

## **Committee: Borough Plan Advisory Committee**

**Date: 19 January 2011**

Agenda item: 5

Wards: All

### **Subject: Core Planning Strategy and South London Waste Plan updates**

Lead officer: James McGinlay, Head of Sustainable Communities

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Forward Plan reference number: N/A

Contact officer: Tara Butler, Spatial Planning Manager

**Urgent report:** The legal requirements for Access to Information have not been met. The Chair has approved the urgent submission of this item for the following reason: To enable Members to be kept up to date on this matter.

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#### **Recommendations:**

A. That Members are asked to note the progress on these two matters

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#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. This report is to update Members on the progress of Merton's Core Planning Strategy and the South London Waste Plan since the last Borough Plan Advisory Committee meeting on 04 November 2010.

#### **2 DETAILS**

##### **Progress on Merton's Core Planning Strategy**

2.1. Merton's Core Planning Strategy was submitted to the Secretary of State on 18 November 2010, together with the evidence to support it.

2.2. The Secretary of State has appointed a Planning Inspector, Linda Wride DIPTP MRTPI to determine whether Merton's Core Planning Strategy is sound or not. The Inspector has not called a pre-hearing meeting (which can be used to discuss outstanding issues) and has set the following dates for Merton's Core Planning Strategy examination public hearings:

- Wednesday 9<sup>th</sup> February 2011
- Friday 11<sup>th</sup> February 2011
- Tuesday 15<sup>th</sup> February 2011
- Thursday 17<sup>th</sup> February 2011

2.3. The hearing will take place in the Council Chamber of Merton's Civic Centre (unless otherwise advised). It will be open to the public but only the representors who have made comments on Merton's Core Planning Strategy will be able to participate at this stage.

- 2.4. Further details of the documents submitted and the progress towards the examination can be found on Merton Council's website: [http://www.merton.gov.uk/living/planning/planningpolicy/ldf/core\\_strategy.htm](http://www.merton.gov.uk/living/planning/planningpolicy/ldf/core_strategy.htm)
- 2.5. On Friday 07 January 2011, the Inspector issued the Schedule of Matters, Issues and Questions for the hearing sessions; this includes the list of participants for each session. This is contained as Appendix A to this report.
- 2.6. This Schedule raises approximately 60 points on Merton's Core Planning Strategy that the Inspector would like to raise at the examination hearing. From this schedule, the Inspector has asked Council officers to prepare responses to the points raised, based on the evidence to support Merton's Core Strategy; these are to be submitted to the Inspector by 28 January 2011.
- 2.7. Under current legislation, the Inspector has several options in considering Merton's Core Strategy.
- It can be found "unsound", and would not be able to be adopted by the Council as its new planning strategy. Given the level of support for Merton's Core Planning Strategy, this approach is considered unlikely at present.
  - The Inspector can make binding recommendations which the Council must make to the Core Strategy before it is adopted. Such recommendations could be changes to policy wording, targets, or delivery approaches. The Inspector can also instruct the Council to re-consult or provide new research on any specific matter, and set additional examination dates to consider the results once this has happened.

#### Next steps following the examination hearing

- 2.8. Subject to no additional research or consultation being required by the Inspector, she will provide the binding report setting out her findings on Merton's Core Planning Strategy, and provide this to the Council in April 2011. Subject to its contents, Merton's Core Planning Strategy could be considered for adoption by Merton Council in the June / July 2011 Committee cycles.

#### **South London Waste Plan**

- 2.9. The South London Waste Plan is currently published for final objections, following its approval by all four boroughs in November / December 2010 (Merton Council on 24 November 2010). The publication stage is from 04 January to 15 February 2011 and is the final opportunity for objectors to comment on the soundness of the Plan.
- 2.10. Following the end of the publication, responses will be collated and the South London Waste Plan will be submitted to the Secretary of State in early April 2011. The Secretary of State will appoint an Inspector to hold an independent public examination of the Waste Plan, with the public hearings likely to be in July / August 2011. Subject to the Waste Plan being found sound, it can then be adopted by each of the partner boroughs in autumn 2011.

- 2.11. In January 2011, government wrote to local authorities to remind them to progress waste management plans as efficiently as possible in order for the UK to be in compliance with the EU Waste Framework Directive (2008/98/EC). Local authorities were instructed that any fines levied by the EU for non-compliance may be passed down to individual authorities that did not have a waste plan in place or emerging. As the South London Waste Plan has been published, the partner boroughs are not likely to be affected by this provision.

### **3 ALTERNATIVE OPTIONS**

- 3.1. None for the purposes of this report

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. None for the purposes of this report.

### **5 TIMETABLE**

- 5.1. As set out in the body of the report

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None for the purposes of this report

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. None for the purposes of this report

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None for the purposes of this report

### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None for the purposes of this report

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None for the purposes of this report.

### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1 Appendix A - Core Strategy Examination Hearing Sessions: Schedule of matters, issues and questions

### **12 BACKGROUND PAPERS**

- 12.1. Merton's Core Planning Strategy 2010

- 12.2. South London Waste Plan 2011

- 12.3. Letter dated 10 January 2011 from the Steve Quartermain, Chief Planner, Department of Communities and Local Government, to the Chief Executives of all Waste Planning Authorities in England.

# London Borough of Merton Core Planning Strategy Examination

## Hearing sessions: schedule of matters, issues and questions

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### Hearing session 1 – Wednesday 9 February 2011

#### **Pre-amble: Setting the scene**

Following the Inspector's opening remarks and confirmation of legal compliance, the Council will be invited to give a "setting the scene" presentation to provide an overview of Merton in the wider policy context; identify the challenges and opportunities facing the borough; explain how the Council developed its spatial vision and translated the high level vision into a detailed strategy capable of being delivered within in the timescale of the Core Strategy. There will be an opportunity for questions at the end of this presentation before moving on to the main matter and issues for discussion in session 1.

#### **1. HOUSING**

##### Chapter 18 Policies CS 8-CS 10

##### Main Issues:

A. Will the Core Strategy (CS) enable the continuous delivery of housing provision over the next 15 years, in accordance with the advice in, and requirements of, Planning Policy Statement 3 Housing (PPS 3)?

- (i) Is the housing target in Policy CS 9 justified, given that it is based on the emerging rather than the adopted London Plan? Are there contingency measures linked to the outcome of the London Plan examination which would trigger a review of Policy CS 9 if the emerging housing requirement changes?
- (ii) Has a five year supply of deliverable sites been identified; how has deliverability been assessed?
- (iii) Will key strategic sites which are critical to the delivery of the housing strategy during each housing phase of the plan period be identified in another DPD?
- (iv) Is there robust evidence of genuine local circumstances to justify an allowance for windfall sites in the first ten years of housing land supply? Is the windfall allowance realistic having regard to the London Strategic Housing Land Availability Assessment (SHLAA), historic windfall rates and expected future trends?

B. Are the requirements of Policy CS 8 and CS 9 (including resisting schemes resulting in a net loss of residential accommodation and requirements to provide affordable housing and wheelchair accessible units in new housing development) appropriate to the district, soundly-based and justified?

- (v) Is the affordable housing target in Policy CS 8 justified, given that it is based on the emerging rather than the adopted London Plan? Are there contingency measures linked to outcome of the London Plan examination which would trigger a review of Policy CS 8 if the emerging housing requirement changes?
- (vi) Is Policy CS 8 sufficiently flexible to take into account the effect of affordable housing requirements on the economic

- viability of housing schemes over the lifetime of the plan period?
- (vii) What is the justification for asking developers to fund the independent assessment of residual land value viability assessments?
- (viii) Is the requirement for 10% wheelchair accessible housing units underpinned by evidence of local need?
- (ix) Is the relationship between encouraging housing in sustainable brownfield locations and the potential for mixed use redevelopment on scattered, non-designated employment sites clear?

C. The level of identified accommodation needs for gypsies and travellers in the borough over the period up to 2017 varies between 4-16 pitches, with an anticipated increase of 1.5 % per year thereafter. The number of pitches must be translated into specific site allocations on one of the DPDs which form part of the LDF.

- (x) Is it clear from the wording of Policy CS 10 that site(s) WILL be allocated to meet the identified need over the plan period on publication of the London Plan?
- (xi) Should the policy specify the minimum level of requirement phased over the plan period and which DPD will deliver the allocation(s) to meet this requirement?
- (xii) Are all the criteria in Policy CS 10 relevant/necessary to guide the allocation of sites in subsequent DPDs?
- (xiii) Are all the criteria in Policy CS 10 relevant/necessary to determine unexpected (windfall) applications and are they reasonable for assessing a private family pitch?
- (xiv) Would all criteria have to be met, or is intended to apply as a search sequence/cascade approach?
- (xv) Are there clear targets/timescales to monitor delivery?

D. Is the Core Strategy supported by a housing implementation strategy that describes the approach to managing the delivery of housing?

- (xvi) How has the Council engaged stakeholders?
- (xvii) Has the Council carried out a risk assessment of obstacles and constraints to housing delivery?
- (xviii) How has the Council approached scenario and contingency planning?
- (xix) When monitoring performance against delivery in what circumstances will management actions be introduced if objectives are not being, or might not be, met?
- (xx) What management actions may be required in such circumstances?

### **Participants for hearing session 1**

London Borough of Merton  
 Mr Andrew Pinchin  
 The Wimbledon Society  
 Rolfe Judd on behalf of The Workspace Group

## Hearing session 2 – Friday 11 February 2011

### 2. TOWN CENTRES AND THE RETAIL HIERARCHY

#### Chapter 17 Policy 7

##### Main Issues:

- A. Policy CS 7 changes the borough's hierarchy of centres by the re-designation of Colliers Wood from an Area for Intensification (AFI) to a District Shopping Centre. Is this approach:
- (i) In general conformity with the London Plan having regard to the criteria for district centres and the aspirations to increase the capacity for homes and jobs in this area embodied within the current AFI designation?
  - (ii) Consistent with the advice in Planning Policy Statement 25 *Development and Flood Risk* (PPS 25)?
  - (iii) Justified in terms of the quantitative and qualitative need for additional floorspace<sup>1</sup>?
  - (iv) Achievable without undermining the aim to regenerate Mitcham and Morden District Centres or competing directly with the Major Centre at Wimbledon?
  - (v) Is it intended to bring forward any changes to the adopted Proposals Map to reflect the re-designation of Colliers Wood as part of the examination?
- B. Is Policy CS 7 and the supporting text in Table 17.2 and paragraph 17.4 consistent with the advice in Planning Policy Statement 4 *Planning for Sustainable Economic Growth* (PPS 4) having regard to the references to "neighbourhood shopping parades"?
- C. What are the sources for delivering housing in the centres and in what sequence and over what period would they come forward?

### 3. ECONOMIC DEVELOPMENT

#### Chapter 20 Policy 12: Economic Development

##### Main Issues:

- A. Are the restrictions on uses considered acceptable in Locally Significant Industrial Sites set out in Policy CS 12 c ii and paragraph 20.15 justified by robust evidence? How will such restrictions help deliver the strategic objective this policy supports and the aspirations of Policy CS 12 a and b?
- (vi) Should the Policy support mixed-use schemes as part of regeneration proposals which will secure wider employment benefits with no net loss of employment floorspace?
  - (vii) Should the Policy support the use of such sites for waste management facilities, including energy from waste?
  - (viii) Should the Policy support the full range of B class uses, including B1a uses?
- B. Is the designation of the Gap Road industrial area as a Locally Significant Industrial Site justified having regard to:

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<sup>1</sup> Including the findings of the 2010 Retail and Town Centre Capacity Study (NLP), if available

- (i) The forecast decrease in demand and requirements for industrial land in the borough over the plan period
- (ii) The quality and particular characteristics of the site, including access and contextual considerations
- (iii) The viability of future long term use of the site for employment generation

#### **4. OPEN SPACE, NATURE CONSERVATION, LEISURE AND CULTURE**

Chapter 21 Policy 13:

A. What are the local circumstances which justify qualified support for educational development on areas of open space, in conflict with the general thrust of Planning Policy Guidance 17 *Planning for Open Space, Sport and Recreation* (PPG 17)?

- (i) Should the Policy acknowledge the identified need for a new primary school to serve north Wimbledon and the relatively early timescale for its provision within the plan period?

#### **5. TRANSPORT**

Chapter 26 Policies 18-20

A. Can the Council be more specific about how active transport measures promoted by Policy CS 18 will be delivered? For example:

- (i) How will pedestrian access and safety (and other active transport modes) be prioritised?
- (ii) How will the Council support schemes and infrastructure which will reduce conflict between pedestrians, cyclists and other transport modes and encourage the provision of infrastructure to meet diverse needs?
- (iii) How will improvements to the pedestrian environment and better facilities for cyclists be secured?

B. Can the Council be more specific about safeguarding land for public transport projects referred to in Policy CS 19 g?

- (iv) Which major transport projects does this Policy support?
- (v) Is it intended to bring forward any changes to the adopted Proposals Map to indicate the extent of safeguarded land?

C. Does the Council's adopted guidance set out the basis on which planning obligations to secure sustainable transport contributions will be sought towards the improvement of public transport infrastructure, to ensure that such contributions meets the tests of Circular 5/2005?

#### **Participants for hearing session 2**

London Borough of Merton  
 Turley Associates representing Sainsbury Supermarkets  
 Indigo Planning representing FiLGroup  
 DPP representing Safestore Ltd, Dairy Crest and Wimbledon Builders Merchants Ltd  
 Rolfe Judd representing The Workspace Group  
 The Wimbledon Society  
 Mr Andrew Pinchin

## **Hearing Session 3 – Tuesday 15 February 2011**

### **6. DESIGN**

Chapter 22 Policy CS 14

Main Issues:

- A. Is the Council's approach to identifying areas where tall buildings might be appropriate based on robust evidence which reflects national guidance? In the absence of maximum building heights being specified in Policy CS 14 c and relevant area-based policies, is it the Council's intention to support the Policy with supplementary guidance based on the draft Tall Buildings background paper and the criteria for evaluating proposals for tall buildings set out in the CABE/English Heritage guidance?
- B. Is the requirement for residential conversions to comply with the most appropriate minimum space standards justified and will it be effective in the absence of guidance as to which is the appropriate standard, or a pointer as to where such guidance can be found?
- C. If not through the planning process, how will the Council help deliver improvements to the public realm, including highway upgrades and street furniture?

### **7. CLIMATE CHANGE**

Chapter 23 Policy CS 15

- A. What are the local circumstances that warrant and allow the requirement in Policy CS 15 e for all new dwellings to achieve the Code for Sustainable Homes Level 4 in advance of this becoming a national mandatory requirement?
- B. Has the effect of Policy CS 15 e requirements on the viability of residential development, including affordable housing, been robustly assessed and is the policy sufficiently flexible to accommodate proposals for residential development on sites where there is evidence that the ability to achieve the Code for Sustainable Homes Level 4 is limited by individual characteristics and constraints?
- C. Are the BREEAM requirements for non-domestic buildings underpinned by a robust evidence base and have the effect of these requirements on the viability of development schemes been assessed?
- D. Is the Policy consistent with the advice in Planning Policy Statement 2 *Renewable Energy* (PPS 22) in relation to proposals for renewable energy?

### **8. FLOOD RISK MANAGEMENT**

Chapter 24 Policy 16

Main Issue:

- A. As worded, will Policy CS 16 e effectively deliver the implementation of measures to mitigate flood risk across the borough?



## **9. WASTE MANAGEMENT**

Chapter 25 Policy 17

A. Is Policy 17 sufficiently clear about the significance and role of the South London Waste Plan Development Plan Document (DPD) which is being prepared jointly by the London boroughs of Merton, Kingston-upon-Thames, Sutton and Croydon?

## **10. THE SUB-AREAS**

Chapters 10-16 Policies CS 1- CS 6

Main Issues:

A. Is there robust evidence to demonstrate that housing numbers specified in Policy CS 9 can be delivered in each of the sub-areas, and in what sequence and over what period these will come forward?

B. How will the masterplan approach to the designation of Colliers Wood as a district centre and definition of the AFI boundary embodied in Policy CS 1 deliver the outcomes the Council is seeking to achieve? What is the timetable for the preparation of the masterplan leading to its adoption in 2012? Why has a masterplan approach been selected in preference to an Area Action Plan?

C. Mitcham is the only sub-area where key housing sites are identified on the map and in the supporting text. Are these sites central to achieving the housing element of the Core Strategy? If so, why not refer to these strategic sites in Policy CS 2?

D. Is the purpose, status and timing of the "new planning frameworks" and "specific planning document for Mitcham" referred to in chapter 12 under Delivery and Monitoring clearly set out in Policy CS 2 and the supporting text?

E. Is there any justification to make specific reference to the Rainbow Industrial Estate in Policy CS 4 (Raynes Park)

F. Is there robust evidence to demonstrate that the development of Wimbledon as a Major Centre in accordance with Policy CS 6 can be achieved without undermining its role serving the local community, and that the level of growth envisaged can be accommodated without harm to the character of the centre itself and the residential surrounds?

G. Are the key development sites in Wimbledon town centre referred to in paragraph 16.15 strategic sites which are central to the delivery of the core strategy and, if so, should they be allocated as such?

### **Participants for hearing session 3**

London Borough of Merton  
DP9 representing the Key London Alliance  
Indigo Planning representing Berkeley Homes (Urban Renaissance)  
Rolfe Judd representing The Workspace Group  
PRP Planning representing Crest Nicholson (South East) Limited  
The Wimbledon Society  
Mr Andrew Pinchin

## **Hearing session 4 – Thursday 17 February 2011**

### **11. INFRASTRUCTURE, MANAGING AND MONITORING THE DELIVERY OF THE STRATEGY**

Chapter 19 Policy CS 11, Chapters 27 and 28

Main Issues:

A. Is it clear which elements of infrastructure are critical to the strategy? Is there a reasonable prospect of these elements being provided in the timescale required where identified?

B. Does the Core Strategy make proper provision for uncertainty where the phasing of delivery and funding of infrastructure provision is unclear?

C. Where infrastructure provision is uncertain, has the Council undertaken contingency planning to show how objectives will be achieved under different scenarios?

D. Where appropriate, does the monitoring of targets specify the range of acceptable deviation of performance against target and identify clear and transparent triggers for contingency plans to be activated?

E. Discussion on specific infrastructure projects:

- (i) the establishment of decentralised renewable and low carbon energy to serve both new and existing development
- (ii) Rowan High School
- (iii) Merton Abbey Chapter House improvements
- (iv) Wimbledon Town Centre (various matters raised by the Wimbledon Society)

### **12. SUGGESTED CHANGES**

An opportunity for discussion of the Council's suggested changes

#### **Participants for hearing session 4**

London Borough of Merton  
The Wimbledon Society  
Rolfe Judd representing The Workspace Group  
PRP Planning representing Crest Nicholson (South East) Limited  
Representors who made submissions on the Council's suggested changes by the deadline for statements and wish to be heard in person