

## **Committee: Cabinet**

**Date: 15 July 2019**

Wards: all

## **Subject: Merton's Local Development Scheme 2019-2022**

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing

Contact officer: Deputy future Merton manager, Tara Butler

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### **Recommendations:**

- A. That, following advice from the Borough Plan Advisory Committee on 6<sup>th</sup> June 2019, Cabinet (15<sup>th</sup> July) recommends that council (18<sup>th</sup> September) approve the high level project plan for creating planning policy documents, known as Merton's Local Development Scheme (LDS).
  - B. For the project plan and timetable (Local Development Scheme) to take effect on 19 September 2019, replacing the council's LDS 2016-19.
  - C. That council delegates any amendments to the Local Development Scheme the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing, the chair and the vice chair of the Borough Plan Advisory Committee.
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### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The Planning and Compulsory Purchase Act 2004 introduced the requirement for local planning authorities to prepare and maintain a Local Development Scheme (LDS).
- 1.2. The LDS is a short, high level project plan that sets out what Development Plans the council is going to produce and the timetable for producing them.
- 1.3. The council prepared its first LDS in 2005, and issued updates, most recently for the period 2016-2019. It is now time to update the LDS.
- 1.4. This report recommends that the current LDS be updated and presented to Cabinet in July 2019 and full council in September 2019 to take effect on 19 September 2019. Appendix A sets out the LDS to reflect the current timetable for the preparation and adoption of:
  - Merton's Local Plan
  - The South London Waste Plan
- 1.5. On 6<sup>th</sup> June 2019, Merton's Borough Plan Advisory Committee resolved to recommend that Cabinet and Council approve Merton's LDS 2019-2022.
- 1.6. Delegation is sought to the Director for Environment and Regeneration in consultation with the Cabinet Member and the chair and vice chair of the Borough Plan Advisory Committee to make any amendments to the Local Development Scheme.

## **2 DETAILS**

- 2.1. Merton's statutory development plan containing the planning policies used to assess planning applications is made up of:
- Merton's Estates Local Plan (adopted February 2018)
  - The London Plan (published by the Mayor of London in 2016 and revision expected later in 2019)
  - Merton's Sites and Policies Plan (adopted July 2014)
  - The South London Waste Plan (adopted March 2012)
  - Merton's Core Planning Strategy (adopted July 2011)
- 2.2. As these documents are already adopted, they do not appear in the LDS.

### **New Local Plan**

- 2.3. As set out in the LDS 2016-2019, the council has already started producing its new Local Plan. Once adopted, it will replace the Sites and Policies Plan 2014 and Merton's Core Planning Strategy 2011.
- 2.4. Stage 1 consultation took place in 2017-2018 and Stage 2 in 2018-19.
- 2.5. Appendix A to this report sets out a new timetable within the Local Development Scheme for the production of Merton's next Local Plan. The timetable is recommended to be extended for the following reasons:
- 2.6. The Mayor of London is revising the London Plan, the spatial development strategy that sets the planning framework for the whole of London. It is part of each London borough's statutory development plan and therefore the basis for planning decisions across London.
- 2.7. The Mayor's London Plan sets the direction for key planning issues across London including each borough's share of London's housing needs, opportunity areas for development, environmental targets and strategic infrastructural matters such as new transport links (e.g. Sutton Link, Crossrail2).
- 2.8. Between January and the end of May 2019, a panel of independent planning inspectors examined the Mayor's draft London Plan in public hearing sessions. The Mayor will finalise the London Plan in early 2020 subject to agreement with the Secretary of State.
- 2.9. The Local Plans of all London boroughs must be in general conformity with the policies in the Mayor's London Plan. It is therefore a good idea to follow the timetable of the London Plan (rather than be ahead of it) in order for boroughs to be able to use the Mayor's up-to-date evidence, to avoid each borough's plan being either out-of-date or failing at examination as it does not generally align with the London Plan.
- 2.10. This is particularly important for outer London boroughs, including Merton, given the increase our share of London's housing needs and the associated

infrastructure considerations that we will be expected to deliver in the new London Plan. Merton Council's response to the draft London Plan supported many aspects of the Mayor's Plan but raised concerns about the deliverability of a new housing target for Merton that is +200% higher than previously. Officers recommend that it is extremely high risk to try and finalise Merton's Local Plan until the Mayor's London Plan is completed and published and Merton can develop the evidence (including further consultation) on housing and associated infrastructure relevant to its Local Plan.

- 2.11. Merton's 2016 LDS was originally based on the Mayor's London Plan being revised by 2018. As the Mayor's London Plan timetable has extended until 2020, officers are recommending that Merton's Local Plan timetable is adjusted to reflect this.
- 2.12. Revising the Local Plan timetable will also better support Morden regeneration. Since the 2019 consultation on specific sites in Morden closed, Merton Council has been working closely with Transport for London and the Greater London Authority to deliver Morden regeneration. A development partner will be appointed in 2020 and will therefore be in place at the time of the Local Plan's proposed submission to the Secretary of State in 2021. This will help to demonstrate the deliverability of Morden regeneration and of the whole Local Plan.

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

- 2.13. Waste treatment is a strategic planning issue across London and a challenge for all successful urban areas. There is a significant need for new homes in south London which generates the requirement for essential waste treatment infrastructure to support this growth.
- 2.14. In 2012 the four boroughs of Merton, Kingston, Sutton and Croydon adopted the 10-year South London Waste Plan which allocated sites, created planning policies and designated areas for waste management development. This existing South London Waste Plan will finish in 2022.
- 2.15. The four boroughs proposed to work together again and produce a new South London Waste Plan in line with government policy and guidance. The new South London Waste Plan will also cover the geographical area of the London boroughs of Croydon, Kingston, Merton and Sutton.
- 2.16. The London Plan sets the boroughs the target of managing 100% of London's waste within Greater London by 2026 and having zero biodegradable and recyclable waste going to landfill by 2026. It also sets targets for local authority-collected waste, commercial and industrial waste and construction, demolition and excavation waste.
- 2.17. With significant need for new homes and consequent commercial activity planned across London, the need to provide essential infrastructure such as waste facilities to meet this growth is therefore a regional strategic priority.
- 2.18. The new South London Waste Plan will give the opportunity for the four south London boroughs to ensure the South London conforms to waste-related policies in the London Plan, the National Planning Policy Framework and the National Planning Policy for Waste. It will also help the four boroughs to work together to review the long-term vision and objectives to consider waste as a resource in South London, supporting the circular economy.

- 2.19. Since the current South London Waste Plan was adopted in 2012, the four boroughs have been working closely together on:
- Monitoring the South London Waste Plan annually
  - Fulfilling the legal Duty to Co-operate with other councils on waste management issues, responding to other Local Plans for waste management.
  - Preparing and submitting a successful bid for government funding to support a new South London Waste Plan 2021-2036 on the basis of joint working.
- 2.20. In 2018 the four boroughs successfully bid for government funding (Planning Delivery Fund – Joint Working) for £136,594 to support the project.
- 2.21. The proposed timetable for the South London Waste Plan 2022 is set out in Appendix A

#### *Relationship with the South London Waste Partnership*

- 2.22. Although the South London Boroughs already work together as the South London Waste Partnership and have with a shared contract for the municipal collection and disposal of waste, this project and associated MOU relates to the waste planning functions and responsibilities of the South London Boroughs as Local Planning Authorities. The South London Waste Plan considers the municipal waste arising in each borough but it will also considered other forms of waste collected by private contractors.

### **3 ALTERNATIVE OPTIONS**

- 3.1. **South London Waste Plan:** the alternative is for each borough to produce a Waste Plan independently, which would be far more resource intensive for each borough. In any case, it is recognised that the production of a ‘sound’ Development Plan Document would require neighbouring boroughs to collaborate in order to develop consistent policies and proposals in line with the legal requirement of “duty to co-operate”.
- 3.2. **Local Plan:** Alternative options considered and rejected are to only extend Merton’s Local Plan timetable by six months. This was rejected as officers consider that this would not give enough time to account for possible scenarios at a London level (such as further amendments to the London Plan timetable) or for Merton to develop robust evidence on housing and infrastructure delivery and deliver the Local Plan within the LDS
- Delegated authority is sought to deal with amendments to the LDS.

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

- 4.1. Consultation on Local Plan-making is a statutory requirement and takes place for each Local Plan, including the South London Waste Plan.
- 4.2. Two stages of borough-wide consultation have taken place on the Local Plan which has generated responses on a very broad range of policy matters. However there has been more limited feedback on site-specific matters. Extending the timetable will allow the time to undertake further engagement on site-specific matters with community groups and landowners, engagement with young people and further engagement on

housing matters. Officers have already started this targeted engagement and will report back to councillors at Borough Plan Advisory meetings towards the end of 2019

## **5 TIMETABLE**

- 5.1. As set out in this report, including Appendix A

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

- 6.1. Funding to support this work will mainly come from existing resources and officers will seek opportunities for funding bids and match funding wherever possible.
- 6.2. Successful external funding bids that will help to resource Local Plan or South London Waste Plan include:
- 6.2.1 Cabinet Office One Public Estate programme (relevant to Local Plan, including Morden regeneration)
- 6.2.2 Ministry of Housing Communities and Local Government Planning Delivery Fund - joint working (for the South London Waste Plan)
- 6.2.3 Mayor of London's Housing Capacity Fund (for small housing sites)

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. A Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically on the council's website.
- 7.2. The provisions in section 15(8) of the Act 2004 state that the Council should revise the LDS as and when they consider it appropriate to do so.
- 7.3. The provisions of section 15(7) of the 2004 Act which states that the Council must resolve for the LDS to take effect and specify from what date it shall take effect..
- 7.4. With the aim of encouraging more local authorities to have a local plan in place, the Housing and Planning Act 2016, the Act gives the Secretary of State greater powers to intervene in the local plan making process. Specifically it would allow the Secretary of State to intervene if a local authority was failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local plan.
- 7.5. The Government's Implementation of planning changes: technical consultation proposes to prioritise Government intervention where:
- there is under delivery of housing in areas of high housing pressure;
  - the least progress in plan-making has been made;
  - plans have not been kept up-to-date.

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

- 8.1. Local Plans contain planning policies to improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments and Equalities Impact Assessments.

**9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. Local Plans contain planning policies to improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments which also consider matters of crime and disorder.

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

- 10.1. As set out in the body of this report.

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

- Appendix A: Merton’s Local Development Scheme.

## APPENDIX A – MERTON’S LOCAL DEVELOPMENT SCHEME 2019-2022

<b>Document and status</b>	<b>Role and content</b>	<b>Geographic coverage</b>	<b>Reg 18 consultation</b>	<b>Publication pre submission</b>	<b>Submission (followed by 6 month examination)</b>	<b>Adoption</b>
Local Plan– Development Plan Document	<p>Setting out spatial vision, objectives, strategic and detailed planning policies and site allocations.</p> <p>Replacing Merton’s Sites and Policies Plan 2014; Merton’s Core Planning Strategy 2011 and Merton’s Policies Map (where relevant) 2014</p>	Borough wide – London Borough of Merton	<p>Stage 1: October 2017-Janaury 2018</p> <p>Stage 2: October 2018-January 2019</p> <p>Stage 2a start: Sept-Oct 2020</p>	Spring / Quarter 2 2021	Summer / Quarter 3 2021	Winter 2021 / Quarter 4 2021
South London Waste Plan – Development Plan Document	<p>Replacing South London Waste Plan 2012. Setting out spatial vision, objectives, strategic and detailed planning policies and site allocations all relating to waste management. Ensuring that waste facilities have the least impact on the environment, supporting waste as a resource and the circular economy.</p> <p>Covering the London boroughs of Merton, Croydon and Sutton and the Royal Borough of Kingston upon Thames</p>	The extent of the four boroughs of London borough of Merton, Sutton and Croydon and the Royal Borough of Kingston upon Thames	Start: October 2019	Start: May 2020	Winter / Quarter 4 2020	Summer / Quarter 3 2021

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