



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.

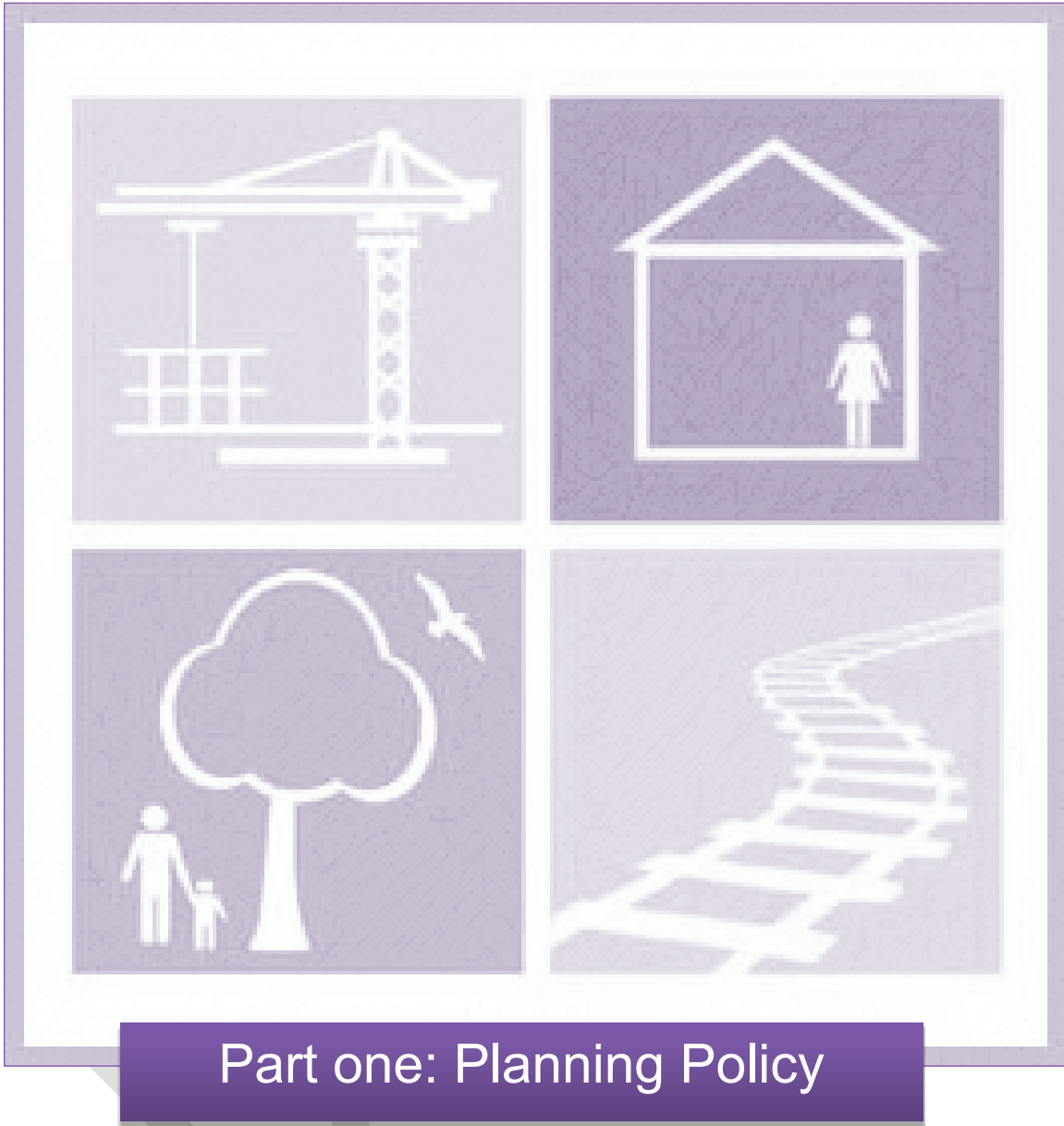


- Ensure presentation slides do not have complicated backgrounds for those with visual impairments and dyslexia
- Use plain simple English language i.e. ²Plain English particularly when providing information about issues
- Provide translated documents on request in accordance with ³Department for Communities 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

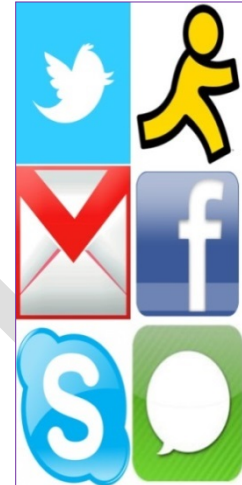


Figure 3: Consultation methods

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/ukxi/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

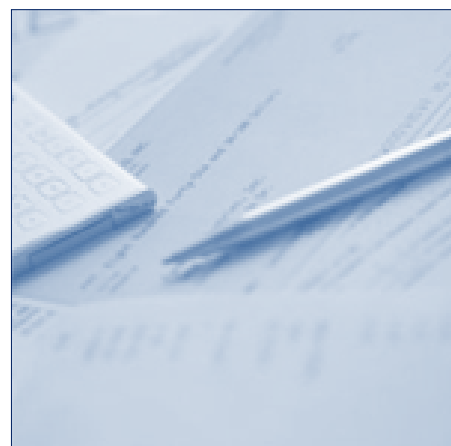
- Email to those on our Local Plan database.
- The council's planning webpages
- Inclusion in planning newsletter, which updates people on all planning policy matters and is published on the council website.



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.

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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.

