

**Hackney Council**

**s106 Planning Obligations  
Supplementary Planning Document**

**CONSULTATION STATEMENT**

**July 2020**

## 1. Introduction

- 1.1. The s106 Planning Obligations Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations ub the borough. Planning obligations are 'secured' through planning agreements entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority or through a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.
- 1.2. The S106 SPD is a borough-wide document and will apply to all planning applications including residential, commercial and mixed use development which require a S106 agreement. Once adopted the SPD will supplement and form part of Hackney's Local Plan 2033, to provide clarity on planning obligation requirements arising from LP33 and future reviews of the council's requirements where necessary will be considered as part of any Local Plan policies review and update and/or review of CIL rates. It will also supersede the S106 SPD adopted in 2015.
- 1.3. S106 is used alongside the Hackney Community Infrastructure Levy (CIL) and the Mayor of London's CIL to mitigate the impacts of a development and to ensure compliance with Hackney's Local Plan 2033 (LP33).

### **Purpose of this Report**

- 1.4. This Consultation Statement has been prepared in line with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that, before a council adopts a Supplementary Planning Document (SPD), it must produce a statement setting out:
  - The persons the local planning authority consulted when preparing the supplementary planning document;
  - A summary of the main issues raised by those persons; and
  - How those issues have been addressed in the supplementary planning document.
- 1.5. The Council's Statement of Community Involvement (SCI, adopted January 2014) sets out how the Council will involve the community in its plan and policy-making process. This Consultation Statement demonstrates how the Council has complied with the consultation requirements set out in the SCI in

producing the SPD. The SCI is available to view on the Council's website <https://hackney.gov.uk/local-plan>

### **How was the SPD developed?**

- 1.6. The Council's current Section 106 SPD was adopted in 2015 and set out the implications for Planning Contributions for the relevant topic-based policies (i.e. transport or open space) set out in the Core Strategy 2010 (CS), the Development Management Local Plan 2015 (DMLP) and other relevant guidance documents.
- 1.7. The consultation draft 106 Planning obligations SPD seeks to update the previous s106 SPD (2015) in accordance with changes in national legislation and the emerging adoption of the new borough-wide Local Plan 2033 (LP33) and associated emerging Area Action Plans in Shoreditch and Stamford Hill, SPD's and other guidance documents.
- 1.8. It is a roll-over of all contributions sought in the 2015 SPD but also includes additional planning obligations to reflect new policy requirements in the new Local Plan including, among others, affordable housing contributions from small sites, affordable workspace and carbon off-set contributions and the new legal provision to charge monitoring fees.
- 1.9. A number of engagement sessions were held with internal and external infrastructure providers over a 3 month period to discuss this roll-over and the new contribution in line with LP33 policy changes before going out to public consultation.

## **2. The Consultation Process**

- 2.1. Public consultation took place over an initial 6 week period from 18 February 2020 to 30 March 2020. This was subsequently extended due to the Covid-19 epidemic by a further 2.5 weeks to 17 April 2020.
- 2.2. During this period the consultation documents were made available for public inspection across the borough at all of the Council's public Libraries (listed here - <https://hackney.gov.uk/libraries> - and on the Council's website (Appendix 1) - <https://hackney.gov.uk/planning-contributions-spd> - and on a dedicated consultation page via Hackney's Consultation Hub (Appendix 2) <https://consultation.hackney.gov.uk/planning-regulatory-services/106-spd/>. A dedicated email address was made available ([planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk))

as well as a phone number for consultees to submit responses and make queries in relation to the s106 SPD consultation. Further to the above an advert was taken out in the local newspaper; Hackney Gazette (Appendix 3)

- 2.3. In addition, an email notification (Appendix 4) was sent to 1,392 contacts on the Council's Local Plan consultation database consisting of statutory consultees, local businesses, local residents, education organisation, heritage protection groups, infrastructure providers, Community support groups, Disability groups, Environment groups, Ethnic groups, Health organisations, Heritage protection group, Local residents and interested parties Infrastructure providers, Leisure groups, Older people groups, Planning Interest groups (e.g. planning consultants), Political groups, Religious groups, Residents Associations, Transport organisations, Utilities organisations and Voluntary groups.

### **3. Consultation Responses**

- 3.1. 26 responses to the consultation were received in total. A list of consultees who responded (excluding residents) is listed below:

Statutory consultees:

1. New City College
2. TfL
3. Thames Water
4. Canal and Rivers Trust
5. Hackney & City Clinical Commissioning Group (CCG)
6. Natural England
7. Metropolitan Police
8. Sport England

Internal consultees:

9. LBH Legal
10. LBH Area Regen
11. LBH Economic Development

Residents and Businesses:

12. The Arch Company
13. Morning Lane People's Space
14. Berkeley Home North East
15. Residents

- 3.2. Where an individual has made a representation in their own name, these responses are recorded anonymously under the label 'resident'. Where a community group, organisation or company submitted comments either on their own behalf or via a consultant, the name of the organisation and consultant (where applicable) has been recorded.
- 3.3. Consultation feedback on the draft SPD did not raise any material issues and mainly related to the need for clarification around definitions and measures which were incorporated into the final version, including:
- Clarification on definitions of large-scale development
  - Clarification of floorspace measurements
  - Updated links to transport assessments and other TfL guidance
  - Inclusion of references to legislation
  - Inclusion of formulae for health and education contributions omitted in the consultation draft

#### 4.0 **Summary of the Main Issues**

All of the online and written responses have been read and analysed. Below is a summary of the key themes and concerns that have been raised by those who responded to the consultation. Full comments and Council responses are set out in the Appendix.

**Affordable Housing:** Clarity on definitions of development liable, income levels and thresholds were requested to align with planning policies in LP33. General disapproval was expressed regarding the flexibility for off-site provision and financial contributions where on-site provision is not suitable or achievable.

**Affordable and low cost Workspace:** Clarity was requested on definitions of development liable for contributions and for some types of development to be exempt contrary to planning policy.

**Social & community Infrastructure:** Clarity on definitions of development liable and correction of discrepancy with planning policy was requested in terms of sports facilities. Inclusion of various conditions for health-related contributions as well as re-insertion of conditions missing from carry-over from the current SPD. Suggestion that a separate section on healthcare facilities is added to the SPD outlining infrastructure needs and priorities and the

strategic and organisational context, to provide clarity and help support the implementation of the Local Plan policy.

**Jobs, Skills and Training:** Clarity on employment density measures and request for alternative contributions to align with T-level qualifications if unable to provide apprenticeships

**Open Space & Play Space:** Clarity on employment densities and definitions of floorspace and dual-use of space.

**Sustainable Transport and Transport Mitigation:** Requests for specific references be made to various services and additional items to be included in indicative lists.

**Carbon Offset and other environmental mitigations:** Clarity sought on definition of emissions. Suggestion that a section on biodiversity mitigation and enhancement should be included in this chapter and specific inclusion of improvements to the biodiversity of waterways.

**Retail and town centres management, cultural and entertainment impacts:** Request for various inclusions to be made to indicative lists and references to specific for some types of development to be exempt contrary to planning policy.

#### **4. Conclusions**

- 4.1. This statement has sets out the approach taken to consult on the draft s106 Planning Obligations Supplementary Planning Document and the associated responses received for the consultation between 17 February 2020 and 17 April 2020. Overall, responses to the consultation did not result in the need for significant changes to the s106 Planning Obligations SPD and the Council has agreed to adopt the SPD following these changes.
- 4.2. Once adopted the s106 Planning Obligations SPD will supersede the previous Planning Obligations SPD adopted by the Council in 2015 and will supplement and form part of the Hackney's Local Plan 2033to provide clarity on planning obligation requirements arising from LP33.

**Appendix 1 - Council website notification**

# Planning contributions supplementary planning document

4 min read

## On this page:

- [Draft S106 planning contributions SPD consultation](#)
- [Adopted planning contributions SPD 2015](#)
- [Planning contributions legal agreement template](#)
- [Explanation and planning contributions in Hackney](#)
- [Preparing an s106 legal agreement](#)
- [Delivering community benefits](#)

## Draft S106 planning contributions SPD consultation

The draft supplementary planning document (SPD) sets out our approach to securing planning obligations. It's intended to provide guidance to supplement the Local Plan LP33.

Planning obligations are negotiated between the Council and developers and can take the form of:

- requirements for parts of a development to be used in certain ways eg affordable housing
- requirements for certain works to be undertaken or restrictions and/or requirements on the form of the development eg car-free
- monetary contributions to address the impacts of development – usually limited to those cases where it is not feasible to meet policy requirements on-site and/or to mitigate specific development impacts eg carbon emissions

## Have your say

The consultation is open from 18 February until 17 April 2020.

[Have your say](#)

You can also have your say by:

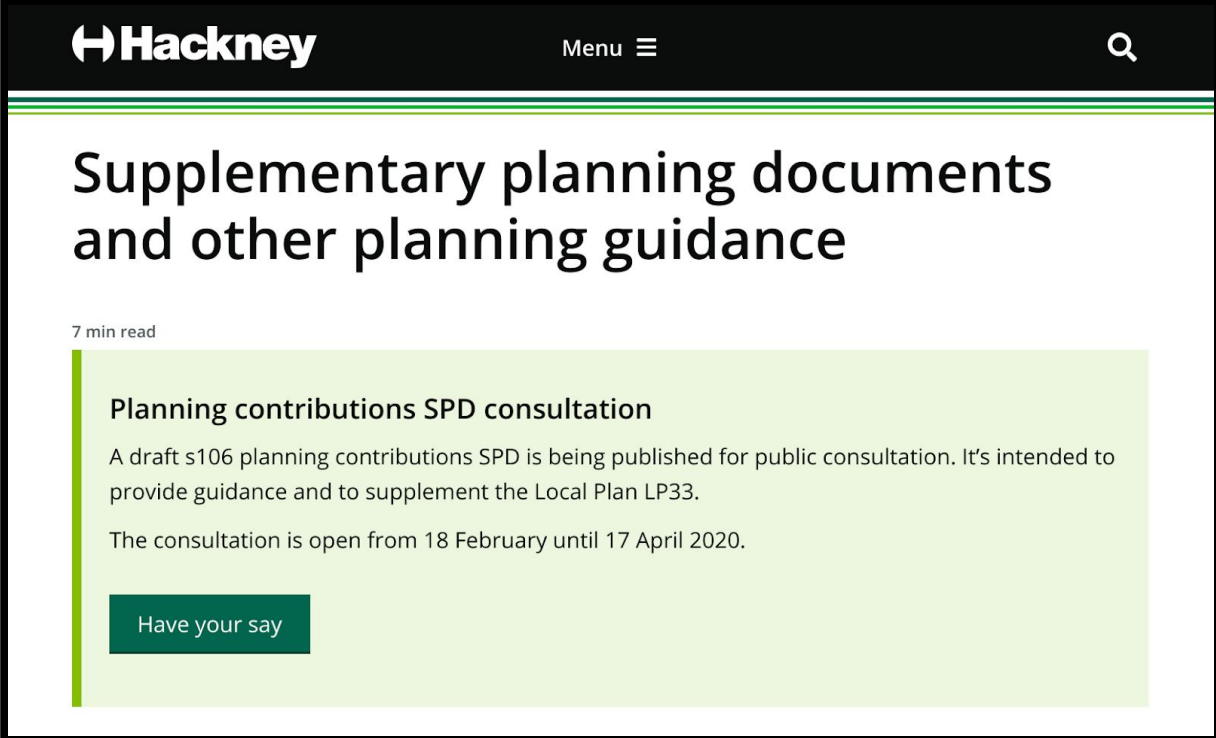
- visiting one of our [local libraries](#) to complete a paper copy questionnaire
- emailing your comments to [planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk)

## What happens next?


Following consultation the SPD will be adopted alongside or shortly after the adoption of the Local Plan by Full Council to provide clarity on planning obligation requirements arising from LP33.



## Appendix 1 - Council website notification



The screenshot shows a notification on the Hackney Council website. At the top, there is a dark navigation bar with the Hackney logo on the left, the text "Menu" with a hamburger icon in the center, and a search icon on the right. Below the navigation bar, the main content area has a white background with a green border. The title "Supplementary planning documents and other planning guidance" is displayed in a large, bold, black font. Below the title, it says "7 min read". The main text is contained within a light green rectangular box. It starts with the heading "Planning contributions SPD consultation" in bold. The text below reads: "A draft s106 planning contributions SPD is being published for public consultation. It's intended to provide guidance and to supplement the Local Plan LP33." followed by "The consultation is open from 18 February until 17 April 2020." At the bottom of the green box is a dark green button with the text "Have your say" in white.

**Hackney** Menu 

# Supplementary planning documents and other planning guidance

7 min read

## Planning contributions SPD consultation

A draft s106 planning contributions SPD is being published for public consultation. It's intended to provide guidance and to supplement the Local Plan LP33.

The consultation is open from 18 February until 17 April 2020.

[Have your say](#)

## Appendix 2 - Hackney Consultation Hub



## Draft S106 Planning Contributions SPD Consultation

### Overview

Closed 17 Apr 2020

Opened 18 Feb 2020

### Draft S106 Planning Contributions SPD Consultation

The draft Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations. Planning obligations are negotiated between the Council and developers and can take the form of:

- requirements for parts of a development to be used in certain ways eg. affordable housing.
- requirements for certain works to be undertaken or restrictions and/or requirements on the form of the development eg car-free.
- monetary contributions to address the impacts of development – usually limited to those cases where it is not feasible to meet policy requirements on-site and/or to mitigate specific development impacts eg carbon emissions

The draft s106 Planning Contributions SPD is intended to provide guidance to supplement the Local Plan LP33.

As a result of Covid-19, we have now extended the consultation on the draft s106 Planning Contributions SPD until **17 April**. This consultation is your opportunity to tell us what you think about this draft SPD.

The draft s106 Planning Contributions SPD can be downloaded below:



You can have your say by:

- Filling out the below survey
- Visiting one of our local libraries to complete a paper copy questionnaire. Further information on the location of our libraries can be found here: [www.hackney.gov.uk/libraries](http://www.hackney.gov.uk/libraries)
- Emailing your comments to [planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk)

#### What's Next

Following consultation the SPD will be adopted alongside or shortly after the adoption of the Local Plan by Full Council to provide clarity on planning obligation requirements arising from LP33.

#### Contact

020 8356 1739

[consultation@hackney.gov.uk](mailto:consultation@hackney.gov.uk)

**Appendix 3 - Email**

## Draft s106 Planning Contributions SPD Consultation

Hackney Council is launching the public consultation of the published draft s106 Planning Contributions SPD. This document is intended to provide guidance to supplement the boroughs Local Plan (LP33).

The draft Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations. Planning obligations are negotiated between the Council and developers and can take the form of:

- requirements for parts of a development to be used in certain ways eg. affordable housing.
- requirements for certain works to be undertaken or restrictions and/or requirements on the form of the development.
- monetary contributions to address the impacts of development.

We are now holding a six-week consultation on the draft s106 Planning Contributions SPD from 18 February to 30 March. This consultation is your opportunity to tell us what you think about this draft SPD.

### How to have your say

To view and have your say on the draft s106 Planning Contributions SPD visit our consultation hub [here](#).

Alternatively, you can have your say by:

- visiting one of our local libraries to complete a paper copy questionnaire. Further information on the location of our libraries can be found here: [www.hackney.gov.uk/libraries](http://www.hackney.gov.uk/libraries)
- emailing your comments to [planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk)

Following consultation the SPD will be adopted alongside or shortly after the adoption of the Local Plan by Full Council to provide clarity on planning obligation requirements arising from LP33.

If you would like further information please visit - <https://hackney.gov.uk/planning-contributions-spd> or contact the Strategic Planning Team at [planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk) or 020 8356 8084.

### Unsubscribe

If you no longer wish to receive updates about Hackney Planning Policy, or wish to amend your details, please let us know by emailing [planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk) or phoning the Strategic Planning Team on 020 8356 8084.



**Appendix 4 - Hackney Gazette advertisement (20th February 2020)**

## statutory notices

### **Hackney draft S106 Planning Contributions SPD Consultation**

In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 12b, Hackney Council is launching a consultation on the draft s106 Planning Contributions SPD. This document is intended to provide guidance to supplement the borough's Local Plan (LP33).

The draft Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations. Planning obligations are negotiated between the

Council and developers and can take the form of:

- Requirements for parts of a development to be used in certain ways eg. affordable housing.
- Requirements for certain works to be undertaken or restrictions and/or requirements on the form of the development.
- Monetary contributions to address the impacts of development

#### **How to have your say**

To have your say on the draft s106 Planning Contributions SPD

- Visit [consultation.hackney.gov.uk](http://consultation.hackney.gov.uk) and search for 106-spd
- Visit one of our local libraries to complete a paper copy questionnaire.
- Email your comments to **[planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk)**

The consultation will run from **18th February until 30th March.**

If you would like further information please visit **[hackney.gov.uk/planning-contributions-spd](http://hackney.gov.uk/planning-contributions-spd)** or contact the Strategic Planning Team at **[planmaking@hackney.gov.uk](mailto:planmaking@hackney.gov.uk)** / **020 8356 8084.**