

Committee: Borough Plan Advisory Committee

Date: 12 October 2010

Agenda item: 4

Wards: all

Subject: Responses to Core Strategy pre-submission publication

Lead officer: Head of Sustainable Communities, James McGinlay

Lead member: Cabinet Member for Environmental Sustainability and Regeneration,
Councillor Andrew Judge

Forward Plan reference number: N/A

Contact officer: interim Spatial Planning Manager, Tara Butler

Reason for urgency:

Recommendations:

- A. That Members of the Borough Plan Advisory Committee note the contents of this report including the responses to Merton's Core Strategy pre-submission publication and early proposals for changes (set out in Appendix A to be circulated on Wednesday 06 October 2010)
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out the responses received to the pre-submission publication of the Core Strategy (Monday 03 August- Thursday 30 September 2010) and the actions recommended by officers as a result of the responses received.
- 1.2. As the Core Strategy pre-submission publication period ended on Thursday 30 September, the day before reports are circulated for this meeting, this report contains some background information and an initial overview of the number of responses.
- 1.3. A more complete list of the responses received, and officers' proposed actions from these responses, will be circulated to Members on Wednesday 06 October. In line with government legislation, responses are available to view online at <http://merton-consult.limehouse.co.uk/portal>

2 DETAILS

Background

- 2.1. The Planning and Compulsory Purchase Act 2004 gives local planning authorities a statutory obligation to produce a Local Development Framework (LDF), a series of planning documents that will guide change over the next 10 to 15 year.

- 2.2. The Core Strategy is the most significant document in the LDF; it sets out the strategic framework for local planning decisions and regeneration proposals in Merton for the next 10-15 years. All subsequent planning policies and regeneration proposals that are produced for Merton must be in conformity with the adopted Core Strategy. Merton has been preparing its Core Strategy since 2005.
- 2.3. To be able to adopt the Core Strategy as the new planning framework for Merton, it must first be submitted to the Secretary of State following a resolution of full Council. The Secretary of State then appoints an independent planning inspector to conduct a public examination of the Core Strategy.

Pre-submission representations on Merton's Core Strategy: Aug-Sept 2010

- 2.4. Before the examination, the Core Strategy is made publicly available for a period of at least six weeks – known as “pre-submission representations - for objectors to inform the inspector of any remaining concerns they may have.
- 2.5. Following Merton Council's resolution to submit the Core Strategy to the Secretary of State on 14 July 2010, the Core Strategy submission version was published on Monday 03 August, with all responses to be received by Thursday 30 September 2010.
- 2.6. It is important to note that this stage should not be considered public consultation. Full Council has resolved that Merton's Core Strategy is sound and that the intention is to adopt the plan as the new planning framework for the borough, subject to the Secretary of State's agreement. This publication stage is for people and organisations who don't feel that their previous comments in any of the earlier consultation stages have been taken on board, or who have information that they believe should result in a change in to the Council's Core Strategy before it is adopted as the borough's new planning policies. Essentially, it is a final chance for objections to the plan, and for those objections to be considered by an independent Planning Inspector.
- 2.7. Merton's Core Strategy has received comments from about 25 different representors; many of which cover several different issues within the Core Strategy. Representors approximately comprise five residents / residents' associations, nine organisations (for example the Greater London Authority, Thames Water and Environment Agency), 10 developers and one Registered Social Landlord. As the end of the publication period was on midnight Thursday 30 September, this report contains an overview of some of the initial issues raised, with a more comprehensive analysis plus recommendations to be circulated to Members on Wednesday 06 October.
- 2.8. **Statutory consultees:** the Mayor of London, Transport for London and Natural England all consider that Merton's Core Strategy is sound subject to minor changes. English Heritage has asked for an extension to the deadline until 06 October 2010 due to resources.
- 2.9. **Residents:** objections by residents were very low, only around five were received on a relatively select number of issues. Matters raised included asking for more specific detail for proposals within Mitcham and Wimbledon

town centres, objections to the consideration of educational establishments on open space, objections to the number of new homes proposed, and seeking stronger policy commitment to provision of sports facilities, including a stadium for Wimbledon AFC.

- 2.10. **Developers / site owners:** in general, responses received on behalf of housebuilders centre around objections to Merton's Core Strategy seeking to achieve Code for Sustainable Homes Level 4 on new residential development; against the general protection of employment land from residential development; issues around space standards.
- 2.11. Other responses received on behalf of site owners, including some businesses, include objections to the Core Strategy's stance on out-of-centre retailing and issues relating to specific sites.

Next steps

- 2.12. Following Members' initial consideration of representations and officers' recommended actions as a result of these representations and other issues at the Borough Plan Advisory Committee on 12 October 2010, officers will put forward suggested changes to Merton's Core Strategy as a result of these representations. Subject to the outstanding response from English Heritage (due 06 October 2010), initial indications are that all recommended changes will be minor. The final recommended wording of responses to representations and any changes proposed to the Core Strategy as a result will be presented to BPAC at the meeting of 04 November 2010. Before these are submitted to the Secretary of State, proposed changes will require delegated approval under the terms set by Council resolution on 14 July 2010.
- 2.13. Subject to this, the following documents will be submitted to the Secretary of State on 15 November 2010:
- Merton's Core Strategy – submission version
 - The sustainability appraisal of Merton's Core Strategy
 - A schedule of proposed changes to Merton's Core Strategy, and reasons for these proposed changes
- 2.14. Once these documents have been submitted, the Secretary of State appoints an independent Planning Inspector to examine the Core Strategy.

Examination of Merton's Core Strategy

- 2.15. The inspector will examine Merton's Core Strategy over a period of approximately four months to check that the Core Strategy is "sound", that is,
- it is founded on robust evidence including public consultation results,
 - it is in general conformity with the London Plan and national guidance,
 - it is the most appropriate strategy for the area, setting clear priorities and making tough decisions where necessary

- and that it is clearly deliverable and able to be monitored
- 2.16. Following receipt of the document, the Inspector can ask for a pre-hearing meeting at which he or she will set out the issues they want examined at the public hearing; the witnesses to be called to this hearing may also be agreed. The public hearing normally takes place about three months after submission and can last anywhere between two days and a few weeks. Unlike UDP examinations, it is not meant to be adversarial. The Inspector directs the discussions and cross-examination does not normally feature.
 - 2.17. At the end of the examination, the inspector will produce a report to say whether the Core Strategy is sound or not. The report may contain non-negotiable changes that the Council must make to the Core Strategy before it can be judged as sound. The required modifications must be included in the Core Strategy if it is to be adopted as new planning policies and can only be overturned by judicial review.
 - 2.18. Following the Council resolution (14 July 2010) to submit the Core Strategy to the Secretary of State the Core Strategy carries some weight in determining planning applications though while it is being examined by the inspector, the policies in the adopted UDP and London Plan can override it. Once adopted by the Council (following a successful independent examination), it acts as the key planning document for the borough and replaces a number of the strategic planning policies set out in Merton's UDP 2003; these are set out in the Core Strategy
 - 2.19. Of the remaining UDP policies that have not been replaced by the adopted Core Strategy or by national or regional guidance, these will gradually be replaced by other LDF documents such as the South London Waste Plan, development management policies and area action plans such as MoreMorden.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. In line with planning regulations and with Members' approval, the Core Strategy has been guided by the following stages of public consultation:
 - Stage 1: identifying the key issues (November 2005-January 2006)
 - Stage 2: options (February-April 2006)
 - Stage 3: spatial options (November 2006-January 2007)
 - Stage 4: preferred options (June-July 2007)
 - Stage 5: draft Core Strategy (September-October 2009)
- 4.2. At the most recent consultation on the draft Core Strategy (Sept-Oct 2009) there was general support for the overall strategy and most of the proposals in the draft Plan.

- 4.3. In preparing the draft Core Strategy, the results of other consultations that have taken place since 2005 have also been considered, including the Community Plan.
- 4.4. The Core Strategy has been prepared in close consultation with key infrastructure providers including the NHS, Transport for London, Metropolitan Police, Merton Voluntary Services Council, the Environment Agency, Thames Water and others.
- 4.5. As part of Merton Partnership, an Infrastructure and Investment Board has been set up to ensure co-ordination of housing, transport, healthcare and other infrastructure across Merton and, where possible, with influences beyond its boundaries.
- 4.6. The Board meets quarterly; its work helps co-ordinate and monitor the delivery of infrastructure for the Core Strategy.

5 TIMETABLE

- 5.1. The timetable for producing Merton's Core Strategy is currently as follows
 - July 2010 – Merton Council decision to submit Core Strategy to Secretary of State
 - July-September 2010 – pre-submission public consultation (nine weeks)
 - September-October 2010 – preparing responses for Examination in Public
 - November 2010 – submission of Merton's Core Strategy to the Secretary of State
 - January-February 2011 – Examination in Public of Merton's Core strategy (exact timetable set by Planning Inspector)
 - Spring 2011 – Inspector's report which may require changes to Merton's Core Strategy to make it pass the examination. Assuming Merton's Core Strategy passes, it can then be adopted by Merton Council

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Revenue provision has been identified to meet the cost of submitting the Core Strategy in accordance with the timetable proposed and the Examination in Public. Scheduled for 2010-11, the Examination in Public will cost approximately £200,000.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Town and Country Planning (Local Development) (England) Regulations 2004 sets out the statutory procedure to be followed before a Local Development Document (LDD) is submitted to the Secretary of State for Independent Examination, including publicity and pre-submission public consultation.
- 7.2. Failure to adhere to the statutory procedure or a lack of a robust evidence base may result in legal proceedings to challenge the validity of the LDD and

or a finding by the Inspector at the conclusion of the Independent Examination that the LDD is unsound and cannot therefore be adopted.

- 7.3. It is noted that the advice to local councils from the Greater London Authority (GLA) is to seek to be in general conformity with the 2008 London Plan policies. However in certain respects the LDD is in general conformity with the draft London Plan (2009) because the Council's evidence base supports this approach. The GLA's representation indicates that Merton's Core Strategy is in general conformity with the London Plan.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report

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

- Appendix A: responses to Merton's Core Strategy pre-submission publication and early proposals for changes to be circulated on Wednesday 06 October 2010

12 BACKGROUND PAPERS

- 12.1. 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)
 - Merton's Local Development Scheme (2010)
 - Merton's Core Strategy 2010 submission version
 - Merton's Core Strategy sustainability appraisal 2010