed by this evidence.

8.9 Further changes have been agreed with Historic England and are reflected in the Statement of Common Ground between Historic England. They are set out below for ease of reference.

Response to 92 g

8.10 The Council’s initially proposed changes to Part B as supplemented by the further changes below are justified and necessary for soundness.

Modifications to Policy LP1

8.11 The Council proposed changes to Policy LP1 and supporting text in its initial response to representations received (LBH EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019). It is proposed LP10 is further amended as follows:

LP1 Design Quality and Local Character

A. All new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character. Development will only be permitted if all of the following criteria are met. Development must:

i. respond to local character and context having regard to the boroughwide Characterisation Study; and
ii. be compatible with the existing townscape including urban grain and plot division
iii. be compatible with local views and preserve protected views; and
iv. preserve or enhance the character and appearance of significance of the historic environment and the setting of heritage assets; and
v. contribute positively to an active street frontage; and
vi. incorporate well designed and integrated landscape design, which enhances biodiversity and maximises opportunities for greening; and
vii. respond positively to natural features and other open space; and
viii. improve the public realm, frontage to the street and facilitate movement through areas with direct, safe, accessible, and easily recognisable routes (legibility); and
ix. be sustainable in design and construction; and
x. be adaptable, robust and flexible in use; and
xi. use attractive, durable high quality materials which complement local character; and
xii. thoughtfully and efficiently integrate building services equipment and avoid compromising the appearance of the building, including the appearance from long views; and
xiii. avoid value engineering and maintain quality through the planning process through to the completion of the development; and
xiv. contribute positively to an active street frontage; and
xv. be inclusive and accessible for all; and
xvi. be secure and designed to minimise crime and antisocial behaviour; and
xvii. promote good health by creating streets and spaces which are inclusive, attractive and encourage walking and cycling through the use of active design principles and the Healthy Streets approach.

Taller Buildings
B. Buildings taller than the existing context will be assessed using the design criteria set out above and against the following additional criteria. All new taller buildings must respect the setting of the borough’s historic townsapes and landscapes. Taller buildings will only be permitted where they meet all of the following criteria. 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—or 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’.

[Move and amend paragraph 5.9] Hackney’s planning policies seek to create buildings and places of high quality that will be appreciated by future generations. High quality design is both visually
interesting and attractive and should enhance local character. Good design is not just about what things look like, it is also about how places function and how individual buildings and the spaces around them contribute to the public realm and community well-being. The design of the places and buildings that make up our local environment affects us all and our quality of life. Good design makes places that put people first, promote health and are welcoming, feel safe, are enjoyable and easy to use for everyone. The requirements of policy LP1 Part A will be applied having regard to the scale and location of the development and other site specific considerations. The Council will continue to use advice from the Hackney Design Review Panel to inform the decision making process.

5.5 A series of key considerations have been identified in the Hackney Characterisation Study, which the Council will use to assess the sensitivity of an individual site or building for the location of a tall building. These considerations include the impact of the proposal on the existing urban grain, the prevailing height of the area, the public transport accessibility of the site, together with the impact of the proposal on the boroughs built heritage, open space and local views.

5.6 In Hackney taller buildings are defined as any building or structure which are taller than their neighbours (50% taller than the prevailing building height) or which significantly changes the skyline or are 30 metres or more in height. Proposals will be considered in relation to their context and likely impacts - for example an area characterised by buildings of six storeys, a nine storey building would be considered tall. The Council will make an assessment at the pre-application stage on whether a proposal is considered to be a taller building. In Hackney taller buildings will generally be the exception to the prevailing townscape. For example an area characterised by buildings of six storeys, a nine storey building of two storeys, buildings taller than three storeys might be considered tall. Applications for tall buildings will also be assessed using the London Plan Policy on the location of tall buildings and the Historic England Advice note 4 on tall buildings https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4.

5.7 The Council will require a design led approach to identifying appropriate building heights. Further guidance on Hackney’s approach to building heights and taller buildings is set out in the following;

- Hackney Characterisation Study
- Area Action Plans
- Site Allocations (Appendix 3)
- Conservation Area appraisals
- Neighbourhood Plans
[New paragraph] Area Action Plans or Masterplans will provide further guidance for each of the places identified in the Growth Strategy (PP2 - PP10). These are areas that the Characterisation Study identifies as being potentially suitable for taller buildings. The AAPs/ Masterplans will include a building height strategy and where appropriate identify sites suitable for taller buildings for each area. Taller buildings will only be acceptable outside of these areas in exceptional circumstances where it can be demonstrated that a taller building would lead to a better urban design outcome applying the criteria set out in policy LP1. Very tall buildings, of 30 metres or more in height, are extremely unlikely to meet the criteria outside of these areas. [Note this final sentence was added after completion of Statement of Common Ground with Historic England]

5.8 Hackney is a dense mixture of commercial and residential in the south and a largely residential borough in the extreme north. Each neighbourhood in the borough possesses a unique historical and socio-economic character. The boroughwide Characterisation Study has analysed this character and identified opportunities to densify areas across the Borough. The guiding principles set out in the Characterisation Study aim to reinforce, repair and reinvent local character and promote positive growth across the borough.

[Text moved ahead of existing paragraph 5.5] 5.9 Hackney's planning policies seek to create buildings and places of high quality that will be appreciated by future generations. High quality design is both visually interesting and attractive and should enhance local character. Good design is not just about what things look like; it is also about how places function and how individual buildings and the spaces around them contribute to the public realm and community well being. The design of the places and buildings that make up our local environment affects us all and our quality of life. Good design makes places that put people first, promote health and are welcoming, feel safe, are enjoyable and easy to use for everyone. The Council will continue to use advice from the Hackney Design Review Panel to inform the decision making process.

Glossary (p244)

Taller Building - Buildings or structures that are significantly taller than the surrounding development—50% taller than the prevailing building height or which significantly change the skyline or are 30 metres or more in height. This definition allows for the fact that areas of different character within the borough have different sensitivities and that a five storey building in a two storey context is equally as prominent as a much taller building in a more built up context.
93. LP2 Development and amenity:
   a. Are the requirements of the policy justified? Is it clear what is meant by ‘the amenity of occupiers and neighbours’?
   b. How will the amenity considerations apply to waterways and canals?

Response to 93a

8.12 The policy is sound and justified. Protection of amenity is particularly important in a dense urban boroughs like Hackney, where the council needs to balance the growth agenda with the health and wellbeing of its existing residents and occupiers.

8.13 LP33 is clear what is meant by ‘the amenity of occupiers and neighbours’ as this is set out as ‘amenity consideration’ under part B of the policy and further clarified in LP33 paragraph 5.11 and paragraph 5.12 further clarifies the approach taken to BRE guidance on daylight and sunlight matters.

Response to 93b

8.14 Amenity considerations will also apply to residential canal moorings and to the public enjoyment of waterways and canals ‘where appropriate’ and a proposed modification is set out below to address this.

Modifications to Policy LP2

LP2(A): Consideration of the merits of development proposals will be balanced against the impact on amenity. These considerations will also be applied to waterways and canals, where appropriate.

94. LP5 Strategic and local views: Does the Plan clearly define strategic and local views, have they been appropriately assessed and are they justified? How will the Council ‘monitor and review views of local importance’ as set out in para 5.31?

8.15 LP5 offers protection for defined Strategic views and and important local views that have been assessed for their value.

8.16 The strategic views are defined in Policy LP5 A and supporting text paragraph 5.29, which refers to London Plan Policy HC3 and Policy HC4 London View Management Framework (GLA, December 2017) and the London View Management Framework SPD (GLA, 2012). These views form part of the London Plan and have been assessed and are justified. The are shown on the LP33 Policies Map.
8.17 Paragraph 5.30 of the Local Plan states that important Local Views can include:

- Views of Heritage Assets, including where the asset would be back dropped; and
- Views of and within Conservation Areas identified as significant in the relevant Conservation Area Appraisal; and
- The views identified in the Hackney Characterisation Study (LBH, 2018)

8.18 Local views by their nature can change over time. The Council has assessed and justified local views through existing Conservation Area Appraisals and Management Plans. These will be reviewed on a regular basis. The borough has undertaken a Conservation Areas Review (LBH, 2017 ED025), Conservation Areas Review which describes the significance of each Conservation Area and sets a timetable for the ongoing review of these documents. A mechanism is therefore in place to monitor and review these views.

95. LP7 Advertisements: Is the policy justified, effective and consistent with para 132 of the Framework and the control of advertisements regulations?

8.19 LP7 sets out the Council’s approach to controlling and managing advertisements in all of the various contexts found within Hackney.

8.20 The policy is considered sufficiently flexible to deal with advertisements which affect designated assets or their settings. LP33 paragraph 5.35 provides the context for assessments of proposed advertising and acknowledges that amenity character and the quality of heritage assets can be adversely affected by advertisements. This is line with the advice found in paragraph 132 of the 2012 NPPF.

Historic Environment

96. Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk, in accordance with national policy?

8.21 The strategy sets out, as amended by the proposed modifications set out below, accords subject to the inclusion of the following text which has been agreed in the Statement of Common Ground with Historic England.

8.22 Paragraph 5.13 to be added at the end: The Council will pursue a positive strategy for the conservation and enjoyment of the historic environment by implementing The State of Hackney’s Historic Environment Report (LBH, 2005) and developing a Historic Environment Strategy Supplementary Planning Document. The Council welcomes proposals that address
Heritage at Risk. Heritage at Risk will be addressed by liaising with Historic England to update the Heritage at Risk register; identifying specific opportunities for Heritage at Risk to contribute to regeneration and place-making; setting out strategies for repair and re-use; working productively with building owners, third sector organisations and sources of funding (where appropriate and possible) to find solutions to vulnerable buildings; and managing its own Heritage at Risk to prevent immediate deterioration and to bring vacant property back into productive use.

97. LP3 Designated heritage assets

a. Is the policy consistent with national policy?

b. Does it promote development within Conservation Areas, World Heritage Sites and within the setting of heritage assets, which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework? Are any changes necessary for soundness?

c. Are the changes suggested by the Council justified and necessary for soundness? Are any others necessary for soundness?

Response to 97 a

8.23 The Policy is consistent with NPPF paragraphs 133 and 134 on substantial and less than substantial harm, which are national policy in relation to the assessment of proposals and in relation to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The text is also consonant with London Plan Policy (ED01) HC1 Heritage conservation and growth Part C (GLA, December 2017).

Response to 97 b

8.24 The approach to development within Conservation Areas, World Heritage Sites and within the setting of heritage assets. Policy LP3(B) enables the Council to fulfil its planning duties under international law in relation to the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, 1972). This text is required by London Plan (ED01) Policies HC2 World Heritage Sites Parts A to C (as well as London’s World Heritage Sites - Guidance on Settings SPG (GLA, 2012).

8.25 Policy LP3(C) provides details of the Council’s approach in relation to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 2012 NPPF Paras 126 to 141 and London Plan Policies HC1 Heritage conservation and growth Part C (GLA, 2017) to assist applicants.

8.26 Policy LP3(D) provides details of the Council’s approach in relation to land which is a London Square (by virtue of the London Square Preservation
Act, 1931) or a Registered Park and Garden (by virtue of the Historic Buildings and Ancient Monuments Act 1953) to assist applicants. These are designated heritage assets and 2012 NPPF Paras 133 and 134 apply.


Response to 97 c

8.28 The Council proposed changes to Policy LP8 and supporting text in its initial response to representations received (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019) are set out below.

LP3 E.i line 2 delete preserve and enhance and replace with ‘preserve or enhance’

8.29 These changes are necessary to ensure the plan is sound and consistent with national policy as well as with relevant legislation.

98. LP4 Non designated heritage assets
a. Is the policy consistent with national policy, including para 135 of the Framework which requires a balanced judgement to be made when assessing any development proposals that impact on the significance of a non-designated heritage asset?
b. Are the changes suggested by the Council justified and necessary for soundness? Are any others necessary for soundness?

Response to 98 a

8.30 When the Council is considering development proposals affecting non-designated heritage assets or their settings, the effect of an application on the significance of the asset will be taken into account in determining the application. In weighing up applications that affect directly or indirectly non-designated heritage assets, the Council will reach a balanced judgement. The balance is between the scale of any harm or loss and the significance of the asset on the one hand and the wider planning benefits (including public benefits) on the other hand. Paragraph 5.27 (page 63) sets out the Council’ s approach to development affecting non designated Heritage assets and is line with para 135 of the 2012 NPPF.
Response to 98 b

8.31 The Council proposed changes to Policy LP8 and supporting text in its initial response to representations received (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019) are set out below.

8.32 P63 LP4 A Development proposals affecting non-designated heritage assets should preserve or enhance and reveal conserve, reveal and enhance the significance of the assets and their settings.

8.33 These changes are necessary to ensure the plan is sound and consistent with national policy as well as with relevant legislation.

99. LP6 Archaeology

a. Is it effective to repeat national policy? What does this add to the Plan?
b. Are parts A and B consistent with national policy?
c. Is the requirement for desk based assessments reasonable?
d. Are the changes suggested by the Council justified and necessary for soundness?

Response to 99 a

8.34 LP6 seeks to protect, enhance and promote archeological heritage (which will include archaeological remains of National importance). Archaeological Priority Areas are also included on the Council's Policies Map. The content of the policy is consistent with national policy and references are included to provide this additional context. This approach has been supported by Historic England.

Response to 99 b

8.35 The Council would wish to include the following amendments to LP6 to assist soundness and clarity:

8.36 A Amend text as follows: Proposals that would adversely affect nationally important archaeological remains or their setting will be refused.

A C Scheduled Monuments (Designated Heritage Assets) ...

B-D Non-designated Undesignated Heritage Assets

Response to 99 c

8.37 The requirement to undertake appropriate assessments or evaluations before the determination of an application is considered appropriate in a
Hackney context, given the complexity of development proposals in a dense borough like Hackney. Furthermore, as such requirements are likely to be secured as a pre-commencement condition this will not impact the overall timeline for development build out and delivery.

Response to 99 d

8.38 The changes proposed and reflected above are necessary for soundness (consistency with the National Planning Policy Framework) and clarity in line with the advice in the NPPF 2012. An additional amendment proposed for accuracy in LP33 paragraph 5.32. The Greater London ‘Archaeological Advisory Priority Service’ should be correctly titled as the ‘Greater London Archaeological Advisory Service’.

Green and open spaces

100. LP46 Protection and enhancement of green infrastructure – Is the policy sound? In particular:
   a. Is it appropriate for all new development to enhance the network of green infrastructure and watercourses across the borough etc as set out in part A of the policy?
   b. Is the policy based on robust and up to date assessments of the needs for open space etc as required by para 73 of the Framework?
   c. Are the policy provisions consistent with para 74 of the Framework? What about playing pitches which are referred to in the supporting text but not the policy?
   d. Does this Plan designate open spaces and if so in which policy? Is it clear within the Plan what type of open spaces are designated? Does this include playing pitches? Are the designations appropriate and is the differential between these and undesignated open spaces justified?
   e. How have ‘other open space’ been defined and is this justified?
   f. Is part D appropriate in the context of parts B and C?
   g. Is it reasonable to require living roofs on major development schemes that include roof plates over 100sqm?
   h. The Council has suggested an addition to Part E relating to the quality of living roofs. Is this justified and necessary for soundness? Is it appropriate for the roofs to be in accordance with a specification that is not within a development plan document? How will the Council “encourage” living roofs and vertical forests?
   i. What does ‘support’ mean in the context of part F? Should this specifically state ‘permit’ or ‘allow’?

Response to 100a
8.39 It is appropriate for all new development to enhance the network of green infrastructure and watercourses.

8.40 All new development in Hackney has an impact on the built environment and a carbon footprint so all development must take steps to offset this through green infrastructure and watercourses. This reflects the recommendations on p.76 of the LUC Open Space Assessment (2017) (ED048).

8.41 Green infrastructure can be developed on different scales. In the Hackney environment, street trees, green roofs, gardens, pocket parks are all acceptable ways to enhance the network of green infrastructure. It is notable that in 2017 some 43% of the conventional housing supply was from 'minor' development schemes of less than residential 10 units as set out on page 32 of the Authority Monitoring Report for 20171/8 (ED021). To ignore these sites would be to limit what infrastructure enhancement can be achieved in Hackney.

Response to 100b

8.42 The policy is based on robust and up to date assessments of the needs for high quality open space, sports and recreational facilities, the deficits in quality or quantity and the surpluses as required by paragraph 73 of the Framework.

8.43 The key evidence base for the policy is the LUC Open Space Assessment (2017) (ED048). The assessment identified that the quality of existing open spaces should be enhanced, provision should be increased where possible through new development, access to open space across the borough should be improved and connectivity made between open spaces (see p.76). Further evidence is supplied through the Indoor Sports Assessment 2019 - 2033 (2019) (ED067) which has now been finalised and the emerging Playing Pitch Strategy. The Council’s statement of common ground with Sport England specifically addresses the content of these documents and inciates.

c. Are the policy provisions consistent with para 74 of the Framework? What about playing pitches which are referred to in the supporting text but not the policy?

Response to 100C

8.44 The policy as amended by the proposed changes below is now consistent with paragraph 74 of the National Planning Policy Framework.
8.45 The proposed modifications to the policy text make clear that playing pitches (now termed playing fields for consistency) are afforded the same level of protection as designated open space. The criteria in Policy LP46 Bi is also aligned with the criteria in paragraph 74 of the National Planning Policy Framework.

d. Does this Plan designate open spaces and if so in which policy? Is it clear within the Plan what type of open spaces are designated? Does this include playing pitches? Are the designations appropriate and is the differential between these and undesignated open spaces justified?

Response to 100d

8.46 LP33 in Policy LP46, as amended by the proposed modifications set out below, designates two types of open space: Metropolitan Open Land (MOL) and ‘Local’ Open Space. Collectively these are designated open space. ‘Other open spaces’ are open spaces within the borough which have lower recreational value and fall outside of these designations.

8.47 Hackney contains two areas of Metropolitan Open Land, as identified on the Policies Map. Metropolitan open land is defined through the Local Plan process, and with the agreement of the GLA, as strategic open land within the urban area.

8.48 The ‘Designated Open Space’ shown on the policies map, includes MOL (which is also shown designated as MOL on the policies map) and local spaces of recreation value which have been identified through the Hackney Open Space Assessment (ED048) page 27. This includes the parks and gardens, natural and semi-natural urban green spaces, linear open space/green corridors, waterways, allotments and community gardens, cemeteries and churchyards, playing fields and the civic spaces/pedestrianised area of Hackney. They are typically larger spaces. The definition includes Hackney’s main parks, such as Hackney Downs, London Fields, Abney Park Cemetery and Clissold Park. These are invaluable spaces to the communities in Hackney and their protection is vital.

8.49 The Council also recognises that there are other much smaller open spaces in the borough. These generally have less recreational value and are referred to in LP46 as ‘other open space’. All open space in this inner London context is important. However, a differential approach to development is is appropriate to this category of ‘other open space’ in order to support improvements to quality and and changes which can optimise their use.
8.50 To aid clarity changes will be made to the Policies Map to clearly differentiate between ‘Metropolitan Open Land’ and ‘Local Open Space’

e. How have ‘other open space’ been defined and is this justified?

Response to 100 e

8.51 Other open space includes all open space that is not designated on the Policies Map. To aid clarity to is proposed that a definition of ‘Other Open Space’ is included in the glossary as set out below.

f. Is part D appropriate in the context of parts B and C?

Response to 100 f

8.52 Part D, of Policy 46 relates to small scale ancillary developments on open spaces and specifically those which that enhance the open space offer. It is consistent overall with the requirements set out Policy LP46 which protects against the loss or open space. Modifications to Part B of the policy, as set out below, are proposed to make the acceptability of such small scale ancillary uses.

g. Is it reasonable to require living roofs on major development schemes that include roof plates over 100sqm?

Response to 101g

8.53 The requirement for living roofs on major development that include roof plates over 100sqm is reasonable. The threshold is based on consideration of what is viable and technically feasible. The BNP Paribas Viability Assessment (ED016, page 5) indicates that living roofs on developments with a roof plate of over 100 square are viable (ED016). These developments have greater capacity to accommodate living roofs than development below this threshold.

h. The Council has suggested an addition to Part E relating to the quality of living roofs. Is this justified and necessary for soundness? Is it appropriate for the roofs to be in accordance with a specification that is not within a development plan document? How will the Council ‘encourage’ living roofs and vertical forests?

Response to 101h
8.54 The amendments proposed to LP46 Part E is justified and necessary for soundness. Without this, the policy requirement will ensure a quantum but not quality of living roofs. The specification in the Biodiversity Action Plan (BAP) (ED057) provides further guidance on ensuring high quality living roofs. The Council will encourage the inclusion of living roofs through the development management process. The change has been agreed with Gideon Corby and are reflected in the Statement of Common Ground between Gideon Corby and the Council.

8.55 Successful living roofs help to offset the Heat Island Effect experienced in Hackney and encourage biodiversity. The BAP 2012 (ED057) contains guidance on types of green roofs, appropriate species and maintenance for the long term success of the living roofs (p.88). The BAP was subject to consultation and has weight as a material planning consideration. There is also greater flexibility in updating content and in reflecting changes to technology and best practice.

8.56 Living roofs and vertical forests will be encouraged through the planning pre-application application process through discussions with the between applicants and planning department at the design stage/pre app stages of a development proposal. Hackney Council will encourage developers to use living roofs and vertical forests as a means of meeting their UGF requirement as outlined in LP48.

i. What does ‘support’ mean in the context of part F? Should this specifically state ‘permit’ or ‘allow’?

Response to 101i

8.57 Part F of the policy is intended to encourage allotments and food growing spaces through the development process. It is noted that these will not necessarily require permission from the Council which is why reference is made to supporting these. Hackney Council also encourage and support growing food spaces in the parks and open spaces that it manages. LP33 Paragraph 11.7 provide further detail on Hackney Council’s approach to food growing spaces and new provision in the borough.

Modifications to the policy

8.58 The Council proposed changes to Policy LP46 and supporting text in its initial response to representations received are set out (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019). These and the further modifications proposed are set out below.

LP46 Protection and Enhancement of Green Infrastructure
A. All new development should enhance the network of green infrastructure and watercourses across the borough and seek to improve access to open space, particularly in areas of deficiency.

B. The Council will protect and safeguard Metropolitan Open Land and any development proposal that would harm Metropolitan Open Land will not be permitted.

C. Development involving the loss of designated Local Open space or of playing fields will not be permitted unless:
   i. there is compensatory contiguous replacement of better or equivalent quantity and quality of playing fields or public open space and setting including facilities to enhance or diversify people’s experience of the open space; and
   ii. replacement is in a location with better or equivalent access by walking, cycling or public transport; and
   iii. the quality of the remaining and replacement open space is not eroded by the proposed development.

D. Development on other open space will only be permitted where:
   i. 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, especially in the identified areas of deficiency, and
   ii. wherever possible any replacement connects to the network of green infrastructure including the green chains and green corridors, or
   iii. it can be shown that the relationship between buildings and associated open space(s) can be improved in terms of use, security, setting and landscape quality.

E. Small scale ancillary developments which enhance the park and open space offer, such as refreshment facilities, public conveniences, drinking fountains, public art installations or outdoor play and fitness equipment will be permitted provided that they are:
   i. Of a high standard of design and quality, safe and accessible to all; and
   ii. Do not have a detrimental impact on nature conservation and biodiversity, and should seek to improve such; and
   iii. Do not result in the loss of functional open space where possible; and
   iv. Do not detract from the overall function, character and appearance of the park or open space.

E. Living roofs and Vertical Forests
   i. Living roofs are required on major development schemes that include roof plates of over 100sqm.
   ii. Living roofs and vertical forests are encouraged on all development proposals, including minor schemes, renovations, extensions and conversions.
   iii. Living Roofs must be high quality and genuinely biodiverse in accordance with the specifications set out in the Biodiversity Action Plan.
F. Allotments and Food Growing
iii. The Council will protect existing allotments and support the provision of new food growing spaces.

G. Lee Valley Regional Park
i. Development proposals in proximity to the Lee Valley Regional Park should improve access and links to the park and its waterways.
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 2017.

11.2 Green Infrastructure is the network of multi-functional green space across the borough, delivering a wide range of environmental, health and wellbeing, social and recreational benefits for Hackney’s communities as outlined in the Green Infrastructure Task Force’s objectives for green infrastructure in London:
1. Promoting Healthy Living: improving health outcomes by increasing physical activity, reducing stress and removing pollutants.
2. Strengthening Resilient Living: keeping the city cool, its air clean, and protecting it from flooding.
3. Encouraging Active Living: increasing levels of walking and cycling.
4. Creating Living Landscapes: enhancing natural processes for the benefit of people and wildlife and conserving the most special landscapes, habitats and species.
5. Enhancing Living Space: providing a range of outdoor space for cultural, civic, learning and community activity, including productive landscapes.

11.3 Designated open spaces include Metropolitan Open Land and Local Open Space as designated on the Policies map. In accordance with the London Plan Metropolitan Open Land is afforded the greatest amount of protection. Development on Local Open Space designated open space is not permitted unless all criteria in section B of the policy are met. The same level of protection is afforded to the Council’s playing fields, whether these are located on designated open spaces or not. Loss of other open space, which tends to be located within housing estates, will also be carefully managed in line with criteria C of the policy as these spaces play a particularly important role for those without access to private gardens.

GLOSSARY Proposed amendments:

Designated open space - ‘Applies to all open space shown on the Proposals Policies map, including designated waterways, Metropolitan Open Land and playing pitches. It includes areas defined as Metropolitan Open Land and Local Open Space.'
Local Open Space - This includes the parks and gardens, natural and semi-natural urban green spaces, linear open space/green corridors, waterways, allotments and community gardens, cemeteries and churchyards, playing fields and the civic spaces/pedestrianised areas of Hackney as shown on the Policies Map.

Other Open Space - This includes all other open space not designated on the Policies Map. It is made up of incidental open spaces providing opportunities for informal activities close to home or work. They provide a less formal green space experience than parks and gardens, and generally provide fewer habitats.

Open Space and Recreational Land definition to be deleted.

POLICIES MAP CHANGE
For clarity policies map will be amended to contain two layers that together make up the designated open space definition. The proposed layers are:

- Metropolitan Open Land (currently shown as MOL and Designated Open Space)
- Local Open Space (currently shown as Designated Open Space)

No changes are proposed to the actual designations or their boundaries

101. LP47 Biodiversity and sites of importance of nature conservation – is the policy sound? In particular:

a. Is the policy consistent with national policy, especially in relation to the hierarchy of designated sites and their level of protection (para 113 of the Framework)?

b. Is it consistent with the London Plan? Is it necessary to identify areas of deficiency in access to nature?

c. Part A reads as a Council statement rather than a development requirement and as such, is it effective?

d. Is the requirement for all new major development to include a biodiversity survey of the site justified?

e. Are the Council’s suggested changes for part D and the supporting text relating to eaves height justified and necessary for soundness?

f. Are any other suggested changes necessary for soundness?

8.59 Changes to LP47 and the supporting text have been agreed with Gideon Corby and are reflected in the Statement of Common Ground between Gideon Corby and the Council.

Response to LP47a

8.60 The policy is consistent with national policy. The hierarchy given in paragraph 113 of NPPF 2012 for protected wildlife or geodiversity sites or landscape areas is International, National and Local.
8.61 Hackney does not contain any internationally important sites for nature conservation. In relation to development with impacts on Walthamstow Reservoirs Special Protection Area and Walthamstow Marshes Site of Special Scientific Interest, which are nationally designated sites, these are outside of the authority area. However, the policy affords a higher level of support in LP47 (E) to ensure any impacts of development are adequately addressed and appropriately mitigated.

8.62 The borough has locally important sites as defined in the NPPF. These include 24 SINC: 5 of Metropolitan Importance, 4 of Borough Grade I, 4 Borough Grade and eleven of Local Importance. The policy affords the same level of protection to these categories of locally important site and they are designated on the Policies Map.

8.63 It is proposed that wording is amended for supporting text 11.8:

‘There are 24 designated Sites of Importance for Nature Conservation (SINC) in Hackney, 5 are of Metropolitan Importance, 4 of Borough Grade 1, 4 of Borough Grade 2 and 11 and of Local Importance. Parts of Hackney to the north east border a Special Protection Area and an SSSI in Waltham Forest. Hackney also falls within the Epping Forest Special Area of Conservation so regard must be given to the Management Plan for Epping Forest Special Area of Conservation’...

8.64 For consistency, the chapter objective on p133 will be updated as follows:

To protect and enhance existing open spaces and biodiversity, develop and improve green links between these spaces and support the creation of new and open spaces and vertical gardens (as shown on page 8 of the Proposed Submission Local Plan).

b. Is it consistent with the London Plan? Is it necessary to identify areas of deficiency in access to nature?

Response to LP47B

8.65 Policy 47 is consistent with the approach in the current London Plan (ED01, Policy 7.19,) and the draft London Plan (ED02, G6) . The approach is to identify areas of deficiency in access to nature and seek opportunities to address them. Accordingly, the Council seeks to maximise biodiversity across the borough and by extension access to nature. Hackney will secure improvements to biodiversity through LP46 Green and Open Spaces and LP48 New Open Space, which protect and encourage biodiversity throughout the borough.

8.66 It is also noted that the London-wide map on access to nature produced by the GLA (p.7 Fig 1 Improving Londoners’ Access to Nature, 2004) and
deficiency in access to nature map shown in the BAP on p.14 (ED057), broadly aligns with Hackney areas within Map 12: Open Space Deficiencies in LP33.

c. Part A reads as a Council statement rather than a development requirement and as such, is it effective?

Response to LP47C

8.67 Part A is aimed at protecting and enhancing biodiversity across the borough resulting in a net gain in biodiversity. This policy represents the council’s strategic approach and is an important corporate priority. The council agrees that proposed modifications are necessary to ensure effective application in decision making.

8.68 Proposed changes are set out below:

Biodiversity across the borough will be protected and enhanced resulting in a net gain in biodiversity

All development should protect and where possible enhance biodiversity and developments should lead to a net gain in biodiversity.

8.69 This policy will guide not only development management decisions but also future area planning documents. This policy is putting biodiversity, not just open space, at the heart of the policy.

d. Is the requirement for all new major development to include a biodiversity survey of the site justified?

Response to LP47D

8.70 The draft London Plan G6 D requires that major developments have a net gain in biodiversity. In line with this, and with the requirement to show an UGF standard in major developments, a survey would be appropriate. A survey provides a baseline, without which the Council can’t assess whether biodiversity is being protected or enhanced, as required. This is also in accordance with the Hackney Biodiversity Action Plan (2012).

e. Are the Council’s suggested changes for part D and the supporting text relating to eaves height justified and necessary for soundness?

Response to LP47E

8.71 The Council proposed changes to the eaves height in Policy LP47 and the supporting text in its initial response to representations received (LBH EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019):
All development schemes involving buildings with an eaves height or roof commencement height of 7 - 5 metres...

8.72 The amendments to eaves and roof commencement heights suggested are justified and necessary for soundness. The changes are based on robust evidence found in the BAP (ED057) and respond to comments made by Gideon Corby in the Regulation 19 consultation (LBH EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019).

8.73 The suggested changes are necessary for soundness as they help deliver Objective 8 on open space and biodiversity. To leave the policy requirement and supporting text as it was would miss many opportunities to have bird boxes put into developments. 7 metres is too high for nesting birds and bats, 5 metres is an appropriate height for swift boxes.

f. Are any other suggested changes necessary for soundness?

Response to LP47F

8.74 The other suggested change was to increase reference to the Biodiversity Action Plan in the supporting text. Additional wording to this effect to be put in 11.9 is a minor amendment, not necessary for soundness.

8.75 Proposed amendment to paragraph 11.11, identified by the Environment Agency in the Reg 19 consultation, to reflect the new wording in the draft London Plan:

When considering proposals that would affect a SINC development proposals must follow the mitigation hierarchy set out in the draft London Plan. This requires that 1) the significant ecological features of the site are not damaged 2) the spatial impact is minimised, and the rest of the site improved or better managed 3) biodiversity compensation off-site is provided. Where it is demonstrated that it is not possible to avoid adverse impact on habitats and/or species and there are exceptional circumstances such as overriding economic or social reasons for a development to occur within a SINC, and the benefits of the development outweigh the adverse impact on the biodiversity and geodiversity value of the site. This is subject to reasonable alternatives for location and design having been assessed, and high quality re-provision either on-site or elsewhere in the borough, which shall at least re-provide the habitat area and value, and preferably increase and improve the value.

8.76 Proposed amendment to paragraph 11.9
11.9 Hackney is seeking to achieve a net gain in biodiversity; this means that development should leave biodiversity in a better state than before. **Net gain should be demonstrated through a standardised metric such as the BREEAM ecology methodology and should be agreed by the Council at the pre-application stage. All development proposals should...**

102. **LP48 New open space - is the policy sound? In particular:**

   a. Is the amount of communal open space required per person for residential and commercial development justified and based on robust evidence? Is it realistic to expect this level of provision on all sites? Has this been viability assessed and is it achievable?

   b. Is it clear what type of open space is required to be provided? Does it include playing pitches and sports facilities and if so, is this appropriate?

   c. On what basis have the Urban Greening Factors been determined and are they justified?

   d. The Council has suggested the deletion of parts C and D of the policy and their replacement with new wording. Is this justified and necessary for soundness? The changes would still include negative wording ‘will only be approved if...’ – is this justified and consistent with national policy?

   e. Are the areas of open space deficiency likely to change on a regular basis? Is it appropriate to include map 12 in the Plan?

**Response to LP48a**

8.77 The quantum for open space required by the policy reflects the current amount of open space per person in the borough. This was identified through the LUC Open Space Assessment (ED048, 2018) which identified the existing Borough-wide average for open space provision as 14sq.m per person. Therefore, in order to retain this quantitative provision and ensure that the average does not decrease as population grows, the Council will seek a communal open space provision of 14sq.m per person from major residential development. For major mixed-use and commercial development, the requirement has been adapted to 4sqm per worker. The policy aims to maintain this ratio for the benefit of the residents of Hackney. The open space to be provided, whether on-site or offsite / financial contribution, will be subject to negotiation, based on the location and
individual circumstances. It is reasonable to require this on sites over 1000sqm, as the emphasis is on on-site provision.

8.78 Reflecting the fact that not all sites can achieve this quantum, the policy amendments as shown below are justified and effective. The policy as reworded is ju and eff, viable and achievable.

b. Is it clear what type of open space is required to be provided? Does it include playing pitches and sports facilities and if so, is this appropriate?

Response to LP48b

8.79 The types of open space to be provided will be negotiated through the development management process, particularly during the pre-app stage for major developments. The type of open space appropriate for a development will be informed by site circumstances and the evidence from the LUC Open Space Assessment (ED048).

8.80 The Open Space designation includes playing fields. Within Hackney there is most potential for open spaces such as roof gardens, pocket parks and living walls. Providing playing fields would be an option in larger sites such as those in Woodberry Down and Bishop’s Gate Goods Yard in Shoreditch. Where sites are more constrained, financial contributions might be preferable, in order to situate new playing fields together where they are more successful.

8.81 Sports facilities, unlike playing fields, are not dealt with through LP48. LP8 Social and Community Infrastructure deals with the provision of sports facilities.

c. On what basis have the Urban Greening Factors been determined and are they justified?

Response to LP48c

8.82 The Urban Greening Factors used in the Local Plan are those used in the draft London Plan (ED02). This is justified through and consistent with the draft London Plan policy G5 Urban Greening. Hackney Council will work to establish the appropriate factors for the borough, through a Green Infrastructure Strategy based on the criteria specified by the draft new London Plan (ED02).

d. The Council has suggested the deletion of parts C and D of the policy and their replacement with new wording. Is this justified and necessary for soundness? The changes would still include negative wording ‘will only be approved if...’ – is this justified and consistent with national policy?
Response to LP48d

8.83 The Council proposed changes to Policy LP48 in its initial response to representations received (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019).

8.84 Further proposed modifications have been suggested to the policy and supporting text as set out below in paragraph 8.90. These modifications to the policy are justified and necessary for soundness. The evidence base for this policy requirement is the LUC Open Space Assessment (ED048). They are necessary changes to ensure that the policy is effective in its aim to provide new open space.

8.85 The policy aims to benefit from development in Hackney where possible through on-site provision of open space. The areas of deficiency in open space in Hackney are dense urban areas where plots are limited in size. The alteration is to provide more flexibility so that development is not prevented and the development can be used to create open space, particularly important in an area of deficiency, preferably on site.

8.86 The revised wording in the policy ensures a positive outcome for those sites where on-site open space provision is not possible.

e. Are the areas of open space deficiency likely to change on a regular basis? Is it appropriate to include map 12 in the Plan?

Response to LP48e

8.87 It is appropriate to include map 12 in the Plan, in order to implement LP48, with an emphasis on on-site provision in areas of deficiency as outlined in modified supporting text 11.14 (shown below), and guide developers. Hackney Council aims to have no areas of deficiency. Map 12 identifies the areas where the Council would prefer to see the on-site provision of open space through new development. It is a GLA requirement to include information on open space deficiency in the borough.

8.88 Having regard to LP46, existing designed space within the open space hierarchy is unlikely to change. There may be some gains in open space under policy LP48 and these may in time alter the open space deficiency maps. The map will be updated upon the next review of the Local Plan, which is considered to be an appropriate timescale.

Modifications to the policy
8.89 The Council proposed changes to Policy LP48 in its initial response to representations received are set out (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019). These and the further modifications proposed are set out below.

LP48 New Open Space
A. All development proposals for 10 or more residential units must provide:
   i. 14 sqm per person of communal open space; and
   ii. An Urban Greening Factor score of at least 0.4

B. All major mixed-use or commercial development proposals must provide:
   i. 4 sqm of communal open space per employee, and
   ii. An Urban Greening Factor score of at least 0.3.

C. In the identified areas of deficiency, shown on Map 12, the emphasis is on on-site provision of open space. Planning permission for major developments will only be approved if the applicant can demonstrate that they will achieve the requirements set out in A and B above.

D. Outside of the areas of deficiency, shown on Map 12, where the targets set out in A and/or B cannot be achieved, developments must:
   i. Make physical improvements to the public realm to improve access to existing public open spaces, or
   ii. Make financial and/or physical contributions for the enhancement of existing public open space or other green infrastructure in the locality.

E. All new open space should meet the following criteria:
   i. Be provided on site, and
   ii. Be of high quality, and
   iii. Be incorporated into the design of the scheme from the outset, and
   iv. Maximise biodiversity benefits, and
   v. Be publicly accessible and useable where possible.

8.90 The proposed new policy text for LP48 New Open Space is set out below:

A. All development proposals for 10 or more residential units must maximise on site provision of open space and where feasible provide:
   i. 14 sqm per person of communal open space; and
   ii. An Urban Greening Factor score of at least 0.4

B. All major mixed-use or commercial development proposals must maximise on site provision of open space and where feasible provide:
   i. 4 sqm of communal open space per employee, and
   ii. An Urban Greening Factor score of at least 0.3.

C. Where this cannot be achieved on site, developments must:
i) Make physical improvements to the public realm to improve access to existing public open spaces, and

ii) Make financial and/or physical contributions towards the provision of new open space, the enhancement of existing public open space, or the enhancement of other green infrastructure and biodiversity in the locality.

D. All new open space should meet the following criteria:

i. Be provided on site where possible, and

ii. Be of high quality, and

iii. Be incorporated into the design of the scheme from the outset, and

iv. Maximise biodiversity benefits, and

v. Be publicly accessible and useable where possible.

8.91 The Council proposes amendments to supporting text of LP48 as set out below:

11.12 New open space should meet the criteria set out in part E D of the policy.

11.14 In the areas that are deficient in access to open space, shown in Map 12 (i.e. predominantly around Dalston and Shoreditch), the emphasis is on on-site provision of open space. Any financial contributions sought will be in line with the requirements of the Community Infrastructure Levy Regulations (2010) as amended. The option outlined in criteria D to exceptionally provide financial and/or physical contributions in lieu of on-site open space provision does not apply in areas of open space deficiency.

103. LP49 Green chains and green corridors – Is the policy sound? Is it necessary to include reference to watercourses, natural buffer zones and specific lighting within this policy?

Response to 103

8.92 The policy is sound. It is justified as it is consistent with NPPF paragraphs 114 and 118 and the current London Plan Policy 2.18 Green Infrastructure. It is effective as it provides links between open spaces, along blue and green infrastructure, to the benefit of biodiversity, helping to mitigate climate change and create a cleaner environment for residents.

8.93 It is not necessary to include reference to watercourses, natural buffer zones and specific lighting in LP49. The specific policy requirements for watercourses are set out in policy LP52. This should be read in conjunction with LP49.
104. LP51 Tree management and landscaping – Is the policy justified, effective and consistent with the London Plan and national policy? How are ‘landscape features’ and ‘trees of amenity value’ etc proposed to be assessed and is this clear within the Plan? Are ‘landscape features’ defined in the Plan?

Response to 104

8.94 Subject to modifications outlined below, the policy is justified, effective and consistent with the London Plan and national policy. It accords with NPPF 2012 Paragraph 175 C and current London Plan Policy 7.21. Hackney is a highly urbanised environment. To lose the benefits that existing trees offer would be against the biodiversity and open space aims of this plan, and would be to the detriment of residents. The supporting text sets out that Hackney follows the ‘right place right tree’ approach, as outlined in the London Plan.

8.95 Supporting text 11.22 identifies that amenity trees are those that have interest biologically, aesthetically or culturally. This policy clarifies that trees not under a TPO still have an amenity and/or biodiversity value. If a tree is already present on a development site then this must be retained or replaced. The requirements are established through BS5837 (British Standard for Trees). Hackney Council works out the value of an existing tree through CAVAT or i-tree systems in order to establish what is the appropriate level of replacement. This is as outlined in the current London Plan.

8.96 Proposed new wording for LP51 A
A. All development proposals must retain and protect existing landscape features and trees of amenity value, especially veteran trees, and hedgerows and natural features, and must incorporate high quality landscaping.

8.97 Suggested new policy wording for 11.22 and 11.23:

11.22 Trees and landscaping should be an integral part of the design process. All development proposals must retain and protect existing trees, particularly those of amenity value, i.e. those that have interest biologically, aesthetically or culturally. For non-protected trees, the standards for replacement if required are established through BS5837 (British Standard for Trees). The Council will work out the value of an existing tree through CAVAT or i-tree systems in order to establish what is the appropriate level of replacement in accordance with the London Plan.

11.23 Landscaping Plans…
105. LP52 Waterways, canals and residential moorings - Part A reads as a statement, so is its inclusion in the policy as set out effective? Is the negative wording in part B appropriate? Are any suggested changes necessary for soundness?

Response to 105

8.98 The amended policy, as set out below, makes it incumbent on the developer to consider the waterways from the outset, rather than as an add-on further down the line.

8.99 It is proposed to amend LP52A as follows:

A. The natural habitat and setting of the waterways and their riparian areas must be protected and enhanced.

A. New development adjacent to waterways and within their riparian areas must protect and enhance the natural habitats and the setting of the waterway.

8.100 The Council proposes amending the policy wording to reflect the National Planning Policy Framework (NPPF) 2012 requirement to ‘plan positively’. It is proposed to amend LP52B as follows:

B Development alongside the waterways and their riparian areas will only be permitted where all of the following criteria are met:

8.101 No suggested changes are necessary for soundness.

Climate change

106. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change. Does the Plan comply with this requirement?

Response to 106

8.102 LP33 complies with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004. It is Objective 9 with LP33 ‘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. Within Chapter 12, policies 53-58, it is required that buildings should be resilient to flood and must take steps to reduce flood risk. Developments must all reduce water usage, regulate internal temperatures through design and orientation, carbon emissions must be brought down to zero and carbon reduction is required even in existing buildings. Within the plan there are requirements for high quality urban design quality (LP1) and sustainable
transport and a reduction in emissions is encouraged through LP41 and LP42.

107. LP53 Water and flooding

a. Does the Plan ‘apply a sequential, risk-based approach to the location of development to avoid where possible flood risk...’ in accordance with national policy?

b. In terms of the need for flood risk assessments, are the types of development listed in part C reasonable?

c. Is the part F requirement for all developments to attenuate rainwater on site reasonable?

d. Is the Council’s suggested change to require excellent BREEAM standards justified by robust evidence?

e. Does the supporting text suitably justify the policy requirements?

f. Are any other suggested changes necessary for soundness?

Response to 107a

8.103 The Plan does ‘apply a sequential, risk-based approach to the location of development’ in accordance with national policy. Hackney’s flood risk assessment evidence base (ED052 and ED053) has informed the LP33 growth strategy. The sequential approach to development has been applied to all sites. None of our growth areas or sites are in areas of high risk, and development is steered to areas with a low probability of flooding. Most of Hackney is in Flood Zone 1, which means that it is at low risk of fluvial flooding. Hackney Wick is the area most affected by fluvial flooding and is a Level 3 Flood Zone. Development in this area is subject to separate considerations through the LLDC Local PLan.

8.104 For clarity when reading the policy, we propose adding a new paragraph into the supporting text that explicitly states that a sequential, risk-based approach is used in Hackney. New paragraph:

Proposed new wording:

12.4 In Hackney, a sequential and risk-based approach is applied to steer new development to areas with a low probability of flooding. The most vulnerable development are located in areas of the lowest flood risk, unless there are overriding reasons to prefer a different location.

b. In terms of the need for flood risk assessments, are the types of development listed in part C reasonable?

Response to 107b

8.105 Hackney suggests policy amendment to more closely reflect the types of developments that require flood risk assessments as listed in the DEFRA
and EA’s guidance on the requirements of a flood risk assessment for planning applications. The wording for Criteria C will be amended to:

i. Developments in fluvial flood zone 2 or 3 including minor development and change of use:
   – All major developments or basement developments in areas at high risk to flooding, or in areas known to have a potentially elevated risk of groundwater flooding

ii. Developments on sites of 0.5-1 hectare (ha) or more in flood zone 1:

iii. Developments on sites of less than 0.5-1 ha in flood zone 1, including change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs):

iv. All major developments or basement developments in areas with a high risk of surface water flooding, or in an area known to have a potentially elevated risk of groundwater flooding in flood zone 1.

v. All development in flood zone 1 located in a critical drainage area

8.106 Paragraph 12.4 to be deleted in light of the new wording.

A site-specific Flood Risk Assessment (FRA) may be required for developments within Local Flood Risk Zones subject to a number of considerations including the size and type of the development, the location of the site, and the degree of flood hazard. The council will determine when a site-specific FRA is required for development within the LFRZs at pre-application stage.

c. Is the part F requirement for all developments to attenuate rainwater on site reasonable?

Response to 107c

8.107 The requirement of all development to attenuate rainwater on site accords with the current London Plan 5.13 (ED01) and the draft London Plan (ED02) SI13: sustainable drainage and the non-statutory technical standards for sustainable drainage. Surface water flooding tends to have a greater impact on urbanised environments such as Hackney due to runoff from impermeable and made surfaces. This will be exacerbated by climate change, which will lead to increased rainfall intensity and frequency. Surface water management is therefore essential to ensure that new developments will not increase the risk of flooding on and offsite. It is achievable on even small sites.

8.108 Additional wording for clarification in criteria F:
All developments should achieve greenfield runoff rates by attenuating rainwater on site, utilising SuDS and in accordance with the London Plan drainage hierarchy.

**d. Is the Council’s suggested change to require excellent BREEAM standards justified by robust evidence?**

**Response to 107d**

8.109 The amended policy requirement is in line with the draft London Plan (ED02) Policy S15 Water Infrastructure which requires that commercial development achieves at least the BREEAM excellent standard. London as a whole is under water stress. The impact of climate change, and associated longer hotter summers, and growing numbers of residents will add to this problem. An important aspect of mitigating against potential water shortages is by using water as efficiently as possible. This can be achieved through any measures that enable a decreased use of water, from using drought tolerant plants in landscaping design to passive design of buildings to retaining and reusing grey water on site. Water efficiency standards achieved under BREEAM can also help deliver the objectives of the Thames River Basin Management Plan (RBMP).

8.110 This requirement for a BREEAM excellent standard for commercial has been tested through the Local Plan and Community Infrastructure Levy Viability Assessment 2018 (ED016) and found to have no adverse impact on viability.

8.111 The proposed new wording for LP53 J:

‘Development must be designed to be water efficient and reduce water consumption. Commercial refurbishments and other non-domestic development will be expected to meet the BREEAM excellent standard’.

**e. Does the supporting text suitably justify the policy requirements?**

**Response to 107e**

8.112 Hackney proposes adding a new paragraph 12.4 to provide further justification of the policy. Proposed new wording:

*Surface water flooding tends to have a greater impact on urbanised environment due to runoff from impermeable and made surfaces. These risks are exacerbated by the impact of climate change, which will lead to increased rainfall intensity and frequency. Surface water management is therefore essential to ensure that any new developments will not increase the risk of flooding on and offsite. Redeveloped sites will also*
provide further opportunities to better manage surface water and retrofit systems to improve drainage in existing sites.

8.113 To align with water/wastewater delivery policies brought in in April 2018 by Thames Water, Hackney proposes amended wording to be added to paragraph 12.4:

Where necessary, and as advised by Thames Water, the Council will use phasing conditions to ensure any necessary improvements to water and/or sewerage infrastructure required as a result of development is completed prior to occupation of the relevant phase of development. Developers are encouraged to discuss their proposals with Thames Water prior to the submission of any application.

8.114 To support Criteria E, proposed new paragraph 12.5:

Groundwater flood risk are often highly localised and dependent upon geological interfaces between permeable and impermeable subsoils. It is therefore essential that an understanding of site specific ground conditions is achieved through site survey and/or review of detailed borehole data before the creation and/or extension of basements. Groundwater flooding mitigation can be achieved in basements through the use of an appropriate pumped device and non-return valve which would protect the site from potential flooding/backup from the sewerage system.

8.115 Proposed new paragraph 12.6 to give detail on water efficiency:

London as a whole is under water stress. The impact of climate change, and associated longer hotter summers, and growing numbers of residents will add to this problem. An important aspect of mitigating against potential water shortages is by using water as efficiently as possible. This can be achieved through any measures that enable a decreased use of water, from using drought tolerant plants in landscaping design to retaining and reusing grey water on site.

f. Are any other suggested changes necessary for soundness?

Response to 107f

8.116 No other suggested changes are necessary for soundness

108. LP54 Overheating

g. Is the Council’s suggested change to the supporting text, to require all major development to produce an energy assessment, reasonable and justified? If so, should this requirement also be in the policy?

h. Is it necessary to refer to the positive impact of green infrastructure on the UHI effect within the policy or is the wording in the supporting text (para 12.6) adequate?
i. How will the Council ‘strongly support’ measures which deliver biodiversity benefits and is this policy wording effective?

Response to 108g
8.117 The Council’s suggested change to the policy and the supporting text as modified below, requiring all major development to produce an energy assessment, is reasonable and justified. Current London Plan (ED01) Policy 5.2 states that all major development must supply an energy assessment. This is achievable for major developments.

8.118 An overheating risk analysis is a requirement of the energy assessment that must be submitted as part of an application process. A thorough analysis can identify potential risks at the design stage and propose preventive measures to mitigate possible overheating problems and promote more resilient buildings. Hackney recognises that a more detailed assessment based on dynamic modelling adopting weather data (as proposed in CIBSE TM49, 2014) that account for the effect of the Urban Heat Island (UHI) in London and climate change impact will give a better judgment of the risk of overheating in buildings than current measurements. The methodology proposed for the overheating assessment is based on criteria proposed in CIBSE TM59 (2017) and CIBSE TM52 (2013), for domestic and non-domestic, respectively, along with assumptions and requirements described at the GLA Energy Assessment Guidance on preparing energy assessments.

8.119 Hackney propose a modified additional criteria to the policy L54:

B. ‘All major developments must produce an energy assessment as part of the application process.’

B. All major developments must submit an energy assessment including an overheating risk analysis.

8.120 Proposed new wording in supporting text 12.6:

Guidance to the methodology and requirements to adopt are indicated in the GLA report ‘Energy Assessment Guidance on preparing energy assessments as part of the planning applications’.

h. Is it necessary to refer to the positive impact of green infrastructure on the UHI effect within the policy or is the wording in the supporting text (para 12.6) adequate?

Response to 108h
8.121 Positive impacts of green infrastructure on both climate change and UHI have previously been mentioned as wording in the supporting text of policies LP46, LP49 and LP51. This is also acknowledged in the LP54 policy with reference to biodiversity being supported.
Climate change and UHI effect can significantly impact overheating. It is suggested that LP54 Criteria A policy is amended to include reference to climate change:

A: All new development must regulate internal and external temperatures through orientation, design, materials, green infrastructure and technologies which avoid overheating, mitigate the Urban Heat Island (UHI) effect, be resilient and adaptable to climate change and have regard to maximising the use of the cooling hierarchy. Measures which deliver biodiversity benefits will be strongly supported.

i. How will the Council ‘strongly support’ measures which deliver biodiversity benefits and is this policy wording effective?

Response to 108I

The Council is seeking to maximise the use of green infrastructure to help mitigate against climate change, and to meet the biodiversity objectives of the plan. Hackney has already adopted a Biodiversity Net gain approach and requires a biodiversity survey with effective measures to protect and enhance the biodiversity value as indicated in Policy LP46 and supporting text. It also has the Biodiversity Action Plan (ED057) which refers to the beneficial role of biodiversity in ameliorating impacts of climate change, reducing the impact of UHI temperatures within the borough and promoting adaptation measures. It is proposed that the wording of LP54 is strengthened to make explicit the association of biodiversity and climate change.

It is proposed to amend LP54 A (150) as follows:
‘All new development must regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, mitigate the Urban Heat Island (UHI) effect and have regard to maximising the use of the cooling hierarchy. Measures which deliver biodiversity benefits will be strongly supported. Developers are encouraged to incorporate measures that address overheating and increase biodiversity in accordance with policy LP47.

Policy LP54 with all amendments set out below:

A. ‘All new development must regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, mitigate the Urban Heat Island (UHI) effect, be resilient and adaptable to climate change and have regard to maximising the use of the cooling hierarchy. Measures which deliver biodiversity benefits will be strongly supported. Developers are encouraged to incorporate measures
109. LP55 Mitigating climate change
j. Are zero carbon emissions justified for all new residential development? Are there any other requirements set out in the Sustainable Design and Construction SPD which need to be set out in policy?
k. Is the requirement for all non-residential development to achieve BREEAM excellent standards etc justified?
l. Is the Council’s suggested change to the supporting text, to require all major development to produce an energy assessment, reasonable and justified? If so, should this requirement also be in the policy? Repeat of questions for LP54
m. Are the percentages for reducing carbon emissions through energy efficiency measures justified and effective?
n. Is the generation of at least 10% of major commercial development energy needs from renewable sources on site or in the local area justified?
o. Is it necessary to refer to the positive impact of green infrastructure on the UHI effect? Repeat of questions for LP54
p. How will the Council ‘strongly support’ measures which deliver biodiversity benefits and is this wording effective? Repeat of questions for LP54

Response to 109j

8.126 Zero carbon emissions for all new residential development is justified in Hackney. In Hackney, a zero carbon policy has already been adopted for major developments since 2016 as a result of adopting the current London Plan Policy (ED01) 5.2. However, almost half of housing delivery in Hackney over the next 10 years is expected to come forward on small sites. This figure is based on the fact that 47% of all homes delivered over the last 10 years have been delivered on small sites of less than 10 units. In addition, the current pipeline for housing identifies that 41% of planning permissions that have been granted are for sites of 9 units or fewer. To make a real difference to CO2 emissions in the borough and to achieve the climate change objective we must apply the zero carbon emissions requirement to all development.

8.127 Zero carbon emissions for all residential development has been viability tested through the Proposed Submission Local Plan and community infrastructure levy viability assessment (ED016) and is deliverable (p.5).
8.128 The Sustainable Design and Construction SPD (ED049) contains guidance pertinent to all types of developments but that cannot all be contained in the Local Plan.

Proposed new wording for 12.8 is set out below:
All residential developments must demonstrate how they meet zero-carbon standards and mitigate climate change, including smaller developments. Non-Residential developments will be required to meet these standards by 2019. The Sustainable Design and Construction Supplementary Planning Document provides guidance on achieving these aims. Where developments cannot meet these requirements on site, they will be required to provide off-site contributions which will be used by the council to deliver equivalent off-setting.

k. Is the requirement for all non-residential development to achieve BREEAM excellent standards etc justified?

Response to 109k

8.129 The requirement for a BREEAM excellent target for non-residential is fully justified as part of Hackney commitment to promote sustainable development and improve wellbeing for the occupants and the quality of buildings beyond current building regulations. There is guidance set out in the Sustainable Design and Construction Supplementary Planning Document (ED049) to achieve this. The current London Plan (ED01, Chapter 5) and the Draft London Plan (ED02, Policies S12-S15) require high targets for developments in terms of energy and water usage. To achieve these aims, the requirement must be applied as broadly as possible and include the small sites in Hackney suitable for commercial and other non-residential uses.

8.130 The BREEAM excellent standard for non-residential requirement has been viability tested on p.5 of the proposed submission local plan and community infrastructure levy viability assessment (ED016) and is deliverable.

l. Is the Council’s suggested change to the supporting text, to require all major development to produce an energy assessment, reasonable and justified? If so, should this requirement also be in the policy?

Response to 109l

8.131 The Council did not identify a change to the supporting text requiring all major development to produce an energy assessment in the initial responses, as suggested by the question, but it does support its inclusion.
8.132 The proposed change to the policy to require an energy assessment for major developments is reasonable and justified. Current London Plan (ED01) Policy 5.2 states that all major development must supply an energy assessment, and this requirement is now embedded in LP54 with regards to overheating. This requirement is achievable for major developments.

8.133 The energy assessment would include an energy hierarchy detailing the carbon emission targets that have been achieved, and any shortfall would be subject to an off-set payment. This is in line with the draft London Plan policies (ED02, Policy SI2). Further guidance is produced by GLA at the Energy Assessment Guidance: Greater London Authority guidance on preparing energy assessments as part of planning applications.

8.134 The proposed new wording for LP55 B (p15):

B. All new residential development should meet a zero carbon emissions target emission rate in line with the London Plan energy hierarchy and Sustainable Design and Construction SPD. All major developments must submit an energy assessment.

8.135 The proposed new wording for supporting text 12.8 (p151):

All residential developments must demonstrate how they meet zero-carbon standards and mitigate climate change, including smaller developments. Non-Residential developments will be required to meet these standards by 2019. The Sustainable Design and Construction Supplementary Planning Document provides guidance on achieving these aims. Where developments cannot meet these requirements on site, they will be required to provide off-site contributions which will be used by the council to deliver equivalent off-setting. Major developments must produce an energy assessment, detailing carbon emission targets that have been reached, and any shortfalls. Guidance is given in the GLA report Energy Assessment Guidance: Greater London Authority guidance on preparing energy assessments as part of planning applications.

m. Are the percentages for reducing carbon emissions through energy efficiency measures justified and effective?

Response to 109m

8.136 The percentages for reducing carbon emissions through energy efficiency are justified and effective. The percentages for reducing carbon emissions reflect the Draft London Plan (ED02, SI2). The GLA has commissioned supporting studies that show evidence that these targets are realistic and technologically achievable with current standards of construction. Introducing more demanding passive building performance and energy
efficient services at the ‘be Lean’ stage of the energy hierarchy aims to reduce demand before efficient systems and renewable energy are implemented. Adopting these targets are justifiable within Hackney’s commitments to reduce CO\textsubscript{2} emissions of buildings in an efficient way.

n. Is the generation of at least 10\% of major commercial development energy needs from renewable sources on site or in the local area justified?

Response to 109n

8.137 This is a 2018 Hackney Labour Manifesto commitment. It is in alignment with the Hackney commitments to cut CO\textsubscript{2} emissions, generate clean energy locally and reduce the dependency on the energy grid. This target will enable developments to comply with the London Plan energy hierarchy of ‘be lean, be mean, be green’. The policy should be read alongside Part D of LP55 which is consistent with the new draft London Plan Policy S12 (ED02). This is also a London Plan requirement that all development maximise on-site renewable energy generation, regardless of whether a 35\% target has already been reached. In particular solar PV should be maximised on roof spaces as suggested in the GLA’s Energy Assessment Guidance in 2018.

8.138 It is proposed to amend LP55 E (p150) to ensure the approach to renewable energy as set out in this policy references the new draft London Plan energy efficiency requirements as set out in Policy S12. E. Major commercial development should generate at least 10\% of their energy needs from renewable sources onsite or in the local area;\textit{ where this is consistent with the London Plan energy hierarchy.}

110. LP56 Decentralised Energy Networks – Is the requirement for all new major development to connect to existing networks, justified? Are the exceptions reasonable? What is the role and purpose of the Decentralised Energy Masterplan?

8.139 The ‘be clean’ stage of energy hierarchy promotes the adoption of a decentralised energy network as a step to supply energy efficiently. The GLA hierarchy for selecting an energy system, as presented in the GLA’s guidance on preparing energy assessments as part of planning applications (ED069), clearly indicates that a connection to an area wide heat network in the vicinity must be prioritised. If no existing network is present, an investigation must be undertaken on planned networks in the vicinity. The second recommended option includes a site-wide heat network served by a single energy centre to future proof the connection to a wider heat network in the future. Further guidance of the hierarchy and possible scenarios, recommended energy supply technologies is presented at the GLA Energy
Assessment Guidance. The proposed Policy LP56 concurs with the GLA guidance and the draft London Plan Policy SI3.

8.140 Hackney has recently commissioned a Decentralised Energy Masterplan. Based on the LP33 growth strategy it will map sources of energy and energy demand. It will set out recommendations for a boroughwide strategy for decentralised energy networks - identifying future locations for networks and will include recommendations for delivery. It will help implement the policy by providing guidance to developers on the location of existing and future networks. This will ensure that developments can be designed in a way that maximises opportunities to connect to the existing network and future networks. The Draft London Plan Policy SI3 energy infrastructure supports the development of energy masterplans and prioritise the connection to heat networks.

8.141 Proposed amendment for LP56:

D. Developments should be designed to connect to other developments at a later date, future networks at a later date.

111. LP57 Waste – What does the term 'provide clear consideration….' within the policy mean? Is this and the inclusion of the Council objective in part B effective? Are any suggested changes necessary for soundness?

Response to 111

8.142 The Council proposes the following changes to LP57 and the supporting text as set out below:

8.143 Suggested changes - LP57 Waste

A. Developments should seek to minimise waste during both construction and operation of the development, and should provide clear consideration details in plans for the facilities needed for the storage and collection of waste and recycling.

B. Proposals for new waste facilities and for the development of existing waste sites should comply with the policies in the North London Waste Plan. The council will support the objectives of the North London Waste Plan in assessing the need for and provision of new waste sites if needed.

C. Existing waste sites will be safeguarded unless compensatory provision is made which maximises waste capacity.

12.11 Hackney is part of the North London Waste Authority, which is a cross-borough group coordinating how to deal with waste and refuse disposal. In addition to this Hackney, in partnership with six other north
London boroughs, has prepared the North London Waste Plan (NLWP) to set out the planning framework for waste management in the North London Boroughs for the next 15 years. Policy LP57 which primarily provides the policy context for the storage and collection of waste within new development should be read alongside the NLWP which identifies sites for waste management use and sets out policies for determining waste planning applications including supporting infrastructure planning and planning policy. The plan is currently in development and Hackney will ensure that LP33 is in conformity with the plan once adopted, while ensuring developments deal with waste appropriately in the interim period.

112. LP58 Improving the environment – pollution – Are the policy requirements for air quality, water quality, contaminated land and noise and vibration justified, effective and consistent with the London Plan and national policy? Is it necessary for soundness to include reference to the 9 air quality focus areas in the Borough? What is part B trying to achieve and is it clear and effective as written?

Response to 112

8.144 The policy requirements for air quality, water quality, contaminated land and noise and vibration, with the modifications outlined below, are justified, effective and consistent with both the London Plan and national policy.

8.145 The standards for pollution on air, land, water and noise are appropriate for Hackney. As noted in the supporting text to LP42, local estimates for Hackney suggest that as many as 7% of all deaths in 2014 can be attributed to air pollution. In addition, noise pollution can also cause a number of health issues, including sleep disturbance, hearing impairment, heightened cortisol in the blood (a marker of stress) and impairment of cognitive performance in children, as well as increased risk of developing cardiovascular disease in those exposed long-term to noise pollution.

8.146 NPPF 2012 Paragraph 109 calls for regard to be given to levels of soil, air, water or noise pollution or land instability for new and existing development. LP58 gives regard to new development and the steps that must be taken to mitigate impacts on surrounding areas and people, including through Air Quality Assessments and remediation. A core principle of the NPPF 2012 calls for plan-making to reduce pollution. This is a key part of LP58, requiring high air quality standards, not just for the construction stage but for the life of the development. In accordance with the NPPF Paragraph 120, Hackney identifies that development for sensitive uses and for those at most risk from pollution, the elderly and young, are sited appropriately and designed to minimise exposure to air pollution.

8.147 LP58 reflect both the published and emerging London Plan with the aim of making positive improvements to the environmental conditions in Hackney.
through development. The policy calls for advanced detailed planning to take into account potential impacts on the health and amenity of Hackney residents. Using appropriate mitigation and minimisation, including through positioning and design, the impact of noise and vibration can be reduced, and air pollution exposure reduced. The Council is supportive of the London Plan approach that developments are subject to an Environmental Impact Assessment and should aim for an air quality positive approach.

8.148 The Council proposed changes to Policy LP58 in its initial response to representations received (LBH_EX01b Summary of Representations to LP33 Regulations 19 Consultation March 2019). This was in response to a GLA representation at Regulation 19, to give clarity to the nine Air Quality Focus areas in Hackney, and to be in conformity with the draft London Plan (ED02, Figure 9.1). The change is needed to add clarity to the policy and to indicate the areas in which air pollution will be a key issue for development proposals. An air quality assessment (AQA) will be required for all new build development in these areas in line with part D.

8.149 The proposed to add a new paragraph 12.14 (p154) in the supporting text of LP 58 as follows: ‘There are 9 Air quality focus areas in Hackney. These are areas of sub-standard air quality. When development proposals within these areas are assessed, this status will be taken into account as they are locations with existing high human exposure to NO2. These areas are: Manor House junction/Green Lane/Seven Sisters Road; Stamford Hill/Amhurst Park Road/Stamford Hill Road; Seven Sisters Road at Finsbury Park; Clapton Road Junction Lea Bridge Road; Stoke Newington High Street/Stamford Hill/Rectory Road; Dalston Junction/Balls Pond Road/Kingsland High Road; Hackney Wick/Homerton High Street/Wick Road/Cassland Road/Victoria Park Road; Hackney Central/Amhurst Road/Dalston Lane/Mare Street; Old Street/City Road/Old Street/Great Eastern St/Shoreditch High Street.

8.150 A map of the Air Quality Focus areas in Hackney will be added into the supporting text.

8.151 Proposed amendment for LP 58 Criteria D for clarification: D. An air quality assessment (AQA) will be required for the following types of development:

- All major developments, unless it can be demonstrated that transport and building emissions will be less than the existing use, or

8.152 Part B of LP58 is not considered to be necessary in light of Criteria C. It is proposed to delete criteria B of LP58. B. They should consider the existing air quality and not locate sensitive uses in areas that are exposed.