

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

**Date: 17<sup>th</sup> November 2022**

Wards: All

### **Subject: Merton's Local Plan and Policies Map update**

Lead officer: Interim Executive Director of Housing and Sustainable Development, Mark Gayor

Lead member: Cabinet Member for Housing and Sustainable Development

Contact officer: Deputy Future Merton Manager, Tara Butler

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### **Recommendations:**

That the Borough Plan Advisory Committee note the contents of this report, updating councillors on the independent examination of Merton's Local Plan.

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

- 1.1. This report updates councillors on the progress of Merton's new Local Plan through the independent examination, led by the Planning Inspectors on behalf of the Secretary of State.
- 1.2. Merton's *Local Plan* is the detailed development plan for Merton, containing the overall borough-wide planning strategy, detailed planning policies for assessing planning applications and allocates sites for new development.
- 1.3. Merton's Policies Map is being revised at the same time, which will designate land for specific uses, such as open spaces, town centre boundaries, neighbourhood parades and nature conservation.
- 1.4. The new Local Plan was started in late 2017; it was prepared in line with statutory regulations, informed and improved by a total of nine months of public consultation, local and national research and the latest data from a variety of sources. The plans are in general conformity with the Mayor's London Plan 2021 and the National Planning Policies Framework 2021.
- 1.5. Merton's Local Plan was submitted to the Secretary of State in December 2021, who appointed two Planning Inspectors to examine it. The Inspectors asked the council and other participants a series of questions during spring 2021, culminating in Stage 1 hearing in June 2022 and Stage 2 hearings in October 2022, chaired by the Inspectors.

## **2 DETAILS**

- 2.1. Every borough should have an up-to-date development plan to guide planning decision in their area. Government has set a deadline of December 2023 for every Local Planning Authority to have an up-to-date plan adopted. Currently (August 2022) Merton's statutory development plan is:
  - The Mayor's London Plan 2021

- Merton's Estates Local Plan 2018 (only for Eastfields, High Path and Ravensbury)
  - Merton's Sites and Policies Plan 2014
  - The South London Waste Plan 2022 ( only for planning applications for waste management facilities)
  - Merton's Core Planning Strategy 2011
- 2.2. Without up-to-date planning policies, the NPPF and other material considerations can be used to guide local planning decisions, rather than adopted local council policy. This means that local issues may not be able to be adequately considered in decision-making, especially at planning appeals.
- 2.3. Appendix A to this report summarises the Local Plan strategy, which was reported to councillors in July 2021.

### **Planning Inspectors' independent examination**

- 2.4. The new local plan was submitted to the Secretary of State on 2<sup>nd</sup> December 2021 who appointed two Planning Inspectors to examine Merton's Local Plan. The Inspectors lead the examination process with the council and other interested parties as participants.
- 2.5. The examination is a quasi-legal process with specific requirements and timescales summarised in government's *Planning Inspector procedure guide for local plan examinations* <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>
- 2.6. As set out from paragraph 13 onwards of the Planning Inspectors guidance notes [https://www.merton.gov.uk/system/files/INSP14\\_Merton\\_Guidance\\_Note\\_Stage2.pdf](https://www.merton.gov.uk/system/files/INSP14_Merton_Guidance_Note_Stage2.pdf) the starting point for the examination is that the council has submitted what it considers to be a sound and legally compliant plan. Those seeking changes must demonstrate why the plan is unsound by reference to one or more of government's tests of soundness, or identify any issues of non-compliance with legal requirements.
- 2.7. The Inspectors state throughout the examination process that they will aim to work with the council and the other examination participants in a positive, proactive, and pragmatic manner. They are examining the soundness of the whole Plan, having regard to the comments people and organisations submitted.
- 2.8. The examination started in December 2021 when the two Planning Inspectors received Merton's Local Plan and it will finish when the Inspectors deliver their final report (they've stated around spring 2023).
- 2.9. As part of their examination the Inspectors asked the council a series of questions between January and June 2022 and chaired two rounds of hearings which took place in the council chamber
- Stage 1 for two weeks in June 2022
  - Stage 2 for two weeks in October 2022
- 2.10. Details of the Planning Inspectors questions to the council and the council's and other participants written statements can be found on the council's website
- 2.11. According to the Inspector's closing statement the Inspectors require the council to consult one final time on the draft Local Plan, incorporating any main changes that arose from the examination. Then the Inspectors will prepare a report for the

Council with conclusions and recommendations. The Inspectors will take people and organisations' responses to this final consultation into account while writing their report. If it is found that the Plan is legally non-compliant or unsound in any respect, the Inspectors can recommend Main Modifications to make it compliant and sound.

- 2.12. The council can only adopt the Local Plan as the new planning policies for the borough if the Inspectors' report finds it sound. The Inspectors are only likely to deliver their report to the council in early 2023.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Not applicable.

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

#### **Consultation undertaken**

- 4.1. Plan preparation started in 2017. Community feedback is vital to preparing a local plan and three different stages of public consultation have been carried out, totalling over nine months of engagement:
- 4.2. **A "call for sites" 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.
- 4.3. **A Stage 2 draft Local Plan public consultation** took place between October 2018 and January 2019. 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>)
- 4.4. 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)
- 4.5. **A Stage 2a draft Local Plan public consultation** took place between 13<sup>th</sup> November 2020 to 1<sup>st</sup> February 2021. As set out in the report to the Borough Plan Advisory Committee in October 2020, Merton's Local Plan stage2a public consultation was conducted entirely online due to Covid19 restrictions. In line with the Coronavirus Planning Regulations, Merton's Statement of Community Involvement was amended to reflect this.
- 4.6. Although the consultation finished on 1<sup>st</sup> February 2021, the council continued to accept responses after the consultation date in recognition of the difficult situation people are going through with Covid19 and that the sustainability appraisal document was not visible without password protection online until 4<sup>th</sup> January 2021 due to an IT issue.
- 4.7. **A Stage 3 Local Plan publication** took place between 22<sup>nd</sup> July and 6<sup>th</sup> September 2021 for local communities, businesses, landowners and any other interested parties to comment on the final plan. These comments, together with the final plan and associated supporting documents, were then submitted to the Secretary of State on 2<sup>nd</sup> December 2021.

- 4.8. All of the consultation responses have been considered and the plan has been amended accordingly at each stage. The plan is accompanied by a Statement of Consultation, setting out what people and organisations told us about the plans, and what actions have taken place as a result of their comments.
- 4.9. As already stated, the Inspectors now require the council to complete all the actions arising from both hearings, assess any amendments for sustainability, equalities and habitats regulations and publish the plan one final time for six weeks of public consultation on the amendments only. Officers are currently undertaking these actions and the exact date of public consultation is still to be arranged with the planning inspectors.

4.10.

## **5 TIMETABLE**

- 5.1. As set out in the body of this report
- 5.2. The Planning Inspectorate has published a procedure guide for Local Plan examinations which sets out how the examinations are conducted, including the timescales in which the Inspectors will operate.  
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

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

- 6.1. The financial resources for preparing the Local Plan have been from within existing resources, supplemented by successful bids to external resources such as the Mayor of London's Homebuilding Capacity Fund.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 have both informed the statutory procedure to be followed before a Local Plan is submitted to the Secretary of State for independent examination.
- 7.2. Failure to adhere to the statutory procedure or a lack of robust evidence to support the plan may result in legal proceedings to challenge the validity of the plan.

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

- 8.1. An Equalities Impact Assessment has been prepared in conjunction with Merton's Local Plan.
- 8.2. The plans have also been informed by an ongoing Strategic Environmental Assessment and Sustainability Appraisal, prepared in parallel with each stage of the plan and used to ensure that the plans deliver social, economic and environmental benefits equally. Some of the objectives that the plans have been appraised against relate to improving community cohesion.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. The Metropolitan Police have been engaged in all stages of the preparation of Merton's Local Plan, and have made representations on several issues.

- 9.2. The Sustainability Appraisal, prepared in parallel with each stage of the plan to ensure that the plans deliver social, economic and environmental benefits assesses the plans against objectives to reduce crime and the fear of crime.

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

- 10.1. There are several risks to the Local Plan project and a risk log is kept and regularly updated to help manage risks.

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

### **12 BACKGROUND PAPERS**

- 12.1. Planning Inspector procedure guide for local plan examinations  
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>
- 12.2. Written Ministerial Statement January 2021 <https://questions-statements.parliament.uk/written-statements/detail/2021-01-19/hcws720>
- 12.3. Government letters to Chief Planning Officers  
<https://www.gov.uk/guidance/planning-guidance-letters-to-chief-planning-officers#section>
- 12.4. NPPF 2021 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 12.5. Legislation relating to the preparation of Local Plans

### **Summary of overall planning strategy in new Local Plan**

- a) The overall strategy and many of the amendments to it has arisen out of community consultation feedback, local Merton evidence and national / London-wide planning policies. The objectives have been reordered following consultation feedback.
- b) Tackling the causes of climate change and its effects – Merton has adopted a Climate Change Strategy and Action Plan in 2020. The Local Plan has made tackling the causes of climate change and managing its effects one of the key strategic priorities and it is now embedded throughout the plan. This was strongly supported by responses at public consultation early in 2021 from all across the borough.
- c) Recovery and resilience following Covid19 – the pandemic is changing the way we live our lives: where and how we want to work, shop, socialise, live and travel. It has also had a devastating effect on local businesses and jobs and has rapidly accelerated changes to our high streets that had already started pre 2020. Together with other council strategies, projects and investments, the Local Plan is supportive of measures to embed recovery and improve the borough's resilience.
- d) Places for people – this objective ensures Merton can meet its needs for new homes, including affordable homes, of the types and sizes for different households is a key part of Merton's Local Plan. This will be coupled by working with the voluntary sector, businesses, the NHS, Met Police, Transport for London and other partners to deliver social and community services, both by providing new infrastructure and repurposing under-used spaces. Other council strategies and projects – such as the emerging Housing Strategy

and the Neighbourhood Fund for community infrastructure levy – contribute to this objective.

- e) Good growth – the council wants to create the conditions for growth that helps with economic recovery and one of the Local Plan’s objectives is ensuring it takes place in the most appropriate and sustainable locations. The council also wants to guide the benefits of this growth to meet the needs of Merton’s communities and enhance the borough’s unique character and appearance, thus achieving positive social, environmental and quality of life objectives as well.
- f) Place plans and the 20-minute neighbourhood – promoting healthy streets through boosting local businesses and high streets, reducing pollution and supporting walking and cycling will all help to create a local neighbourhood where residents can access the services they need within 20 minutes of their home. The new Local Plan will draw these considerations into planning decisions.

### **New planning policies**

- g) The Local Plan contains new planning policies including
  - policies to support delivering the boroughs’ commitment to net zero carbon by 2050, including on smaller sites
  - detailed policies to guide planning applications for **new homes, particularly affordable homes and associated infrastructure** such as schools, crèches and other community facilities. This includes re-introducing the requirement to collect contributions towards affordable homes from smaller developments as well as large ones
  - policies to encourage walking and cycling, to manage parking and to consider the transport impacts of new development;
  - policies to protect open spaces, nature conservation areas and trees;
  - Policies to support our high streets, town centres and other business areas, including considering
  - policies to enshrine the importance of design considerations in new development, including high quality urban design, managing heritage assets and a specific approach to inform planning applications for tall buildings and basements;
  - policies to help mitigate flood risk, pollution and to improve the energy efficiency of new buildings, including seeking to retain and use additional funding from development to improve local community buildings.

### **Allocating sites to accommodate growth**

- h) The Local Plan allocates sites for new development. Every borough does this about every 10 years. It assists greatly with knowing where development might happen over the following 10 years, helping councils, their public sector partners, businesses and others recognise in advance where new homes and business opportunities might be, and plan for their investment as necessary.
- i) In 2018 sites in the plan were proposed by a wide variety of organisations including private sector landowners, local residents, the council, the NHS, Transport for London and local community groups. Since then, officers have investigated each of these sites, undertaken the necessary research including three rounds of public consultation totalling nine months to help inform potential development scenarios.

### **Designating land for specific uses**

- j) The council has undertaken a very extensive review of the whole of the borough's area – regardless of ownership - to identify where specific land use designations should apply and to record these on a map, known as the Policies Map. Once adopted, the Policies Map 2021 will replace Merton's Policies Map 2014, illustrating where specific planning policies apply in the borough, for example where open space is protected in Merton, where are the boundaries of Merton's town centres, what parts of Merton are nature reserves and where industrial areas are.
- k) These designations include:
- Town centre boundaries and industrial areas
  - Metropolitan open land and other open spaces
  - Cycling and walking routes
  - Sites of Importance for Nature Conservation
  - Designations relating to the historic landscape including conservation area boundaries, archaeological priority zones and ancient monuments.
- l) We would like to thank all the consultation responses we have received from individual residents, community groups and other Merton organisations on the policies map. Local people have a forensic and in-depth knowledge of their local area and it is thanks to them taking the time to engage with and improve the Local Plan, for example in mapping the specific boundaries of individual open spaces or defining borough wide cycling routes.

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