

Committee: Development and Planning Applications Committee

Date: 14th March 2024

Wards: All

Subject: Merton's Local Plan and Policies Map – post hearings publication

Lead officer: Director of Housing and Sustainable Development, Lucy Owen

Lead member: Cabinet Member for Housing and Sustainable Development, Councillor Andrew Judge

Contact officer: Deputy Head of Regeneration and Economy, Tara Butler

Recommendations:

A. That councillors note the contents of this report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report updates councillors on the progress of Merton's Local Plan at Examination in Public and highlights the public consultation on the Main Modifications to Merton's Local Plan, which will close on 22nd March 2024.
- 1.2. Appendix A to this report contains Merton's Local Plan incorporating the modifications proposed during its Examination in Public.

2 DETAILS

- 2.1. Merton's *Local Plan* is the detailed development plan for Merton, containing the overall borough-wide planning strategy and detailed planning policies and allocates sites for new development.
- 2.2. 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.
- 2.3. Once adopted, the plans and the map will be the main reference point guiding planning decisions in the borough, replacing Merton's *Sites and Policies Plan 2014* and Merton's *Core Planning Strategy 2011*.
- 2.4. The new Local Plan was started in late 2017; it has been prepared in line with statutory regulations, informed and improved by a total of nine months of public consultation and extensive evidence. The plans are in general conformity with the Mayor's London Plan 2021 and the National Planning Policy Framework.
- 2.5. It is important that Merton has a Development Plan that is based on the most-up-to-date research for the borough, the most recent consultation feedback and is in conformity with the National Planning Policy Framework and the Mayor's London Plan 2021. Extensive evidence has been prepared to support Merton's Local Plan and more than nine months of public consultation has taken place to help shape it.
- 2.6. 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.

Progress so far

- 2.7. 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:
- 2.8. **October 2017-January 2018** “*call for sites*” *Stage 1 public consultation* took place. 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. [Link to Stage 1 documents and consultation responses.](#)
- 2.9. **October 2018-January 2019** *Stage 2 draft Local Plan public consultation* took place. 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. [Link to Stage 2 documents and consultation responses.](#)
- 2.10. **13th November 2020 – 1st February 2021** *Stage 2a draft Local Plan public consultation* took place. It 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.
- 2.11. Although the consultation finished on 1st 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 4th January 2021 due to an IT issue. [Link to Stage 2a consultation responses.](#)
- 2.12. **Stage 3 pre submission publication** July - September 2021 for local communities, businesses, landowners and any other interested parties to comment on the final plan before submission to the Secretary of State in December 2021. [Link to Stage 3 consultation responses.](#)
- 2.13. **2nd December 2021** – Local Plan submitted to the Secretary of State who appointed two planning inspectors, Mr Aston and Mr Fort, to examine the Plan on his behalf.
- 2.14. **Spring 2022** – inspectors ask a series of questions to the council and other community groups, statutory bodies etc who have participated in the Local Plan
- 2.15. **14-29 June 2022** – inspectors hold first examination public hearings in the Council Chamber (link to [hearing programme](#) and [Stage 1 hearing statements](#))
- 2.16. **4th – 21st October 2022** – inspectors hold second examination public hearings in Council Chamber (link to [second hearing programme](#) and [Stage 2 hearing statements](#))
- 2.17. **April 2023** – council receives [post hearings letter from the Inspectors](#) and [seeks clarifications](#); the [Inspectors respond](#).
- 2.18. **Throughout 2023** - exchange of information on request from the Inspectors on matters including housing delivery.
- 2.19. **January 2024** – council receives [letter from Inspectors on new national policy](#) and [note on post hearings consultation](#).
- 2.20. **02 February- 22nd March 2024** – consultation on Main Modifications to Merton’s Local Plan ([link to examination news](#))

Examination tests

- 2.21. This final consultation in the plan-making process is only on the main modifications; new policies or sites for allocation would require a new Local Plan with separate examination.
- 2.22. The Planning Inspectorate publish a Local Plan procedure guidance which sets out how Local Plan examinations must be conducted. The examination starts on the day of submission to the Secretary of State (in this case 2nd December 2021) and finishes on when the council receives the final Inspector's report (hopefully later in 2024)
- 2.23. The Planning Inspectors examine the Plan based on the NPPF tests of soundness, which are (from_NPPF paragraph 35):
- 2.24. **A) Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- 2.25. **b) Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 2.26. **c) Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- 2.27. **d) Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 2.28. The Inspectors report will contain the Main Modifications that the Inspectors consider are required to make Merton's Local Plan "sound". The council can then determine whether to incorporate the modifications and adopt the new Local Plan or not. The Plan is taken as a whole, so the council can't determine to adopt some elements and reject others. Local Plan adoption is via a full council vote.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Section 2 of this report sets out the consultation stages that have happened. All consultation responses have been considered in developing the Plan. The Planning Inspectors considered [Merton's Statement of Consultation](#) as part of their examination, setting out what people and organisations told us about the plans, and what actions have taken place as a result of their comments.
- 4.2. The current post-hearings consultation is on the main modifications to the Local Plan. It closes on 22nd March 2024. The council will send all responses to the Planning Inspectors.
- 4.3. We would like to thank all the consultation responses we have received from individual residents, community groups and other Merton organisations on Local Plan and 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.

5 TIMETABLE

Next steps

- 5.1. The timetable for the Local Plan so far is set out in the body of the report.
- 5.2. Following the close of consultation, officers will summarise consultation responses and provide a council response. All full consultation responses plus the summary and any other information required will be sent to the Planning Inspectors for their consideration.
- 5.3. [Section 6 of the Planning Inspectorate's procedural guide for Local Plan making](#) sets out the next steps. The Inspectors will consider all the representations made on the proposed Main Modifications before finalising their examination report and the schedule of recommended Main Modifications to the Local Plan.
- 5.4. Once the council receives the Inspectors' final report on the Plan, including any changes required to make the plan "sound", then full council can consider whether to adopt the new Local Plan and use it in determining planning applications for the borough.

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. The Local Plan has been prepared in conformity with both sets of regulations as and when they applied.
- 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 and updated at each main stage.
- 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 Met 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](#) is 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. 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 1: [Merton's Local Plan - post hearings consultation on Main Modifications](#) – available via link to website as too large for email
- Appendix 2: [Schedule of Main Modifications](#) – available via weblink as too large to email
- Appendix 3: [link to interactive Policies Map](#)
- Appendix 4: [sustainability appraisal](#) of Merton's Local Plan Main Modifications

12 BACKGROUND PAPERS

- 12.1. All evidence and background papers for Merton's Local Plan are available [online via the Examination library](#)

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