



Local Development Framework



**LONDON BOROUGH OF HACKNEY  
DEVELOPMENT MANAGEMENT AND SITE  
ALLOCATIONS LOCAL PLANS**

**REGULATION 18 CONSULTATION**

**DUTY TO COOPERATE REPORT**

**JUNE 2013**



## **Table of Contents**

1.	Introduction	4
2.	Fulfilling the Duty-to-Co-operate	10
3.	Co-operation with Local Planning Authorities and Prescribed Bodies	13
4.	Practical Policy Outcomes	19
5.	Moving Forward	21
6.	Summary	22

## **List of Tables**

Table 1:	Checklist of Engagement with Local Planning Authorities and Prescribed Bodies	15
Table 2:	Checklist of Engagement with Other Specific Consultation Bodies	17

## 1. INTRODUCTION

- 1.1 Hackney is replacing the 1995 Unitary Development Plan (UDP) with its Local Development Framework (LDF). The LDF itself comprises a suite of individual planning policy documents, known as Local Plans (LPs). The Council's Core Strategy, the over-arching, strategic, spatial planning document for the Borough, was adopted by the Council in November 2010, and sets the strategic context for the development of further LDF documents. Now that the Core Strategy has been adopted, the Council is taking forward a number of key planning policy documents to guide and manage development in the Borough.
- 1.2 Hackney Council prepared a draft Development Management Local Plan (DMLP) document for 'Public Participation' in June 2012 and has produced a Publication version in June 2013. This sets out detailed, generally criteria-based, proposed planning policies which the Council will be using to assess planning applications. Hackney Council also prepared a draft Site Allocations Local Plan (SALP) for 'Public Participation' also in June 2012 and has produced a Publication version in June 2013, which identifies key strategic sites in the Borough and provides policies for those sites.
- 1.3 These documents were published for a joint consultation between 16<sup>th</sup> July and 25<sup>th</sup> September 2012. The consultation was undertaken in accordance with the Council's Statement of Community Involvement and in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 which came into effect on 6<sup>th</sup> April 2012. The consultation on these Local Plans was run jointly because they are linked and form a key part of Hackney's statutory LDF. Since consultation, on-going engagement has occurred with consultees and key stakeholders in the further development of the two policy documents.
- 1.4 With Royal Assent of the Localism Act in November 2011 and subsequent Regulations which came into force in 2012 came a new statutory duty for local planning authorities to co-operate with neighbouring local authorities and other "prescribed bodies" in the preparation of development plans. An assessment of whether the "Duty to Co-operate" (the Duty) has been satisfied by Hackney Council will be undertaken by a Planning Inspector during the Public Examination of the Local Plans. This Report is a statement of how the

Duty to Co-operate has so far been met by the Council. The Report will be updated following the Publication stage and will be submitted with the Plans at Submission stage.

- 1.5 In assessing how the Council has fulfilled the Duty, this Report takes into account the Localism Act and accompanying relevant Regulations, the National Planning Policy Framework, advice issued by the Planning Advisory Service (PAS) and lessons learnt from samples of statements prepared by local planning authorities. No formal guidance on how to meet the Duty's requirements has been issued by the Department for Communities and Local Government (CLG).

### **Localism Act 2011**

- 1.6 Section 110 of the Localism Act introduces the duty to co-operate in relation to planning of sustainable development (as a new section 33A in the Planning and Compulsory Purchase Act 2004). In effect, for Hackney Council, this means that, in preparing its Local Plan, the Council must co-operate with:

- i. Neighbouring local planning authorities and county councils;
- ii. Other local planning authorities and county council where sustainable development or use of land would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council, or on other strategic issues such as infrastructure which may have an impact; and,
- iii. The following "prescribed bodies" and "specific and general consultation bodies" which it is considered are of most relevance to the preparation of the development plan for Hackney:

- **'Prescribed bodies'**

- Environment Agency
- English Heritage
- Natural England
- Mayor of London
- Civil Aviation Authority
- Homes and Communities Agency
- Hackney PCT

- Office of Rail Regulation
  - Transport for London
  - Each Integrated Transport Authority
  - Each Highway Authority
  - Marine Management Organisation
  - Local Enterprise Partnerships
- **‘Specific Consultation Bodies’**
- The Town and Country Planning (Local Planning) (England) Regulations 2012 define the following bodies as ‘specific consultation bodies’:
- The Coal Authority
  - The Environment Agency
  - English Heritage (Historic Buildings and Monuments Commission for England)
  - Marine Management Organisation
  - Natural England
  - Network Rail Infrastructure Limited
  - The Highways Agency
  - A relevant authority any part of whose area is in or adjoins the local planning authority’s area. Adjoining Local Authorities, Canal and River Trust and Lee Valley Regional Park Authority.
  - Relevant telecommunications companies
  - Hackney PCT or successor body
  - Thames Water
  - The Mayor of London (including the designated housing function and TfL)
  - Homes and Communities Agency (HCA).
- **‘General Consultation Bodies’**
- The Government has defined ‘General Consultation Bodies’ as voluntary bodies some or all of whose activities benefit any part of the authority’s area and other bodies who represent, in the authority’s area, the interests of different racial, ethnic or national groups; different religious groups; disabled persons; and, business interests.

Hackney's own consultation database contains over 1,000 groups, organisations and companies from the following categories:-

- Adjoining boroughs
- Advice and information groups
- Amenity groups
- Architects, planners and other professionals
- Builders
- Community groups
- Conservation and heritage groups
- Developers
- Disability groups
- Education/children/young people's group
- Elderly groups
- Employment/business interests
- Environmental groups
- Ethnic minority groups
- 'Friends of' groups
- Health organisations
- House builders
- Housing associations
- Police and other emergency services
- Political parties
- Regeneration groups and partnerships
- Religious groups
- Residents and tenants groups
- River and Riverside interest group
- Shopkeepers
- Sport and leisure groups
- Statutory consultees
- Town centre partnerships
- Transport groups
- Utility companies
- Women's groups

- 1.7 A key driver for the requirement of 'Duty to Co-operate' is the removal of regional authorities across the country, it must be noted that London has retained its regional authority, the Greater London Authority, under the Mayor of London.
- 1.8 A database containing contact details of groups and individuals in the list above was created at the start of the LDF process in 2004 and has since been continually updated as consultations have taken place. The database is linked to Hackney's online consultation portal and, this also contains comments and representations made on previous LDF consultations. The database is open for any group or individual to register and receive notifications of future Local Plan consultation events. The database contains over 1,000 groups and individuals.
- 1.9 The Act also requires the local planning authority to:
- i. "engage constructively, actively and on an ongoing basis" with these authorities and bodies to develop strategic policies;
  - ii. set out planning policies to address issues which arise from the process of meeting the Duty; and
  - iii. consider joint approaches to plan marking.

#### **National Planning Policy Framework (2012)**

- 1.10 The National Planning Policy Framework (NPPF) published in March 2012 provides some guidance on the interpretation of the Duty. At paragraph 178 it advises that Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. It emphasizes the importance of collaborative working between local planning authorities and other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. The strategic priorities include:
- The homes and jobs needed in the area;
  - The provision of retail, leisure and other commercial development;

- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure and other local facilities; and
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

## **2. FULFILLING THE DUTY-TO-COOPERATE**

- 2.1 Hackney has produced and adopted a number of planning policy documents since the LDF process was introduced in 2004 which has involved extensive co-operation, engagement and joint working consultation with a wide range of stakeholders and consultees. In particular, the Council's key strategic spatial planning document, the Core Strategy, was adopted following a successful Examination in November 2010, the production of that document involved extensive engagement and co-operation with key stakeholders (e.g. the Environment Agency, the GLA, other local authorities, infrastructure providers such as health and education, and English Heritage), particularly on strategic issues set out in the paragraph above, the Core Strategy addressing all of those matters stated.
- 2.2 The Council has also produced and adopted four Area Action Plans following successful examination, for Dalston, Hackney Central, Hackney Wick and Manor House, all adopted in late 2012/early 2013 under the NPPF and 'Duty to Co-operate' requirements. These required extensive co-operation with key stakeholders and consultees, and close working with the GLA and other local adjacent local authorities. The Council has also produced a number of other planning policy documents requiring extensive co-operation and engagement, such as the South Shoreditch SPD and Planning Contributions SPD and the development of its emerging CIL Charging Schedule.
- 2.3 In turn, the Council also works with, and responds to consultation on planning documents from, other organisations such as the GLA, other authorities, the Government, the London Legacy Development Corporation, and the Lee Valley Regional Park Authority.
- 2.4 As such, the Council has an extensive history of constructive engagement and co-operation with key stakeholders and consultees, which is on-going.
- 2.5 Whilst much of the DMLP and SALP preparation had long begun prior to the requirements under the Duty to Cooperate obligation was introduced, Hackney's Local Plans and their evidence base were, nonetheless, developed involving neighbouring authorities, the prescribed bodies and key stakeholders with a statutory responsibility (i.e. "Statutory Consultees") or non-statutory interest in order to meet requirements of previous legislation

and guidance introduced in 2004. The first round of consultation (Regulation 18) however met all statutory requirements for the Duty as demonstrated in Tables 1 and 2 below.

- 2.6 This meant providing the opportunity for those bodies and local planning authorities now listed within the Localism Act as “prescribed bodies” to comment and inviting constructive representations or objections through the formal planning process.
- 2.7 The aim then, as it is now, was to develop a robust Development Management Local Plan and a Site Allocations Local Plan with informed and appropriate policies which have been informed and shaped by evidence, consultation and stakeholder input.
- 2.8 It must be emphasised given the content of paras 2.1, 2.2 and 2.3 above, that many stakeholders and consultees have been subject to extensive consultation and engagement on the production of the Council’s LDF, and many strategic planning issues have already been addressed, especially through the Core Strategy, as such the level of engagement from organisations has not been as high as during the production of other previous policy documents.

#### **Formal Consultation Process**

- 2.9 The development of the Local Plans has involved one round of formal consultation so far under Regulation 18. This involved engagement with members of the public, statutory consultees and other key stakeholders including the business, community, infrastructure providers and developers as stated in Section 1.
- 2.10 These are well documented in the Consultation Reports for the DMLP and SALP and are not repeated in detail here, but can be viewed on Hackney Council’s website at <http://www.hackney.gov.uk/Development-Management-DPD.htm> for the DMLP and <http://www.hackney.gov.uk/site-allocations-dpd.htm> for the SALP.
- 2.11 The Consultation Reports provide a full account of the consultation which has taken place during the Local Plans development so far, including who, how

and when the consultation occurred and is not elaborated any further here. However, Section 3 of this report provides a checklist of involvement of the neighbouring local planning authorities and prescribed bodies during the key stages of the plans' preparation and their involvement in some of the key evidence base studies.

### **3. CO-OPERATION WITH LOCAL PLANNING AUTHORITIES AND PRESCRIBED BODIES**

- 3.1 The Council has worked extensively with its neighbouring local planning authorities and prescribed bodies throughout the preparation of the Development Management and Site Allocations Local Plan, and previously on the production of its LDF as set out in paras 2.1 to 2.4 above.
- 3.2 The Consultation Reports capture the key issues that were raised by the prescribed bodies through the Regulation 18 consultation process for the two documents. It shows the actions to the issues raised and the relevant Council responses. Some of the concerns raised by the neighbouring authorities are strategic, cross-boundary and/or Hackney specific issues. There are also a few local authorities and prescribed bodies whom did not comment on this stage of the consultation process. Throughout the consultation process, the main documents, evidence base documents and supporting documents have been made available for other authorities and statutory bodies to comment on.
- 3.3 Tables 1 and 2 below illustrate the prescribed, specific and some general consultation bodies that the Council consulted and sought to co-operate with on the DMLP and SALP.
- 3.4 The Consultation Reports for each Plan illustrate and summarise the consultation outcomes from the neighbouring LPAs, prescribed bodies, specific consultation bodies and general consultation bodies that were contacted during the Regulation 18 consultation process for both the DMLP and SALP. The Consultation Reports also illustrate that further meetings were held after the formal consultation period with these consultees to discuss their representations and help better shape the two Local Plans.
- 3.5 Engagement and co-operation on the two Local Plans with prescribed bodies, specific consultation bodies and general consultation bodies is an on-going process and carried on after the formal Regulation 18 consultation period ended. Tables 1 and 2 below show that many consultees were sent meeting requests to further discuss their views after their representations had been received, and other prescribed bodies and specific bodies that did not send in representations to the Local Plans were also sent meeting requests.

Constructive discussions took place on the two Local Plans and this helped further shape the documents as well as help us understand the points of views of different types of consultees including developers, local authorities, housing associations, infrastructure providers and environmental organisations among others.

- 3.6 As tables 1 and 2 illustrate, it was not always possible to meet with consultees that were sent meeting requests. Every effort was made to meet with the relevant bodies however they were not always able or willing to meet with Hackney. Nevertheless, Hackney Council is satisfied that the views of all consultees that wished to contribute to the formulation of the two Local Plans were taken into account, and that all prescribed, specific and general consultation bodies were given the opportunity to do so.

### **Early Engagement on Local Plans**

- 3.7 Early engagement on the two Local Plans with prescribed and specific consultation bodies such as Team Hackney (Local Enterprise Partnership) and the GLA had also taken place. With a view to establish the key policy issues to be addressed in the DMLP, the relevant consultation bodies were invited to brainstorming sessions held in 2010. Here, key policy issues and themes/chapters for the DMLP to take forward were discussed together. As well as this several one-on-one meetings with several key stakeholders including, but not limited to, the GLA and the former Government Office for London (GOL) took place to shape the DMLP from the outset. Consultees were also invited to contribute to the formulation of the DMLP in the form of meetings with Ward Members.
- 3.8 With regards to the SALP, a call for sites exercise was carried out in 2010 to allow landowners, developers and other key stakeholders to nominate sites for inclusion in the SALP and allow them to express their views on preferred development types on nominated and identified key sites in the SALP.
- 3.9 Prescribed and specific consultation bodies were also contacted at an early stage to give them the opportunity to express their views on the SALP.
- 3.10 It is considered that the Council has fulfilled its Duty-to-Cooperate so far in the Plan-making process, and will continue to do so through to adoption.

**TABLE 1: CHECKLIST OF ENGAGEMENT WITH NEIGHBOURING LOCAL PLANNING AUTHORITIES AND PRESCRIBED BODIES**

Initial Engagement YES (Y) or NO (N)																		
Meetings Requested by Hackney YES (M) or NO (O)																		
Meetings Held YES (✓) or NO (X)																		
	Neighbouring LPAs					Prescribed Bodies												
	LBH	LBI	LBWF	LBTH	CL	EA	EH	NE	GLA	CAA	HCA	NHS/P CT	ORR	TfL	NR	HA	MMO	TH
<b>Development Management</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Local Plan:</b>	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
<b>Regulation 18 Consultation</b>	X	✓	X	X	✓	✓	✓	X	✓	X	X	X	X	✓	✓	X	X	X
<b>Site Allocations</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Local Plan:</b>	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
<b>Regulation 18 Consultation</b>	X	✓	X	X	✓	✓	✓	X	✓	X	X	X	X	✓	✓	X	X	X

## **Key to Table 1**

### **Neighbouring LPAs**

**LBH** – London Borough of Haringey

**LBI** – London Borough of Islington

**LBWF** – London Borough of Waltham Forest

**LBTH** – London Borough of Tower Hamlets

**CL** – City of London

### **Prescribed Bodies**

**EA** – Environment Agency

**EH** – English Heritage

**NE** – Natural England

**GLA** – Greater London Authority (Mayor of London)

**CAA** – Civil Aviation Authority

**HCA** – Homes and Communities Agency

**NHS/PCT** – City and Hackney PCT

**ORR** – Office for Rail Regulation

**TfL** – Transport for London

**NR** – Network Rail

**HA** – Highways Agency

**MMO** – Marine Management Organisation

**TH** – Team Hackney

**TABLE 2: CHECKLIST OF ENGAGEMENT WITH OTHER SPECIFIC CONSULTATION BODIES**

Initial Engagement YES (Y) or NO (N)																		
Meeting Requested by Hackney YES (M) or NO (O)																		
Meeting Held YES (✓) or NO (X)																		
	Other Specific Consultation Bodies																	
	C&RT	CN	CA	CSH	DECC	DEFR A	EUK	FC	LVRP A	LBN	MOPA C	MOD	MOA	NGH	TW	TT	LLDC	PI
<b>Development Management</b>																		
<b>Local Plan: Regulation 18 Consultation</b>	Y M ✓	Y M X	Y M X	Y M X	Y M ✓	Y M ✓	Y M ✓	Y M ✓	Y M ✓	Y M X	Y M ✓	Y M X	Y M X	Y M X	Y M ✓	Y M X	Y M ✓	Y M X
<b>Site Allocations</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Local Plan: Regulation 18 Consultation</b>	M ✓	M X	M X	M X	M ✓	M ✓	M ✓	M ✓	M ✓	M X	M ✓	M X	M X	M X	M ✓	M X	M ✓	M X

**Key to Table 2**

**C&RT** – Canal and River Trust

**CN** – Central Networks

**CA** – Coal Authority

**CSH** – Community Services Hackney

**DECC** – Department for Energy and Climate Change

**DEFRA** – Department for Environment, Food and Rural Affairs

**EUK** – Entec UK

**FC** – Forestry Commission

**LVRPA** – Lee Valley Regional Park Authority

**LBN** – London Borough of Newham

**MOPAC** – Mayor's Office for Police and Crime

**MOD** – Ministry of Defence

**MOA** – Mobile Operators Association

**NGH** – National Grid House

**TW** – Thames Water Utilities

**TT** – Theatres Trust

**LLDC** – London Legacy Development Corporation

**PI** – Planning Inspectorate

#### **4. PRACTICAL POLICY OUTCOMES FROM CO-OPERATION**

4.1 On-going consultation, co-operation and collaboration has been key to the development of the policies and site allocations in both Local Plans, both prior to in the production of other LDF documents, and during the production of those Plans. The involvement and input of those local planning authorities and prescribed bodies identified by the Localism Act, statutory consultees and other key stakeholders with which the Council has engaged, has helped to ensure:

- That policies achieve a balance between the needs of neighbouring LPAs, prescribed bodies, statutory consultees, developers, local organisations and local residents.
- A greater understanding of the implications of the proposed policies.
- Strengthening of policies and clarity on the directions of the two Local Plans.
- A clearer understanding of the constraints, opportunities, and challenges facing Hackney.
- That objections and contentious issues are drawn out to ensure that a proper debate is held about them, and policies are amended where necessary to resolve the issues.
- Where consultees were unclear about the direction policies were taking, policies were amended to clarify certain points.
- Consideration of neighbouring boroughs' and other relevant authorities' plans' in the context of Hackney's own policies and proposals.
- Reference to the relevant guidance of authorities with some jurisdiction in Hackney was made in the Local Plans where it was relevant to what the policy was trying to achieve.

4.2 Co-operation with specific bodies has helped inform and shape specific policies. For example, engagement with the GLA and housing associations has helped shape some of the housing policies. Engagement with TfL and Sustainable Hackney has helped shape some of the transport policies and engagement with the Environment Agency and Thames Water has helped shape some of the environmental policies, whilst engagement with English Heritage has helped shaped some of the conservation and heritage policies. Cross-Borough policy and infrastructure issues that may have arisen as a result of the plan policies and site allocations were also addressed through

co-operation with neighbouring Borough's such as the London Borough of Islington. The above is not an exhaustive list of how each chapter of the DMLP or site in the SALP was informed through engagement with individual consultation bodies. Constructive comments on policies and sites were received from several different consultees and each point raised was taken into consideration before policies and sites were finalised. A detailed consultation spreadsheet which shows how comments received on the two Local Plans were considered is available at the Council website at <http://www.hackney.gov.uk/site-allocations-dpd.htm> for the SALP and at <http://www.hackney.gov.uk/Development-Management-DPD.htm> for the DMLP.

## **5. MOVING FORWARD**

- 5.1 The Publication Stage (Regulation 19) of the adoption process of the two Local Plans provides a key opportunity for any unresolved issues, objections and concerns raised through co-operation and previous consultation to be aired and resolved. Following Publication and Examination in Public, through to Adoption of the Local Plans, there will remain a need to maintain co-operation with others, both those named within the Localism Act and wider bodies with a statutory or other key role in implementation, to deliver the strategies proposed in the Local Plans. This continuing dialogue is important throughout all stages of the plan making and delivery process. This Report will be updated following Publication and for Submission of the Plans to the Planning Inspectorate.
- 5.2 The requirement to consult widely through the various stages of plan preparation and the need to fulfil the Duty has helped to build a good understanding of key issues and good working relationships with local authorities, other prescribed bodies and other parties key to the successful delivery of the two Local Plans.
- 5.3 In terms of documenting co-operation beyond the development of the Local Plan, section 34 (6) of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires local planning authorities to give details of the co-operation they have had and actions undertaken with local authorities and prescribed bodies in their monitoring reports (during the reporting period of that monitoring report). The Council will ensure that such reporting is completed in accordance with Section 34.

**6. SUMMARY**

- 6.1 Throughout the formal Regulation 18 consultation process and beyond, all bodies specified in Section 33A of the Localism Act (2011) and Regulation 2 of the Town and Country Planning (Local Planning) (England) 2012 Regulations, as well as the Council's own Statement of Community Involvement, had been consulted, with several opportunities to help influence and shape the Local Plans, and the Council has made strong efforts to ensure that it fulfils its Duty to Co-operate. The Council considers that it has met the requirements of the Duty so far in the adoption process and will continue to do so through to formal adoption.

