

# **Committee:** Borough Plan Advisory Committee

**Date:** 11th June 2009

**Agenda item:** 4

**Wards:** All

**Subject:** The Core Strategy of the Local Development Framework (LDF)

**Lead officer:** Rod Lyons

**Lead member:** Councillor William Brierly

**Forward Plan reference number:** 747

**Contact Officer:** Chris James

## **Recommendations:**

---

- A. That the Borough Plan Advisory Committee consider and comment on the content of the Core Strategy and the recommendations for Cabinet as shown below.
  - B. Cabinet: Is asked to approve the planning Core Strategy for public consultation
  - C. Cabinet: To authorise officers to work with the Government Office for London to agree to accord very little weight to open spaces policies L5 and L6 of the Unitary Development Plan (UDP) and to accord more weight to the current and emerging London Plan and the latest Government guidance on open spaces in determining applications
  - D. Cabinet: Delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet member for planning to make any textual changes necessary as a result of the Council's approval process.
- 

## **1. Purpose of report and executive summary**

- 1.1 The purpose of this report is to seek members' approval of the Core Strategy which is the first in a suite of planning documents that will eventually make up the new Development Plan for Merton.
- 1.2 The Core Strategy is not a detailed document that can be used in day-to-day situations. It is a strategy for the next fifteen years that sets out the direction of travel and planning policy and creates a future picture not only of the likely distribution of land use but also the function of places and priority that can be given to each place.
- 1.3 Detailed control and design policies as well as a detailed proposals map will be done later as separate Local Development Framework documents. Therefore the majority of day-to-day development control decisions will continue to be based on the Unitary Development Plan (UDP) of 2003 until all the new documents are approved.

- 1.4 However, the UDP's open spaces policies are not in line with the current and emerging London Plan and latest government guidance because the policies enable types of building on some areas of open space. This is an anomaly that needs to be resolved and officers will be raising the issue with the Government Office to consider whether these policies can in effect be set aside.

## **2. Details**

- 2.1 The Core Strategy's framework is set with in the current London Plan as well as all the Planning Policy Statements issued by government with which it must conform. The document has to be based entirely on evidence which can stand the test of a public inquiry. Therefore the document has to concentrate on strategic issues.

- 2.2 The fundamental vision underpinning the Core Strategy is that of the Council; that Merton should be a great place to call home. The strategy aims to protect the areas and buildings which are valued by local people and which contribute to creating strong, sustainable communities; to enhance those places which need additional investment and support; and to regenerate those areas which are not successful in supporting local people and their quality of life

- 2.3 The Core Strategy covers a wide range of policies which, as paragraph 4 below makes clear, have been the subject of considerable external and internal consultations. There has been particular discussion around housing deliverability, which remains challenging. The Council is instructed to follow the London Plan and therefore the strategy proposes some 5550 dwellings are built over fifteen years (370 a year) and the Borough's green spaces are protected, although in exceptional cases certain education uses may be permitted. The Merton Rule will be taken further so that the Borough becomes a leading Council for CO<sub>2</sub> reduction from all buildings. The Borough's employment spaces will be protected from redevelopment other than for those which create jobs and regeneration will be prioritised, initially concentrating on Morden. In support of the economic and regeneration policies there are also policies which protect the Borough's unique character and historic environment.

## **3. Alternative options**

- 3.1 There are no alternative options available, because to not prepare a Core Strategy will leave the Council's planning decisions open to legal challenge. Also, if the Council cannot demonstrate a plan which enables land being brought forward for housing it will not receive planning grant income. Many area specific policies, e.g. an Area Action Plan for Morden, cannot be accepted until this strategy is agreed.

## **4. Consultation undertaken or proposed**

- 4.1 The Core Strategy was preceded by an Issues and Options Consultation in 2007, the outcomes of which must be an input to the current draft strategy.
- 4.2 The Borough Plan Advisory Committee have been consulted at formative stages in the plan making process and once approved by Cabinet, the document will be subject to wide public consultation starting in September.

## **5. Timetable**

- 5.1 As noted above, following approval by Cabinet, the Strategy will be subject to public consultation during September and October 2009. After that there will be a further period of consultation in late May 2010 immediately before the plan is submitted to government for inquiry and approval.

## **6. Financial, resource and property implications**

- 6.1 There are resource implications in that the small Spatial Planning Team of 7 officers will need to be fully staffed to properly service this new planning policy system. In 2010/11 a public inquiry will need to be funded which could cost some £200,000, an issue which will be considered in the 2010/11 budget round.

## **7. Legal and statutory implications**

- 7.1 Regulation 26 of the Town and Country (Local Development (England) Regulations 2004 imposes a duty on Local Planning Authorities to consult on any proposed Development Plan Document (DPD) and to take into account any representations received before submitting the DPD to the Secretary of State. Failure to comply with this requirement would render the DPD open to challenge in courts. The recommendation to undertake public consultation in accordance with this duty. Section 38 Planning and Compulsory Purchase Act 2004 provides that where there is a conflict between a policy in a regional plan (London Plan) and the local UDP the policy in the plan last adopted takes precedence; in this case the London Plan.
- 7.2 Once approved the Strategy will be a statutory document and therefore without the document in place planning decisions maybe more vulnerable to challenge at local inquiries.

## **8. Human rights, equalities and community cohesion implications**

- 8.1 The Core Strategy is based on the objective of promoting social cohesion and bridging the gap between disparate Communities. Internal consultation processes have included Human Rights and Equalities inputs.

## **9. Crime and disorder**

- 9.1 Crime reduction strategies have been an input to the plan making process particularly in relation to design policy.

## **10. Risk Management**

- 10.1 Risks are those concerned with legal challenges and loss of grant income as detailed in paragraphs 3, 6 and 7.

## **11. Appendices**

- 11.1 Appendix 1 – The latest draft of the Core Strategy is being circulated separately to members of the Advisory Committee) by letter dated 27/05/09). *(NB. Appendix 1 will also be available on the Council's web-site with the rest of the agenda at:*  
[http://www.merton.gov.uk/council/committee.htm?view=event&event\\_id=2912](http://www.merton.gov.uk/council/committee.htm?view=event&event_id=2912)

**12. Background Papers**

None