

## **Committee: Cabinet**

**Date: 12 October 2020**

Wards: All

**Subject:** Public consultation on Merton's Local Plan (stage 2a)

Lead officer: Director of Environment and Regeneration, Chris Lee

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

Contact officer: Future Merton: Tara Butler

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### **Recommendations:**

That, having considered the advice given by the Borough Plan Advisory Committee on 7<sup>th</sup> October 2020, Cabinet:

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- A. Approves public consultation to take place between 30<sup>th</sup> October 2020 and 11<sup>th</sup> January 2021 on Stage 2a of Merton's Local Plan
  - B. delegates approval of the public consultation material to the Director of Environment and Regeneration, Chris Lee in consultation with the Cabinet Member for Housing, Regeneration and Transport, Councillor Martin Whelton.
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- 1.1. This report summarises the Local Plan's draft planning policies and recommends that Cabinet delegates the approval of the final documents for at least six weeks of public consultation on the draft Local Plan to the Director of Environment and Regeneration in consultation with the Cabinet Member. Merton's Borough Plan Advisory Committee considered the report on 7<sup>th</sup> October 2020 (after the circulation of this report) and their advice will be reported separately to this Cabinet meeting.
- 1.2. Although statutory consultation is for six weeks, it is proposed to run the public consultation for more than eight weeks from 30<sup>th</sup> October 2020 and 11<sup>th</sup> January 2021 to account for the current unusual circumstances.
- 1.3. Usually Members would receive a draft of the consultation documents to consider as part of this report. In this case it is recommended that councillors consider the direction of travel set out in this report and that the consultation material is delegated to the Director in consultation with the Cabinet Member due to a series of fairly unique circumstances:
  - At the current time public consultation will be exclusively digital. Officers are working towards using software including the council's new mapping software to ensure that this consultation is easier for our residents and others to access, to navigate and to understand what is proposed for any particular neighbourhood.

- This will be the second round of “stage 2” consultation and a summary of the policy direction changes accompanies this report. While many of the policies have been strengthened by evidence and responses to the previous consultations, there aren’t any significant changes in policy direction.
- On 1<sup>st</sup> September 2020 government introduced changes to the existing planning system that allows high street businesses (shops, offices, cafes, restaurants, banks etc) far greater flexibility in adapting to provide other services. Most of the changes to the Use Class Order reflects the direction of travel already in Merton’s emerging planning policies. However all planning policies, site allocations and land designations have to be reviewed to ensure that they are factually correct under the new changes and this review is still underway.

## **2 DETAILS**

- 2.1. Merton’s Local Plan was last consulted on in early 2019. In July 2019 Cabinet resolved to amend the timetable for the Local Plan in part to take account of the unsettled outlook for Merton’s share of London’s housing delivery (and the associated impacts on infrastructure) in the London Plan, which had not yet been finalised. The new timetable proposed public consultation in autumn 2020 which is the subject of this report.
- 2.2. As it happens, the timetable extension has allowed the council time to cope better with the impact of Covid19 restrictions on plan-making that have occurred since March 2020.
- 2.3. It is clear that Covid19 has dramatically accelerated trends that had already started: all types of online shopping, online supermarket and restaurant deliveries, closure of mid-range high street stores and strongly increasing demand for Merton’s industrial space.
- 2.4. However it is also clear that in the relatively brief six months we’ve been living with the devastating effects of Covid 19, the extent of the macro-economic impacts, including on the development industry and on the way we live our lives, are still not fully known. All sorts of very significant changes are being mooted: the demise of offices as places of work and the knock on effect on entire city centres; greater – global - flexibility in where many office workers will choose to work from; new demands for better and more reliable coverage for rapid broadband / 5G infrastructure, changes to how we travel, where we want to live, the designs of new homes in the future etc. Perhaps the most immediate change is the rapid decline in financial investment capabilities right across the private, public and third sector, from international investors to individual householders.
- 2.5. It is therefore important to clarify that while officers have been following and mindful of the many forecasts and discussions on the medium to long term impact of Covid19 on the way we live our lives, we are not recommending that at this particular time Merton’s Local Plan be reorganised to take account of the myriad of different predictions

- 2.6. It is also important to clarify that Merton's Local Plan has not been changed to take on board matters proposed in government's "*Planning for the future*" White Paper. This consultation closes on 29<sup>th</sup> October 2020; it proposes almost a complete overhaul of the English planning system, including how local infrastructure and affordable housing might be funded. However it is too early to start making changes to Merton's Local Plan as the White Paper's path is through this consultation and then with further scope for changes as primary legislation is created. Therefore what is proposed in the White Paper consultation may not be what ends up at the other end.
- 2.7. The new draft plan has been informed by:
- What respondents have told us at previous consultations
  - National policy and London Plan changes
  - Local evidence

### **National policy changes**

- 2.8. On 1<sup>st</sup> September 2020 government introduced a new statutory instrument to significantly increase changes allowed in high streets and other business areas without the need to seek planning permission.
- 2.9. Rather than the use of buildings being allocated as "retail" or "café/restaurant" or "light industrial", there are now three very broad categories that allow premises to change with complete flexibility to other uses within the same category without any need to seek planning permission.
- 2.10. These changes do not affect heavy industry, storage or residential.
- 2.11. Officers consider that the intention behind the changes is sound where it relates to town centres and high streets. High streets have been struggling to keep pace with changing consumer habits (even pre Covid) Allowing businesses greater flexibility to adapt and diversify to meet changing customer demand can help economic recovery. In addition, drinking establishments (pubs and bars) and hot food takeaways are now prevented from changing to any other use without seeking planning permission, which reflects Merton's policy direction on restricting hot food takeaways near schools and supporting viable local pubs in Merton's existing and emerging Local Plan.
- 2.12. However, officers consider that there are unintended consequences to these new proposals that conflict with the NPPF on plan-making matters and which will need to be resolved before mid 2021 submission to the Secretary of State.
- (i) The NPPF requires Local Plans to assess the demand for different types of uses (e.g. business floorspace, health services, childcare) and plan for them in Local Plan – this will be difficult to achieve if any of these uses can change at will outside the planning system.
- (ii) The NPPF's Chapter 7 (town centres) requires councils to define the location of town centres and shopping areas and "*make clear the range of uses permitted in each location...*". It is also difficult to see how the NPPF's "town

centre first” approach for large retail developments will still be achievable, although this is currently restrained by the lack of demand.

- 2.13. Appendix A summarises the amendments made to policies to provide greater flexibility on town centre policies updated to accommodate greater flexibility in non-residential uses government’s September 2020 Use Class Order changes.
- 2.14. **Consultation responses** Previous responses to consultation are set out in Section 4 of this report and a summary of evidence.
- 2.15. **London Plan status update:** at the time of writing (end September 2020) the London Plan has not yet been finalised. The Mayor of London has received the independent Inspector’s report and has issued an Intent to Publish London Plan to the Secretary of State, who is the final arbiter of whether the plan can be published. The Secretary of State and Mayor have exchanged correspondence during 2020 (available online: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/examination-public-draft-new-london-plan/news-about-london-plan-and-associated-london-plan-guidance> ). The main source of disagreement is how many homes will need to be built in London over the next decade (disaggregated to each borough as each borough’s housing target.)

### **3 ALTERNATIVE OPTIONS**

- 3.1. There are a variety of alternative options that could be considered at this stage, mainly around taking an alternative policy direction.
- 3.2. Officers have carefully considered the emerging Local Plan and believe that the recommendations to consult are sound. Feedback from this consultation will inform the final Local Plan, so there is still opportunity for alternatives to be considered and taken forward where these are justified.

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

#### **Consultation undertaken**

- 4.1. A Stage 1 public consultation took place between October 2017 and January 2018. This was the first stage, asking general questions about what sites or what policies the Local Plan might contain. Over 1,000 responses were received; far more than previous Local Plan consultations.
- 4.2. A Stage 2 public consultation took place between October 2018 and January 2019. Like this stage, it contained draft policies, potential sites for allocation and land designations (e.g. town centre boundaries) Approximately 240 respondents raised over 1,500 separate points. The feedback we received was reported to Merton’s Borough Plan Advisory Committee in March 2019 (see link to report: <https://democracy.merton.gov.uk/documents/s26977/04%20BPAC%20Local>

[%20Plan%20and%20FW%20masterplan%20summary%20of%20consultation%20responses%20Mar2019.pdf](#)

- 4.3. All responses received to each stage of the consultation are also available online (with personal details removed) [www.merton.gov.uk/newlocalplan](http://www.merton.gov.uk/newlocalplan)

#### **Consultation proposed**

- 4.4. It is proposed that public consultation takes place between Friday 30<sup>th</sup> October 2020 and Monday 11<sup>th</sup> January 2021; this is longer than the statutory six-week provision to take account of the current unusual circumstances.
- 4.5. Covid19 restrictions mean that we already know that this consultation will have to be carried out online and the usual opportunities of community forums or attending residents' association meeting face-to-face will not be an option. Learning from recent digital consultation successes this summer such as on the housing delivery research (over 2,500 responses) and the ongoing Borough Character research, it is really important that digital consultation is easier to access and more engaging than we have done previously if we are to attract and encourage a broad range of responses that represents everybody who lives and works in Merton.
- 4.6. Officers are working with the new GIS software towards a more animated presentation of the Local Plan that should be more interesting and easier for people to access and understand. We also want to make it easier for people to find out more about their neighbourhood without having to also view other information that they might not be interested in.
- 4.7. Should Cabinet resolve to delegated approval of the consultation draft Local Plan to the Director and the Cabinet Member for public consultation, officers will work to present the information in a more user friendly digital format and then seek approval from the Director and Cabinet Member for the consultation material to be published.

## **5 TIMETABLE**

- 5.1. In July 2019 Merton's Cabinet resolved to amend the timetable for producing a Local Plan (known as Merton's Local Development Scheme) and for the next stage of consultation to take place in autumn 2020
- 5.2. As set out in this report and in Merton's Local Development Scheme 2019-22 the next steps are:
- 11<sup>th</sup> January 2021 – consultation finishes, consider comments
  - Spring 2021 – pre-submission publication
  - Summer (Quarter 3) 2021 – submission to the Secretary of State for independent examination
  - Winter (Quarter 4) 2021 - adoption

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

- 6.1. Funding to produce the Local Plan, including public consultation, comes from existing resources.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The Planning and Compulsory Purchase Act 2004 (as amended) requires at least two stages of engagement on local plan making. The consultation will be in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

- 8.1. Local Plans contain planning policies to help improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments and Equalities Impact Assessments. These appraisals will be published alongside the draft Plan for consultation.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. The draft Local Plan contain planning policies to help improve community cohesion and are subject to Sustainability Appraisal / Strategic Environmental Assessments which also consider matters of crime and disorder. These appraisals will be published alongside the draft Plan for consultation.

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

- 10.1. A risk register is produced as part of managing the production of the Local Plan.

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

- Appendix A – summary of emerging Local Plan policy direction

## **12 BACKGROUND PAPERS**

- National Planning Policy Framework (NPPF) 2019 and national planning policy guidance
- Use Class Order changes 2020
- London Plan 2016 Intend to Publish London Plan 2019 and associated Inspector's report, Secretary of State correspondence.
- Local evidence specific to Merton as listed in Appendix A and
- Report to Merton's Borough Plan Advisory Committee report (March 2019)  
<https://democracy.merton.gov.uk/documents/s26977/04%20BPAC%2>

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