

## MATTER 3 (HIGH PATH)

**Are the plan's policies for the High Path Estate positively prepared, justified, effective and consistent with national and local policy and guidance?**

Yes the plan's policies for the High Path Estate are positively prepared, justified, effective and consistent with national and local policy and guidance.

### QUESTION 1

**Does Policy EP H1 Townscape provide a sound, effective expression of the plan's overall vision (and interpretation of "New London Vernacular") for the estate? Should the Further Guidance be included within the policy?**

### COUNCIL RESPONSE

Yes, Policy EP H1 Townscape provides a sound, effective expression of the Plan's overall vision (and interpretation of "New London Vernacular") for the estate.

It is not the purpose of this one policy to provide expression of the vision for the estate; it is the aim of all High Path policies, the high level design principles and detailed design guidance together, to effectively express the vision. For High Path, the content of the Townscape policy is focussed on the relationship with the surrounding area and historic streets, as there are few elements of important townscape within the estate. The surrounding areas are characterised by a rigid grid of streets. The aim of the guidance is for this to be replicated within the estate to help it blend in and appear a seamless part of the surrounding urban environment..

The council considers that paragraphs 3.130, 3.131 and 3.132 helps to deliver specific elements of H1 including (a), (b) and (e) including the need to integrate with the surroundings and be designed to improve views and orientation, but it does not attempt to be too rigid in how this should be achieved. It leaves room of local interpretation of how to make local landmarks, focal points etc as it is considered this can be achieved in a number of ways.

### PROPOSED AMENDMENT

Therefore, as set out in Main Matter 1 Question 12, the council recommends that the "further guidance" paragraphs 3.130 to 3.132 sits logically within the Justification, between paragraphs 3.134 and 3.135 and should be relocated there. This proposed amendment is set

out in the Minor Amendments table (referenced to both Matter 1 Question 12 and Matter 3 Question 1) as **MA33**

## QUESTION 2

**Taken together, are Policies EP H2 Street Network and EP H3 Movement and Access justified and effective, particularly in the light of:**

- **traffic movement and highway safety implications;**
- **crime and community safety implications;**
- **whether some aspects of Further Guidance and Justification (e.g. para 3.154 re parking strategy) should be included within the policy;**
- **whether appropriate flexibility is provided; and**
- **implications for places and projects essentially outside the plan area (e.g. High Path, Merantun Way, Merton High Street, Morden Road – including the potential Tramlink extension, Rodney Place and Abbey Mills)?**

## COUNCIL RESPONSE

Yes, the policies for H2 Street Network and H3 Movement and Access are considered justified and effective in terms of traffic movements, crime and community safety, flexibility and implications for places and projects outside the plan area. Main Matter 1 question 12 sets out the council's view on whether some aspects of Further Guidance should be included in the policy; this is addressed again here specifically on 3.154 parking strategy.

The first paragraph of the Justification of each policy (para 3.142 for H2 Street Network and para 3.153 for H3 Movement and Access) set out clearly and effectively that H2 Street Network is the policy about creating clearly defined and understood streets and H3 Movement and Access is the policy about establishing whether or not those streets, roads and junctions, once created, should be accessed in full or part by cars and other vehicles.

Traffic movement and highway safety

The stated policies are considered justified and effective from a traffic movement and highway safety perspective as they inform and respect the limitations of what can realistically be delivered within the confines of the busy road network surrounding the site and in the wider area.

The council's approach acknowledges the high accessibility of the estate and limitations of existing street patterns by limiting vehicular access and car parking provision in favour of a street layout and design approach that actively supports a healthy environment that promotes walking and cycling, whilst facilitating essential access and servicing needs.

It also identifies specific transport concerns without being unreasonably restrictive or dealing with matters of detail better suited to the planning application process and any accompanying transport assessment.

- **crime and community safety**

Yes. Issues of addressing crime and community safety are woven throughout the Estates Local Plan. They are most explicit in The "Urban Design Principles" (Part 02) of the ELP which apply to all three estates are all founded on the principles of Secure by Design, including active frontages, defensible space, permeable, legible and accessible layouts. These matters are also addressed in policies H2 (for example paragraphs 3.143 and 3.144) and H3 (for example, H3 (b), paragraph 3.146)

- **whether some aspects of Further Guidance and Justification (e.g. para 3.154 re parking strategy) should be included within the policy;**

As set out in the council's response to Main Matter 1, question 12, the council has considered all aspects of Further Guidance throughout the Plan to ensure that the Plan is justified, effective and consistent with national and local policy.

When considering all the Further Guidance paragraphs in H2 and H3, it is considered that they fit better into the Justification than the policy. For example, parking standards are already part of the council's adopted statutory development plan as policy 6.13 in the London Plan 2017 and policy DM.T3 in Merton's Sites and Policies Plan 2014; it is considered that this need not be duplicated in further policy.

## **PROPOSED AMENDMENT**

On this basis, for HP2, the council recommends relocating 3.137 to 3.141 to after Justification para 3.144. **(MA34)**

For HP3, the council recommends relocating all "Further guidance" paragraphs (3.145 to 3.152) to within the Justification and reorder all the paragraphs so that the Justification flows clearly and consistently (for example, the paragraphs justifying H3 (e) (parking) are

located beside each other) The council recommends in **MA35** that the paragraphs are now ordered:

3.153

3.155

3.156

3.159

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3.157

*3.145*

*3.147*

*3.148*

*3.149*

3.160

3.161

*3.151*

3.162

3.163

3.164

*3.146*

*3.154*

*3.150*

*3.152*

- whether appropriate flexibility is provided; and

Yes, appropriate flexibility is provided throughout both policies. For example policy H3 (b) requires streets to connect in an open, easy to understand way and where they are currently closed to vehicles, they should be built with the capability of being opened to vehicles in the future, as traffic movement in the area may change. This provides flexibility over time.

- implications for places and projects essentially outside the plan area (e.g. High Path, Merantun Way, Merton High Street, Morden Road – including the potential Tramlink extension, Rodney Place and Abbey Mills)?

The estate is constrained by strategic roads to the south, west and north. On the east side Abbey Road currently serves as a substitute, albeit convoluted northbound detour via Merantun Way that avoids the heavily congested South Wimbledon junction to reach Haydon's Road and onward journeys to Wandsworth.

To improve permeability across the estate and neighbouring areas and to mitigate local barriers to movement the council seeks to promote Merantun Way as a street with footways and dedicated cycle facilities along its length. TfL has taken a pragmatic stance on this wish in its pre-submission representation (found in **SD.6a**) and in **SD.3** the council has proposed Minor Modification 13 to H2 Street Network (f) set out in (see also Transport for London representations at Stage 2 and Stage 3 (pre-submission **SD.7**) and statement of consultation **SD.8.**)

Merton High Street Abbey Road, Morden Road, and High Path directly abut the estate and Merton Abbey Mills is a market and collection of small businesses in an historic site nearby beside the river Wandle. Policies H2 and H3 refer to how the council wants to see these places treated in the context of the estate regeneration, for example at Merton High Street (H2 (e.)), Abbey Road (e.g. H2 (a)), Morden Road (e.g. H3(c.)) Abbey Mills (H3 (d)) and High Path (e.g. H2(b)). The ELP is justified and positively prepared in setting out how crossing points, vehicular access, connections with new streets within the estate and other matters might affect these roads. Such changes could be delivered via Section 106, Section 278s or a partnership arrangement with the highways authority and the developer.

**SD.3**, Minor Modification 14 and 15 provides the council's recommended amendment to clarify matters relating to Rodney Place and how it might potentially connect into the new street pattern (e.g. 3.141 with Minor Mod 14 added "While Rodney Place is outside the estate boundary, linking it *better* into the *new* street pattern should be *considered in order to both protect its character and improve access from it to the surrounding streets*"

In June 2014 the council consulted residents on a proposed new tram alignment between Sutton and Wimbledon via Morden Road Tram Stop. This included a link to South Wimbledon. Scheme development is remains at a very early feasibility stage. To assist the realisation of this significant new transport infrastructure early discussions with TfL are

required as a pre-requisite to any planning application so that passive provision can be accommodated within the overall plan and design. **SD.6a** (representations Stage 3), page 6 sets out Transport for London's views on tramlink "*TfL welcomes reference to the tram extension to South Wimbledon and the requirement for developers to consult TfL on how to integrate the tram extension into development proposals on Morden Road*"

### QUESTION 3

**Does Policy EP H4 Land use, when taken as a whole with the Further Guidance and the Justification, and in the context of LP and CS policies, effectively set out clear and robust parameters in terms of density and non-residential land uses? Is the approach to increasing density positively prepared and justified?**

### COUNCIL RESPONSE

The ELP (**SD.1**) covers a significant regeneration and investment period of 15 years. It sets out a positively prepared strategically pitched framework to guide regeneration over the 15 years, with the level of prescription, such as density parameters to be determined at the planning application stage in accordance with relevant planning considerations and requirements set out by the whole statutory development plan.

Once adopted the ELP (**SD.1**) will form part of the statutory development plan for the borough. The London Plan (**RD.1**), Merton Core Planning Strategy (**MP.2**) and Merton Sites and Policies Plan (**MP.3**) policy requirements collectively contain clear and robust parameters on appropriate density and non-residential uses that development proposals will need to adhere to for the site. To further improve clarity, an appendix is proposed to the ELP (**SD.1**) detailing policies in the whole statutory development plan in addition to the ELP policies to which development proposals will need to adhere to. The justification section of policy EP H4 includes reference to the London Plan density matrix (para 3.168) and it is proposed that this reference be further clarified by indicating the site's urban setting.

The council consider that the policy is sufficiently clear that the predominant land use of the estate will remain residential and the matter of non residential uses is covered robustly and sufficiently in part (a) of the policy and supporting paras 3.171 – 3.173 of the ELP.

Requirements concerning non-residential uses are supported by evidence contained in Merton's Economic and Employment Land Study (**MP.30**) and Retail and Town Centre Capacity Study (**MP 31**). The council considers that Policy EP H4 complies with the requirement for policies to be flexible in accordance with paragraph 21 of the NPPF which states:

*"Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances"*

To improve the clarity, of the plan and to better reflect the general status of the document as a Development Plan Document, as opposed to SPG or SPD, it is recommended that the

further guidance text be relocated to justification section as set out in Main Matter 1, question 12

As also set out in Main Matter 1, question 12 (**MA36**) it is proposed that the Further Guidance paragraphs (3.165 - 167) be subsumed into the justification section of policy EP H4.

## PROPOSED AMENDMENTS

Deleted ~~Further Guidance~~

Relocate para 3.165 to 3.166 to between Justification para 3.170 and 3.171 (**MA36**)

Relocate para 3.167 to between Justification para 3.172 and 3.173 (**MA36**)

Amend Paragraph “3.168 As outlined in the London Plan, the density matrix should be used flexibly and in conjunction with other development plan policy documents. *The London Plan density matrix identifies Eastfields estate as having an urban setting, which is characterised by being densely developed and located within 800m of Colliers Wood District centre.*” (**MA36**)

Addition of new ELP Appendix (4) setting out cross references to relevant statutory development plan policies in addition to the ELP policies to which development proposals for the three estates will need to comply with is proposed This can be found in **MA69**

Add the wording to para 2.28: “development proposals must meet the requirements of the whole statutory development plan. Please also refer to Appendix 4 for further details”. (**MA3a**)

## QUESTION 4

**Taking Policies EP H5 Open space, EP H6 Environmental Protection (in part) and EP H7 Landscape together, do they:**

- **provide sufficiently clear and appropriate indication of the quantum of open, play and recreational open space, having regard to but not prescribing standards set out in other documents?**
- **provide consistent and compatible policy, at an appropriate level of detail, regarding location and distribution of open space together with retention and planting of trees?**
- **Deal appropriately with “green chains”, particularly where they extend beyond the plan boundary?**

## COUNCIL RESPONSE

- **provide sufficiently clear and appropriate indication of the quantum of open, play and recreational open space, having regard to but not prescribing standards set out in other documents?**

No, Policies EP H5 (Open Space) EP H6 (Environmental Protection) and EP H7 (Landscape) read together are not considered to be sufficiently clear in indicating the quantum of open, play and recreational open space. As such the council proposes a number of amendments to address this issue. These can be summarised as:

- ensuring policy H5 covers policy matters connected to designated open space only, as the ELP Glossary defines “open space” as designated open space in planning terms
- consequently ensuring that all matters not concerned with designated open space (e.g H5 (c.) on private amenity space) and moved to Policy H7 Landscaping.
- Proposing amendments to make the policies and their justifications clearer.

Policy EP H5 (Open Space) (a) requires proposals to provide public open space on the site to address an identified deficiency in access to open space as is clearly shown on the map entitled ‘High Path: Areas Deficient in access to Local Open Space’ in Appendix 1 of the Estates Local Plan (ELP) (**SP.1**). This is to ensure compliance and consistency with London Plan Policy 7.18 ‘Protecting Open Space and addressing deficiency’ (**RD.1**).

The Open Space diagram attached to Policy EP H5 (Open Space) clearly shows indicative locations for where open space could be located on the estate to alleviate current access deficiency. The indicative nature of this diagram provides flexibility as to where and what scale of open space could be provided in designing new proposals for the estate whilst ensuring that the indicated locations for open space will ensure the deficiency in access to open space on the site is addressed. Please also refer to the council’s response to matter 1 question 13.

Upon reflection the council considers that elements of the justification text for Policy EP H5 (Open Space) (a) need to be clearer in regards to how open space can be re-provided on the site. The council proposes to remove justification text paragraph 3.174 as it does not give clear enough guidance (**MA38**).

Policy H5(a) requires public open space to be provided to address the deficiency in access to open space in the eastern part of the estate, as illustrated on the Open Space diagram. There is no set amount of public open space required to meet this policy, however the quantum of private amenity space is prescribed through Policy EP H5 (Open Space) (c) which requires all new homes to have gardens that meet or exceed current space standards. This ensures that any application for the development of housing will be assessed in accordance with the private open space standards set out in the London Plan Housing Supplementary Planning Guidance (**RD.7**) (March 2016).<sup>1</sup>

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<sup>1</sup> London Plan Housing Supplementary Planning Guidance (March 2016).

As the phrase “open space” is defined within the ELP Glossary as referring to designated open space only, the council considers that part (c) of H5 (dealing with private amenity space) and its associated justification should be moved into H7 Landscaping. (MA37 and MA46)

Further to this the council considers that the current justification text explaining how Policy EP H5 (c) is implemented is not clear and inconsistent with how this policy is approached for the other two estates.

In order to clarify why Policy EP H5(c) is required, the council proposes that the same clarification as is given in justification section 3.74 for Eastfields Policy EP E5 (Open Space) (d), page 70 be utilised in landscape policy EP H7. (MA49)

The council does not consider that justification text 3.178, page 116 is sufficiently clear in articulating how policy EP H5 (Open Space) (b) is addressed. As such, amendments to justification text are proposed. (MA41)

- **Provide consistent and compatible policy, at an appropriate level of detail, regarding location and distribution of open space together with retention and planting of trees?**

Yes, the council considers that Policies EP H5 (Open Space), EP H6 (Environmental Protection) and EP H7 (Landscape) read together are considered to provide a consistent and compatible policy framework regarding the location and distribution of open space together with the retention of planting of trees.

Policy EP H7 (Landscape) clearly sets out what trees are to be retained on the estate and guides how proposed development can incorporate existing trees to ensure their retention. The trees to be retained on the estate will help solidify a network of biodiversity on site and enhance green corridors as well as assist with air pollution, slowing rainfall run-off and mitigating against the potential of an urban heat island effect as outlined in Policy EP H6 (Environmental Protection)

- **Deal appropriately with “green chains”, particularly where they extend beyond the plan boundary?**

The Environmental Protection diagram attached to Policy EP H6 (Environmental Protection) indicates where green chains can run through the site and connect out beyond the site to surrounding green space. This diagram clearly shows the potential links to nearby green links and open space, including the Wandle Trail, Nelson Gardens and Abbey Rec. It also shows how the new green chains could connect to the indicative locations of open space shown in the policy map for Policy EP H5 (Open Space). This will help to ensure that a comprehensive and effective policy approach is taken to locating green space on site and designing new green chains to link green spaces within the site and beyond its boundary.

## PROPOSED AMENDMENTS

Relocate Policy EP H5 (Open Space) (c) (deleted and moved to H7), page 116: **(MA37)**

~~All new homes must have gardens that meet or exceed current space standards.~~

Delete heading ~~Further guidance~~ (also referenced in answer to Main Matter 1 question 12 **(MA38)**)

Delete justification paragraph 3.174, page 116 **(MA38)**

~~The number of open spaces and their individual size is not prescribed. Open space may be provide in the form of a single space or a number of smaller spaces. However, proposals intending to provide multifunctional space should preferably provide one large area”.~~

Move “Justification” heading to above para 3.175

**“Justification**

3.175 Open spaces should be located in the most accessible points...” **(MA38)**

Amend justification text 3.178, page 116 as follows) **(MA40)**

~~Development proposals should demonstrate how proposed new public open space would address the identified deficiency in access to public open space. and that the appropriate minimum standards concerning the provision of outdoor amenity space and play space have been achieved. Any proposal should clearly demonstrate how the play space needs of all age groups will be addressed in accordance with the Mayor of London’s ‘Play and Informal Recreation’ Supplementary Planning Guidance document (2012).~~

Relocated EP.H5(c) to new policy EP H7 (Landscape) (e), page 124) **MA46**

All new homes must have gardens that meet or exceed current space standards.

Relocated justification text (from H5 to H7) 3.205, page 124) **MA49**

The provision of gardens that meet space standards increases their functionality, potential for tree planting and promotion of biodiversity. Front gardens or defensible space that allows for some planting, is also encouraged.

QUESTION 5

**Is Policy EP H6 Environmental Protection, particularly regarding flood risk, energy, construction impact and waste, effective in terms of its relationship, and possible**

**repetition of and consistency with, development plan and local and national policies and guidance and the Building Regulations?**

**COUNCIL RESPONSE**

Regarding matters of **flood risk**, yes, the council are of the view that the policy EP H6 is consistent and effective in accordance with local, regional and national policies and guidance on flood risk and sustainable drainage.

EP H6 parts (d), (e.) and (f) are in accordance, consistent and effectively maintains the position set out within the London Plan Policy 5.13 ( **RD.1**) and the supporting Sustainable Design and Construction Supplementary Planning Guidance (SPG April 2014) (**RD.4**). The policy is also consistent and effective in its relationship with the Non-statutory technical standards for sustainable drainage systems (Defra March 2015)<sup>2</sup>, although it should be recognised that the London Plan Policy (**RD1**) 5.13 requests further betterment with regards to minimum standards for runoff rates when compared to the national non-statutory technical standards.

Some areas of High Path and the surrounding road network are shown to be at high risk of surface water flooding, as shown on the published Environment Agency Surface Water Flood map<sup>3</sup>.

Through redevelopment, there is an opportunity therefore to appropriately manage surface water flood risk in a sustainable manner which deliver multi-functional benefits for other policy areas and reduce surface water runoff rates from the site.

The policy requires applicants to aim to achieve greenfield runoff rates, as reasonably practicable. Where it is not possible to achieve greenfield runoff rates, the policy requires full justification as to the reasons why, including calculations and drawings and take into consideration the existing and proposed impermeable areas, the existing and proposed surface water and foul drainage networks and an assessment of a range of return periods up to and including the 1 in 100 year plus change critical storm event. The drainage strategy for the site must ensure that climate change allowances for rainfall intensity are in accordance with the latest allowances published in national planning practice guidance (NPPG published Feb 2016).

EP H6 part (g) seeks to ensure that surface water flood risk, which is of a key issue for High Path given the risk mentioned above, is given the same weight and consideration as other sources of flooding, in accordance with the NPPF(**ND4**) and NPPG(**ND13**). The layout of the site will need to have consideration of existing surface water flood flow routes and not increase surface water risk elsewhere through obstructing or adversely diverting flow routes. The council recommends some minor amendments to H6 (a) –(d) to improve the clarity of the plan, the cross-referencing with the London Plan (RD.1) and clarity on surface water. (**MA42**).

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<sup>2</sup> [Non-statutory Technical Standards for Sustainable Drainage Systems \(Defra March 2015\)](#)

<sup>3</sup> [Environment Agency's Surface Water Flood Map](#)

Regarding **energy** matters, the need to improve the environmental performance of dwellings on the estate was a central driver in the case for the estate regeneration, as set out in the council's Sustainability Appraisal / Strategic Environmental Assessment (**SD5**), hence the intended approach of Policy EP H6 is to strengthen and support local and national guidance to ensure that opportunities to deliver environmental performance are fully explored.

The council considers the approach to district heating, as detailed in policy EP H6 part H (i)–(iii), to be consistent and in accordance with the approach to determining the feasibility of district heat networks outlined in London Plan policy (**RD1**) 5.6: Decentralised energy in development proposals and Merton's Core Planning Strategy policy(**MP2**) CS15: Climate Change, part D.

Given the specific opportunities for district heating at High Path, as identified in Merton's District Heat Feasibility – Phase 1: Heat Mapping and Energy Masterplanning study (**MP23**), the council does not consider it unduly repetitive to explicitly outline in policy EP H6 part H (i)–(iii) the approach that should be taken to fully explore High Path's district heat network potential. The additional guidance is therefore designed to work in tandem with, and strengthen, the existing local decentralised energy policies.

One of the key drivers set out in the council's Sustainability Appraisal / Strategic Environmental Assessment (**SD5**), was to deliver betterment in the energy performance of dwellings on the estate, when considered in comparison to the existing housing stock. The current standard assessment procedure (SAP), used to assess a dwelling's energy performance in compliance with Building Regulations, does not allow for this comparison to be made. The council has therefore proposed an additional requirement under Policy EP H6 part H (v) for development proposals to demonstrate the energy improvements made between the existing and proposed dwellings using energy performance certificate data.

The council considers the approach under EP H6 part H (v) to be consistent with national, regional and local energy policies because the development will still be required to demonstrate performance compliance with Building Regulations. But, by also requiring the submission of energy performance certificate data, the policy will allow the developer and the council to use an additional accurate and nationally recognised metric to demonstrate any betterment in environmental performance between the existing and proposed housing stock.

The emergence of new technologies provides further opportunities for new developments to explore innovative approaches to reducing the use of fossil fuels, carbon dioxide emissions and running costs for residents, but the pace of innovation often means that new technologies are not specifically referenced in existing policies. Policy EP H6 part I addresses this policy gap by encouraging developers to explore the potential environmental benefits of installing emerging innovative technologies; specifically on-site battery storage.

The justification for Policy EP H6 part (i) proposes an addition to the methodology used in Standard Assessment Procedure calculations for Building Regulations to enable the benefits

of on-site battery storage to be fully considered. This approach allows the 20% of solar photovoltaic output traditionally discounted under SAP as 'distribution loss' to be recouped when solar photovoltaics are used in tandem with on-site battery storage. In this way the development is able to demonstrate additional environmental gains that cannot be attributed under the existing methodology, and discount the additional carbon savings from any emissions shortfall across the wider development.

The approach to battery storage detailed in Policy EP H6 part I is deemed effective and consistent with existing statutory development plan policy because provision for the inclusion of innovative approaches is provided in London Plan Policy (RD1) 5.8: New Technologies. In addition, Policy EP H6 part (i) helps strengthen statutory development plan policy because it provides another opportunity to secure efficient supply of energy to the development, accordance with the Mayor's energy hierarchy, as detailed in London Plan policy (RD1) 5.2: Minimising carbon dioxide emissions.

The GLA have been consulted on the proposals and that they do not foresee any conflicts with future London Plan policy. The GLA have indicated that the proposed policy approach is operating within the scope of London Plan (RD1) policy 5.8: New Technologies, and is broadly consistent with their intentions to incorporate battery storage into the energy hierarchy in the next iteration of the London Plan (anticipated 2019). The GLA have indicated that battery storage fits within the 'be clean', renewable energy element of the energy hierarchy (as it is intended to be used in conjunction with solar PV), but they also accept that it could be considered as a 'be clean' element.

The council therefore considers the battery storage approach detailed in policy EP E6 to be consistent with the local and national policy direction and methodologies, and effective in ensuring that new and emerging technologies are fully considered in the development proposal.

The council does acknowledge that policy EP H6 includes some aspects of repetition with local and regional policies and guidance, and is therefore proposing to make minor amendments to avoid unnecessary repetition.

The council is proposing minor amendments to policy EP H6 parts H (i)-(iii), (v) and part I to provide greater clarity on energy matters and is proposing to remove policy EP H6 part H (iv), to avoid any unnecessary repetition of local policy. (MA43)

The council has also adapted paragraphs 3.191, 3.194 and 3.196 on pages 120 and 121 of the Justification of policy EP H6 to provide greater clarity on the methodology for attributing carbon savings from battery storage. (MA45)

Regarding **construction impact** matters, the council acknowledges that Policy EP H6 part K could be seen as repetitious. However as set out in the pre-submission representations (SD.6a) residents and other representors are concerned about the construction impacts of such a long build time. The council is therefore proposing to retain Policy EP H6 part J

(erroneously titled part K in the Stage 3 submission), but retain the further guidance detailed in paragraph 3.197 of the policy justification on page 121.

Regarding **waste** matters, in order to improve clarity and effectiveness, and to ensure consistency with London Plan policy 5.18 part C (**RD1**), the council suggests the inclusion of a reference to the requirement for the submission of a site waste management plan in part K (**MA44**)

## PROPOSED AMENDMENTS

The proposed amendments to Policy EP H6 are detailed below:

### (MA42)

a) *In accordance with the London Plan policies 5.12 Flood Risk Management and 5.13 Sustainable Drainage and the supporting Design and Construction Supplementary Planning Guidance (SPG April 2014), the proposed development must aim to reduce post-development runoff rates as close to greenfield rates as reasonably **practicable**.*

b) Development proposals must demonstrate how surface water runoff is being managed as high up the London Plan Policy **5.13 Sustainable Drainage** hierarchy as possible.

c) Sustainable Drainage Systems (SuDS) must be part of any major development proposals. Drainage and SuDS should be designed and implemented in ways that deliver other policy objectives for each of the following **multi-functional** benefits:

- Blends in and enhances amenity, recreation and the public realm
- Enhances biodiversity
- Improves water quality and efficiency
- Manages flood risk

d) The development must be made safe from flooding, without increasing flood risk elsewhere for the lifetime of the development **taking the latest climate change allowances into account**. Potential **surface water** flow paths should be determined and appropriate solutions proposed to minimise the impact of the development, for example by configuring road and building layouts to preserve existing **surface water** flow paths and improve flood routing, whilst ensuring that flows are not diverted towards other properties elsewhere.

### (MA42)

### MA43

h) The feasibility of CHP and district heating must be investigated. As a minimum this should include:

- (i) An assessment of the secondary heat sources within a 400 metre radius of the site boundary (e.g. river water heat recover from the Wandle; heat extraction from the London Underground).

- (ii) Evidence to demonstrate ongoing engagement with key stakeholders associated with the potential secondary heat sources, such as Transport for London and the Environment Agency feasibility.
- (iii) Evidence that the CHP has been designed and built in line with the London Plan **policy 5.6: Decentralised energy in development proposals** and associated guidance (e.g. the Mayor's draft Air Quality SPG) which seeks high air quality standards and mitigates air quality impacts as well as reducing carbon emissions **specifically in respect to:**
  - **Plant size and specification**
  - **Plant-room design**
  - **Future network connectivity**
  - **Air quality standards.**
- (iv) Energy strategies should clearly demonstrate that development delivers energy efficiency improvements at each level of the Mayor's Energy Hierarchy when compared to the existing buildings on the estate. Outlining how improvements have been achieved according to the hierarchy of; improved building fabric, increasing the efficiency of supply and renewable energy generation, and how this compares to existing development on the sites.
- (v) When preparing development proposals in accordance with Policy 5.3: **Sustainable design and construction** of the London Plan, proposals should include suitable comparisons between existing and proposed developments **at each stage of the energy hierarchy** in order to fully demonstrate the expected improvements. All new developments proposals should consider the following sustainable design and construction principles: avoidance of internal overheating; efficient use of natural resources (including water); minimising pollution; minimising waste; protection of biodiversity and green infrastructure and sustainable procurement of materials

Proposed amendments to policy EP H6 part I (still **MA43**)

- l) Technological improvements in battery storage have started to provide a potential energy storage solution suitable for use in connection to domestic solar PV systems. The use of on-site storage offers a potential technological solution that would increase on-site renewable energy consumption, reduce utility costs and provide in-situ demand-side management. Battery storage can therefore be considered to sit within the 'be lean' or middle level of the energy hierarchy. Domestic PV installations should therefore not be considered without exploring the potential for on-site energy storage. Carbon savings from the incorporation of appropriately sized battery storage can be calculated by assuming that distribution losses from battery connected solar PV systems are zero.

***l) All domestic solar PV installations should be considered in conjunction with on-site battery storage.***

Proposed amendment to Policy EP H6 part K (**MA44**)

- k) Development proposals should **demonstrate, by means of the submission of a site waste management plan, how they will** apply the waste hierarchy where waste is minimised,

re-used and recycled, and residual waste is disposed of sustainably in the right location, using the most appropriate means.

Proposed amendments to paragraphs 3.191, 3.194 and 3.196: (MA45)

**3.191** Local environmental conditions such as air quality, noise and ~~over~~heating **overheating** must be taken into consideration during the design process. **The scheme should be designed and built in accordance with relevant local guidance (including London Plan policies 5.6: Decentralised energy in development proposals and 7.14: Improving air quality, the London Heat Network Manual, Merton's District Heating Feasibility – Phase 1: Heat Mapping and Energy Masterplanning study, and Merton's draft Air Quality SPG).** Careful consideration should be taken in order to ensure that efforts to mitigate against these issues does not ~~resulting~~ **result** in unforeseen negative impacts.

**3.194** The ~~principals~~ **principles** of sustainable design and construction are designed to be holistic and are more wide ranging than energy performance alone. Development proposals should demonstrate ~~wherever possible~~ **environmental improvements** using the comparison of quantifiable measures, where possible, and qualitative appraisals, where appropriate. In this way the environmental improvements ~~that will be delivered through regeneration should~~ **can** be **easily** compared with the performance of existing buildings ~~in an easily compared manner.~~

**3.196** Technological improvements in the field of energy storage have resulted in the improved feasibility of deploying battery storage in connection with domestic solar PV systems. ~~and the~~ **The** need to develop polices to support ~~Innovative Energy Technologies~~ **innovative approaches** is outlined in London Plan Policy 5.8: **Innovative energy technologies**. Battery storage can be utilised as a method of increasing on-site renewable energy consumption, **providing** ~~and provide~~ in-situ energy demand management to reduce pressure on the national grid during peak time, and increasing the efficiency of energy supply. In this way battery storage can be considered to be a 'be **clean**' measure within the ~~Mayors~~ energy hierarchy: **outlined in London Plan policy 5.2: Minimising carbon dioxide emissions**. The ~~s~~**Standard Assessment Procedure (SAP)** approach ~~from~~ **for** calculating the energy output from solar PV assumes **a 20% reduction in PV output from distribution losses** that ~~20% of the energy produced is lost through transmission~~ across the national electricity grid. Therefore, at present, there is no method of capturing these benefits of on-site energy storage within the Standard Assessment Procedure (SAP) or recognising the **benefits** of energy storage through the planning process. ~~In order to recognise the benefits of on-site energy storage to residents and the grid operator the incorporation of appropriately sized solar PV systems should calculate solar output using the following equation, assuming the distribution losses are zero.~~ **Energy strategies that utilise appropriately sized solar photovoltaics in tandem with on-site battery storage may account for the associated carbon benefits by recouping the 20% of solar photovoltaic output traditionally discounted under SAP as 'distribution loss'. This additional carbon saving may be calculated using the below equation and then discounted from any carbon emissions shortfall for the wider development as a whole.**

***Output of System (kWh/year) = kWp x S x ZPV***

***Carbon savings from battery storage (kWh/year) = kWp x S x ZPV x 0.2***

*kWp – Kilowatt Peak (Size of PV System)*

*S – Annual Solar Radiation kWh/m2 (See SAP)*

*ZPV – Overshading Factor (See SAP)*

#### QUESTION 6

**Is Policy EP H8 Building Heights justified and effective regarding:**

- **the clarity of its proposals and constraints, including whether para 3.205 Further Guidance should be part of the policy?**
- **internal consistency, particularly with respect to Morden Road and Rodney Place?**
- **the inclusion of significant locations outside the plan area in parts (f) and (g)?**

#### COUNCIL RESPONSE

- **the clarity of its proposals and constraints, including whether para 3.205 Further Guidance should be part of the policy?**

Yes, Policy H8 is justified and effective regarding the clarity of its proposals and its constraints. Policy EP H8 (a) concerns the issue of relative building heights. It is the council's view that paragraph 3.205 helps to justify H8.(a) As set out in Main Matter 1 question 12 , the council recommends moving Further Guidance into the Justification text (**MA48**)

- **internal consistency, particularly with respect to Morden Road and Rodney Place?**

Yes, the policy is considered consistent in its approach to heights and the distinction between the identified sub-areas, including Morden Road and Rodney Place and the guidance for each one of them. Surrounding buildings and areas have different characters and constraints. The estate must also be seen in its wider context and therefore a heights strategy cannot be created in isolation. Height guidance is not meant to be too prescriptive and this is why specific heights are not stated. The policy relies on a contextual approach. This leaves some room for interpretation and means there will inevitably be areas of overlap.

- **the inclusion of significant locations outside the plan area in parts (f) and (g)?**

Yes, the policy is considered justified and effective in the inclusion of significant locations outside the plan area in parts (f) (Merantun Way) and (g) (Station Road, Abbey Road and Merantun Way). As referenced in High Path's site analysis, issues and opportunities and as stated in policy H8 (a) *Redevelopment of the estate must create a consistent character that fits in harmoniously with the surrounding development. A consistency in building heights is important in achieving this*". Particularly with respect to building heights, the heights of the redeveloped estate itself will have an influence on building heights for new development in the surrounding area via design policies set in the adopted statutory development plan, including the London Plan (**RD.1**), Core Planning Strategy policy CS14 (**MP.2**) and Merton Sites and Policies Plan policy DM.1 (**MP.3**). Should development come forward outside the estate boundary but nearby (for example, along Merantun Way). It therefore cannot simply ignore this because it is outside the red line. Notably, sites to the south are either in council ownership or are actively being sought for redevelopment. It is considered good strategic planning to reference this in some way. For example, there are aspirations by the council to transform Merantun Way into a boulevard. It would be inappropriate and un-joined-up for a key Council policy document not to dovetail with this aspiration – i.e. by proposing building heights or any other aspect of development, the made implementation of this aspiration more difficult.