

Merton Council

Borough Plan Advisory Committee Agenda

Membership

Councillors:

Aidan Mundy (Chair)
Najeeb Latif
Nick Draper
Linda Kirby
Carl Quilliam
Geraldine Stanford

Co-opted members:

Substitute Members:

David Ward
Anthony Fairclough
Stephen Crowe

Date: Thursday 29 November 2018

Time: 7.15 pm

Venue:

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
future.merton@merton.gov.uk or telephone [020 8545 3837](tel:02085453837).

All Press contacts: communications@merton.gov.uk, 020 8545 3181

Borough Plan Advisory Committee Agenda

29 November 2018

- | | | |
|---|---|---------|
| 1 | Apologies for absence | |
| 2 | Declarations of Pecuniary Interests | |
| 3 | Minutes of the previous meeting | 1 - 4 |
| 4 | Councillor notices of planning applications and outcomes | |
| 5 | Betting shops in Merton - report | 5 - 26 |
| 6 | Local Plan engagement update (mid consultation) Local plan; Wimbledon Master plan; Sutton-Merton link | 27 - 30 |
| 7 | Previous Borough plan advisory arrangements and arrangements for local plan 2020 | |
| 8 | Draft statement of community Involvement | 31 - 68 |

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

BOROUGH PLAN ADVISORY COMMITTEE

NOTES OF MEETING – 26 September 2018

Attendees:

CLLrs: Aidan Mundy (chair) Anthony Fairclough; Linda Kirby; Dennis Pearce; Geraldine Stanford;

Also attending: Tara Butler, Valerie Mowah; Katharine Thomas (Future Merton team)

Meeting notes and action points

Agenda item 1 - Apologies for absence from Cllr Najeeb Latif (no substitute on this occasion) and Cllr Carl Quilliam (substituted by Cllr Anthony Fairclough)

Agenda item 2 - there were no declarations of pecuniary interest

Agenda items 5 and 6 - the notes of the BPAC meeting in January 2018 were agreed with the addition of reference to the FutureWimbledon masterplan presentation that BPAC received at the January 2018 meeting

Agenda item 7 – Estates Plan: adoption

Members considered the draft Local Plan report and received a presentation at the meeting.

RESOLVED That the Borough Plan Advisory Committee resolve to:

A. recommend that Cabinet approve the second six week consultation on the new borough-wide Local Plan, to run for six weeks between October and December 2018.

B. That approval for the final consultation documents be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing.

In addition to the above recommendations in the report, BPAC resolved to:

C. Request that particular attention during the consultation should be given on reaching out to those areas of the borough/residents who have yet to engage with the Local Plan.

D. Request that Cabinet approve a revision to Merton's Statement of Community Involvement 2006.

E. Provide any additional feedback or questions on any other matters to the chair, Cllr Aidan Mundy and officers by Thursday 4th October 2018.

F. Request that officers:

- i. ask if there could be any additional support from the council's Communications Team to help publicise the draft Local Plan consultation
- ii. engage residents who did not respond to the Stage 1 consultation
- iii. Separate out policies and sites during the consultation and focus the consultation on specific neighbourhood issues
- iv. Publicise how matters have been moved along in terms of sites that are repeated in this round – particularly council owned sites
- v. Tell those who responded to the Stage 1 consultation how we have considered their response and how they have influenced the plan so far
- vi. Boundary change for the Chaucer Centre – check
- vii. Burlington Road Tesco is allocated for residential use but the pre-app suggests a mixed use scheme – officers to confirm
- viii. Councillors would like feedback on the latest from the Concert Hall Group
- ix. Answer a query re Taylor Road day centre

Agenda item 8

Forward planning for next meetings: - Councillors made the following suggestions

- Update on the Wimbledon Masterplan (probably for early 2019 as consultation alongside Local Plan
- Statement of Community Involvement update
- For another meeting: possible HMOs, Article 4 and our role in terms of monitoring these schemes
- Look at the draft Local Plan at the March 2019 meeting
- Email any further suggestions to the chair or officers.

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**LB Merton
Betting Shops Research Papers**

**November 2018 draft
(2018 maps to be inserted)**

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Executive Summary:

- 1 This report explores whether there is a high number of betting shops in Merton and whether betting shops should be restricted in Merton through planning mechanisms.
- 2 Flexibility introduced by the Gambling Act (2005) and, until 2015, ‘permitted development rights’, may have contribute to the increase in the number of betting shops in Merton between 2005 and 2015.
- 3 However there have been some significant changes since Merton’s 2014 research:
 - In planning terms, national government has removed permitted development rights from all betting shops in England. Since April 2015 all new betting shops have to seek planning permission from the council and are within their own unique classification (Use Class “sui generis”) instead of being considered as *financial and professional services*)
 - For licencing, in 2017 and 2018 government announced the intention to reduce the stake possible for Fixed Odds Betting Terminals from £100 currently to £2, although this will require secondary legislation, which has not been enacted yet.
 - Local area profile - providers have to demonstrate that they have considered the character of the local area in requesting their licence. E.g. if a local school is nearby (new applications or variations only) applicants would have to undertake a risk assessment, demonstrating how they would minimise negative effects on the local school.
<https://mertonintranet.moderngov.co.uk/documents/s24632/Appendix%20C%20-%20London%20Borough%20of%20Merton%20Local%20Area%20Profile%20Gambling%20Act%202005%20September%202018.pdf>
- 4 For a planning policy to restrict the development of any type of development in Merton including betting shops in Merton, the council has to prove through evidence the harm that is being caused from the particular type of development in general, and not, for example, from anti-social behaviour relating to specific premises.
- 5 Using both primary and secondary research, Merton’s officers examined both planning and licensing records to identify if there has been a significant increase in betting shops in Merton in the last few years, in particular changes since the 2013 research.
- 6 The research concluded that:
 - Betting shops are located throughout Merton and are not overly concentrated in any one town centre;
 - Betting shops represent only a small proportion (always less than 4%, usually close to 2%) of the total number of shops in each centre;
 - There were 33 premises with a gambling licence in 2013 and now (2018) there are 34 premises in Merton out of over 2,000 shops. Although there have been changes in the locations, hasn’t been a significant increase or decrease in any one area over the past 5 years. There is wider evidence that there has been a nationwide increase in internet gambling during this period;

- Although there have been instances flagged up of anti-social behaviour relating to individual establishments, neither the Met police nor Council officers have flagged up persistence or significant antisocial behaviour issues in relation to all or most betting shops in general in Merton.
- 7 Officers brief research of other London boroughs', found that Merton also has one of the lowest number of betting shops in comparison to neighbouring boroughs' and other London boroughs'.
 - 8 National changes restricting permitted development rights (in planning terms) for betting shops, the proposed changes to the Fixed Odds Betting Terminals and a much greater awareness of gambling problems have all occurred in the last five years.
 - 9 Officers concluded that planning mechanisms to further restrict the development of betting shops are not justified in Merton at this time.

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Introduction:

- 10 The purpose of this research report is to identify the number, location and change over time of betting shops in Merton and to explore whether the number of betting shops could be restricted in Merton through planning mechanisms such as developing planning policy or issuing an Article 4 Direction.

Factors that may increase the number of betting shops:

- 11 This section briefly explains how these are key factors, outside of the typical planning application process, which influences the number of betting shops in an area.

Gambling Act (2005):

- 12 The Gambling Act (2005) introduced a unified regulator for gambling in Great Britain and a new licensing for gambling to be conducted by the Commission or by Licensing Authorities, depending upon the matter to be licensed.
- 13 The Commission are responsible for granting operating and personal licences for commercial gambling operators, personnel working in the industry and some larger scale gaming. The Gambling Commission assess prospective operators to ensure that it has appropriate governance procedures and is compliant with the overriding aims of the legislation. If compliant, the Gambling Commission then issue licenses to prospective gambling providers. Successful applicants may then apply for a premises license from the Licensing Authority where it wishes to conduct its gambling activities.
- 14 Licensing authorities have powers to license gambling premises within their area, as well as undertaking functions in relation to lower stake gaming and compliance with the Gambling Act. The Licensing Authority is required to approve premises licenses for all gambling activities in the locality including:
 - Bingo;
 - Betting shops;
 - Adult gaming centres (high stakes electronic gaming);
 - Family gaming centres (lower stakes electronic gaming);
 - Casinos; and,
 - Racecourses and dog tracks.
- 15 The Act sets out three licensing objectives, which underpin the functions that the Commission and Licensing authorities will perform. These objectives are central to the regulatory regime. They are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and,

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- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 16 The current gambling license framework, in which the Licensing Authority must ‘aim to permit’ restricts the power of the authority to act to prevent the clustering of betting shops and does not provide solutions to other amenity issues associated with the clustering of betting shops. Another significant change is the removal of a demand test within the Gambling Act which ensured that the provision of betting shops was proportionate to need.
- 17 In considering an application for a premises license, there are a number of license conditions which the Local authority can consider, these are known as mandatory, default and discretionary conditions of the license. Mandatory and default conditions are prescribed by the Gambling Act. Mandatory conditions cannot be varied by the Licensing Authority but default conditions can be altered or removed by the Licensing Authority.
- 18 The Licensing Authority does have limited powers to vary the conditions of the premises license under the discretionary guidance. Such variations may include the opening hours or security arrangements for the proposed gambling establishment. Once again, the conditions that the Licensing Authority can set within individual licenses are tightly prescribed by the Gambling Commission and cannot contravene guidance issued through the regulator. In summary, the Licensing Authority can only set conditions for a premises license where:
- They are relevant to make the building safe;
 - Are directly related to the premises;
 - Are fair and reasonable and relate to the scale of the premises;
 - Reasonable in all other aspects.
- 19 When the Licensing Authority is considering a premises license from a gambling operator, the Gambling Act specifies that representations may be made from a variety of local stakeholders including responsible authorities (e.g. Local Authority, police, planning, fire authorities), a person/ resident close to the prospective gambling premises, local business interests or representatives of any of the preceding groups (such as lawyers, Councillors or other community representatives). However, representations from any of the above parties can only be made if they are relevant to the three overarching gambling objectives as detailed in paragraph 14 above.
- 20 To note, public nuisance and public safety are not included in these objectives and the Council cannot take these into account in any representations that may be received when licences are applied for.
- 21 In order to influence gambling license decisions, local representations must produce sufficient evidence to be able to demonstrate how the granting of a specific premises license will affect the overarching gambling principles. All appeals against decisions made by the Licensing Authorities in England and Wales are made to the Magistrates Court.
- 22 At the time of writing in November 2018, the Gambling Act 2005 also allowed for up to four machines known as Fixed Odds Betting Terminals (FOBT) to be sited within any licenced betting premises. All betting shops in Merton have the maximum of four FOBT machines

located within them. Government research based on Gambling Commission statistics states that as at November 2017 there were 33,611 FOBT machines in Great Britain. The gross gambling yield from FOBT for April 2016 to March 2017 was £1.8 billion.

- 23 Public health and addiction based research indicated that these machines, which allowed clients to undertake multiple and repeated bets and gamble with substantial sums without restriction, were highly addictive and aggravated problem gambling. The gambling industry disagrees, saying there is no evidence of a causal link between these machines and problem gambling.
- 24 In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) announced a range of proposals to strengthen protections around gambling. These included lowering the maximum stake on FOBTs from £100 currently to between £50 and £2. A consultation on the proposals, including the level of the new stake, closed on 23 January 2018.
- 25 On 17 May 2018, the Government announced that the maximum stake on FOBTs will be reduced to £2. This will require secondary legislation. No further details on the exact timescales are available at this point.

Use Class Order:

- 26 The Town and County Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The Use Class Order provides a schedule of class use for land and buildings under the Town and County Planning Order. The schedule of class use for land and buildings that is relevant to betting shops:
 - **A1:** Retail
 - **A2:** Financial & Professional Services
 - **A3:** Restaurant and Cafes
 - **A4:** Drinking Establishments
 - **A5:** Hot food Take-away
 - **Sui generis:** unique uses including betting shops and payday loans
- 27 Until April 2015 betting shops and payday loans were classed as "*A2 - financial and professional services*" under the Use Class Order. This meant that planning permission was not needed under 'permitted development rights' to change from another A2 Use (for example banks, estate agents) to a betting shop, nor from Class A3 (restaurant and Cafes), Use Class A4 (Drinking Establishments) or Use Class A5 (Hot Food Takeaways) to a betting shop.
- 28 In 2015, in response to council's and communities' pressure, government amended the Use Classes Order to remove this permitted development right. Betting shops and payday loan premises are now classed as "*sui generis*". Sui generis uses, including betting shops, payday loans, nightclubs, theatres, launderettes, car showrooms etc. always have to seek planning permission from the Local Planning Authority.

- 29 In circumstances where there are other local or site specific concerns 'Article 4' direction to remove permitted changes of use could be considered or planning policy could be imposed to restrict the number of betting shops in Merton.
- 30 For a planning policy or an Article 4 Direction to restrict development the Council has to prove through evidence the harm that is being caused from the particular development.

Ways that local authorities can restrict the proliferation of betting shops:

- 31 This section examines the methods by which the Council could restrict the proliferation of betting shops in Merton, should evidence support this.

Article 4 Direction:

- 32 An Article 4 Direction is applied to a specific geographic area and it removes the right to undertake the types of development specified in the Direction without seeking planning permission under the General Permitted Development Order 1995. For example, in Merton there is an Article 4 Direction for the John Innes and Wilton Crescent conservation areas that prevents people changing their windows or front doors without seeking planning permission.
- 33 Since 2015, all new betting shops and payday loan establishments have had permitted development rights removed nationally and have had to seek planning permission from the Local Planning Authority. Therefore an Article 4 Direction would not be relevant or applicable.

Planning policy

- 34 In 2014 at the time of preparing and adopting Merton's most recent borough-wide Development Plan (*Merton's Sites and Policies Plan*), research demonstrated that the number and concentration of betting shops in Merton would not justify introducing a planning policy or an Article 4 Direction to further restrict betting shops.
- 35 At this time, bars, restaurants, banks, estate agents, takeaways, cafes and many other uses on the high street could have changed to betting shops without the need for planning permission. However the council was not seeing an over-concentration of numbers or in any particular location, when compared with other high street establishments.
- 36 As referred to in the "Use Classes Order" section above, in 2015 government changed permitted development rights to require all betting shops and payday loans premises to seek planning permission; removing all permitted development rights.
- 37 Merton's emerging Local Plan takes the same approach as existing planning policy

Other London boroughs’:

38 There are other London local authorities who have similar concerns with the number of betting shops in their boroughs’ including Barking & Dagenham, Hackney, Haringey and Lewisham. In the following paragraphs, officers have summarised how these London boroughs’ have dealt with concerns relating to the proliferation of betting shop in their areas.

London Barking & Dagenham:

39 In 2012, the London of Barking & Dagenham has 50 betting shops located throughout the borough; representing the sixth highest concentration of betting shops in London. Some of these are concentrated in Barking Town Centre, Dagenham Heathway, Chadwell Heath and the shopping parades of the Becontree Estate.

40 The Council’s research which included successive high street surveys, local retail health checks and the borough’s retail study showed that the borough have an over representation of betting shops. It is considered that this overconcentration of betting shops is not desirable in terms of trying to sustain the viability and vitality of the borough’s centres therefore limiting the proliferation of betting shops is an important component of the borough’s strategic health and regeneration initiatives.

41 For this reason , Barking and Dagenham council took forward a holistic approach (the planning team working with various departments such as the property, licensing and NHS team) to stop the proliferation of betting shops in the borough. As part of this the Council has brought forward an SPD as well as a corresponding Article 4 Direction (as this was prior to 2015 national changes) with the aim of restricting the proliferation of betting shops on the high streets.

42 Barking and Dagenham’s SPD titled “Evening the odds: curbing the proliferation of betting shops” (2012) provides further guidance on the location and concentration of betting shops complementing policies set out in the Local Plan. The aim of the SPD is to preserve the diversity of the high street by reducing the proliferation of betting shops across the borough.

43 The SPD sets up:

- An exclusion zone – planning permission will not be granted for new betting shops within 400m of an existing permitted betting shop.
- Specific areas that betting shops can locate – the town and neighbourhood centres and the proposal will lead to no more than 5% of units within a centre or frontage being betting shops.

44 The Article 4 was used to remove existing Permitted Development Rights that allows the A3, A4 and A5 uses to revert to A2 without requiring planning permission. (this has since been

superseded nationally by the amendments to the Use Class Order in April 2015, removing all permitted development rights for betting shops)

London Borough of Hackney:

- 45 In the **LB Hackney**, the Community Safety & Social Inclusion Scrutiny Commission conducted a review of betting shops. The results showed that there were 64 betting shops in the borough; many of which cluster in areas of high social deprivation. Although the total number of betting shops has not increased since the Gambling Act 2007, there is still continued concern about their saturation.
- 46 This review recognised that the Council had limited powers to restrict the clustering of betting shops through licensing or planning, therefore they decided to continue to gather local information and complete further research as evidence to support potential future policies and to continue to lobby central government to create a separate use class for betting shops (*sui generis*). This was successful as government changed the Use Class Order in April 2015.

London Borough of Haringey:

- 47 Due to considerable community concern in 2009 and 2010 with regards to the number of betting shops in LB Haringey, the Overview and Scrutiny Committee completed a Scrutiny Review of the Clustering of Betting Shops in Haringey (April 2011). The focus of the review was to examine the propensity of betting shops to cluster together and to record what impact that this has had on local communities. As part of this review, the Council looked at whether the liberalisation of the Gambling Act (2005) precipitated a rise in gambling premises licensed in Haringey.
- 48 In 2013 (updated in 2016) there were 66 betting shops located throughout Haringey; 85% were located in the east of the borough and 42% of the shops were located in super output areas which are among most socially deprived (top 10% in England).
- 49 Haringey's report concluded the following:
- the total number of betting shops has remained largely the same since the Gambling Act (2005) came into force.
 - some betting shops had moved from local shopping parades to more prominent positions within local shopping centres, clustering in a number of areas throughout Haringey Green Lanes, Wood Green, and Tottenham compared to other parts of the borough.
 - It was the view of local police that betting shops were not significant contributors to local crime figures though did conclude that betting shops had become a focal point for crime and ASB in areas where there was already known to be a problem.
 - no evidence that the clustering of betting shops generated any significant footfall or trade for local retailers, nor added to the diversity or vibrancy of the host areas;

however the panel acknowledge that as may as 500 local jobs could be created from the betting shop industry.

- noted submissions from the Gambling Commission and GamCare which suggested that there was no evidence to support an associations between the clustering of betting shops and problem gambling. Also any moves to restrict clustering would have little impact on problem gambling, give the availability of other betting mediums.

50 The review recommended the following measures:

- the use of an Article 4 Direction continues to be recommended approach suggested by Ministers to control the clustering of betting shops; this was negated by the national government amendments to the Use Class Order in April 2015 to remove permitted development rights from all betting shops.
- existing and future planning documents could be strengthened to include a clustering policy which sought to control the clustering of any retail, business or service use; to sit within Haringey's Local Plan
- continued efforts to lobby for change to gambling license legislation or to planning control regulations to enable local Councils and local residents to have greater influence on decisions which affect local communities.

51 As part of the Haringey's Development Management Policy DM46 (2017) sets out a policy which restricts the proliferation of uses including betting shops.

Haringey Policy DM46: Betting Shops

- A) *Proposals for betting shops will only be permitted where they are appropriately located within the Metropolitan Town Centre, a District Town Centre or Local Centre, having regard to Policy DM42 (Primary and Secondary Frontages) and DM43 (Local Shopping Centres).*
- B) *Proposals for new betting shops will be assessed against their impact on town centre vitality and viability, having regard to:*
- a The number of existing betting shops in the centre; and*
 - b The need to avoid overconcentration and saturation of this particular type of use.*

London Borough of Lewisham:

52 There are 71 betting shops located throughout Lewisham; with concentrations in Catford (6 units) and Lewisham town centres (9 units) and Deptford High Street. In Deptford High street there are 8 betting shops along a stretch of 600 metres. Although Lewisham's internal research has shown that the number of betting shops has not increased throughout the years; they note that betting shops have moved from the tertiary shopping frontages to more primary shopping frontages. Therefore betting shops are in more prominent locations thus being more visible which may be contributing towards local concern about the retail

mix in some areas as well as the occurrence of crime and anti-social behaviour associated with betting shops.

- 53 Due to the local concerns with the over proliferation of betting shops on Lewisham's high streets, officers have considered how to restrict the development of betting shops through planning policy and Article 4 Direction. With using an Article 4 Direction, they were concerned with the changes associated with the creation of Article 4 Direction which allows for compensation claims and that the Article 4 Direction would not be implemented immediately. For these reasons they decided to not move forward with issuing an Article 4 Direction.
- 54 Lewisham Council adopted their Development Management Policies in late 2014. Although no specific policy was introduced regarding betting shops, the justification for the council's planning policies in town centres and shopping parades states that Lewisham will resist planning applications that would result in an unacceptable concentration of hot food takeaways and betting shops in any one area. This is similar to London-wide and Merton's retail planning policies.
- 55 Lewisham Council also responded to CLG's recommending that betting shops should be removed from the A2 Use Class and re-classified as sui generis, with no permitted change. Government took this forward in April 2015.

Merton's research:

- 56 Using both primary and secondary research and qualitative and quantitative information, officers examined both planning and licensing records, to identify how many betting shops currently operate in Merton and whether there has been a significant increase in betting shops in Merton in the last few years.

Primary Research

- 57 Merton completes an Annual Shopping Survey, where a member of the Future Merton Team record changes in the location and number of shops, restaurants, cafes, pubs and bars, hot food takeaways, financial and business services (including betting shops) throughout Merton. This survey has been carried out every year since 2004 and gives a strong record of change in Merton.

Secondary Research

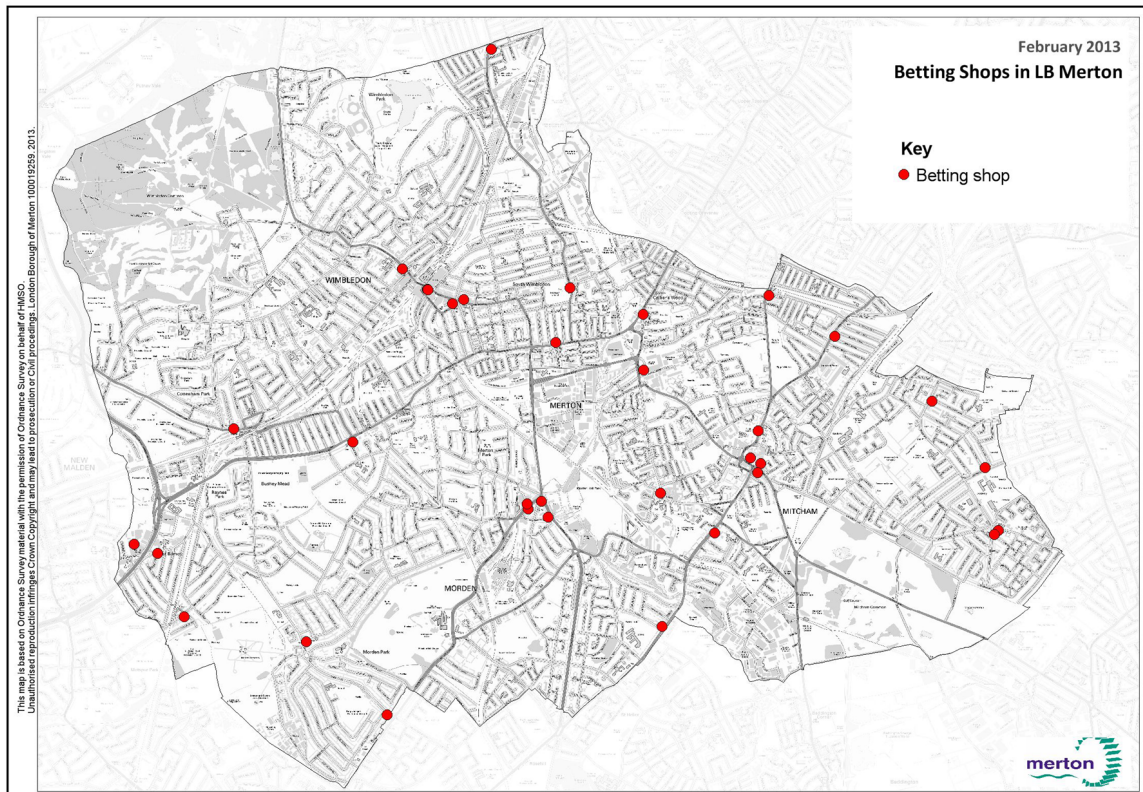
- 58 Some uses, as well as requiring planning permission in scheme where change of use permission is required, require licenses to operate. Licences are often required for the following uses to operate: cafes, restaurants, public houses, hot-food take-away, leisure and entertainment. Officers used Licensing records and compare these against Merton's Annual Shopping Survey to make certain that the results in this report are accurate. Please see *Appendix B: London Borough of Merton's Register of Gambling Premises* for a full list of gambling premises operating in Merton as of 2013. Using desktop research, we also looked

at the total number of betting shops in neighbouring boroughs' and other boroughs' located in London.

Research Findings

- 59 In 2011, 2013 and 2018, officers carried out extensive research on betting shops in Merton as this issue was highlighted by Councillors as a concern.
- 60 Officers analysed the number of betting shops from 2007 and 2012 though the gambling facilities at the Greyhound Stadium are excluded from this analysis.
- 61 In addition, we also spoke to the Safer Merton Team/ the police to see if there was evidence of harm caused by betting shops in Merton; either due to their overall number, cumulative impact in certain centres or demonstrable harm caused by their activities. Please see Figure 1 below which shows the locations of all Betting Shops in Merton as at 2013. Please also see graphs and maps set out in *Appendix C: Betting Shops Research*.

Figure 1: Map of Betting Shops in Merton as at 2013. To include in December 2018 – map of betting shops as at 2018



62 The research conclusions are:

- Betting shops are located throughout Merton and are not overly concentrated in any one town centre.

- Betting shops represent only a small proportion (always less than 4%, usually close to 2%) of the total number of shops in each centre.
- Although there are a large number of units in each town centre, which under the Use Class Order could open up as betting shops without the need for planning permission, there hasn't been a significant increase or decrease over the past 5 years. There is wider evidence that there has been a nationwide increase in internet gambling during this period.
- Neither the Met police nor Council officers have flagged up persistence or significant antisocial behaviour issues in relation to betting shops in Merton.

63 Officers brief research of other London boroughs' found that both LB Islington and LB Newham had some of the highest number of betting shops in London; both of these boroughs' had 80 betting shops. As illustrated in Figure 2: Merton also has one of the lowest number of betting shops in comparison to neighbouring boroughs' and other London boroughs'.



Conclusions:

64 Having considered the research findings, planning mechanisms to restrict the development of betting shops would not be effective or viable to pursue at this time in Merton.

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Appendices

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Comparison between 2013 and 2018 betting shops in Merton

The original list (in black) dates from 2013. Betting shops marked in red have been opened or closed between 2013 and 2018

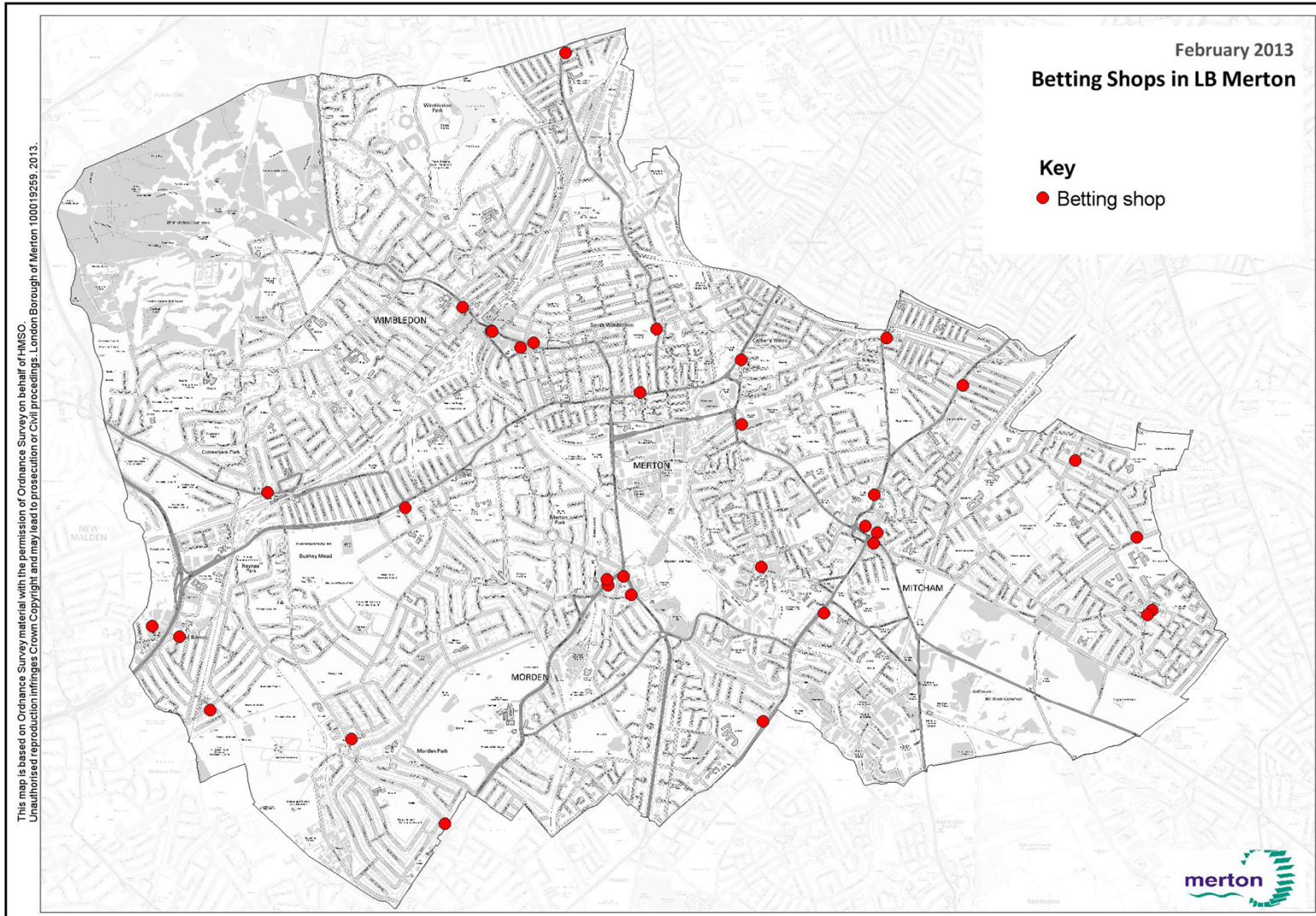
2018	Premises Type	Name	Address	Town	Postcode
1.	Adult Amusement Arcade	Agora	57 London Road	Morden	SM4 5HT
2.	Betting Shop	Betfred	1-3 Upper Green West	Mitcham	CR4 3AA
3.	Betting Shop	Betfred	9 Wimbledon Bridge	Wimbledon	SW19 7NH
4.	Betting Shop	Coral	55 Church Road	Mitcham	CR4 3BF
5.	Betting Shop	Coral	94 The Broadway	Wimbledon	SW19 1RH
6.	Betting Shop	Coral	7-9 The Broadway	Wimbledon	SW19 1PS
7.	Betting Shop	Coral	251 Northborough Road	Norbury	SW16 4TR
8.	Betting Shop	Coral	98 Bishopsford Road	Morden	SM4 6BB
9.	Betting Shop	Coral	Unit 1, 175 Burlington Road	New Malden	KT3 4LU
	Betting shop	Coral	Unit 15 Tandem Centre	Colliers Wood	SW19 2PE
10.	Betting Shop	Jenningsbet	11 The Broadway	Wimbledon	SW19 1PS
	Betting shop	John Warren	326 West Barnes Lane	New Malden	KT3 6NB

11.	Betting Shop	Ladbrokes	58/62 Coombe Lane	Raynes Park	SW20 0LA
12.	Betting Shop	Ladbrokes	19/21 Tudor Drive	Morden	SM4 4DP
13.	Betting Shop	Ladbrokes	2/4 Christchurch Road	Colliers Wood	SW19 2NX
14.	Betting Shop	Ladbrokes	31 London Road	Tooting	SW17 9JR
15.	Betting Shop	Ladbrokes	44 Wimbledon Hill Road	Wimbledon	SW19 7PA
16.	Betting Shop	Ladbrokes	174 Merton High Street	Wimbledon	SW19 1AY
17.	Betting Shop	Ladbrokes	415 Durnsford Road	Wimbledon	SW19 8EE
18.	Betting Shop	Ladbrokes	175a Streatham Road	Mitcham	CR4 2AG
	Betting Shop	Ladbrokes	Unit 2a Aberconway Road	Morden	SM4 5LN
19.	Betting Shop	Ladbrokes	17/19 Upper Green East	Mitcham	CR4 2PE
20.	Betting Shop	Ladbrokes	4 The Broadway	Wimbledon	SW19 1RF
	Betting Shop	Ladbrokes	18 South Lodge Avenue	Mitcham	CR4 1LU
21.	Betting Shop	Paddy Power	41 London Road	Morden	SM4 5HT
22.	Betting Shop	Paddy Power	2/4 Gladstone Road	Wimbledon	SW19 1QT

23.	Betting Shop	Paddy Power	3 Upper Green East	Mitcham	CR4 2PE
24.	Betting Shop	Stan James	48 London Road	Morden	SM4 5BE
25.	Betting Shop	William Hill	158/160 Chestnut Grove, Pollards Hill	Mitcham	CR4 1RB
26.	Betting Shop	William Hill	176/178 Rowan Road, London	Streatham	SW16 5HX
27.	Betting Shop	William Hill	356 Grand Drive	Raynes Park	SW20 9NQ
28.	Betting Shop	William Hill	1/2 Fair Green Parade, Upper Green West	Mitcham	CR4 3NA
29.	Betting Shop	William Hill	335/335a London Road	Mitcham	CR4 4BE
30.	Betting Shop	William Hill	66/67 Monarch Parade, London Road	Mitcham	CR4 3HB
31.	Betting Shop	William Hill	114 Haydons Road	Wimbledon	SW19 1AW
32.	Betting Shop	William Hill	5 London Road	Morden	SM4 5HX
33.	Betting Shop	William Hill	216/218 Burlington Road	New Malden	KT3 4NW
34.	Betting Shop	William Hill	344 Kingston Road	Wimbledon	SW20 8LR
	Track	Wimbledon Stadium	Plough Lane	Wimbledon	SW17 0BL

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Figure 1: Map of betting shops in Merton as at 2013. *Map to be provided as at 2018*



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Update on engagement as at November 2018

- 1.1. Consultation is currently being undertaken on the following:
 - Stage 2 Local Plan (31 October 2018 – 6th January 2019)
 - Draft FutureWimbledon masterplan (September 2018-6th January 2019)
 - Sutton Link (led by Transport for London with support of Merton and Sutton officers 31 October 2018 – 6th January 2019)

- 1.2. The draft Local Plan and the draft FutureWimbledon masterplan consultations are informed by the Planning and Compulsory Purchase Act 2004 as amended. Although the Sutton Link is being run by a different organisation (Transport for London) under separate legislation (Transport and Works Act) the principles of consultation are similar.

- 1.3. Consultation undertaken in line with Merton's Statement of Community Involvement with the following adaptations:
 - Information online, social media prompts
 - In libraries
 - +2,000 emails, letters
 - Encourage peer to peer communication
 - All households via MyMerton
 - Combined information; referring to all three consultations

- 1.4. In addition for the Local Plan (new planning policy)
 - Dedicated engagement with harder to reach groups inc gypsies and travellers, younger people;
 - Meetings offered evenings and weekends
 - Dedicated phone line (also FutureWimbleon masterplan)
 - Infrastructure provision: GLA, Transport for London, NHS, council's education service, police, fire service etc
 - Duty to co-operate: engagement with other boroughs especially those surrounding Merton
 - Document presented in sections
 - Apps and online to encourage responses

- 1.5. In addition for draft futureWimbledon masterplan (planning guidance)
 - On street events (design your own public space)
 - Landowners forum

- 1.6. In addition for Sutton Link (towards Transport and Works Act)
 - Leaflets within 250m of the three proposed routes in Merton and Sutton
 - Exhibitions across both boroughs (see meeting lists)

Community meetings September 2018-January 2019

	DATE	MEETING	NOTES
	17 September 2018	Cabinet	Approval for consultation on futureWimbledon masterplan and Local Plan drafts
27	September	Wimbledon Community Forum	Launch of draft FutureWimbledon masterplan
Throughout	October	Gypsies and travellers	Ongoing consultation on accommodation assessment
Mon	01 October (eve)	LSG	As BPAC
Mon	01 October (eve)	Wimbledon Society	Local Plan
Tues	02 October	Morden - delivery	
Weds	03 October	Morden - delivery	
Thurs	04 October (eve)	Wimbledon Union of Residents Associations	FutureWimbledon masterplan
Fri	05 October	Cabinet Member for Children's Services	
Tues	16 October (eve)	Residents Association of West Wimbledon	FutureWimbledon masterplan, Local Plan (pre consultation)
Weds	31 October	Launch of draft Local Plan and Sutton Link	
Weds	31 October	GLA / TfL	Sutton Link
Weds	07 November (eve)	Merton Park Ward RA	Local Plan esp Morden
Thurs	08 November	South Wimbledon Station	Sutton Link
Sat	10 November	FutureWimbledon public space workshop	
Mon	12 November (eve)	Friends of Wimbledon Town Centre	FutureWimbledon masterplan
Tues	13 November	Nelson Health Centre	Sutton Link
Weds	14 November (eve)	Battles Area Res Assoc	Local Plan, FutureWimbledon masterplan, Sutton Link
Thurs	15 November	Head Teachers	Local Plan

Borough Plan Advisory Committee – 28 November 2018

Thurs	15 November (eve)	Landowners Forum	Wimbledon
Sat	17 November	Morden station	Sutton Link and Local Plan
Tues	20 November	NHS – infrastructure planning	Local Plan
Weds	21 November	Mitcham Parish Church centre	Sutton Link, Local Plan
Sat	24 November	Colliers Wood library	Sutton Link and Local Plan
Tues	26 November	Morden medical centre Morden	Local Plan Sutton Link
Weds	28 November	Wimbledon library	Sutton Link / Local Plan
Sat	01 December	Wimbledon station	Sutton Link / Local Plan
Thursday	6 th December	Merton Partnership	Local Plan / Sutton Link

As at 19th November 2018

Not included in the above list or TBC

- Meetings with councillors
- Other boroughs including neighbours
- All dates with infrastructure providers
- Dates with schools being scheduled for January 2019
- Dates of ongoing engagement with business groups including LoveMorden and LoveWimbledon

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The London Borough of Merton
Statement of Community Involvement
(SCI), part of Merton's Local Plan
November 2018



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1. Introduction

1.1 Planning can help to shape how places, areas and spaces can look where people live, work and play and it is therefore essential that the community have an opportunity to take part in this process.

1.2 Merton's community is made up of many different groups including residents, service providers, businesses, workers and visitors to the borough, with a wide range of often different views. Furthermore the impact of planning policy may also reach beyond the boundaries of Merton, for example neighbouring boroughs.



2. What is the Statement of Community Involvement?

1.3 The Statement of Community Involvement (SCI) sets out how the council will involve local people, local businesses, other key organisations and stakeholders when we prepare our planning policies and consider planning applications.

1.4 All local planning authorities are required under section 18 (1) of the Planning and Compulsory Purchase Act 2004, to prepare and maintain a SCI.

3. Our principles for involving the community

The benefits of involving the community

1.5 Merton's local communities are those that are most affected by development in their areas and are also those who know the most about their neighbourhood. There are many benefits to involving local communities in considering planning applications for their area, as well as in plans for the locality and the borough.

1.6 These include:

- Benefiting from the detailed local knowledge and perspective of local people and community organisations/groups
- Community commitment to the future development of their area
- Greater support for policies, strategies and decisions
- Improving the quality of life, and of the built and natural environment, within Merton

4. Our approach to involving the community in planning

1.7 We want to ensure local communities are better informed about planning and more involved in delivering the planning service.

1.8 To achieve this we aim to follow these additional principles:

- Promote the use of electronic methods of consultation including email

and the council's website to make involvement easier, quicker and more cost effective

- Be open about the constraints imposed by regulations and already agreed policy
- Be realistic about the opportunities for change in any consultation
- Give feedback to comments made in consultation
- Be clear and helpful in guiding people through the planning process
- Be transparent in the way planning decisions are carried out
- Be inclusive in consultation so a broad range of views are heard from people living and working in the borough
- Use consultation methods that are appropriate to the stage of the planning process, the issues being considered and the community involved
- Seek views at the earliest possible stages and throughout the planning process.

1.9 However above all our planning consultation and practice must meet all relevant statutory planning requirements for consultation on plan making and planning decisions.

5. Merton's SCI background

1.10 In 2006 Merton Council adopted its SCI. However since its adoption there have been a number of changes to planning legislation, planning guidance and technological advances such as social media, which have changed the way public consultations are carried out which means Merton's SCI (2006) requires updating.

1.11 In accordance with the relevant legislation this SCI sets out how, when and who will be consulted throughout the preparation of a development planning document such as a Local Plan and other statutory development planning documents for example Supplementary Planning Documents (SPDs) prepared by the council. It also sets out how the council will consult on development planning applications and planning appeals.

1.12 In addition to legislative requirements of what should be included in an SCI, this document also sets out the principles for consultation on ¹Neighbourhood Plans/planning. Furthermore the requirement on the duty to co-operate which places a statutory duty on local authorities and public bodies to engage and consult.

1.13 This SCI has been prepared in accordance with:

- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011,

¹ Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders <https://www.gov.uk/guidance/neighbourhood-planning--2>

- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town and Country Planning (Development Management Procedure) (England) Order 2010 and
- The National Planning Policy Framework (NPPF, 2012).

Duty to co-operate

- 1.14 The duty to cooperate set out in Section 33A of the Planning and Compulsory Purchase Act 2004 and added to by the Localism Act (2011) establishes a legal principle of co-operation with neighbouring boroughs, the Mayor of London, other authorities and agencies when reviewing planning policy.
- 1.15 This means that the council must seek to actively engage with neighbouring boroughs and a range of other agencies (see Appendix 1) when preparing and reviewing its planning policies, particularly in relation to strategic priorities and cross-boundary issues.
- 1.16 In accordance with the Localism Act the council has to demonstrate and provide evidence that the council is in compliance with this duty. The council has to demonstrate this to an independent Inspector at examination in public.

6. Accessible consultations

- 1.17 For all consultation the following considerations should be considered when holding public consultation and/or events in Merton to ensure they are accessible. The points outlined below should be taken into account for all consultations, whether led by developers, applicants and the council or neighbourhood planning forums. Things to consider ensuring consultations are accessible:

- Building that is compliant to meet needs of those with disabilities i.e. with lift, ramps and disabled toilet
- Time of meeting e.g. consideration for those with caring responsibilities
- Signers for people who are either deaf or have impaired hearing
- Induction loops
- Accessible location that has good transport links
- Buildings that are located in a well lit area if consultation is taking place at night
- Parking for the disabled
- If providing refreshments check dietary needs
- Always provide water
- Hand outs and presentations in plain English and alternative formats.

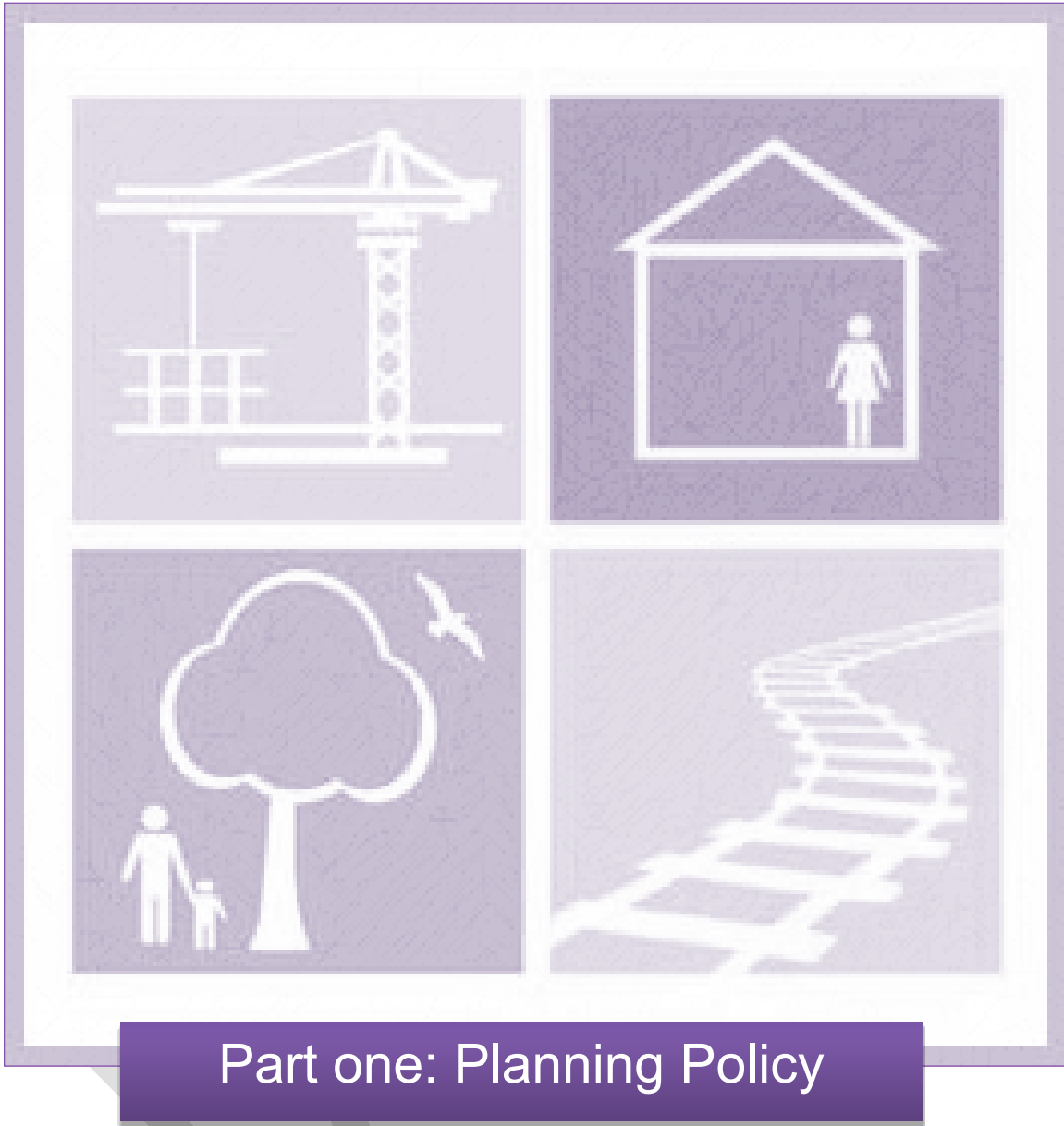


- Ensure presentation slides do not have complicated backgrounds for those with visual impairments and dyslexia
- Use plain simple English language i.e. ²Plain English particularly when providing information about issues
- Provide translated documents on request in accordance with ³Department for Communities and Local Government (DCLG): Guidance on translation into foreign languages
- Provide documents that are available in other formats such as Audiotape and CD's on request
- Communicate consultation as widely as possible and ensure that consultation is advertised in specialist press targeted at groups concerns

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² <http://www.plainenglish.co.uk/>

³ www.parliament.uk/DCLG-guidance-on-Translation



Part one: Planning Policy

7. Statutory development plan documents

1.18 The council as a Local Planning Authority (LPA) is required to prepare development planning documents and produce a timetable for their preparation. This timetable is known as the Local Development Scheme (LDS).

1.19 Collectively these documents are known as Development Plan Documents (DPDs); these in turn form the local authority Local Plan. The ⁴Local Plan can be a single policy document or a suite of documents.

1.20 Merton's Local Plan currently consist of the National Planning Policy Framework (NPPF), national Planning Policy Guidance (PPG), the London Plan and their supportive documents (for example supplementary planning documents/guidance) and:

- **Core Planning Strategy (2011):** sets out Merton's strategic objectives of the planning framework for the borough. It brings together strategies relating to land use in an integrated manner to provide a long term spatial vision and a means to deliver that vision.
- **Sites and Policies Plan (2014):** consist of policies and proposals from other local plan documents, namely the Core Planning Strategy, the Site and Policies plan, South London Waste Plan.
- **Polices Map (2014):** contains policies to help the council to implement its Core Planning Strategy policies to ensure all proposed development reflects the spatial vision for the borough and provides detailed policy to guide planning decisions
- **South London waste plan (2010) (also known as Joint Waste Development Plan Document).** Sets out the issues and objectives to be met in waste management for the next ten years. It is a joint Development Plan Document and covers the geographical area comprising the London Borough of Croydon, the Royal Borough of Kingston upon Thames, the London Borough of Merton and the London Borough of Sutton.
- **Estates Local Plan (2018):** Sets out site specific development planning policies for three estates in Merton: Eastfields, High Path and Ravensbury

1.21 All of the above documents contain the development planning policies against which planning decisions are determined in Merton. The Local Plan set out the

National planning policy places Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design.

⁴ <http://www.merton.gov.uk/environment/planning/planningpolicy/localplan.htm>

vision for the development in the borough over the life of the Plan. Furthermore it sets out where the development will happen, when this will occur and how it will be delivered.

- 1.22 Merton Council may in the future decide to have one document as its Local Plan. If so, this does not change the status of this SCI as mentioned earlier in this document the Local Plan can be a suite or a single document and the purpose of the SCI is to sets out how, when and who will be consulted throughout the preparation of a development plan document(s) such as a Local Plan and other statutory development planning documents.

Who will we consult?

- 1.23 ⁵The Town and Country Planning (Local Planning) Regulations 2012 set out the plan preparation process and minimum requirements for consultation (regulations 18 to 26). As a minimum the council must consult and invite representations (comments) with '*specific consultation bodies*', '*general consultation bodies*' and 'such residents or other persons carrying on business in the local planning authority's area from which the Local Planning Authority (LPA) consider it appropriate to invite representations'. A current list of specific and general consultees is provided in Appendix A.

Figure 1: Stages in the preparation of Development Plan Documents

Pre-production evidence gathering and stakeholder involvement	Research and evidence gathering to underpin the plan may involve consultation with relevant stakeholders
Public participation in the preparation of the plan (Regulation 18)	This is a widespread process which may involve more than one stage of consultation depending on the document and the nature and scale of issues involved. This is the key stage to get involved and shape the plan content. Formal consultations will run for a minimum of six weeks.
Publication and submission of plan to the government (Regulations 19, 20 and 21, 22)	We will consult on the ' <i>submission</i> ' version of the plan for a minimum of 6 weeks. This stage is for parties to submit comments on the ' <i>soundness</i> ' of the plan prior to submission to the government. A summary of all the consultation, the main issues raised and how these were taken into account will be submitted alongside the plan to the government.

⁵ <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

⁶ The preparation of the document needs to be legally compliant. The inspector will test how '*sound*' the document is by assessing relevant evidence from both the local planning authority and any formal written comments. The inspector will only take into account the comments made on the '*published*' plan before it is formally submitted to the Secretary of State

Examination of the plan by a Planning Inspector (Regulation 24)	Relevant consultees and those who made a representation at the <i>submission stage</i> will be notified of the examination. The examination includes consideration of the comments received during the previous stage and will involve public examination hearings. Those who responded may be invited to attend an examination hearing by the Inspector. The examination may result in the Inspector posing additional questions for the council and other bodies making representations. This information/correspondence will be made publically available.
Publication of the Inspector's recommendations (Regulation 25)	Following the Examination the Inspector will publish a report which assesses the ' <i>soundness</i> ' of the planning document. This report will contain the Inspector's recommendations and any Modifications (if necessary) to the planning document. This report will be publicly available. If considered to be significant 'material changes' the Inspector can advise a further round of public consultation, usually for 6 weeks
Adoption of the plan by the council (Regulation 26)	This is the final stage where the plan is formally adopted by the council.

The Examination in Public (EIP)

1.24 Once the council has received any representations on the publication version of the plan, the council submits the Local Plan and any proposed changes it considers appropriate along with ⁷supporting documents to the Planning Inspectorate for examination on behalf of the Secretary of State.

1.25 The examination starts when the Local Plan is submitted to the Planning Inspectorate and concludes when a report to the local planning authority has been issued.

1.26 During the examination a planning Inspector will assess whether the Local Plan has been prepared in line with the relevant legal requirements (including the duty to cooperate) and whether it meets the tests of 'soundness' contained in the National Planning Policy Framework.

1.27 The Inspector should work proactively with the local planning authority. Underpinning this is the expectation that:

- Issues not critical to the plan's soundness or other legal requirements do not cause unnecessary delay to the examination of the plan
- Inspectors should identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the LPA to clarify and address these
- Where these issues cannot be resolved within the examination timetable, the potential of suspending the examination should be fully considered, with the local planning authority having an opportunity to assess the scope and feasibility of any work needed to remedy these issues during a period of suspension, so that this can be fully considered by the Inspector
- Consideration should be given to the option of the local planning authority making a commitment to review the plan or particular policies in the plan within an agreed period, where this would enable the Inspector to conclude that the plan is sound and meets the other legal requirements.

1.28 If necessary the Inspector may be asked by the council to recommend modifications to the Local Plan that would address any issues with soundness or procedural requirements that are identified during the examination. The Inspector, can only recommend modifications if they are asked to do so by

'Soundness':

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development

Justified: the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence

Effective: the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

⁷ www.legislation.gov.uk/uksi/2012/767/regulation/17

the local planning authority itself. If, in doing so, the Inspector identifies any fundamental issues with the plan, they may recommend that the plan should not be adopted.

- 1.29 The local planning authority will then need to consider whether to withdraw the plan and prepare a new document for submission. In this situation, any existing Local Plan policies will remain in force while a new plan is prepared, although some of those existing policies are likely to become increasingly out-of-date.

Adoption of planning policies

- 1.30 Once all the stages (figure 1) have been carried out, the development planning document will be formally adopted by ⁸Full Council. Statutory documents such as Local Plan and development plan documents that will be part of Local Plan are required to be adopted by Full Council. Other planning documents such as SPDs are adopted by Merton's ⁹Cabinet.

Where you can see our planning policy documents

- 1.31 All planning policy documents and consultation material will be made available on our website to view and download at www.Merton.gov.uk/localplan. Printed copies at each consultation stage(s) and the final adopted document and its supporting documents will also be available at Merton's reference libraries. www.merton.gov.uk/libraies

Supplementary Planning Documents (SPDs)

- 1.32 The council may also produce other planning documents such as Supplementary Planning Documents (SPDs). They do not have as much weight in decisions as development plan documents but play an important role in giving more information and detail on how our Local Plan policies will be applied
- 1.33 SPDs are not subject to public examination with a planning inspector, as they are prepared by the council to give further details to adopted planning policies such as Local Plan policies.

⁸ www.democracy.merton.gov.uk/fullcouncil

⁹ www.democracy.merton.gov.uk/cabinet

Figure 2: Stages in the preparation of Supplementary Planning Documents (SPDs)

Development of evidence base and preparation of draft SPD	This may involve a range of different consultation and engagement activities depending on the topics and coverage of the SPD.
Public consultation on the draft supplementary planning document (Regulation 12 and 13)	This is the key stage to shape the content of the plan. Statutory minimum " <i>being not less than 4 weeks period</i> " for parties to submit representations
Adoption of the supplementary planning document by the Council (Regulation 14)	This is the final stage where the plan is formally adopted by Merton Council and an adoption statement is published.

Sustainability Appraisal

- 1.34 The council is required to carry out a Sustainability Appraisal (SA) for development planning documents, which may include ¹⁰Strategic Environmental Assessment (SEA) ¹¹this can be integrated into the SA or can be a stand alone document.
- 1.35 The purpose of the SEA/SA is to promote sustainable development by integrating social, economic and environmental considerations into the preparation of Local Plan and/or other development planning documents.
- 1.36 The key role of the SA is to assess how a plan meets environmental, economic and social objectives. It is intended to improve the planning system's ability to promote sustainable development. By identifying the key sustainability issues likely to be affected by the implementation of a plan, developing options and assessing any significant effects from the earliest stages of plan preparation.
- Article 1 of the Directive states that its objective is:
".....to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development"
- 1.37 These aims are consistent with a range of Government policies on the environment and sustainable development. Therefore SA's and SEA are an important tools for developing sound planning policies which are consistent with the government's sustainable development agenda and achieving the aspirations of local communities.
- 1.38 As part of the SEA/SA process we are required to consult with three

¹⁰ In addition, the EU Strategic Environmental Assessment Directive 2001/42/EC (SEA Directive), implemented in the UK by the SEA Regulations 2004, requires environmental assessment to be undertaken on all plans and programmes where they are likely to have significant environmental impacts

environmental government bodies:

- The Environment Agency
- Historic England
- Natural England

1.39 We will consult the above stakeholders on the ‘scope’ of the appraisal prior to its start and we will publish the SEA/SA alongside the development planning documents it appraises and invite comments on it.

8. How we will involve the community in preparing policies

1.40 The ways that we may choose to involve the community and stakeholders in the production of development planning documents are set out in figure 3 below. The methods we use at any particular stage will depend on and be informed by:

- Statutory requirements
- Availability of resources e.g. officers.
- Appropriateness of the method for that particular consultation
- Nature of topic being considered
- Geographic coverage of the document
- Stage of the planning process reached
- The need for specialist knowledge

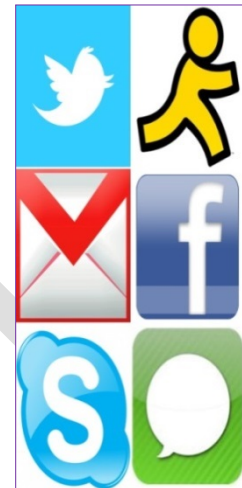


Figure 3: Consultation methods

Website	All planning policy documents, consultations and supporting information will be available on our website. We may also use the website for online surveys, questionnaires and feedback or other consultation websites such as Survey Monkey
Social Media	We may use social media such as twitter or Facebook.
Email	We will use emails as our main method of communication. Emails may include information on consultations, responses and the stage of preparation reached, adoption and general updates.
Local Plan database <i>(It should be noted that this database is a Future Merton team database and not run by or maintained by the wider council. Therefore any changes need to be reported directly to the Future Merton team)</i>	We may email updates from this database to keep people updated on all relevant planning policy matters. However the main method used for this will be Merton webpage. We will keep your contact details confidential in line with the General Data Protection Regulations. If you would like to be added to this database or need to change contact details or wish to be removed from this database please email: future.merton@merton.gov.uk
Local Press	We may advertise certain consultations and stages of a plan preparation in the local press i.e. Wimbledon and Morden & Mitcham local Guardian newspapers. This will be determined by

	the council's statutory requirement to do so. These adverts/notices will let you know where more information can be found and how to get involved.
Meetings/ Community Forums	If we are invited we may meet with residents groups/organisations and other community groups relevant to the document being prepared.
Workshops	Workshops and facilitated events may be appropriate to discuss issues in detail and ensure that a range of people have a chance to express their concerns.
Targeted events	It may be necessary to arrange meetings with groups who do not normally respond to planning policy consultations to make sure their views are heard. This may be in partnership with community/religious groups or leaders.

9. Ways of involving the community in preparing development planning **policy** documents

How we will use the results of consultation and engagement

- 1.41 When a consultation ends we will consider the comments we have received and prepare and if necessary (in conformity with planning legislation, policies and guidance – national, regional and local) revise the consultation document. We will also produce a Statement of Consultation report which will set out:
- Who was consulted
 - How they were consulted
 - A summary of the main issues raised in the comments
 - How the comments have been taken into account.

- 1.42 This statement will be published on our website alongside the consultation documents in question.

Neighbourhood Planning

- 1.43 The Localism Act 2011 allows for the preparation of neighbourhood plans. A neighbourhood plan is prepared by the community through designated neighbourhood forums and sets out policies on development and use of land in the defined neighbourhood area.
- 1.44 Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the Local Plan or through other planning mechanisms such as Local Development Orders and SPDs or through pre-application consultation on development proposals.

- 1.45 Communities and local planning authorities should discuss the different choices communities have to achieve their ambitions for their neighbourhood.
- 1.46 If brought forward by a community and when formally agreed by the council, the neighbourhood plan becomes a statutory planning document and must be taken into account when making decisions on planning applications in that neighbourhood. This means it has the same degree of weight in decision making as the Local Plan.
- 1.47 If the policies and proposals are to be implemented as the community intended the neighbourhood plan must be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be ¹²developed viably is threatened.
- 1.48 ¹³The Neighbourhood Planning (General) Regulations 2012 sets out the consultation requirements for neighbourhood planning, including the responsibilities of the local planning authority. The council will undertake its statutory duty with respect to these regulations.
- 1.49 The council recommends that local people consider using the methods of community involvement set out in this SCI as the basis for their own sound and inclusive consultation on the preparation of their neighbourhood plan (including formation of the forum and neighbourhood area).

Figure 4: Stages in the preparation of Neighbourhood Plans

Receipt of Neighbourhood Area / Neighbourhood Forum application (Regulation 6 and 9)	Merton Council shall consult for not less than 6 weeks, as soon as possible after receipt of a complete application. We will publish the applications on the website and bring the applications to the attention of people who live, work or carry on business in the area to which the application relates.
Publishing Designation of Neighbourhood Area and Neighbourhood Forum (Regulation 7 and 10)	If Merton Council approves the application, we will publicise the decision on the website and in such a manner to bring the designations to the attention of people who live, work or carry on business in the area to which the application relates. If refusing an area or forum application. The council will publish: <ul style="list-style-type: none"> • a decision statement setting out the reasons for refusal • details of where the decision may be inspected
Publicity by the Neighbourhood Forum of a Neighbourhood Development Plan prior to submitting to the Council (Regulation 14)	The Neighbourhood Forum leads on this stage. Before submitting a Neighbourhood Development Plan to the council, the Neighbourhood Forum should: <ul style="list-style-type: none"> • Consult for a minimum of 6 weeks.

¹² <https://www.gov.uk/guidance/viability>

¹³ <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

	<ul style="list-style-type: none"> • Ensure that they bring the plan to the attention of people who live, work or carry on business in the area to which the plan relates. • Consult the consultation body listed in Appendix X, whose interest the Neighbourhood Forum consider may be affected by the NDP • Send a copy of the NDP to the LPA. The Neighbourhood Forum can determine how to consult at this stage but they must draw up a Consultation Statement, setting out who and how they have consulted for the next stage of the process.
Following submission to the Council of the Neighbourhood Development Plan (NDP) (Regulation 16)	<p>Merton Council will:</p> <ul style="list-style-type: none"> • Consult for a minimum of 6 weeks • Publish the NDP on its website • Bring the NDP to the attention of people who live, work or carry on business in the area to which the plan relates. • Consult the consultation bodies referred to in the Neighbourhood Forum's Consultation Statement.
Publicising the Examiner's Report (1990 Act schedule 4B para12 (11 & 12) Regulations 18 and D & 19)	<p>As soon as possible after considering the examiners recommendations and deciding to take forward a NDP the council must publish on the website and in such a manner to bring the report to the attention of people who live, work or carry on business in the area:</p> <ul style="list-style-type: none"> • The examiner's report. • Its decisions and reasons in response to the examiner's report in a 'decision statement'. <p>Merton Council will send a copy to the Neighbourhood Forum and anyone who asked to be notified of the decision.</p>
Referendum on the NDP	Merton Council's responsibility to publicise the referendum in accordance with Neighbourhood Planning (Referendum) Regulations 2012 requirements.
Publishing the NDP <i>*subject to more than 50% people voting in favour of the NDP Regulation 20)</i>	As soon as possible after a successful referendum*, the council should publish the NDP, an adoption statement and notify any person that has asked to be notified that it has been made.

Ways of involving the community in Neighbourhood Plans

- 1.50 The ways the council may use to bring a neighbourhood plan to the attention of people who live, work or carry out business in the area in question include:
- Advertisement in a local newspaper
 - Site notices around the Plan area
 - Email to the consultation bodies set out in the Neighbourhood Forums
 - May use Twitter and Facebook to raise awareness

Consultation Statement

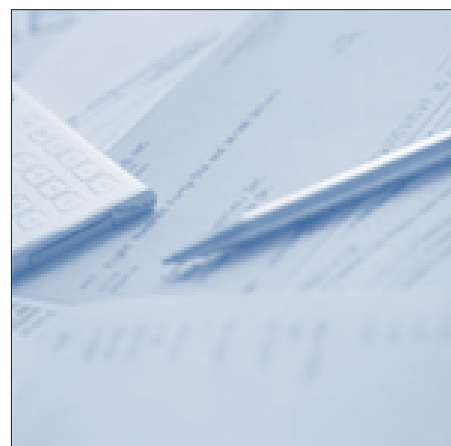
- Email to those on our Local Plan database.
- The council's planning webpages
- Inclusion in planning newsletter, which updates people on all planning policy matters and is published on the council website.



Part 2: Planning applications

10. Planning applications

- 1.51 The council makes decisions on applications taking into account the advice of planning officers, the development plan and other relevant material considerations. There are two ways in which applications can be determined:
- Delegated powers or
 - Planning Application Committee (PAC).



Pre- application discussion with applicant(s)

- 1.52 Pre-application discussions provide greater certainty and clarity to an applicant by identifying planning issues and requirements at an early stage, when they can influence the scheme before its submission.
- 1.53 We can provide formalised pre-application planning advice for all schemes, including householder development any development involving changes of use or the provision of new floorspace and any application requiring a certificate of lawful development all fore mentioned are subject to the payment of a fee.

www.merton.gov.uk/planning/cpreappadvice

Community involvement by the developer

- 1.54 The council encourages (but cannot insist) applicants to engage with the community and stakeholders before submitting a planning application. The extent of consultation should be proportionate to the nature and scale of development proposed.
- 1.55 For development orders (nationally significant infrastructure projects), section 61W of the Town and Country Planning Act 1990 (added by the Localism Act 2011) places a legal duty on developers to consult local communities prior to submitting a planning application. For large scale development proposals, there is no legal requirement to consult with local communities prior to submitting a planning application.
- 1.56 However the NPPF makes clear that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that the more issues that can be resolved at pre-application stage, the greater the benefits. Accordingly and in the spirit of co-operative working, the council strongly encourages developers to involve the local community from an early stage prior to submitting an application.
- 1.57 Early community involvement may help shape and inform what is appropriate for a site and may therefore be undertaken before proposals are drawn up.

1.58 Where developers have engaged with the community prior to submitting an application, the council will expect a consultation report to be submitted as part of the planning application. The consultation report should outline the type of community engagement undertaken, the views expressed by the community and how these views have informed the development proposal. Where no changes have been made to the proposal the consultation report should explain why not.

1.59 All planning applications of any scale will benefit (if only through improved processing of the application) from early engagement and discussion with neighbours and/or others likely to be affected by the proposed development. The council therefore suggests all applicants enter into some form of discussion with adjoining landowners, occupiers, neighbourhood and/or other local groups as appropriate.

Pre-application discussion with the council

1.60 As mentioned earlier the council cannot require developers to engage with the council prior to submitting a planning application; it is strongly encouraged that applicants and their agents make use of the pre-application service that the council offers. Pre-application discussions with the council help in 'testing the waters' by providing early indications of the council officer view of a scheme.

1.61 Discussions are confidential and any advice given is without prejudice to future decisions of the council. Obtaining pre-application advice provides applicants with the following benefits:

- Understanding how the council's policies will be applied to a proposal
- Input from the design and conservation, planning policy, and transport and highways teams, Lead Local Flood Authority (LLFA), Public Health Merton and other departments/teams where considered necessary
- Assisting in the preparation of proposals for formal submission, which, if the advice of planning officers is followed, should be handled more quickly and be more likely to result in a positive outcome
- Helping to reduce the time spent in preparing the proposal
- Indicating those proposals that are completely unacceptable and helping to improve the quality of the proposed development.
- Putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application

Planning performance agreements (PPA)

1.62 A ¹⁴PPA is a mechanism which can be entered into in advance of a planning application being submitted. It is a voluntarily agreement between the applicant and the local planning. It can be a useful focus of pre-application discussions

¹⁴ www.gov.uk/guidance/planning-performance-agreements

about the issues that will need to be addressed.

- 1.63 They are run as a project management framework in which applicants can meet with the planning service and other interested parties to agree how a scheme will be progressed through the planning process once submitted.
- 1.64 PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultee
- 1.65 PPAs offer a real opportunity to deliver benefits for developers, the council and communities in terms of a more efficient use of resources, better and more transparent engagement and improved outcomes through early and effective dialogue. More information on PPAs can be found on the council website. There is a fee for PPA.







Planning application stage

- 1.66 Notification of planning applications will be publicised to meet statutory requirements (see figure x for further details). All applications will be available to view on the council's webpage via [Planning Explorer](#) –the council's planning application search portal or on the council website at: www.merton.gov.uk/planning/receivedplanninglist
- 1.67 Planning Explore allows the public to search and view all planning applications, both current and past since 2006. All development but excluding minor development proposals will be advertised in the local paper.
- 1.68 The council will send neighbour notification letters to neighbours sharing a boundary with the development site, for all types of development listed in figure x (below). Specific and other consultees (for example local amenity groups, specific interest groups, other non-statutory organisations and those that have registered to receive alerts on planning applications) will be sent **email** notification where the council holds a **valid email address**. ?
- 1.69 There is no statutory requirement to consult on the following types of applications.
- Certificates of lawfulness of proposed use or development
 - Certificates of lawfulness of existing use or development
 - Internal alterations only to a Grade II listed building
 - Advertisements
 - Approval of details (exceptions are details for conservation area consents and external works to any listed building)
 - Revisions to planning applications once valid
 - 'Non-material' amendments
 - Discharge of conditions

- 1.70 Where required by legislation in a Conservation Area, the council will erect at least one site notice in a prominent location of the proposed development. However where the council is not required by legislation the council may ask developers to put up a site notice(s). In these circumstances and where the applicant agrees to erect a site notice the council will provide a copy of the site notice.
- 1.71 The council may require photographic evidence which shows this has been done during and at the end of the consultation period. Information on site notices will be as clear and engaging as possible (while meeting statutory requirements); this may include larger font size to attract attention.

Figure 5: How Merton will consult on applications

Type of application	Site notice by the council	Neighbour notification letter	Newspaper advertisements	Website
House builder		X		X
Prior approval		X		X
Permitted development				X
Applications for major development as defined in Article 2 of the Development Management Procedure Order	X		X	X
Applications subject to EIA which are accompanied by an environmental statement			X	X
Applications which do not accord with the development plan in force in the area	X			X
Applications which would affect a right of way to which Part 3a of the Wildlife and Countryside Act 1981 applies				X
Applications for planning permission not covered in the entries above e.g. non-major development				X

Applications for listed building consent where works to the exterior of the building are proposed				
Applications to vary or discharge conditions attached to a listed building consent, or conservation area consent or involving exterior works to a listed building.				

Planning application comments received

- 1.72 Comments must be made in writing; verbal comments will not be accepted or considered by the council. Comments received electronically via email or letter is acceptable. The council does not accept anonymous or confidential comments related to planning applications and any anonymous or confidential comments received will not be considered when evaluating the application.
- 1.73 Under the ¹⁵Local Government (Access to Information) Act 1985, any comments, including names and addresses are open to inspection by the public and in the event of an appeal may be referred to the Secretary of State.
- 1.74 Where an application has been amended the council will decide whether further publicity and consultation is necessary, taking into account the public interest in the initial application and the nature and scale of the amendment relative to the initial application.
- 1.75 Where re-consultation is necessary the council will set a timeframe for responses, balancing the need for consultees to be given time to consider the issue that is being re-consulted upon and respond against the need for efficient decision making. The consultation timeframe can vary from 10 days to three weeks; depending on the nature and scale of the amendment and application.

How a decision is made on planning applications

- 1.76 Once a planning application has been validated, the local planning authority should make a decision on the proposal within the statutory time limit unless a longer period is agreed in writing with the applicant.
- 1.77 The council assigns a case officer to deal with the application until the point of making a decision. The Case Officer will do a site visit, check plans, and make a recommendation based on national, regional and local policy. The final decision as to whether or not to grant planning permission, advertisement consent or issue a certificate will then be taken or team leader.

¹⁵ <http://www.legislation.gov.uk/ukpga/1985/43>

1.78 The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment (EIA), in which case a 16 week limit applies).

1.79 Where a planning application takes longer than the statutory period to decide, and an extended period has not been agreed with the applicant, the government's policy is that the decision should be made within 26 weeks at most in order to comply with the 'planning guarantee'.



1.80 All applications for certificates of lawfulness and tree work, and most planning and advertisement applications are determined by the planning department. This is what is known as a 'Delegated' decision - one taken by officers of the council rather than elected councillors.

What is the government's 'planning guarantee'?

1.81 The planning guarantee is the government's policy that no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal. The planning guarantee does not replace the statutory time limits for determining planning applications.

1.82 Some applications are determined by elected councillors at a meeting known as the Planning Applications Committee (PAC).

Planning Application Committee (PAC)

1.83 The PAC is open to the public and meets almost every month. Elected councillors decide whether to grant or refuse planning permission for these applications.

1.84 PAC members represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise.

1.85 Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

1.86 Members of the public can speak at the PAC meeting either in favour or in

opposition to an application but, to do so, you must contact Development Management team by 12 Noon on the day before the meeting. Further details can be found on www.merton.gov.uk/attending_and_speaking_at_PAC

- 1.87 The agendas, minutes and reports for the PAC are made available on the council website 5 to 7 working days before an upcoming committee and the minutes are published online within 5 to 7 working days of agreement at a subsequent committee.
- 1.88 Once a decision has been made, a decision letter is sent by email (or letter if email is not possible) to the applicant and adjoining owners or occupiers who made comments on the application. Anyone else who made a representation electronically on the application is sent a notification by email of the decision and the decision is also posted on the council's website.
www.merton.gov.uk/environment/planning/planningdecisionlist
- 1.89 An application may be granted subject to conditions. Such conditions may require further reports to be submitted prior to commencement of works. There is no requirement to consult the public on planning conditions. Also demonstrating compliance with conditions is not an opportunity for public comment. However should an applicant apply to the council to vary (change) a condition, then this may trigger the need for further public consultation.

Prior approvals

- 1.90 The Government has changed Permitted Development rights so that householders can build larger extensions. However to do so, they must gain Prior Approval from the council before commencing work. This increase is from 3 metres to 6 metres for a terraced or semi-detached property and 8 metres for a detached property. This legislation is now valid until 30 May 2019.
- 1.91 The new Prior Approval procedure requires a developer to provide some basic information about a proposed extension and involves a process of consultation with immediate neighbours. This process lasts 42 days. If you gain Prior Approval it does not necessarily mean your development is lawful, as there are other ¹⁶Permitted Development rules you must comply. More details can be found on the council's website at: www.merton.gov.uk/planning/prior-approval

Prior approval neighbour consultation

- 1.92 The council will serve a notice to adjoining owners or occupiers i.e. those who share a boundary, including to the rear. This will give the address of the proposed development and describe it, including the information in 1(a) above. It will also set out:
- When the application was received, and when the 42-day determination period ends
 - How long neighbours have to make objections (which must be a minimum of 21 days), and the date by which these must be received. A copy of this notice must also be sent to the developer.

¹⁶ https://www.planningportal.co.uk/info/200125/do_you_need_permission

- If any adjoining neighbour raises an objection within the 21-day period, the local authority will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable.

1.93 No other issues will be considered.

Prior approval decisions

1.94 The development can go ahead if the council notifies the developer in writing either:

- That as no objections were received from adjoining neighbours it has not been necessary to consider the impact on amenity, or
- That following consideration, it has decided that the effect on the amenity of adjoining properties is acceptable.

1.95 If the council does not notify the developer of its decision within the 42 days determination period; the development may go ahead. If approval is refused, the developer may appeal.

Office to residential conversion

1.96 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows changes of use from office (Use Class B1 (a) to dwelling house (Use Class C3) subject to prior approval.

1.97 The government has stated that a change of use of an office building and land within its curtilage to a residential use falling within the Class C3 dwelling houses Use Class (which includes flats and houses) will be permitted development (i.e. the change of use will not require planning permission). It should be noted that there is a requirement for the legislation to be reviewed a minimum of every five years by the Government

1.98 It should be noted that the council has an Article 4 Direction to exempt Wimbledon town centre and Merton's industrial estates from this permitted change.

1.99 Changing an office to residential use is subject to a prior approval process whereby a developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to:

- Transport and highways impacts of the development
- Contamination risks on the site and
- Flooding risks on the site

1.100 The developer must notify the local planning authority and provide via the online form on the council website:

www.merton.gov.uk/officetoresidential_prior_approval

- Submit a written description of the proposed development
- Submit plan indicating the site and showing the proposed development

(this should Comprise an O.S. site plan identifying the site in relation to its neighbours as well as a plan showing the floorspace and any curtilage land involved)

- The developer's contact address and an email address if the developer is happy to receive correspondence by email. A contact phone number is also desirable.

Neighbour/Neighbourhood notification

- 1.101 The council will display a site notice on or near the land to which the application relates for a period of not less than 21 days that specifies the address and description of the development and the date by which any representations are to be received.

DRAFT

11. Where you can get more help

Planning handbook: A guide to planning in Merton

- 1.102 For more information our handbook provides an introduction to the planning system, advice about when you might need to apply for planning permission, the different types of application, and your options after a decision has been made.
www.planningguide.co.uk/merton

Planning Portal

- 1.103 The Planning Portal has a great, user-friendly, section dedicated to helping you understand if you need planning permission. The interactive house and interactive terrace are the major sources of information; but there are other, interactive, mini-guides on loft conversions, extensions, conservatories, outbuildings and porches.
www.planningportal.co.uk

Planning Aid Direct

- 1.104 Planning Aid Direct is a web resource operated by Planning Aid England (part of the Royal Town Planning Institute) which provides answers to questions people often ask about planning. It gives clear, simple explanations of how the planning system works. It also signposts you to further support and advice.
www.planningaid



RTPI

mediation of space · making of place



Appendices

Appendix A: Duty to co-operate and specific consultees

Duty to Cooperate consultees:

The Town and Country Planning (Local Planning) (England) Regulations 2012 define the following bodies as 'specific consultation bodies':

The Environment Agency
 Historic England
 Natural England
 The Mayor of London and the offices held by the Mayor
 The Civil Aviation Authority
 Each clinical commissioning group established under section 14D of the National Health Service Act 2006
 NHS
 The Office of Rail Regulation

Transport for London

The Coal Authority;

Network Rail Infrastructure Limited

Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) (a) of the Communications Act 2003;

Any person who owns or controls electronic communications apparatus situated in any part of the area of the local authority;

Metropolitan Police Service

Other public bodies, in addition to local planning authorities, are subject to the duty to cooperate by being prescribed in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) as amended by the [National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013](#)

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
- Historic England (Historic Buildings and Monuments Commission for England)
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Highways England
- A relevant authority any part of whose area is in or adjoins the local planning authority's area
- Any person to whom the electronic communications code applies by virtue of a direction given under section 106(3) (a) of the Communications Act 2003, and who owns or controls electronic communications apparatus situated in any part of the local planning authority's area

local planning authority's area:

- A Primary Care Trust established under section 18 of the National Health Service Act 2006(g) or continued in existence by virtue of that section;
- A person to whom a licence has been granted under section 6(1) (b) or (c) of the Electricity Act 1989(h)
- A person to whom a license has been granted under section 7(2) of the Gas Act 1986(a)
- A sewerage undertaker; and
- A water undertaker
- The Homes and Communities Agency (b)
- The Mayor of London

- If it exercises functions in any part of the

General Consultation Bodies

The Government has defined through the Town and Country Planning (Local Planning) (England) Regulations 2012, 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.

Merton's Local Plan database contains over 2,000 groups, organisations, companies and individuals from the following categories:

- Non-adjointing Local Planning Authorities
- Advice and information groups
- Architects
- Black and Minority Ethnic Groups
- Business groups/organisations
- Conservation and heritage groups
- Developers
- Disability groups
- Education
- Elderly groups
- Employment/business groups/organisations
- Environmental groups
- Faith groups
- Health organisations including NHS and Public Health
- House builders
- Landowners
- Planning consultants
- Police and other emergency services
- Political parties
- Regeneration groups and partnerships
- Registered social landlords
- Resident's groups/organisations
- Sport and leisure groups
- Statutory consultees
- Transport groups
- Utility companies
- Youth Groups

Sustainability Appraisals (SA) and Strategic Environmental Assessments (SEA)

The council will also consult as a minimum these bodies on Sustainability Appraisals/Strategic Environment Assessments.

- Environment Agency
- ¹⁷Historic England
- Natural England

¹⁷ This may included the Greater London Archaeological Advisory Service (GLAAS)

Appendix B: Non-statutory consultees (NPPF and national PPG)

Non-statutory consultee	Type of development
Emergency Services and Multi-Agency Emergency Planning	See guidance on flooding and coastal change
Forestry Commission	See guidance on the natural environment
Health and Safety Executive	See deciding planning applications around hazardous installations guidance and paragraph 113 of guidance on minerals
Ministry of Defence	See guidance on renewable and low carbon energy
Office of Nuclear Regulation	See deciding planning applications around hazardous installations guidance
Police and Crime Commissioners	See guidance on design
Rail Network Operators	See guidance on transport
Sport England	See guidance on open space, sports and recreation facilities
Business Improvement Districts	Designated under The Business Improvement Districts (England) Regulations 2004

Appendix C: Consultees for Neighbourhood Development Plans

In accordance with the Neighbourhood Planning Regulations 2012, the consultation bodies that the Neighbourhood Forum and Council have to consult at the relevant consultation stages are the:

- Mayor of London (and offices held by the Mayor of London)
- A relevant authority, any part of whose area is in or adjoins the area of the local authority, such as:
 - local planning authority
 - a county council
 - a parish council
 - a police authority
- Coal Authority
- Homes and Communities Agency (responsibilities now fall under the GLA)
- Natural England
- Environment Agency
- Historic England
- Network Rail Infrastructure Limited
- Highways Agency
- Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the LPA
- Where it exercises functions in any part of the neighbourhood area:
 - Primary Care Trust
 - Licensee under the Electricity Act 1989
 - Licensee of the Gas Act 1986
 - sewerage undertaker
 - water undertaker
- Voluntary bodies whose activities benefit all or part of the neighbourhood area
- Bodies representing the interests of different racial, ethnic or national groups in the neighbourhood area
- Bodies representing the interests of different religious groups in the neighbourhood area
- Bodies representing the interests of disabled people in the neighbourhood area

The Neighbourhood Forum is required to submit a Consultation Statement to the council formally submitting the Neighbourhood Development Plan. This statement must detail the bodies consulted in the preparation stage.

Appendix D: Statutory consultees on applications for planning permission

Statutory consultee	Type of development
Adjoining landowners	Article 15 Development Management Procedure Order
Canal and River Trust	Schedule 4(za) Development Management Procedure Order
Coal Authority	Article 26 and Schedule 4(o) Development Management Procedure Order
Control of major-accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990, Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order
Crown Estates Commissioners	Article 26 Development Management Procedure Order
Department of Energy and Climate Change	Article 26 Development Management Procedure Order
Environment Agency	Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order
Forestry Commission	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990
Garden History Society	Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Greater London Authority	Mayor of London Order 2008 (as amended)
Health and Safety Executive	Schedule 4(e) Development Management Procedure Order , see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications
Highways Authority	Schedule 4(g)(h)(i)(k)(l)(m)(n) Development Management Procedure Order
Highways England	Schedule 4(g)(h)(i) Development Management Procedure Order
Historic England	Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Local Highway Authority	Schedule 4(k)(l)(m)(n) Development Management Procedure Order

Local Planning Authorities	Schedule 4(b)(c) Development Management Procedure Order
National Parks Authorities	Schedule 4(a) Development Management Procedure Order
Natural England	Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990
Parish Councils	Schedule 4(d) Development Management Procedure Order
Rail Infrastructure Managers	Article 16 Development Management Procedure Order
Rail Network Operators	Schedule 4(j) Development Management Procedure Order
Sport England	Schedule 4(z) Development Management Procedure Order
Theatres Trust	Schedule 4(x) Development Management Procedure Order
Toll Road Concessionaries	Schedule 4(m) Development Management Procedure Order
Water and sewerage undertakers	Schedule 4(zf) Development Management Procedure Order

Appendix E: Types of applications and permissions

Full planning permission

Normally required if you wish to make a change in the use of land or buildings and or you wish to carry out works or operations including the erection of buildings/extensions. It may also be required if development has been carried out without permission and an application is being made to regularise the position.

Outline planning permission

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

This type of planning application allows fewer details about the proposal to be submitted. Once outline permission has been granted, you will need to ask for approval of the details ("reserved matters") before work can start. These details will be the subject of a "reserved matters" application at a later stage.

An application for outline planning permission is normally only appropriate in the case of larger or more complex developments. It is not normally appropriate in the case of householder applications, developments in conservation areas, or changes in the use of premises.

Approval of Reserved Matters

Where outline permission has been granted, you may, within three years of the outline approval, make an application for the outstanding reserved matters, i.e. the information excluded from the initial outline planning application. This will typically include information about the layout, access, scale and appearance of the development.

In October 2009, the Government introduced an application to extend the time limits for planning permission, including outline permissions.

Conservation area consent

Is required if you wish to demolish a building or structure within a conservation area.

Listed building consent

Normally required when you wish to carry out works to a listed building, this would include internal works to the building.

Advertisement consent

This is required if you wish to display advertisement including many types of shop fascia or signage. For more detailed guidance please check the central government leaflet about outdoor adverts and signs. www.gov.uk/government/advertisingguide

Tree work consent

Usually required to prune or fell a tree which is either within a conservation area or protected by a Tree Preservation Order (TPO). For more information on trees or tree applications, please telephone 020 8545 3815.

Certificate of Lawfulness for a Proposed Use or Development

Appropriate where you wish to seek formal confirmation from the council that proposed developments (including householder developments) fall within permitted development

allowances or that a proposed use would constitute a lawful use of the premises and would not require planning permission.

Certificate of Lawfulness for an Existing Use or Development

Appropriate where you wish to regularise an existing use or development and can demonstrate that the use has been in operation for ten years, or a development (including householder extensions) in place for four years.

If you are in any doubt about what kind of application you should make, please contact the duty planning officer on 020 8545 3777 (between 1pm - 4pm) or you can talk to a duty planning officer at Merton Link on the ground floor of the civic centre in Morden between the hours of 9am and 11am Monday to Friday.

Please note that the Duty Officer cannot give free advice on the acceptability of your proposal nor give an informal opinion about the likely success of an application.

