

Committee: Borough Plan Advisory Committee

Date: 04 March 2010

Agenda item: 4 Public Session

Wards: All

Subject: Adoption of Merton's Local Development Scheme

Lead officer: Head of Sustainable Communities, James McGinlay

Lead member: Cabinet Member for Planning and Traffic Management;

Cllr William Brierly

Forward Plan reference number: 908 (Cabinet); (907) Council

Contact officer: Interim Spatial Planning Manager, Tara Butler

Reason for urgency to Borough Plan Advisory Committee: to ensure that the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) can be met when preparing and submitting Local Development Documents.

Recommendations:

- A. **Borough Plan Advisory Committee:** that, following the recent approval by the Mayor of London and Secretary of State, Members recommend the adoption of Merton's Local Development Scheme to Cabinet
 - B. **Cabinet:** That, having regard to any comments/ recommendations arising from consideration by the Borough Plan Advisory Committee, Cabinet consider and recommend to Council the adoption of Merton's Local Development Scheme.
 - C. **Council:** That, having regard to any comments/ recommendations arising from consideration by Cabinet, Council resolves to adopt Merton's Local Development Scheme 2010.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report concerns the sixth revision of Merton's Local Development Scheme (LDS). The LDS is the three-year project plan for the new development plan for the borough, Merton's Local Development Framework (LDF). The LDS sets out what planning policy Merton Council will be producing between now and 2013.
- 1.2. Revisions to the LDS were considered by Members and approved for submission to the Mayor of London and Secretary of State at the following meetings
 - o Borough Plan Advisory Committee – 11 June 2009
 - o Cabinet – 22nd June 2009
 - o Council – 08 July 2009

2 DETAILS

- 2.1. In December 2009, Merton Council received a report from the Mayor of London saying that he did not wish to direct the Council to make any changes to the LDS. The report is attached as Appendix A
- 2.2. Merton's LDS can now be adopted as the project plan for the Local Development Framework by a resolution of full Council.
- 2.3. The table below summarises the development plan documents that Merton Council will produce between 2010-2013 as set out in the LDS.

Table 1: Merton's Local Development Scheme				
LDF Document	Consultation	Submission	Examination	Adoption
Core Strategy DPD	September/October 2009	June 2010	November 2010 to January 2011	May 2011
Proposals Map DPD*	September/October 2009	June 2010	November 2010 to January 2011	May 2011
Development Control DPD	June/July 2012	March 2013	June 2013	March 2014
Morden Area Action Plan	November/December 2010	February 2011	July 2011	October 2011/January 2012
Joint Waste DPD	July to October 2009	July 2010	December 2010	September 2011

*The Proposal Map production timetable is most subject to change, as it will need to be revised as each DPD with spatial expression is progressed, including the Development Control and Joint Waste DPD.

3 ALTERNATIVE OPTIONS

- 3.1 As set out in the Planning and Compulsory Purchase Act and associated regulations, development plan documents must be prepared in accordance with an adopted Local Development Scheme.
- 3.2 Towards producing a sound Core Strategy that meets all the necessary procedural requirements, there are no credible alternative options to adopting the LDS
- 3.3 There is an alternative option to revise the LDS and the timetable it sets out prior to adoption; this would require a resolution of full Council and approval by the Mayor of London and Secretary of State.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Beyond Merton Council, the Government Office for London (on behalf of the Secretary of State) and the Greater London Authority were consulted on Merton's Local Development Scheme 2010

5 TIMETABLE

- 5.1. As stated in the body of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are no financial, resource and property implications for this purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The procedures set out in this report comply with statutory provisions as set out in the Town and Country Planning Act 1990 (as amended), Planning Act 2008 and the Planning and Compulsory Purchase Act 2004 (as amended), associated Regulations and guidance.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. There are no human rights and equalities implications for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no crime and disorder implications for this purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are no risk management or health and safety implications for the purpose of this report.

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

- 11.1. Mayor of London letter and report approving Merton's Local Development Scheme
- 11.2. Merton's LDS 2009 is available via Merton Council's website or on request from Tara Butler on 020 8545 4855 or tara.butler@merton.gov.uk

12 BACKGROUND PAPERS

The papers used to compile this report were:

- PPS12 and Companion Guide; DCLG 2008
 - Planning Act 2008
 - Town and Country Planning (Local Development) (England) Regulations 2004
 - Merton's Statement of Community Involvement (July 2006)
- (both available at the DCLG website: <http://www.communities.gov.uk/>)

GREATER LONDON AUTHORITY

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Our ref: LDF24/LDS06DW03
Your ref:
Date: 22 December 2009

Tara Butler
Environment & Regeneration Department
Merton Council
Merton Civic Centre
London Road
Morden
SM4 5DX

Dear Ms Butler,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Planning and Compulsory Purchase Act 2004 (as amended); Town and Country Planning (Local Development) (England) Regulations 2004 and Amendment Regulations 2008.

Re: Merton Council Local Development Scheme 2009

I refer to your letter of 3 December 2009 consulting me on your Local Development Scheme 2009 under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

On 22 December 2009 I considered a report (reference PDU/LDF24/LDS06/01, copy enclosed) and concluded that the revised LDS appropriately reflects Council resources, presents a realistic timetable, and properly takes into account national, regional and local policy priorities.

On the basis of the above report, I do not wish to direct Merton Council to make any amendments to the LDS.

Yours sincerely



Boris Johnson
Mayor of London

cc Richard Tracey, London Assembly Constituency Member
Jenny Jones, Chair of London Assembly Planning and Housing Committee
Julie Shanahan, GOL

22 December 2009

Merton Council
Local Development Scheme 2009

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Planning and Compulsory Purchase Act 2004 (as amended), Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).

Recommendation

That the Mayor agrees to submit the comments set out in this report, and does not wish to direct Merton Council to make any amendments to the LDS.

Purpose

1. On 7 December 2009 Merton Council consulted the Mayor of London on its draft Local Development Scheme 2009. This report sets out information for the Mayor's use in deciding what comments to make. The consultation period ends on 2 January 2010.
2. The Mayor of London's comments on this document will be made available on the GLA website www.london.gov.uk.

Background

3. The Planning and Compulsory Purchase Act 2004 ("the Act") provides for Local Development Schemes (LDS). The LDS is the local planning authority's work plan for the production of Local Development Documents (LDD) that will collectively form the Local Development Framework (LDF) for each of the boroughs.
4. The LDF together with the London Plan provides the essential framework for planning at the Borough level. The 'development plan' in London for the purposes of section 38(6) of the Act is the London Plan (Consolidated with Alterations since 2004) and Development Plan Documents (DPDs) produced by the Boroughs (and saved UDP policies in the transitional period). The draft Replacement London Plan is also a material consideration.

Mayor's role

5. The Act requires local planning authorities in Greater London to send a copy of their draft LDS to the Mayor.
6. The Greater London Authority Act 2007 amended the Act to the effect that the Mayor may direct that amendments be made to the LDS if it is necessary to ensure that key policies of the London Plan are reflected in the LDD work programme. The Mayor may also direct a local planning authority to prepare a revision to its LDS. This power is intended to ensure that local planning authorities bring forward proposals to revise their LDS in a timely manner to reflect changes to the policies in the London Plan.

7. The Mayor has 28 days within which to issue a direction. The Secretary of State also has the same period to assess a draft LDS.

8. In considering whether to issue a direction and what its content should be, the Mayor must have regard to:

- The extent to which the LDS properly takes account of national, regional and local priorities.
- Whether the LDS is realistic in terms of its proposed timetable.
- The resources likely to be available to the local planning authority to implement the LDS.
- The resources of the Planning Inspectorate to be able to deal with the workload involved in carrying out independent examinations of Development Plan Documents.
- Any guidance issued by the Secretary of State.

9. A copy of any direction given by the Mayor must, at the same time, be sent to the Secretary of State.

10. The Secretary of State retains a power to direct a local planning authority not to implement a direction from the Mayor. To give the Secretary of State time to consider whether to override the Mayor's direction, the local planning authority is prevented from implementing the Mayor's direction for a period of 21 days from when the direction is made.

Previous LDS and Mayoral representations

11. The previous LDS produced by Merton Council came into effect in 2006. The former Mayor did not make any formal representations on the previous LDS.

LDS content

12. It is intended that the following will be produced:

Development Plan Documents

Document	Issues and Options	Consultation (formerly Preferred Options)	Pre-submission consultation	Submission	Adoption
Core Strategy	Apr – May 2006	Sept – Oct 2009	May – June 2010	Sept – Oct 2010	June 2011
Development Management Policies	Sept – Oct 2011	June – July 2012	March 2013	July 2013	June 2014
Proposals Map	Apr – May 2006	Sept – Oct 2009	May – June 2010	Sept – Oct 2010	June 2011
Morden AAP	Sept 2008 – May 2010	Sept – Nov 2010	Mar – May 2011	Aug – Sept 2011	June 2012
South London Joint Waste	Sept – Oct 2008	July – Oct 2009 & Feb – March 2010	Oct – Nov 2010	Feb 2011	Nov 2011 – Feb 2012

Supplementary Planning Documents

13. The Council does not intend to produce any supplementary planning documents and will prioritise DPD production. The Council will carry forward existing supplementary planning guidance until this is replaced by policies in the LDF.

Strategic Issues

14. In relation to the LDS and its relationship with the London Plan, the following issues are of particular relevance:

Wimbledon

15. The draft submission Merton Core Strategy identifies the importance of Wimbledon as a major town centre and a focus for significant growth in the borough. The Mayor supported this approach in his consultation comments on the draft submission Core Strategy. It is noted that whilst other areas of the borough identified for significant growth will be subject to area specific planning policy, such as the Morden AAP, none is yet proposed for Wimbledon. It would be appropriate, for the Council to produce area specific planning policy for Wimbledon given the significant growth and land use change or intensification envisaged for this major town centre. This has been discussed with Merton officers and it is understood that the Council is currently considering area specific planning policy for Wimbledon. It is further understood that the limited resources available to the Council are likely to delay commencement of production for the foreseeable future unless additional resources are identified. The Council should prioritise existing DPD production but is encouraged to progress consideration of the need for area specific planning policy for Wimbledon and identify any implications for future editions of the LDS.

Timetable and resourcing

16. The Merton Council LDS 2009 sets out the programme for the production of the local development framework until May 2012 and also outlines the work programme beyond this to 2014. The timetables for the DPDs have been updated to reflect some minor slippage in the programme and resources going forward. The draft submission Core Strategy and Proposals Map have been published for consultation and are expected to proceed to submission and examination in accordance with the revised timetable. This has been adjusted to allow for the local elections in May 2010.

17. The programme for the South London Waste DPD has slipped slightly to allow consultation on additional sites, which will take place between February and March 2010. Thereafter it is programmed to progress towards submission in February 2011 and the Council should ensure that this occurs. The production of the Morden AAP is underway and the vision and the preferred options will be consulted on in 2010. This will fall in behind the Core Strategy and Proposals Map DPDs in priority, which is appropriate, but the Council should nonetheless ensure that the document progresses in a timely manner.

18. The most protracted and least certain element of the proposed programme is the Development Management Policies DPD, which is not expected to undergo initial public consultation until September – October 2011. The programme for this document has been raised as a concern and discussed with Merton officers. The proposed programme is due to the limited resources available to the Council's planning policy team over the next five years which it considers only allows for the production of two DPDs at any one time. Resources are currently focussed on the Core Strategy and Proposals Map DPDs, which is appropriate, but Merton Council is nonetheless encouraged to progress the Development Management Policies DPD in a timely manner and make additional resources available as necessary to expedite this. The Council should also note the comments above regarding the production of area specific policy for Wimbledon and identify any implications for the LDS.

19. The Council should be aware of the timetable for consultation and examination of the draft Replacement London Plan and any policy implications that may arise from it. The overall timetable

is considered to be realistic given available resources, and the prioritisation of the Core Strategy and Proposals Map is appropriate.

GOL's comments

20. The Government Office for London (GOL) notes that the timetable for the South London Waste DPD has now slipped as a result of the need for further consultation on new sites that have come forward. GOL recognises the need to consult further but is concerned that this will lead to slippage in the timetable for the publication of the pre-submission and submission documents. Accordingly it asks that the Council progresses the document in a timely manner and, whilst ensuring soundness, takes any opportunities to bring the timetable forward.

21. GOL also raises concerns regarding the prolonged timetable for the adoption of Development Management Policies DPD but notes that Merton faces resource limitations over the next five years. GOL highlights that not all consultation stages referred to as part of the Development Management Policies DPD preparation are compulsory and that it is for the Council to make its own assessment of whether non-statutory phases of consultation are necessary. Again, GOL asks the Council to progress the plan in a timely manner and take every opportunity to bring the timetable forward.

22. GOL notes that the LDS states that the Statement of Community Involvement (SCI) will be monitored on an annual basis and will be reviewed formally every five years and highlights that the SCI should only be revised if it is considered appropriate. GOL also notes that the Council identifies GOL as part of external resources, it is more appropriate to refer to GOL as an external partner or consultee.

Legal considerations

23. These are set out above in the section entitled 'Mayor's role'.

Conclusion

24. The revised Merton LDS 2009 presents a realistic timetable, appropriately reflects the Council's resources, and takes proper account of national, regional and local planning policy. The Council should note the Government Office for London's comments in this report. The Council is encouraged to continue working collaboratively with the other boroughs on the South London Joint Waste DPD and bring this forward in a timely manner. The Council is also encouraged to identify additional resources to bring forward the production of the Development Management Policies DPD.

for further information, contact Planning Decisions Unit:

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