

# Legal Compliance

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Estates Local Plan (part of Merton's Local Plan)

London borough of Merton

2017

## 1. Introduction

- 1.1 This document sets out the Merton Council's legal compliance self-assessment for the Estates Local Plan (part of Merton's Local Plan) and the amendment to the Policies Map using the updated PAS checklist. This checklist is based on the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012.

### **Glossary:**

- "Act" means the Planning and Compulsory Purchase Act 2004 (Amended)
- NPPF- means National Planning Policy Framework
- Regulation means the Town and Country Planning (Local Planning) (England) (Amendment) Regulation 2012
- LDS means Local Development Scheme
- SCI means Statement of Community Involvement
- Local Plan means a group of planning development plan/documents

- 1.2 This checklist has taken a chronological approach to plan preparation as follows:

1. Early stages – planning the production of the development planning documents
2. Preparation – frontloading phase
3. Preparation – formulation phase
4. Publication – to enable representations to be made
5. Submission – to the Secretary of State

Figure 1: Stage one the beginning

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
1. Is the Plan identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF paragraph 153		Yes, Merton Council published details and timetable for the Estate Local Plan in its LDS of July 2014 <a href="http://www.merton.gov.uk/2014-07-09_merton_lds.pdf">www.merton.gov.uk/2014-07-09_merton_lds.pdf</a> and the updated LDS of September 2016 (MP.6) <a href="http://www.merton.gov.uk/merton_lds_2016.pdf">www.merton.gov.uk/merton_lds_2016.pdf</a>
2. How will community engagement be programmed into the preparation of the Plan?	The Act section 19(3)  Regulation 18	NPPF paragraphs 150, 155 and 157	<i>If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.</i>	Merton's Statement of Community Involvement (SCI) ( 2006) (MP4) sets out how the council will engage with the community at each stage of the preparation of Local Plan. <a href="http://www.merton.gov.uk/localplan/sci.htm">www.merton.gov.uk/localplan/sci.htm</a>  Legislative changes since the adoption of Merton's SCI in 2006, most recently via the Town and Country Planning (Local Planning) (England) Regulations 2012 have resulted in minor amendments to the procedures (for example, public notices are no longer required at the start of consultations). In addition new media avenues since 2006 (e.g. Twitter, Facebook, blogging) have resulted in increased opportunities to engage with and the distribution of material.  Merton's Statement of Consultation (SD8) sets out the consultation undertaken and the methods used in accordance with Merton's SCI and legislation. Merton's LDS (please refer to activity 1 above) identifies the programmed community engagement for the production of the Estates Local Plan.  Alongside and in parallel, community engagement was also undertaken by Clarion Housing Group on regeneration master plans for the three estates. This engagement spanned from July 2013 to December 2016.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paragraphs 4.25 -4.26	<i>Regulation 2 defines the general and specific consultation bodies.</i>  <i>The possible evidence may duplicate each other. Only use what you need to.</i>	In accordance with Regulation 18 the council notifies each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare and invited each bodies and person to make representation on the Estates Local Plan.  The Statement of Consultation (SD8) and the Duty to Co-operate report (SD9) show how and with whom the council consulted, contains issues raised by these bodies where appropriate and identifies all the relevant bodies.

<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paragraphs 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF paragraph 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF paragraphs 156</p>	<p><i>Section 33A(4) defines a "strategic matter".</i></p> <p><i>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</i></p> <p><i>The bodies prescribed by section 33A (1)(c) are set out at Regulation 4(1).</i></p>	<p>In accordance with Act section 33A(1)(a) and (b), section 33A(3)(d) (e) and (4) Section 20(5)(c) and Regulation 4 the council consulted and engaged with the specific bodies listed under Regulation 4 or the London equivalent. Merton's Statement of Consultation (SD8) and Duty to Cooperate (SD9) identifies how the council consulted and with whom.</p> <p>It should be noted that the Estates Local Plan is not a borough-wide plan and the boundaries of each of the estates are not close to any other borough. The relatively specific scale of this Plan and the location of the three estates meant that there was limited interest from other boroughs. However the GLA and Transport for London provided useful pan-London responses. This is set out in the Statement of Consultation (SD8)</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paragraphs 178 -181</p>	<p><i>Section 33A (4) defines a "strategic matter".</i></p> <p><i>Strategic priorities are listed at NPPF Para 156.</i></p> <p><i>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A (9).</i></p> <p><i>Under section 33A (6) the required engagement includes consulting on joint approaches to relevant activities.</i></p>	<p>Merton Council is part of the pan <a href="#">London Enterprise Panel</a> , London Nature Partnership and prescribed bodies in addressing strategic issues and strategic priorities cross boundary issues.</p> <p>The LEP provides the platform for greater local coordination around the areas of growth outlined in the London Plan and also provides a working partnership with LEPs across the Greater South East on supporting cross-boundary working in the growth corridors that stretches from London into the Greater South East</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section 13</p>	<p>NPPF paragraphs 158 - 177</p>		<p>In accordance with the Act section 13 Merton Council gathered baseline evidence by way of Sustainability Appraisal/Strategic Environmental Assessment (SD5) and numerous studies including the Joint Strategic Needs Assessment (JSNA) (MP15) Circle Housing Merton Priory: Case for regeneration (SD31), Borough Character Study (MP9) and other evidence base studies listed in the EIP reference library list.</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paragraphs 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>In accordance with the Act section 19(5) the Merton Council collected and gathered evidence to set a framework for the Sustainability Appraisal incorporating a Strategic Environment Assessment. (SD5) submission, scoping report/Stage 1 (SD52), Stage 2 (SD50) and Stage 3 (SD2) and updated with assessment of minor modifications (SD5).</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paragraphs 165 and 167</p> <p>SEA Guide chapter 3</p>	<p><i>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</i></p>	<p>The council in accordance with Regulation 9 and 13 the council invited the environment bodies (Natural England, Historic England and the Environment Agency) to make representations of the Sustainability Appraisal and incorporating Strategic Environment Assessment.</p> <p>Copies of these documents were made available via link to the dedicated webpage and hard copies were also available upon request.</p> <p>The consultation bodies' feedback is attached as Appendix 1 to this document.</p>

Figure 2: Stage two: Plan preparation - frontloading phase

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> <li>the specific consultation bodies?</li> <li>the general consultation bodies that have an interest in the subject of the Plan and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paragraphs 159 – 173	<i>Specific and general consultation bodies are defined in Regulation 2.</i>	<p>The council in accordance with Regulation 18(1) and 2 (a) (b) invited local residents, specific bodies listed under Regulation 2 and other interested parties.</p> <p>Details can be found in the council's Statement of Consultation (SD8) and the Duty to Co-operate Statement (SD9)</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the Plan?</p>	Regulation 18(1) and (2)(c)	NPPF paragraphs 159 – 173		<p>Yes, the council in accordance with Regulation 18(1) and 2 (a) (b), invited representations from local people in the borough and as well as the specific consultation bodies in accordance with Regulation 18(1) and 2 (a) (b).</p> <p>In addition the council held events/meetings with local resident's groups/organisations and council events held with local residents. Details can be found in the Statement of Consultation (SD8) and the Duty to Co-operate Statement (SD9)</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	Regulation 18	NPPF paragraphs 155	<i>NPPF paragraphs 160-171 4.29 give examples of relevant bodies which should be consulted.</i>	<p>In accordance with Regulation 18 the council consulted with and invited representation from stakeholders.</p> <p>Details can be found in Merton's Statement of Consultation (SD8) and the Duty to Co-operate Statement (SD9)</p>
<p>4. Are you taking into account representations made?</p>	Regulation 18(3)	NPPF paragraph 155	<i>Evidence from participation is part of the justification. Show how you have taken representations into account.</i>	<p>In accordance with Regulation 18(3) the council when preparing the Estate Local Plan took into account and considered all representations submitted.</p> <p>Further details are set out in the Statement of Consultation (SD8)</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paragraphs 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>In accordance with The Act section 19 (5), Regulation 12 and 13 of the Environmental Assessment of Plan and Programmes Regulations 2004 No. 1633.</p> <p>Representations made were considered and contributed to the development of the plan and the Sustainability Appraisal of alternatives and incorporating SEA. (SD2 and updated March 2017 as SD5))</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>following the principles set out in your SCI?</li> <li>integrating involvement with the sustainable community strategy?</li> <li>proportionate to the scale</li> </ul>	The Act section19(3)	NPPF paragraphs 155		<p>All participation undertaken on the Estates Local Plan has been conducted in accordance to the Act section 19(3) and Merton's Statement of Community Involvement (SCI) (MP4). The participation has been proportionate to the scale of the issues of the Estates Local Plan as set out in Merton's Statement of Consultation (SD8)</p>

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
of issues involved in the Plan?				
7. Are you keeping a record of: <ul style="list-style-type: none"> <li>the individuals or bodies invited to make representations?</li> <li>how this was done?</li> <li>the main issues raised?</li> </ul>	The Act section 20(3)  Regulation 17	NPPF paragraphs 158 - 171	<i>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.</i>	The council has kept a record of the individuals and bodies invited to make representations, the methods used to do this and the main issues raised.  Details are outlined in the Statement of Consultation (SD8) and the Duty to Cooperate Statement (SD9).
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A (1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)  The Act section 20 (5)(c)	NPPF paragraphs 178 to 181	<i>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</i>  <i>Section 33A(2) requires you to engage constructively, actively and on an on-going basis.</i>	Yes in accordance with invited neighbouring boroughs to make representation on the Plan and specific cross boundary issues.  Detail can be found in Merton's Duty to Cooperate Statement (SD9) and Statement of Consultation (SD8)
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).  Regulation 4	NPPF paragraphs 178 to 181	<i>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</i>  <i>Section 33A(2) requires you to engage constructively, actively and on an on-going basis.</i>	The council invited representations from neighbouring boroughs inviting representations on cross boundary issues and strategic priorities and also bodies such as Merton's Local Biodiversity Group in accordance with the Localism Act 'Duty to Cooperate'. The Estates Local Plan will guide housing regeneration on three relatively contained housing sites over a 15 year period. Whilst the council is represented on and undertakes cooperation as part of the recently formed London Enterprise Action Partnership (LEAP) and London Councils and the South West London partnerships on business matters it is not considered relevant to invite representations from the LEAP as there is no obvious relevance to the Estates Local Plan.  Full details of issues raised and outcomes can be found in the Statement of Consultation (SD8) and the Duty to Co-operate Statement (SD9)
10. Are you developing a framework for monitoring the effects of the Plan?	The Act section 35  Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paragraphs 165 - 1687  SEA Guide, Chapter 5	<i>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation" Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</i>	Merton's annual Authority Monitoring Report (AMR) will report on the performance, delivery and implementation of Local Plan. (MP5) is the reference for the latest AMR).

Figure 3: Stage three: Plan preparation - formulation phase

Activity	Statutory requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the Plan?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paragraphs 152 - 182  SEA Guide, Chapter 5	<i>The sustainability appraisal report and supporting documents relevant to the preparation of the Plan are part of the proposed submission documents (see Regulation 17).</i>	Three reasonable alternative options for each estate were consulted upon at stage 1 and stage 2 of the Plan and there were: <ul style="list-style-type: none"> <li>• Option 1 - Demolish and redevelop the entire estate</li> <li>• Option 2 - Partial regeneration</li> <li>• Option3 – Invest in existing properties to bring them to minimum modern standards</li> </ul> Merton’s Sustainability Appraisals incorporating Strategic Environmental Assessment (SD2) stages 1, Stage 2 (SD2), Stage 3 (SD5) and the Statement of Consultation (SD8) set out how the alternatives were considered in preparing the Plan.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	The Act section19 (2), section 24	NPPF paragraphs 151	<i>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the Plan.</i>	The council has been consistent with national policy in tables 1-3 of this legal compliance and NPPF consistency report.  The Mayor of London confirms general conformity with the Spatial Development Strategy for London: The London Plan (RD1)
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	The Act sections19 (2) and 24 (1) and (4)  Regulation 10 and 21		<i>Where the regional strategy has been revoked you should record that fact.</i>	Merton is one of the 33 boroughs that are part of Greater London (namely The Greater London Authority (GLA)).  The Mayor of London confirms general conformity of the Estates Local Plan with the Spatial Development Strategy for London: The London Plan 2016 (RD1).
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	The Act section 33A(2)(a)  Section 33A(6)(a)(b)  Section 20(5) (c)	NPPF paragraphs 181 and 185	.	The council continuously co-operates with other authorities by a wide number of methods: <ul style="list-style-type: none"> <li>- via the Greater London Authority (conformity with the London Plan),</li> <li>- via joint evidence base preparation (e.g. Strategic flood risk assessment 2017 with Croydon, Wandsworth and Sutton neighbouring authorities (MP24) and</li> <li>- preparation of joint local development documents such as the South London Waste Plan, with Croydon, Kingston and Sutton (MP34)</li> </ul> Throughout preparation of the Estates Local Plan, Merton has proactively co-operated with other councils and the Mayor of London on matters such as housing planning and delivery. Clarion Housing’s masterplans propose a total of approximately 150 homes per annum over the three estates over a 15 year period which is a relatively conservative number of homes. As the three sites are not near any other borough

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				<p>boundaries we have had a limited response from other councils specifically on Estates Plan issues and no objections have been raised by other boroughs, including neighbouring ones</p> <p>Merton , in cooperation with all London Boroughs is currently working with the Mayor of London on the preparation of new replacement London Wide Strategic Housing Land Availability Assessment (SHLAA) due to be published in Autumn 2017 and Strategic Housing Market Assessments (SHMA) due to be published in mid – 2017.</p> <p>Merton and surrounding boroughs continue to co-operate on cross boundary issues including the London-wide SHLAA, SHMA and on south London issues (e.g. on traveller accommodation needs (see Duty to Cooperate Statement (SD9 ) for more details)</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paragraphs 181 and 182</p>	<p><i>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</i></p>	<p>The council cooperated with the persons prescribed for the purposes of the Act 33A(1), The council did this at every consultation stage and continuously during the preparation of the Estates Plan. Further details are outlined in the Duty to co-operate Statement (SD9) and the Statement of Consultation (SD8 ).</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF paragraphs 181 and 182</p>		<p>In accordance with The Act section 33A(2)(b),section 33A(9) and Regulation 4 (2) Merton’s Duty to Cooperate Statement (SD9 ) demonstrates how the council carried out this function. The council is cooperating with having regard to the activities of LEAP and LNP. The Estates Local Plan will guide housing regeneration schemes and whilst the council is represented on and undertakes cooperation as part of the recently formed London Enterprise Action Partnership (LEAP) and London Councils and the South London Partnership on business, etc it is not considered relevant to invite representations from the LEAP as there is no obvious relevance to the Estates Local Plan.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	<p>The Act section19(2)</p>			<p>The Estates Local Plan has been influenced and informed by the Merton’s Community Plan (MP1). and other adopted development plan documents:</p> <p>South London Waste plan (2012) a Joint Development Plan document (MD34), Merton’s Core Planning Strategy (2011) (MP2 ), Sites and Polices Plan and Policies Map (2014) (MP3 ).</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and</li> </ul>	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p><i>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the Plan.</i></p>	<p>In accordance with The Act section 19 (2) and Regulation 10, the council has regard to the Mayor of London’s strategies relating to London, including the London Plan, Mayor’s Transport Strategy, the London Enterprise Action Panel (LEAP) and other London wide initiatives.</p> <p>Many of these Mayoral strategies are more relevant to the London Plan (2016) (RD1), Merton’s Core Planning Strategy (2011) (MP2) and the South London Waste Plan (2012) (MP34 ). Merton Council’s Local Implementation Plan helps to</p>

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services <ul style="list-style-type: none"> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>				deliver the Mayor's Transport Strategy and the council has worked closely with Transport for London both on the Estates Local Plan and on the LIP.  The Mayor strategies can be found here: <a href="http://www.london.gov.uk">www.london.gov.uk</a>
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paragraphs 93 -108		Yes. Policy EP.6 <i>environmental protection</i> for each estate has regard to the need to mitigate and adapt to climate change. In creating this policy, The council has had regard to government guidance including the Ministerial Statement 2016 NPPF London Plan 2016 and Merton's Climate Change Strategy (MP22) Other Local Plan policies also apply, including the London Plan 2016, Merton's Core Planning Strategy CS15 Climate change and Merton's Sites and Policies Plan HP1
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paragraph 182  SEA Guide, Chapter 5	<i>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</i>	The council has at every stage of the draft Local Plan undertaken environmental reports namely a Sustainability Appraisal incorporating a Strategic Environmental Assessment.  These documents were made available by the council for the purposes of consultation in accordance with the provisions of this regulation. Stage 1 (SD51 and 52), Stage 2 (S50) and Publication Stage 3 (SD5). Consideration of alternatives was also summarised and reported to councillors in Committee as part of the decision-making process recommending the submission of the Estates Local Plan, including at the Borough Plan Advisory Committee, Cabinet and Council (November 2016. The report to full council on 23 November 2016 is available as an appendix to this document)
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF paragraph 182	<i>This will include Information from the sustainability appraisal.</i>	In accordance with Regulation 8(2) this has been reported in Merton Statement of Consultation (SD8) and the Sustainability Appraisals (SD2 and updated March 2017 as SD5). Consideration of preferred approach for regeneration and alternatives was also summarised and reported to councillors in Committee as part of the decision-making process recommending the submission of the Estates Local Plan, including at the Borough Plan Advisory Committee, Cabinet and Council (November 2016. The November 2016 report to full council is contained as an appendix to this document)
12. Have you taken into account any representations made on the content of the Plan and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paragraphs 150, 155, 157 and 159-171	<i>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</i>	The council in accordance with Regulation 17 has submitted the plan to the Secretary of State with supporting document including Sustainability Appraisal incorporating Strategic Environmental Assessment. A full list of all the supporting documents can be found in the Examination Library .  The council in accordance with regulation 18(3) has taken into account representations received during the consultation stages.

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				Full details of responses received by the Council can be viewed in Merton Statement of Consultation. (EIP Ref) and can also be viewed on Merton website here: <a href="http://www.merton.gov.uk/estatesplan.htm">www.merton.gov.uk/estatesplan.htm</a>
13. Where sites are to be identified or areas for the application of policy in the Plan, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> <li>enable you to amend the currently adopted policies map?</li> <li>inform the community about the location of proposals?</li> </ul>	Regulations 5 (1)(b) and 9	NPPF paragraph 157	<p><i>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</i></p> <p><i>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</i></p>	The Estates Local Plan (SD1) in chapter 2 contains ordinance survey maps of each of the three estates showing how the adopted Policies Map will be amended by the Estates Local Plan on it's adoption.
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paragraphs 150 and 155		Yes participation arrangements have been conducted in compliance with Merton's SCI (MP4). In accordance with Regulation 18 the council has ensured that it's Statement of Consultation (SD8) shows how the council has complied with its Statement of Community Involvement (MP4)

Figure 4: Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paragraph 165 - 168 SEA Guide Chapter 5		<p>Yes. In accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633, the council has prepared a Sustainability Appraisal incorporating a Strategic Environmental Assessment (SD2 and updated as at March 2017 as SD5).</p> <p>The report identified, described and evaluated the likely significant effects on the environment of the proposed regeneration of the three estates. Both the Sustainability Appraisal incorporating the Strategic Environmental Assessment have been subject to consultations.</p>
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		<i>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</i>	Each consultation stage was in accordance with Regulation 19 and 35. This is set out in the consultation documents and on correspondence, including the website, relating to the consultation.
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"> <li>the proposed submission documents?</li> </ul>	Regulation 19(a)		<i>Regulation 17 gives definitions.</i>	<p>In accordance with Regulation 19(a) the council made copies of the proposed submission documents and a statement of the representations procedure available for inspection.</p> <p>The statement of representations procedure is contained in the introduction of <i>Stage 3 Estates Local Plan – pre-submission publication (SD1)</i></p>

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<ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> </ul>				
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>Statement and details of where and when documents can be inspected?</li> </ul>	Regulations 19 and 35		<i>Regulations 2 and 17 give definitions.</i>	In accordance with Regulation 19 and 35 the council made available copies of <i>Stage 3 Estates Local Plan – pre-submission publication (SD1)</i> available in Merton’s reference libraries and at Merton Civic Centre <a href="http://www.merton.gov.uk/estatesplan.htm">http://www.merton.gov.uk/estatesplan.htm</a>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>A copy of each of the proposed submission documents</li> <li>The statement of the representations procedure?</li> </ul>	Regulation 19(b)		<i>Regulations 2 and 17 give definitions.</i>	In accordance with Regulation 19(b) the council invited and made copies of the <i>Stage 3 Estates Local Plan – pre-submission publication (SD1)</i> and its supporting documents available for specific consultation bodies, including all residents and other property addresses within the three estates, all previous respondents and all statutory consultees. Details can be found in the Statement of Consultation ( <i>SD8</i> )
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> <li>where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		<i>Regulations 2 and 17 give definitions.</i>	In accordance with Regulation 19(b) and under Regulation 18(1) the council sent out to each of the general consultation bodies, notification of all the consultation stages for the Estates Local Plan. These notices advised the public on where copies could be inspected (e.g. online and Merton’s libraries) and informed the public that hard copies were available upon request (all residents and other property addresses within the three estates, all previous respondents and all statutory consultees had already received paper copies of the documents) t.
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the Plan spatial development strategy?</p>	The Act section 24 Regulation 21		<i>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</i>	In accordance with the Act section 24 and Regulation 21 the council requested under section 24(4)(a) of the Act from the GLA to comply with regulation and make representation for each consultation stages of the Estates Local Plan. The responses are available on the council’s website at <a href="http://www.merton.gov.uk/estatesplan.htm">www.merton.gov.uk/estatesplan.htm</a>

Figure 5: Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
1. Has the Plan been prepared in accordance with the LDS? Does the Plan listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		<i>The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.</i>	The council in accordance with the Act section 19 (1) prepared a Local Development Scheme (LDS) (EIP REF) with a listing and description of the Estates Local Plan and timescales in Merton's Local development Scheme (LDS) 2014- 17 located at: <a href="http://www.merton.gov.uk/2014-07-09_merton_lds.pdf">www.merton.gov.uk/2014-07-09_merton_lds.pdf</a> The current version of Merton's LDS (MP6) sets out an updated timescales for is located at the development of the Estates Local Plan and is located at <a href="http://www.merton.gov.uk/merton_lds_2016.pdf">www.merton.gov.uk/merton_lds_2016.pdf</a>
2. Has the Plan had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF paragraph 182		Merton's Estates Local Plan (SD1) in accordance to Act section 19(2) have regard to the Sustainable Community Strategy formally known as the Community Plan 2009-2019 (MP1).
3. Is the Plan in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		<i>Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).</i>	The council in accordance with the Act section 19(3) and regulation 22(1) has prepared the plan in compliance with Merton's Statement of Community Involvement (SCI) (MP4). The council has carried each stage of consultation of the Estate Local Plan in accordance with Merton's SCI (MP4)  The council has set out how it consulted the public for each stage in the council's Statement of Consultation (SD8).
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues If you have not agreed on the approach is there a justification?	The Act section 33A(1) and section 20(5)	NPPF paragraphs 181 and 182	<i>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</i>	The council has consulted and cooperated with neighbouring local authorities as required by the Localism Act on strategic cross boundary issues and matters. An element of this duty for the council was to examine any likelihood of significant impact of the Estates Local Plan to their boroughs. This is set out in the Duty to co-operate (SD9).  Merton Council is part of the pan London LEAP and LNP and prescribed bodies in addressing strategic cross boundary issues.
5. Has the Plan been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF paragraph 165 SEA Practical Guide, chapter 5		Yes the Plan has been subject to a sustainability appraisal. In accordance with the Act section 19(5) and Regulation 22 (1)(a) the council prepared a final report of findings of the Sustainability Appraisal with incorporating Strategic Environment Assessment (SD5) of the Estates Local Plan (SD1 and updated with recommended minor modifications as SD4).
Is the Plan to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF paragraph 151		The submission Estates Local Plan (SD1 ) to the Secretary of State is consistent with the national policy.

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
6.				Tables 1-2 of this report demonstrate the Local Plan consistency with the NPPF and its supporting documents.
7. Does the Plan contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?  If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?	The Act section 24(1)(a) and 24(4)  Regulation 21	NPPF paragraph 218 footnote 41	<i>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</i>	The Estates Local Plan (SD1) does not contain any policies that are not in conformity with the London Plan (RD1). The Council has consulted with Mayor of London, GLA and offices held by the mayor on general conformity of the Estates Local Plan.  Evidence of this correspondence' with the Mayor of London can be found on the council's website at <a href="http://www.merton.gov.uk/estatesplan.htm">www.merton.gov.uk/estatesplan.htm</a> and the Statement of Consultation (SD8).
8. Has the council published the prescribed documents, and made them available at their principal offices and their website?  Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?  Does the Plan contain a list of superseded saved policies?	The Act section 20(2), 20(3) and 20(5)(b)  Regulations 8 and 19	NPPF paragraph 182	<i>Requirements relating to publication of the prescribed documents are listed later in this table.</i>	The council in accordance with Regulation 19 made available a copy of the proposed submission plan in Merton's reference libraries Copies of each proposed document were made available by the council in accordance with Regulation 35. The council has submitted with the submission Estates Local Plan copies of the Statement of Consultation (SD8) made available to be inspected and times of the document could be viewed.  In accordance with Regulation 8 the Estates Local Plan (SD1) indicates it's a document within Merton's Local Plan document.  Policies contained in the Estates Local Plan (SD1) are consistent with the adopted development plan namely Merton's Core Planning Strategy (2011) (MP2) and Sites and Policies Plan and Polices Map (2014) (MP3)  The Plan does not contain a list of superseded saved polices. The policies with the Estates Local Plan are new additional polices relating to the designation of a regeneration area consisting of three neighbourhoods identified with in the Estates Local Plan. They do not supersede any other policies within Merton's Core Planning Strategy 2011, Sites and Policies Plan 2014 or South London Waste Plan 2012
9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?  If yes, have you prepared a submission policies map?	Regulations 5(1) (b), 9 (1), 17 & 22(1)			The Estates Local Plan comprise of three designated site allocations namely the three estate identified within the Plan.  The three estates are designated on the amended Policies Map contained within the Estates Local Plan (SD1). The submission Polices Map amends the adopted (2014) Polices Map.  In accordance with Regulation 17 and Regulation 22 (1) the council has submitted and made available by way of the Examination library a list of supporting documents including a copy of the submission Sustainability Appraisal (SD5) and Statement of Consultation  The Sustainability Appraisal incorporating the Strategic Environmental Assessment (SD1) reviewed the submission Estates Local Plan and Submission Polices Map.

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
10. Is the Plan consistent with any other adopted DPDs for the area? If the Plan is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?	Regulation 8(3) and (4)  Regulation 8(5)		<i>Development Plan is defined in Section 38 of the Act.</i>	In accordance with Regulation 8(3) and (4); and Regulation 8(5) the Estates Plan is consistent with documents within Merton's Local Plan namely the Core Planning Strategy (MP2), Sites and Policies Plan (MP3) and South London Waste Plan (joint development plan document (MP34)).  THE Estates Local Plan does not supersede any of Merton's adopted development plan polices.
11. Have you prepared a statement setting out: <ul style="list-style-type: none"> <li>Which bodies and persons were invited to make representations under Regulation 18?</li> <li>How they were invited?</li> <li>A summary of the main issues raised?</li> <li>How the representations have been taken into account?</li> </ul>	The Act section 20 (3)  Regulation 22(1)(c)		<i>This will bring forward material from the Consultation statement (see Stage 2 above).</i>	In accordance with Regulation 22 (1) (c), Merton's Statement of Consultation (SD8) lists the bodies invited to make representations under Regulation 18. In addition the Statement of Consultation shows how the bodies were invited to make representations. It also provides summary of the issues raised and how the Council has addressed these issues.
12. Have you prepared a statement giving: <ul style="list-style-type: none"> <li>the number of representations made under Regulation 22?</li> <li>a summary of the main issues raised?</li> </ul> OR <ul style="list-style-type: none"> <li>that no representations were made?</li> </ul>	The Act section 20(3)  Regulation 22(1)(c)			The Statement of Consultation as required in Regulation 22(1)(c) (SD8)
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			Copies of the representations (SD7, SD16) have been submitted to the Secretary of State.
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			Yes. The council has assembled the relevant supporting documents and each document has been referenced in the Examination Library
15. Has your council approved the Plan for submission?			<i>Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of Plan.</i>	The council has approved Estates Local Plan for submission on 23 <sup>rd</sup> November 2016. (report available as an appendix to this document) <a href="http://www.merton.gov.uk/councilmeeting">www.merton.gov.uk/councilmeeting</a>
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> <li>the Plan?</li> <li>the submission policies map (unless there are no site allocation policies)?</li> <li>the documents prescribed in Regulation 22(1)?</li> </ul>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)		<i>Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of</i>	Yes. The council did this by 31 March 2017 .

Activity	Legal requirement	Guidance reference	Additional notes	The London Borough of Merton compliance evidence
			<i>documents and the time of their removal.</i>	
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> <li>The Plan?</li> <li>The documents prescribed in Regulation 22(1)?</li> </ul>	Regulation 22(3)		<i>You should do this as soon as reasonably practicable after submission.</i>	Yes. The council made the submission documents available in Merton's reference libraries and the Civic Centre.
18. On your website, have you published the: <ul style="list-style-type: none"> <li>Plan?</li> <li>submission policies map?</li> <li>sustainability appraisal report?</li> <li>Regulation 22(1)(c) statement?</li> <li>supporting documents (where practicable) ?</li> <li>representations made under Regulation 20 (where practicable) ?</li> <li>statement as to where and when the Plan and the documents are available?</li> </ul>	Regulation 22(3) and 35(1)(b)		<i>You should do this as soon as reasonably practicable after submission.</i>	Yes. This will be done post submission and will be accessible via this webpage: <a href="http://www.merton.gov.uk/estatesplan.htm">www.merton.gov.uk/estatesplan.htm</a>
19. For each general consultation body invited to make representations under Regulation 18(1), have you sent: <ul style="list-style-type: none"> <li>notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>where and when they can be inspected?</li> </ul>	Regulation 22(3)(b)		<i>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</i>	This will be done by the appointed examination Programme Officer with the appointed Planning Inspector.
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		<i>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</i>	This will be done by the appointed Programme Officer with the appointed Planning Inspector.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> <li>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>notified those who have made representations on the published Plan which have not been withdrawn of these details?</li> </ul>	The Act section 20 Regulations 24 and 35			This will be done by the appointed examination Programme Officer with the appointed Planning Inspector for the examination of the Estates Local Plan.

## Consistency with the National Planning Policy Framework

Policies within the Estates Local Plan, are consistent with the National Planning Policy Framework (NPPF) and national Planning Policy Guidance (PPG). NPPF Para 17 *Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

**Figure 1:** NPPF Core Principles against the Estates Plan

NPPF Core Principles	The Plan	EP E1	EP E2	EP E3	EP E4	EP E5	EP E6	EP E7	EP E8	EP H1	EP H2	EP H3	EP H4	EP H5	EP H6	EP H7	EP H8	EP R1	EP R2	EP R3	EP R4	EP R5	EP R6	EP R7	EP R8
❖ be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;	ð																								
❖ not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;	ð																								
❖ proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;	ð				ð								ð								ð				
❖ always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;	ð		ð	ð		ð		ð	ð		ð	ð	ð	ð			ð								ð
❖ take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;	ð	ð	ð						ð	ð	ð		ð				ð	ð	ð	ð					ð
❖ support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);	ð						ð	ð							ð	ð							ð	ð	
❖ contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;	ð					ð		ð						ð	ð	ð		ð	ð			ð		ð	
❖ encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value	ð	ð	ð		ð	ð	ð	ð	ð	ð			ð	ð			ð	ð				ð	ð		ð
❖ promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);	ð					ð		ð							ð	ð						ð	ð	ð	ð
❖ conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;	ð									ð	ð								ð	ð				ð	
❖ actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and	ð			ð								ð							ð	ð				ð	
❖ take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	ð																								



**Figure 2: Consistency with NPPF – (development management policies)**

Estates Local Plan development policies	Consistent with National Planning Framework (NPPF) and national Planning Policy Guidance (PPG) <i>relevant extracts</i>	Comments
EP E1 Townscape	<p>Para 58:  <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;</i></li> <li>• <i>and</i></li> <li>• <i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul> <p>Para 69:                      The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.                      ..... safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;</p> <p>Para 111:  <i>Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</i></p>	<p>In line with the NPPF, requiring good design, promoting healthy communities and conserving and enhancing the natural environment.</p>
EP E2 Street network	<p>Para 58:  <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the</i></li> </ul>	<p>In line with the NPPF, requiring good design and promoting healthy communities.</p>

	<p><i>fear of crime, do not undermine quality of life or community cohesion;</i></p> <ul style="list-style-type: none"> <li>• <i>and</i></li> <li>• <i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul> <p>Para 69: <i>The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see</i></p> <p>safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</p> <ul style="list-style-type: none"> <li>• <i>safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</i></li> </ul>	
EP E3 Movement and access	<p>Para 35 : <i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</i></p> <ul style="list-style-type: none"> <li>• <i>accommodate the efficient delivery of goods and supplies;</i></li> <li>• <i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i></li> <li>• <i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</i></li> <li>• <i>incorporate facilities for charging plug-in and other ultra-low emission vehicles; and</i></li> <li>• <i>consider the needs of people with disabilities by all modes of transport.</i></li> </ul> <p>Para 69:  <ul style="list-style-type: none"> <li>• <i>safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li>• <i>safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</i></li> </ul> </p>	In line with NPPF promoting sustainable transport and promoting health communities
EP E4 Land use	<p>Para 50: <i>To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</i></p> <ul style="list-style-type: none"> <li>• <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i></li> <li>• <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</i></li> <li>• <i>where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</i></li> </ul> <p>Para 110: <i>Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high</i></p>	In line with NPPF delivering a wide choice of high quality homes and meeting the change of climate change, flooding and coastal change.

	<i>environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</i>	
EP E5 Open space	<p>Para 58:  <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion ;and</i></li> <li>• <i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul> <p>Para 69:  <i>The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see</i></p> <ul style="list-style-type: none"> <li>• <i>safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li>• <i>safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</i></li> </ul> <p>Para 99:  <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	Inline with NPPF requiring good design and meeting the change of climate change, flooding and coastal change.
EP E6 Environmental protection	<p>Para 99:  <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the change of climate change, flooding and coastal change
EP E7 Landscape	<p>Para 58:  <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and</i></li> </ul>	meeting the change of climate change, flooding and coastal change, requiring good design and conserving and enhancing the natural environment.

	<p><i>sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></p> <ul style="list-style-type: none"> <li><i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li><i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li><i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul> <p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p> <p>Para 109:</p> <ul style="list-style-type: none"> <li><i>preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;...</i></li> <li></li> </ul>	
EP E8 Building heights	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li><i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li><i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li><i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li><i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li><i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul>	In line with NPPF requiring good design
HP E1 Townscape	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li><i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li><i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li><i>respond to local character and history, and reflect the identity of local</i></li> </ul>	Inline with NPPF requiring good design and promoting healthy communities.

	<p><i>surroundings and materials, while not preventing or discouraging appropriate innovation;</i></p> <ul style="list-style-type: none"> <li><i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li><i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul> <p>Para 69: The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.....</p> <ul style="list-style-type: none"> <li>safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</li> <li>safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</li> </ul>	
HP E2 Street network	<p>Para 34: <i>Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised..</i></p> <p>Para 35: <i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</i></p> <ul style="list-style-type: none"> <li><i>accommodate the efficient delivery of goods and supplies;</i></li> <li><i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i></li> <li><i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</i></li> <li><i>incorporate facilities for charging plug-in and other ultra-low emission vehicles; and</i></li> <li><i>consider the needs of people with disabilities by all modes of transport.</i></li> </ul> <p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li><i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li><i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li><i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li><i>are visually attractive as a result of good architecture and appropriate landscaping</i></li> </ul>	In line with NPPF Promoting sustainable transport and requiring good design.
	<p>Para 35: <i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</i></p> <ul style="list-style-type: none"> <li><i>accommodate the efficient delivery of goods and supplies;</i></li> <li><i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i></li> </ul>	In line with NPPF promoting good transport and conserving and enhancing the historic environment

<p>HP E3 Movement and access</p>	<ul style="list-style-type: none"> <li>• create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</li> <li>• incorporate facilities for charging plug-in and other ultra-low emission vehicles; and</li> <li>• consider the needs of people with disabilities by all modes of transport.</li> </ul> <p>Para 39: If setting local parking standards for residential and non-residential development, local planning authorities should take into account:</p> <ul style="list-style-type: none"> <li>• the accessibility of the development;</li> <li>• the type, mix and use of development;</li> <li>• the availability of and opportunities for public transport;</li> <li>• local car ownership levels; and</li> <li>• an overall need to reduce the use of high-emission vehicles.</li> </ul> <p>Para 126: Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:</p> <ul style="list-style-type: none"> <li>• the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li> <li>• the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;</li> <li>• the desirability of new development making a positive contribution to local character and distinctiveness; and</li> <li>• opportunities to draw on the contribution made by the historic environment to the character of a place.</li> </ul>	
<p>HP E4 Land use</p>	<p>Para 50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</p> <ul style="list-style-type: none"> <li>• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</li> <li>• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</li> <li>• where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</li> </ul> <p>Para 110: Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</p>	<p>In line with NPPF delivering a wide choice of high quality homes and conserving and enhancing the natural environment.</p>

HP E5 Open space	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> </ul> <p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF delivering a wide choice of high quality homes and meeting the challenges of climate change, flooding and costal change.
HP E6 Environmental protection	<p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the challenges of climate change, flooding and costal change.
HP E7 Landscape	<p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the challenges of climate change, flooding and costal change
HP E8 Building heights	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li><i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li><i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li><i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li><i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li><i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul>	In line with NPPF delivering a wide choice of high quality homes
	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li><i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li><i>establish a strong sense of place, using streetscapes and buildings to create</i></li> </ul>	In line with NPPF delivering a wide choice of high quality homes

RP E1 Townscape	<p><i>attractive and comfortable places to live, work and visit;</i></p> <ul style="list-style-type: none"> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li>• <i>are visually attractive as a result of good architecture and appropriate landscaping.</i></li> </ul>	
RP E2 Street network	<p>Para 34: Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</p>	In line with NPPF promoting sustainable transport
RP E3 Movement and access	<p>Para 34: Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</p> <p>Para 35: <i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</i></p> <ul style="list-style-type: none"> <li>• <i>accommodate the efficient delivery of goods and supplies;</i></li> <li>• <i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i></li> <li>• <i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</i></li> <li>• <i>incorporate facilities for charging plug-in and other ultra-low emission vehicles; and</i></li> <li>• <i>consider the needs of people with disabilities by all modes of transport.</i></li> </ul> <p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> <li>• <i>are visually attractive as a result of good architecture and appropriate landscaping</i></li> </ul>	In line with NPPF promoting sustainable transport and requiring good design.
RP E4 Land use	<p>Para 110: <i>Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high</i></p>	In line with NPPF conserving and enhancing the natural environment.

	<i>environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</i>	
RP E5 Open space	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area..... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></p> <p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the challenges of climate change, flooding and coastal change and; requiring good design.
RP E6 Environmental protection	<p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the challenges of climate change, flooding and coastal change and; requiring good design.
RP E7 Landscape	<p>Para 99: <i>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</i></p>	In line with NPPF meeting the challenges of climate change, flooding and coastal change and; requiring good design
RP E8 Building heights	<p>Para 58: <i>Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.....</i></p> <ul style="list-style-type: none"> <li>• <i>will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</i></li> <li>• <i>establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</i></li> <li>• <i>optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;</i></li> <li>• <i>respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;</i></li> <li>• <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and</i></li> </ul> <p><i>are visually attractive as a result of good architecture and appropriate landscaping.</i></p>	Inline with NPPF requiring good design

**Figure 3:** Consistency with NPPF: Site Allocation

Delivery and site allocation	Consistent with National Planning Framework (NPPF) and national Planning Policy Guidance (PPG) relevant extracts
Eastfields Estate	<p><i>Consistent with NPPF and enables delivery of sustainable development.</i></p> <p>Para 47: To boost significantly the supply of housing, local planning authorities should:</p> <ul style="list-style-type: none"> <li>• use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;</li> </ul> <p>Para 50: <i>To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</i></p> <ul style="list-style-type: none"> <li>• <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i></li> <li>• <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</i></li> <li>• <i>where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</i></li> </ul>
High Path Estate	<p><i>Consistent with NPPF and enables delivery of sustainable development.</i></p> <p>Para 47: To boost significantly the supply of housing, local planning authorities should:</p> <ul style="list-style-type: none"> <li>• use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;</li> </ul> <p>Para 50: <i>To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</i></p> <ul style="list-style-type: none"> <li>• <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i></li> <li>• <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</i></li> <li>• <i>where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</i></li> </ul>
Ravensbury Estate	<p><i>Consistent with NPPF and enables delivery of sustainable development.</i></p> <p>Para 47: To boost significantly the supply of housing, local planning authorities should:</p> <ul style="list-style-type: none"> <li>• use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;</li> </ul> <p>Para 50: <i>To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</i></p> <ul style="list-style-type: none"> <li>• <i>plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</i></li> <li>• <i>identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and</i></li> <li>• <i>where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.</i></li> </ul>

Figure 4: Merton's Local Plan Strategic Objectives

Merton's Local Plan Strategic Objectives	Estates Local Plan
<p><b>Strategic Objective 1:</b> <i>To make Merton a municipal leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Reducing carbon emissions from new development;</li> <li>b. Supporting development of sustainable energy infrastructure to produce energy more efficiently;</li> <li>c. Applying the waste hierarchy and by exploiting the opportunities to utilise energy from waste;</li> <li>d. Promoting the retrofit of greater improved energy performance to existing buildings and greater connections with renewable and decentralised energy;</li> <li>e. Reducing reliance on private motorised transport and promoting sustainable public transport, cycling and walking.</li> </ul>	<p>EP E3 Movement and access            EP H2 Street network            EP H3 Movement and access            EP R3 Movement and access</p>
<p><b>Strategic Objective 2:</b> <i>To promote social cohesion and tackle deprivation by reducing inequalities.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Promoting socially mixed, sustainable, vibrant, safe and healthy communities especially where there are areas of deprivation;</li> <li>b. Meeting the varied needs of the local community and creating an attractive, thriving and safe borough;</li> <li>c. Regenerating Morden, Mitcham and Colliers Wood and South Wimbledon;</li> <li>d. Maintaining Wimbledon as the borough's Major Centre and supporting attractive Local Centres and Neighbourhood Parades which reflect local character.</li> </ul>	<p>EP E1 Townscape            EP E4 Land use            EP E5 Open space            EP E7 Landscape            EP E8 Building heights            EP H1 Townscape            EP H4 Land use            EP H5 Open space            EP H7 Landscape            EP H8 Building heights            EP R1 Townscape            EP R2 Street network            EP R8 Building heights</p>
<p><b>Strategic Objective 3:</b> <i>To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Delivering higher density new homes and associated infrastructure and social facilities that respect and enhance the local character of the area, in places with good public transport access;</li> <li>b. Supporting incremental growth in residential areas across the borough taking into account public transport accessibility, character and infrastructure;</li> <li>c. Protecting areas of the borough for uses other than residential;</li> <li>d. Delivering community services and infrastructure to support new homes through new development and the effective use of space.</li> </ul>	<p>EP E4 Land use            EP E8 Building heights            EP H8 Building heights            EP R4 Land use            EP R8 Building heights</p>
<p><b>Strategic Objective 4:</b> <i>To make Merton more prosperous with strong and diverse long term economic growth.</i></p> <p>We will achieve this by:</p>	<p>EP E4 Land use            EP H4 Land use            EP R4 Land use</p>

<ul style="list-style-type: none"> <li>a. Ensuring that Merton's town centres (Wimbledon, Mitcham, Morden, Colliers Wood, Subject to its designation post 2011 as a District Centre, in accordance with Chapter 17 Centres - Policy 7 its local centres (Arthur Road, Motspur Park, North Mitcham, Raynes Park, Wimbledon Village) and local shopping parades are attractive and accessible to local residents and workers;</li> <li>b. Supporting a diverse local economy and promoting a commercially viable, thriving mix of premises, including retail, business and industrial uses that increase jobs and services available to local people;</li> <li>c. Maximising opportunities for employment and local businesses focusing on Merton's town centres and main employment areas along the Wandle Valley.</li> </ul>	
<p><b>Strategic Objective 5:</b> <i>To make Merton a healthier and better place for people to live and work in or visit.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Improving public health and well-being including working in partnership to deliver health facilities and promote healthy lifestyles;</li> <li>b. Providing a choice and mix of housing to meet the needs of all sectors of the community;</li> <li>c. Enhancing the learning environment to improve access to education, training and jobs;</li> <li>d. Improving access to nature and leisure facilities including opportunities for sport, play and relaxation;</li> <li>e. Promoting cultural and heritage activities; creating safe, attractive and accessible places.</li> </ul>	<p>EP E5 Open space  EP E7 Landscape  EP H5 Open space  EP H7 Landscape  EP R3 Movement and access  EP R5 Open space  EP R6 Environment protection  EP R7 Landscape</p>
<p><b>Strategic Objective 6:</b> <i>To make Merton an exemplary borough in mitigating and adapting to climate change and to make it a more attractive and green place.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Mitigating and adapting to the local, regional, national and global challenges of climate change as they affect Merton and encouraging development to achieve the lowest possible impact;</li> <li>b. Applying 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;</li> <li>c. Enhancing existing open spaces and the natural environment, providing adequate habitats for biodiversity to flourish and expand;</li> <li>d. Providing the local community with a new regional park in the Wandle Valley.</li> </ul>	<p>EP E5 Open space  EP E6 Environment protection  EP E7 Landscape  EP H5 Open space  EP H6 Environment protection  EP H7 Landscape  EP R2 Street network  EP R5 Open space  EP R6 Environmental protection  EP R7 Landscape</p>
<p><b>Strategic Objective 7:</b> <i>To make Merton a well connected place where walking, cycling and public transport are the modes of choice when planning all journeys.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Promoting smarter travel choices for people who live or work in and visit the borough;</li> <li>b. Developing improvements to the public highway that balance the needs of all road users;</li> <li>c. Promoting road safety to encourage responsible behaviour by all users of the public highway.</li> </ul>	<p>EP E2 Street network  EP E3 Movement and access  EP E7 Landscape  EP H2 Street network  EP H3 Movement and access  EP R3 Movement and access  EP R5 Open space</p>
<p><b>Strategic Objective 8:</b> <i>To promote a high quality urban and suburban environment in Merton where development is well designed and contributes to the function and character of the borough.</i></p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> <li>a. Conserving and enhancing the historic environment;</li> </ul>	<p>EP E1 Townscape  EP E8 Building heights  EP H7 Landscape  EP H8 Building heights  EP R1 Townscape  EP R2 Street network  EP R5 Open space</p>

- b. Applying high quality design standards to all new development;
- c. Enhancing the public realm.

EP R7 Landscape  
EP R8 Building heights

## Appendix 1



Environment and Regeneration  
Future Merton  
London Borough of Merton

Our ref:  
Your ref:

Telephone  
Fax

BY E-MAIL: [Ann.Clarke@merton.gov.uk](mailto:Ann.Clarke@merton.gov.uk)

9 September 2014

Dear Ms Clarke

### London Borough of Merton – Local Plan: Estates Regeneration Sustainability Appraisal Scoping Report

Thank you for the opportunity to comment on the Scoping Report for the Sustainability Appraisal of the proposed Estates Regeneration element of the Local Plan for the London Borough of Merton. As the Government's statutory adviser on the historic environment we are keen to ensure that the conservation and enhancement of the historic environment is fully taken into account in the development of the borough's planning policy. Accordingly, we have reviewed your consultation in light of the *National Planning Policy Framework (NPPF)* which requires, as one of its core principles, that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Having done this, English Heritage must advise that the very large scale and lack of clarity of the maps provided for the document, and the lack of a readily accessible mapping point or address for the estates, has limited our ability to provide more detailed advice for the scoping report. We would, however, make the following recommendations:

#### Policies, Plans and Programmes

At this point in time, the Guidance document for Planning Policy Statement 5 (PPS 5) is currently extant until such time as the Good Practice Advice Notes on plan making, decision taking and setting that we recently consulted on are finalised. When those advice notes are finalised and published, we expect the PPS 5 Guidance will be cancelled. We would be grateful if you would consider including in the policies, plans and programmes section of the Environmental Statement (ES) either: the Advice notes; or the PPS 5 Guidance document and a reference to our guidance document *The Setting of Heritage Assets*; depending on the point in time that you expect to issue the ES. The advice notes can be located roughly half way down the page available at the following web link: <https://www.english-heritage.org.uk/publications/guidelines-and-standards/consultations/>

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Please note that English Heritage operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available



English Heritage welcomes the inclusion of the Borough's character study and its conservation area assessments in the local section of the plan review. We did, however, wonder if the reference to our Corporate Plan might be better replaced with a reference to the National Heritage Protection Plan 2011-2015.

#### Baseline Information

As stated earlier, while we appreciate the broad nature of the information that Figure 10 on page 7 is designed to provide in relation to the historic environment, we regret that its clarity and scale have prevented us from accessing that information. Consequently, English Heritage would be grateful for more specific information about which heritage assets are impacted by the proposed policies. This needs to clearly set out the impacts on listed buildings and their settings, conservation areas and their settings, registered parks and gardens of historic interest and their settings, scheduled monuments and their settings, and archaeological priority areas. English Heritage also recommends the identification of any heritage assets at risk that might be affected by the proposed policies.

#### Sustainability Objective

English Heritage recommends that the sustainability appraisal objective for the historic environment is kept as clear and simple as possible to ensure that impacts on the historic environment are not inadvertently masked by other elements such as townscape and new building design. Accordingly we recommend that the objective matches the core planning principle of the NPPF in relation to the historic environment i.e. "does it conserve and enhance heritage assets and their settings?".

#### Conclusion

English Heritage recommends that the local authority's conservation staff be involved throughout the preparation and implementation of planning policy as they are often best placed to advise on: local historic environment issues and priorities, sources of data; and consideration of options relating to the historic environment.

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the Local Plan, and which may have adverse effects on the environment.

Yours sincerely

Claire Craig  
Principal Adviser – Historic Places Team: London  
E-mail: [Claire.Craig@english-heritage.org.uk](mailto:Claire.Craig@english-heritage.org.uk)

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London Borough of Merton  
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London Road  
Morden SM4 5DX

[ann.clarke@merton.gov.uk](mailto:ann.clarke@merton.gov.uk)

Our ref: SL/2006/100135/SE-02/SP1

Your ref: email

Date: 09 September 2014

Dear Ann Clarke,

**Re: London Borough of Merton Local Plan: Sustainability Appraisal (SA)/Strategic Environment Assessment (SEA) Scoping Report -Estates Regeneration Local Plan**  
Thank you for consulting the Environment Agency on the above which we received on 4 August 2014. We welcome this opportunity to comment on the Sustainability Appraisal Scoping Report and note that key environmental issues within our remit have been addressed.

The Environment Agency supports growth that can be supported by the necessary environmental infrastructure provided in a co-ordinated and timely manner to meet the physical and social needs of both new development and existing communities. Early investment and careful planning may be required to ensure expanded or improved infrastructure will have the capacity to cope with additional demands.

The document is unclear on the role of the emerging plan. Paragraph 3.1 appears to suggest that the role of the Registered Provider, Circle Merton Priory Homes (CMHP) is to invest in all of the dwellings to bring them up to decent homes standard by 2016 while paragraph 3.2 points out that the aim of the Plan is to develop a strategic planning framework to guide any estate regeneration proposals. There is need to clarify if any new development is anticipated or if the plan is to renovate the existing homes.

Paragraph 7.1-7.24 outlines the characteristics of the Merton and the estates but ignores key environmental issues. For instance a significant part of Ravensbury estate lies in a high flood risk area and any regeneration will require appropriate flood management and mitigation measures. We advise that due consideration should be given to local flooding constraints identified within the borough's Strategic Flood Risk Assessment (SFRA) and surface water management plan when considering the location of and capacity for development. Housing provision should be considered against the flood risks identified and the mitigation measures required. Any additional development in the area should consider the following issues:

- correctly apply the sequential test, steering new development to the lowest flood risk zone appropriate to the proposed use, and the exception test where necessary

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Ergon House, Horseferry Road, London, SW1P 2AL  
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Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



- reduce flood risk through making space for water
- where climate change is expected to mean that some existing development may not be sustainable in the long-term, use regeneration to help relocate existing development to lower risk locations
- development will not encroach into the buffer zone adjacent to any open watercourse, so as not to jeopardise flood defence interests, hinder future maintenance or adversely affect the character or habitat value of the watercourse.

The Environment Agency supports and encourages the council to recognise the importance of river corridors as valuable open space providing amenity space, linking up of habitats, and positive measures for enhancing biodiversity with the river channel and bankside habitats. The functioning of existing networks can be enhanced through the linking of existing sites and restoring natural processes. Measure to increase the resilience of the network should be taken prior to major development.

We have provided below some specific suggestions relating to descriptions of the flood risk and policies referred to etc:

- Para 8.12 - The SFRA is referred to in two different ways and this should be clarified to avoid confusion.
- Para 8.13 - The list of rivers should sit before the references to those rivers made in the section about the SFRA.
- Para 8.13 - The Wandle is 'flashy' in response to rainfall (as suggested in the short description, but this is most likely to do with the dense urban development rather than the underlying clay geology (although this certainly plays a part). The other neighbouring catchments (e.g. Beverley, Pyl, and Graveney) all also suffer from this characteristic to varying degrees, so it is perhaps better to define the watercourses geographically as in the bullet points, but refer to them all as "being largely underlain by London Clay and being reasonably urban in nature, resulting in a "flashy" and rapid response to heavy rainfall".
- Figure 3 - the flood risk map is unclear.
- Figure 11 - in the flooding section, compliance with the National Planning Policy Framework should come before "compliance with the Flood and Water Management Act". The NPPF sets out the requirement, throughout development, to ensure flood risk is not increased and, where possible, to reduce flood risk.

For other most up to date and accurate environmental evidence we recommend using our Data Share service where you can access our environmental datasets and also datasets from Natural England, Forestry Commission and English Heritage.  
<http://www.geostore.com/environment-agency/>

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Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

We are keen to work closely with you to identify key environmental infrastructure and environmental improvement schemes which will benefit sustainable development in Merton

Yours sincerely,

Charles Muriithi MRTPI  
Planning Specialist

Direct dial: 0203 263 8077

Direct e-mail: [charles.muriithi@environment-agency.gov.uk](mailto:charles.muriithi@environment-agency.gov.uk)

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Date: 13 August 2014  
Our ref: 8318/128445  
Your ref:

Ms Ann Maria Clarke  
Planning Officer  
Strategic Policy & Research  
Future Merton  
Environment & Regeneration  
London Borough of Merton

**BY EMAIL ONLY**

Dear Ms Clarke,

Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004

Sustainability Appraisal and Strategic Environmental Assessment Scoping Consultation – Estates Regeneration Local Plan – Merton Borough Council

Thank you for your recent correspondence dated 04 August 2014 in respect of the above consultation, seeking the views and comments of Natural England with regards to the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) scoping report for Merton's Estates Regeneration Local Plan.

Natural England must be consulted by the Local Planning Authority on planning applications that may impact on nationally protected nature conservation sites, and applications that require an Environmental Impact Assessment.

The approach and methodology used in the Scoping Statement is acceptable to Natural England, appropriate and relevant legislation has been identified and we are pleased to see consideration of the Further Alterations to the London Plan being made.

The proposed Environmental SA/SEA Objectives proposed in Figure 11 are acceptable to Natural England and cover the topics and issues we would wish to see in such a document.

The Council will need to ensure and advise developers and estate managers of potential impacts on local sites such as Local Nature Reserves and Sites of Interest for Nature Conservation (SINC's). Consideration of improvements and enhancements could be considered as part of the proposal, alleviating issues of deprivation for access to nature and improving connectivity and green infrastructure.

Subject to the above, Natural England has no further substantive comments to make in respect of this consultation document.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

For clarification of any points in this letter, please contact David Hammond on 0300 060 1373. For any new consultations or issues, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely



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## Appendix 2

### **Committee: Council**

**Date: 23 November 2016**

Agenda item:

Wards: Abbey, Figges Marsh, Ravensbury.

### **Subject: Estates Local Plan – submission to the Secretary of State**

Lead officer: Chris Lee, Director of Environment & Regeneration; Simon Williams, Director of Community and Housing; James McGinley, Head of Sustainable Communities; Steve Langley, Head of Housing Needs and Strategy

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment & Housing.

Contact officer: Paul McGarry, Head of futureMerton; Steve Webb Housing business support and relationship manager; Tara Butler, Programme Manager, futureMerton.

Valerie Mowah, Principal Spatial Planner, futureMerton.

---

#### **Recommendations:**

That, in line with Cabinet's recommendations on 14 November 2016, council resolves to:

- A. to publish the Estates Local Plan and associated sustainability appraisal for comments followed by submission to the Secretary of State for Communities and Local Government
  - B. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to approve any amendments to the Estates Local Plan and sustainability appraisal that may arise from 24 November 2016 until the receipt of the Planning Inspector's final report, to approve consultation documents or officer's responses to comments received at the pre-submission consultation and during the examination process.
  - C. To note the continued progress in the delivery of the borough's regeneration by this decision which moves forward the renewal of three of the borough's estates as a comprehensive programme to build new homes and enhance the housing available to residents
  - D. To note the progress of financial negotiations regarding the Stock Transfer Agreement and associated documents with Circle Merton Priory Homes or any successor organisation
  - E. To delegate variations to the Stock Transfer Agreement to the Directors of Environment & Regeneration, Community & Housing and Corporate Services in consultation with the Cabinet Member, and
  - F. To note that there will be a further report to councillors in March 2017 confirming the anticipated viability of the overall project prior to the final submission to the Secretary of State.
  - G. As resolved by the Borough Plan Advisory Committee and Cabinet, that the council has had regard to the Self Build Register when developing the Estates Local Plan and that the council should not allocate specific sites for self build and custom housebuilding in the Estates Local Plan in order to prioritise rehousing residents who are already living on the three estates in new homes built to modern standards and to progress a viable regeneration project.
- 

#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 The primary purpose of this report is to seek members' agreement to the publication of the Estates Local Plan prior to its submission to the Secretary of State. Once submitted it will be subject to a Inquiry in public; should it pass the examination, Council will be asked to consider the final version for adoption, a process which is expected to take approximately twelve months.
- 1.2 This Plan is the framework policy for the regeneration of three large estates: High Path, Ravensbury and Eastfields. A well-planned and comprehensive regeneration of these estates is considered to be a better option than continued piecemeal renovations to maintain the Decent Homes Standard: such an approach both delivers over 1400 much needed new homes in the borough and secures long-term better quality housing for existing residents. The planning Inquiry will need to be satisfied that the plan is sound, financially viable and technically deliverable.
- 1.3 Approximately 60% of the properties on each estate are owned by Circle Housing Merton Priory (CHMP) since the Stock Transfer of March 2010 which also closed the Council's previous Housing Revenue Account. Regeneration is therefore delivered by CHMP, The financial deliverability of the programme is a key area of concern as the Council must ensure it does not incur costs through the programme, and must be able to assure the Planning Inspector that the proposals are viable and deliverable.
- 1.4 The submission of the Estates Local Plan and ongoing negotiations with CHMP are necessary conditions for the progress of regeneration but not themselves sufficient. In particularly there will be further decisions which members will need to consider over the progress of this fifteen year programme.
- 1.5 At their meeting on 8<sup>th</sup> November 2016, the Borough Plan Advisory Committee considered the Estates Local Plan with recommendations A, B and F above, which they endorsed. At the same meeting, the Borough Plan Advisory Committee also made the following recommendations:
  - To ensure it is made clear that a key reason that regeneration on Ravensbury is being supported, despite local opposition, as a method of providing a viable, comprehensive replacement of all of the Orlit homes to modern Decent Homes standards.
  - To ensure that it is clear that estates regeneration is only supported where all three estates go forward to benefit from full regeneration, and not otherwise
  - (*included as recommendation G above*) To recommend that the council has had regard to the Self Build Register when developing the Estates Local Plan and that the council should not allocate specific sites for self build and custom housebuilding in the Estates

Local Plan in order to prioritise rehousing residents who are already living on the three estates in new homes built to modern standards and to progress a viable regeneration project

- To recommend that officers ask Circle Housing Merton Priory if CHMP would consider their sites, particularly smaller sites scattered across the borough, for self-build and custom housebuilding.

1.6 At their meeting of 14 November 2016, Cabinet resolved to recommend that council take forward all the recommendations A to G cited above in this report.

## 2. DETAILS

This section of the report covers:

- The regeneration context
- Planning policy
- The Estates Local Plan
- The ten commitments and residents offer
- The Circle Board and Resurgence.
- The formal relationship and agreements with CHMP
- The process for negotiating that relationship
- Governance and oversight

### Regeneration context

- 2.1. Large scale regeneration of parts of the borough, including its larger housing estates, has been pursued over many years and through many policy evolutions. The ambitions for more and improved housing, enhancements to the quality of people's homes and environment, better transport and employment across the borough have been reflected in numerous strategies for planning, housing and the economy.
- 2.2 The broader regeneration objectives of the Council's Economic Development Strategy include enhancing district centres at Mitcham, and Morden and Colliers Wood, maximising use of existing public transport links, improving the urban fabric and environmental quality for residents and rebalancing investment and prosperity between the east and west of the borough. A key element of the Council's Core and Housing Strategies is to increase stock and improve access to appropriate sized homes and develop access to affordable and intermediate housing. The Estates Local Plan policies directly reflect these objectives and will be an important consideration for the Planning Applications Committee (PAC) in considering specific applications at the appropriate time.
- 2.3 The Council has also been committed to ensuring its residents live in good quality housing, in particular ensuring that ex-Council housing is brought to and maintained at the Merton Standard, which is an enhanced version of the Decent Homes standard set by government. This commitment was enshrined in the Stock Transfer Agreement when the authority's stock passed to Circle Merton Priory Homes (CHMP). That Stock Transfer Agreement also recognised the ambitions for regeneration, and it contains clauses designed to enable large scale renewal.
- 2.4 Regeneration objectives represent long-term programmes extending over many years with multiple areas of work. The development of new housing and sustained improvement in the affordable housing stock are no exception. Establishing a robust policy framework in planning and legal agreements, upholding commitments to services and transparency with residents and delivering a very large construction programme is expected to take some 15 years. This report is an important milestone in that journey addressing primarily planning, legal and consultation issues.
- 2.5 Many elements of regeneration depend on or are led by other agencies and partners, including private sector developers, Transport for London or neighbouring boroughs. The Council is putting significant effort into these relationships. In this case the main partner is of course CHMP who own approximately 60% of the homes on each of the estates and most of the relevant land. The Council's financial interest in the regeneration programme is largely managed through the Stock Transfer Agreement and associated agreements which are therefore a fundamentally important part of the framework set out in this report.
- 2.6 This programme, like other regeneration initiatives, is complex financially. In particular, as the financial paragraphs set out, regeneration of these three estates is interconnected through the long-term effect on CHMP revenue. Members are therefore reminded that this is one project, emphasised by the proposed Estates Local Plan covering areas united by common strategic objectives.
- 2.7 In July 2014, the Council considered the work underway between CHMP and the authority to regenerate the three estates at High Path, Ravensbury and Eastfields. That meeting recognised the importance of this regeneration programme and authorised officers to proceed. That authorisation, including concluding financial negotiations, was confirmed by Cabinet in January 2016.
- 2.8 A range of options have been considered in the light of the objectives to improve residents' homes and delivering new housing stock. These are considered in more detail at paragraph 3 below, in the context of the Council's decision-making role in the programme. The review of CHMP arguments for comprehensive regeneration (as opposed to piecemeal repair) indicates that this is much the stronger option. The proposed approach delivers on housing and regeneration objectives in a way which is simply not possible by pursuing 'business as usual.'

### Planning Policy

- 2.9 Members will be aware that the borough's planning policies sit within a complex framework of strategy, some set by the Council and others at London-wide and national level. All these policies and objectives are considered within the draft Estates Local Plan.
- 2.10 There are five documents which make up the borough's Development Plan:

- The Mayor's London Plan 2015 (and any subsequent amendments)
- Merton's Core Planning Strategy 2011
- The South London Waste Plan 2012
- The Sites and Policies Plan 2014
- Policies Map 2014.

The Draft Estates Local Plan, once adopted, will sit alongside these documents and form part of Merton's Local Plan.

- 2.11 The National Planning Policy Framework 2012 (NPPF) sets out the Government's policy on planning matters in England. All local plans should be in conformity with this national policy. The NPPF contains a presumption in favour of sustainable development.
- 2.12 The Mayor's London Plan March 2015 contains planning policies which guide all London boroughs on issues which benefit the whole of London, such as the number of new homes to be built, the size of town centres and transport issues. All other planning documents, including this Estates Local Plan must generally conform to the London Plan. The new Mayor has not yet begun formal consultation on amendments to the Plan, but has strongly signalled that any changes will both tighten the definition of 'affordability' and emphasise the proportion of affordable homes required in any new development..
- 2.13 The Merton Sites and Policies Plan and the Policies Map contain the detailed planning policies which guide planning applications for development in Merton and implement the more strategic principles set out in Merton's Core Planning Strategy and the London Plan. These documents also set out site allocations for new uses and illustrate where certain planning policies apply, such as town centre boundaries and neighbourhood shopping parades.
- 2.14 The core role of the Estates Local Plan is to guide development in the relevant areas, both for applicants bringing forward proposals and for members sitting on the Planning Applications Committee (PAC) when they consider those proposals. Without adopting such a document, it will be harder for developers (in this case CHMP) to have confidence that the Committee will support their proposals and they may therefore be less willing to commit to the investment needed. The Local Plan also helps the PAC to ensure that proposals meet the Council's broader regeneration and community objectives.

#### Estates Local Plan executive summary

- 2.15 The Estates Local Plan has been prepared by the council to help guide what could be built and assess planning applications for three estates in Merton. Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham / Morden). If adopted, it would become part of the statutory Development Plan for the council and it has been prepared under the relevant government regulations and guidance associated with development plan-making.
- 2.16 Part 2 outlines the background to the document. It sets out its relationship to other plans and policies, the key drivers for the Plan, the case for regeneration, the overall design principles and the council's vision for each of these new neighbourhoods. It also defines the three geographic areas where the Plan applies, known as the Policies Map.
- 2.17 The Estates Local Plan will help shape significant investment in the borough and is a rare opportunity to support substantial improvements to the building fabric, pavements and roads, drains, street lighting, parks and landscaping of each area, to create neighbourhoods that will last. It will help provide new homes for existing residents at the same time as creating an attractive, well-connected neighbourhood and providing new homes to help address the needs of future residents.
- 2.18 The creation of new paths and streets within each estate and between the estates and the wider area will support walkable neighbourhoods, make it easier for people to find their way around, enhance the feeling of safety and security, and integrate the estates into the wider community.
- 2.19 It is important to note that the Estates Plan is based on deliverability evidence that shows that the three estates must come forward together to achieve regeneration. The estates regeneration programme presents a particular opportunity for the smaller estates at Eastfields and Ravensbury for which regeneration is only financially viable when connected with High Path.
- 2.20 The Estates Local Plan guides how new homes will be delivered via a co-ordinated strategy, considering the social, economic and environmental opportunities and impacts of growth and provides the framework for sustainable development of these areas.
- 2.21 The regeneration of all three estates as part of a single comprehensive programme has been presented to the council as the basis for being able to viably deliver regeneration and it is on this basis that the council is considering the deliverability of the Estates Local Plan. The delivery of attractive viable regeneration proposals on Eastfields and Ravensbury would not otherwise go ahead, were the smaller estates expected to be viably regenerated to a high standard as stand-alone developments.
- 2.22 Part 3, the main part of the document, looks at each of the three estate neighbourhood in turn. It proposes a set of detailed policies to guide development. This is based on a detailed site analysis of the current neighbourhoods and a study of the historical context of the three estates.
- 2.23 The approach to Eastfields set out throughout the vision and policies in Part 2 of the plan is to plan for a "contemporary compact neighbourhood": a new neighbourhood created with a distinctive architectural style in recognition of the existing estate's experimental design with new traditional streets and paths through the estate improving links and views to the surrounding area. The creation of some landscaped streets and paths running through the estate will open up the estate improving access and views from the surrounding greener areas while retaining trees and green spaces within the neighbourhood. Improvements to the pavements, streets and drainage will also benefit the area.
- 2.24 The vision for High Path is to create a new neighbourhood, with taller brick-clad buildings set along a traditional street pattern which improves links to the surrounding areas. Buildings will be laid out as modern mansion blocks, a recognisable building type successful in other parts of London, which have a consistent height with good internal design and access to quality amenity space.
- 2.25 The approach to Ravensbury is to retain the character of its suburban parkland setting, retaining the attractive four-storey maisonettes in Ravensbury Court and creating a neighbourhood to the west. The townscape will be characterised by buildings arranged as traditional streets and spaces set in the wider parkland, improving links to the surrounding area, helping to manage flood risk and which protects and enhances landscape quality.
- 2.26 Part 4 sets out detailed design parameters to ensure design consistency across each estate. The plan ends by outlining how the plan will be delivered and implemented.
- 2.27 The Sustainability Appraisal / Strategic Environmental Assessment published alongside the Estates Local Plan demonstrates how the Plan has been informed by social, environmental and economic criteria as it has been created. This ensures that the final plan will

facilitate sustainable development. Health impacts and equalities impacts have also been considered in the creation of the plan; the Health Impact Assessment and the Equalities Impact Assessment are available on Merton Council's website via [www.merton.gov.uk/estatesplan](http://www.merton.gov.uk/estatesplan) and available on request to [future.merton@merton.gov.uk](mailto:future.merton@merton.gov.uk) or 020 8545 3837.

#### Self Build and Custom Housebuilding Act

- 2.28 The council has a number of duties under the Self Build and Custom Housebuilding Act 2015. One of these is to have regard to the entries on Merton's Self-Build register when carrying out functions relating to planning, housing, the disposal of land owned by the authority and regeneration.
- 2.29 To date (early November 2016) there are 195 individuals and two groups, although there may be duplicate names within the register.
- 2.30 Officers have had regard to the council's duties under the Self Build and Custom Housebuilding Act and associated regulations when preparing the Estates Local Plan. Officers do not recommend allocating sites for self-build and custom housebuilding as part of this Estates Local Plan on the basis that this is an estates regeneration programme and therefore the priority is rehousing residents who are already living on the three estates in new homes built to modern standards and providing new homes viably to meet housing need.
- 2.31 This does not preclude self-build and custom housebuilding within any or all of the three estates as part of the delivery of the plan, should this be a viable option supported by the landowner. In line with the recommendations of the Borough Plan Advisory Committee and Cabinet at their meetings in November 2016, it is recommended that CHMP are approached to see if they would consider supporting self build or custom housebuilding, for example by the sale of small surplus sites scattered across the borough.

#### Merton Council & CHMP's 10 Commitments and the residents offer

- 2.32 As detailed in Section 4 of this report, the council has carried out its own engagement to inform the production of the Estates Local Plan. The main respondents have been residents living within, nearby or owning property within the estates. Circle Housing Merton Priory have also provided an extensive response. Statutory consultees, including the Greater London Authority, Transport for London, the Environment Agency and other bodies have also provided responses. All of these have been considered in helping to shape this document.
- 2.33 When considering the approach to these estates, both CHMP and Merton Council have considered several options, set out in paragraph 3. When proposing a larger scale regeneration, both parties have been aware of the uncertainties and challenges this represents for residents and have sought through consultation and commitments to reassure them about the impact.
- 2.34 There has been extensive consultation on the proposals already, as set out in paragraph 4. In addition, and following the July 2014 Council decisions, the two organisations agreed a series of promises to residents, known as the '10 commitments'. These are listed below:

#### Ten Commitments

##### **1 Circle Housing will consult with residents, consider their interests at all times, and address concerns fairly.**

- 2.35 The council's extensive consultation is set out in Section 4 of this report. CHMP's response: In summer 2013 Circle Housing began consulting with residents of High Path, Eastfields and Ravensbury about the possible regeneration of the three neighbourhoods. Consultation activities, including one-to-one meetings with individual residents, have taken place at each project milestone. The master planning process and development of the Residents Offer have been supported by on-going exhibitions, workshops and drop-in events for all residents. Feedback is collated and used to inform further iterations of the master plan and design of the new homes. We make every effort to show the correlation between residents' comments and the development of our designs with feedback presented at events, in newsletters and online.
- 2.36 In June 2015 we [CHMP] launched an independent survey of all households and published the results on our website. All individual enquiries from are dealt receive a personalised response from one of our regeneration managers.
- Other communications channels we use to keep residents informed include:
  - Letters and newsletters with dates of the new master planning events delivered to all households at the same time. These are available in large print or translation
  - Posters and flyers to advertise events
  - Ongoing dialogue with the Wimbledon Guardian to make sure we are setting the news agenda for regeneration
- A dedicated project website
  - Briefings with ward councillors and local MPs

##### **2. Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to Circle Housing.**

- 2.37 This is a particularly important consideration as it reflects the strong concerns of residents that they are not financially disadvantaged by the regeneration in assessing the financial structure of the proposals for CHMP. It must also reflect the implications of the Secretary of State's recent decision regarding payments for properties on the Aylesbury Estate in Southwark.
- 2.38 CHMP's response: This is explicit in Residents Offer which includes sections for resident homeowners and landlords. The former receive market value plus 10% and the latter receive market value plus 7.5%. Valuation, legal and relocation costs are also included. Resident homeowners who wish to stay living in their neighbourhood after regeneration will be offered a replacement home with the same number of bedrooms as their existing home at no cost. They will own their home outright from when they move in and may only have to repay some or all of the difference between the replacement home and existing one if they move within 11 years. (Please note that a replacement home is likely to be worth more than an existing one).
- 2.39 CHMP's 'early buy back' scheme gives homeowners the option to sell their home to us on the same terms as above (not including the replacement home option) if they wish to move before the regeneration starts.

##### **3. Existing Circle Housing Merton Priory tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.**

- 2.40 These commitments, crucial to many tenants, remain in place.

2.41 CHMP's response: the Residents Offer published in May 2015 by Circle guarantees that current tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.

**4. Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in the household.**

2.42 CHMP's response: The Residents Offer published in May 2015 by Circle guarantees that current tenants will be rehoused in a new home of the appropriate size considering the number of people in the household. This will result in an increase in the number of habitable rooms being provided overall as none of the currently overcrowded households will be overcrowded in their new homes.

**5. All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.**

2.43 This requirement is central to the Estates Local Plan and will need to be reflected in planning applications.

2.44 CHMP's Response: all new properties will be built to current energy standards and will be better insulated and easier to heat than those that they replace. Circle Housing's masterplan proposals and planning applications for early phases outside the masterplans will include details on the type of construction and energy strategies that will be in place to demonstrate this.

**6. Circle Housing Merton Priory will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built.**

2.45 The council will always expect that minimising disruption and specific support as key parts of the works which will be undertaken and managed by CHMP.

2.46 CHMP's response: Circle will keep disruption to a minimum by having workable decant and construction strategies in place. Housing needs of existing households will change over the course of the project and we will keep this under constant review. Wherever possible, existing residents will move directly into their new homes. If temporary housing is unavoidable Circle Housing will assist residents with their moves.

**7. Circle Housing will offer extra help and support for older people and / or disabled residents throughout the regeneration works.**

2.47 This is a key commitment that the council will be keen to ensure is maintained throughout all regeneration projects.

2.48 CHMP response: CHMP have committed to helping older and disabled residents throughout the regeneration works. This will include helping tenants and resident homeowners arrange and prepare for their move, arrange service and utilities connections, etc. CHMP offer help with things like re-hanging curtains and fitting lightbulbs, provided through a free handyperson service. If tenants or resident homeowners have any extra needs CHMP can offer support or refer them to specialist services. Each neighbourhood will have dedicated staff appointed to help residents every step of the way to help make the move go as smoothly as possible.

2.49 In our Residents Offer we promise to help residents / tenants 'arrange and prepare for your move. We'll pay for removals including packing materials and a packing service. For older and vulnerable residents, we'll offer help with things like re-hanging curtains and fitting lightbulbs. If you have any extra needs connected with your move, we can offer support or refer you to specialist services.

- Extra help could include:
- Help with claiming benefits at your new address
- Help with changing electricity, water, phone and other utility supplies
- Advice about home aids and adaptations

**8. Circle Housing will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.**

2.50 Whilst the regeneration plan is instead of the refurbishment needed to bring homes up to the Merton standard of decency, it will still be important that during the regeneration phase all homes are maintained to an adequate standard of repair, including responsive repairs. Commitment 8 gives Circle's commitment to ensure that this happens. We will continue to work closely with Circle, using the established system of performance reporting, to ensure that this commitment is met. This is all the more important given recent concerns on this point.

2.51 CHMP response: we are committed to ensuring that all homes across its stock including those identified for regeneration are maintained as per residents tenancy and leaseholder agreements. Any required repairs will be remedied within the current contractual timescales in accordance with the nature and urgency of the repair. In addition Circle carry out independent quality checks of repairs undertaken and routine property checks will be ongoing throughout the regeneration programme. Where it is mandatory Circle Housing will continue to ensure serviceable items are inspected and certified safe within the required periodic timeframe to ensure statutory and regulatory requirements are adhered to. In addition periodic inspections and assessments will continue, with associated identified actions and or consequential works tracked and managed

**9 Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.**

2.52 This commitment is reflected in the council's estates plan which contains a thorough analysis of each neighbourhood. The council's commitment in this area will then need to be reflected in the planning applications made by CHMP.

2.53 CHMP's response: our regeneration proposals take into account the Council's Development Plan so that the growth in homes is proportionate, while addressing the borough's urgent need for high-quality new housing.

**10 As a not for profit organisation, Circle Housing will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.**

2.54 This will be monitored through the legal agreements between the council and CHMP

2.55 CHMP's response: As a not for profit organisation with a social purpose of enhancing life chances, Circle Housing invests any surplus back into building and maintaining homes and supporting communities.

**More information on resident's offer.**

2.56 Homeowners have raised concerns with the council during Estates Local Plan consultations and throughout 2015 and 2016 about their residents offer and in particular what “like for like” actually means. While this is set out in the 2015 residents offer, the council have exercised its due diligence to residents in seeking clarification from CHMP on this important matter. CHMP have provided this clarification as follows:

<p>A) Do resident homeowners get like for like?</p>	<p>The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three neighbourhoods on the 27<sup>th</sup> May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:</p> <ul style="list-style-type: none"> <li>• If you are currently a freeholder you will be offered a freehold on your new property</li> <li>• If you are a leaseholder you will be offered a new 125-year lease on your new property</li> <li>• The new home will be at least as large as the home it replaces</li> <li>• Every Replacement Home will have private outdoor space</li> <li>• If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette</li> <li>• The new home will have the same number of bedrooms as the existing home had when it was first built</li> <li>• There will be a Replacement Home for every resident homeowner who chooses to stay</li> <li>• They will be entitled to a £3,000 disturbance allowance</li> </ul>
<p>B) If you are a freeholder now, will you be a leaseholder (and therefore liable for service charges) in the new development?</p>	<p>If you are a resident homeowner and a freeholder we will offer you a new freehold property.</p> <p>If you are a resident homeowner and a leaseholder we will be offering you a new 125 leasehold at no cost and irrespective of how long you have to run on your current lease</p>
<p>C) What circumstances will shared ownership or shared equity products be offered to resident homeowners? What circumstances are envisaged where these products will be offered to resident freeholders?</p>	<p>There is no shared ownership option (which involves paying rent on the part of the home owned by the Housing Association) in the Residents Offer.</p> <p>CHMP include a shared equity option (where no rent is payable) as a “safety net”. This is to ensure that those residents who have a mortgage and for some reason are unable to transfer it to their new Replacement Home (perhaps because their circumstances have changed) will still be able to take up the offer of a new home and stay in their neighbourhood. In those circumstances we will meet the financing gap using shared equity. This helps us fulfil our commitment to provide a Replacement Home for any resident homeowner who chooses to stay and at no cost to them.</p> <p>Where one of CHMP’s tenants exercises their Right to Buy after the 27<sup>th</sup> May 2015 (when the Residents Offer was published) CHMP will offer them a new home of the same size and typology on a shared equity basis.</p> <p>These are the only circumstances where shared equity is applied in the Residents Offer.</p>
<p>D) Where will all resident homeowners live during the redevelopment process and who will pay for this?</p>	<p>CHMP will always try to move resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three neighbourhoods have been designed to accommodate this approach.</p> <p>For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. CHMP may be able to offer a temporary Circle Housing home in their neighbourhood or another part of Merton, though this would need to be agreed with the London Borough of Merton who retain nomination rights as part of the 2010 Transfer Agreement.</p> <p>A disturbance payment of £3,000 will be available. Resident homeowners won’t be charged rent as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.</p> <p>Anyone living in a temporary home for longer than one year will be entitled to an additional £3,000 disturbance payment.</p>
<p>E) Is “like for like” tenure; number of bedrooms; habitable rooms or house / flat?</p>	<p>The Replacement Home option means that if you live in a house which was originally built as a three bedroomed house, then the Replacement Home will be a three bedroomed house. The owner of a two bedroomed flat will be offered a new two bedroomed flat, etc.</p> <p>Every Replacement Home will be at least as large as the home it replaces.</p> <p>Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.</p>

- 2.57 CHMP has made a detailed residents' offer as part of its consultation and preparation for regeneration which was published in May 2015. They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the decisions within this report, are of considerable importance to residents.
- 2.58 Members are also requested to note that the Homes and Communities Agency has given approval for the merger of Circle Housing and Affinity Sutton.

#### Circle Board

- 2.59 Circle Housing are implementing a programme across the group of amalgamating the individual housing associations within the group into one large association. Circle see this process known as 'Resurgence' as a key means of achieving greater efficiency and effectiveness and as necessary to ensure they can deliver regeneration schemes such as the one proposed in Merton. In Merton this would result in the disbandment of the CHMP Board and the creation of a local Community Panel
- 2.60 Negotiations continue regarding the establishment of a local Community Panel specifically for Merton residents. While not a planning or regeneration matter, it interconnects with the relationship between the organisations and their reputations with residents.
- 2.61 CHMP are currently in consultation with residents on the plans. The consultation ends on 30 November 2016 and the results are due by 7<sup>th</sup> December 2016.
- 2.62 Circle Housing seeks to complete the process by March 2017 and will require the support of the Council to achieve this.
- 2.63 Members are requested to note the process of Resurgence that is underway that following the resident consultation and the finalising of the Community Panel Terms of Reference, further information will be presented to Council in February 2017 in order for Members to make to make a decision on this matter.

#### Formal relationship with CHMP

- 2.64 This section of this report addresses a number of matters in the formal legal agreements with CHMP:
- the Stock Transfer Agreement (STA) and clawback,
  - the Council's possible role in land assembly
  - arrangements regarding nominations
  - process for negotiations and delegations
- 2.65 On 9<sup>th</sup> July 2014, council agreed to a variation of the Stock Transfer Agreement. This suspended CHMP's obligations to carry out work required to achieve the Decent Homes standard on the three estates for up to 18 months to enable CHMP to explore estate regeneration. Council also agreed to start the preparation of an Estates Local Plan to explore regeneration.
- 2.66 The Cabinet meeting of January 2016:
- delegated authority for concluding financial negotiations to the Directors of Environment and Regeneration
  - delegated authority for agreeing a programme to deliver Decent Homes to the Director of Community and Housing, and
  - required amendments to the Stock Transfer Agreement to come back to Cabinet and Full Council
- 2.67 In January of this year, after the 18 months had been reached, Cabinet reviewed the position and decided that CHMP must be held to their Stock Transfer Agreement commitments to deliver Decent Homes for residents during preparation for and delivery of this renewal programme. Authority was delegated to the Director of Community and Housing to agree an approach to delivering these works. CHMP have made a detailed proposal which has largely been agreed by the Director of Community and Housing and is in the process of being formalised.

#### *Stock Transfer Agreement*

- 2.68 There are a number of issues on which the Stock Transfer Agreement needs to be updated but which have no financial impact. Heads of Terms for this Deed of Variation being drafted. As these are technical matters it is recommended that negotiating final agreement within these Heads of Terms is delegated to the Director of Environment and Regeneration, Director of Community and Housing and Director of Corporate Services.
- 2.69 The financial impact of discussions on clawback are discussed at Section 6. Members will see from that section that there is no proposed change on the percentage rate of payment for sold properties, although there is outstanding discussion on the rate of payment (e.g. quarterly or annual).

#### *Land Assembly*

- 2.70 The estates each sit in different ways in relation to their surroundings, offer slightly different challenges in respect of retaining residents close to home during any temporary decant period and a range of opportunities to improve the urban fabric while optimising the number of new homes. CHMP may need to assemble land to realise these opportunities.
- 2.71 If the current owners of sites that prevent comprehensive and effective regeneration are resistant to sale, the Council will be asked to consider exercising its Compulsory Purchase powers. Property acquired in this way would then be sold to CHMP as part of the programme. If a situation should arise where regeneration can only be delivered through use of those powers then a separate and further decision will be required by members about whether to proceed. This report is not a decision to exercise such powers nor does it delegate the specific exercise of such powers to any councillor or officer.
- 2.72 CHMP have undertaken to indemnify the Council against any and all reasonable costs involved in using these compulsory purchase powers. The details of such a legal agreement would be reported to members at the time they were asked to consider using such powers on specific sites.

#### *Nominations and void management.*

- 2.73 New affordable homes which replace those existing now will be covered by the existing Nomination Agreement which ensures that 100% of True Voids are made available as nominations to the Council. When the planning consents confirm that new affordable homes for rent will be provided (which are not replacements of existing affordable homes), the Council will need to negotiate and enter into a new supplementary agreement for nominations.
- 2.74 Negotiations have begun with CHMP on the use of void properties on the estate, especially those bought back from owners, with the intention using them to help the Council with the discharge of its obligations to people that are homeless or in housing need.

*Process of negotiation, governance and oversight*

- 2.75 Members are therefore recommended to:
- Continue the delegation (as agreed by Cabinet in January 2016) of negotiation with CHMP on financial viability matters to the Director of Corporate Services, Director of Community and Housing and Director of Environment & Regeneration in consultation with relevant Cabinet members, and
  - Delegate final conclusion of the Deed of Variation to the Stock Transfer Agreement to the Director of Corporate Services, Director of Community and Housing and Director of Environment & Regeneration in consultation with relevant Cabinet members.
- 2.76 Members of course retain a keen interest in the service provided by CHMP to its tenants, leaseholders and residents on the estates, even though the Council is no longer providing these landlord services. At its meeting July 2014, members expressed continued concerns about the quality of relevant services to residents and have closely monitored performance since.
- 2.77 In addition to the Cabinet consideration in January 2016, the *Sustainable Communities Scrutiny Panel* discussed the programme on the following dates:
- 29 September 2015:*
- Overview of Stock Transfer and update on delivery commitments
  - CHMP Regeneration programme
  - Repairs and Maintenance Programme
- 11 June 2015:*
- Update on regeneration
  - Report of Housing Scrutiny Task Group
- 7 September 2016*
- Circle Housing Merton Priory merger with Affinity Sutton
- 2.78 The Sustainable Communities and Transport Partnership has also monitored the programme with discussions in March and June 2015 and March and September 2016.
- 2.79 The Borough Plan Advisory Committee has closely monitored the development of the Estates Local Plan, specifically at their meetings in September 2014 and January, April, September and November 2016.
- 2.80 The most recent meeting of Borough Plan Advisory Committee took place on 8th November 2016. At this meeting councillors resolved to advise Cabinet of the following recommendations, which Cabinet resolved to recommend to this council at their meeting on 14<sup>th</sup> November 2016
- to publish the Estates Local Plan and associated sustainability appraisal for comments followed by submission to the Secretary of State for Communities and Local Government
  - To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to approve any amendments to the Estates Local Plan and sustainability appraisal that may arise from 24 November 2016 until the receipt of the Planning Inspector's final report, to approve consultation documents or officer's responses to comments received at the pre-submission consultation and during the examination process.
  - To ensure it is made clear that a key reason that regeneration on Ravensbury is being supported, despite local opposition, as a method of providing a viable, comprehensive replacement of all of the Orlit homes to modern Decent Homes standards.
  - To ensure that it is clear that estates regeneration is only supported where all three estates go forward to benefit from full regeneration, and not otherwise
  - To recommend that the council has had regard to the Self Build Register when developing the Estates Local Plan and that the council should not allocate specific sites for self build and custom housebuilding in the Estates Local Plan in order to prioritise rehousing residents who are already living on the three estates in new homes built to modern standards and to progress a viable regeneration project
  - To recommend that officers ask Circle Housing Merton Priory if CHMP would consider their sites, particularly smaller sites scattered across the borough, for self-build and custom housebuilding.
- 2.81 It is proposed that these reports will continue at significant milestones in the project.

**3. ALTERNATIVE OPTIONS**

- 3.1 The strategy proposed in the Estates Local Plan and the CHMP comprehensive regeneration programme are initially driven by two housing objectives (although, as paragraph 2 makes clear, there are other regeneration objectives achieved). The aims are to improve the housing stock and to increase the supply of dwellings. This options analysis looks first at the key decision in this report, to publish and submit the Estates Local Plan, and then at the issues surrounding regeneration and replacement.
- 3.2 Unlike some authorities embarking on comprehensive estate regeneration, Merton Council does not own the housing stock, and little of the land surrounding the estates. Planning policy is therefore its key lever in steering and controlling the regeneration, supported by legal responsibilities placed on CHMP through its agreements with the Council.

*Production of the Local Plan*

- 3.3 Two options are available for the Council regarding its planning policy framework:

- do not create a local policy framework and rely on the NPPF and London Plan for guidance in determining applications from CHMP
- produce an Estates Local Plan

3.4 These options have been evaluated against their contribution to the housing objectives, broader regeneration aims, the cost to the Council, and the risk assessment of achievement. Each option has been graded for its contribution:

1 *Low*: this option has no or very little impact to support the Council's objectives (including managing with available resources)

2 *Limited*: the option has only a small contribution to the objectives, applying only in specific circumstances

3 *Useful*: will help the Council procedurally or financially in achieving its objectives

4 *Significant*: makes a major contribution to delivering the objectives

5 *Crucial*: this option is a necessary condition of delivery, without which the programme cannot go forward

	No local planning policy framework	Produce an Estates Local Plan
Contribution to improving existing stock through Decent Homes	Limited as such improvements would not normally require planning consent unless new homes were being built	
Contribution to developing more new homes	Low as although both NPPF and the London Plan are in favour of new developments they provide relatively little local guidance on key matters relating to local character and capacity, site layout, density etc which fundamentally affect the amount of housing delivered	(1) Significant as allows Council to set its expectations for growth, rooted in existing and developing policies regarding site layout and access, open space, connectivity and services. (2) Significant in providing clarity and certainty to residents as to what the regenerated estates could be like and to CHMP (as developer and investor) on the Council's position and therefore helping the regeneration to proceed to an agreed Plan (3) Useful in enabling PAC to make robust decisions which are less likely to be subject to appeal or inspection
Contribution to broader regeneration aims	Limited as it will be entirely in the power of the developer whether to include e.g. employment or retail in the proposals	Significant as a thorough policy framework can set out such expectations, in addition to principles regarding transport, design quality, accessibility and safety that are specific to the character and needs of each area.
Cost	Significant: this option has no immediate cost	Low: there are costs to developing a Local Plan. To minimise the impact on council taxpayers and the public purse, CHMP is making a major contribution to these costs (see para 6 below)
Risk assessment of delivery	Green: no action is required	Amber: adopting the Estates Local Plan is a lengthy process including an Inquiry which is not within the Council's control regarding timing or outcome.

3.5 This appraisal suggests that the Council's objectives are better supported by developing an Estates Local Plan and so it is recommended to proceed.

*Regeneration options set out during the development of the Estates Local Plan*

3.6 The issues and options consultation on the Plan earlier this year set out three options:

- refurbish existing homes via the CHMP decent homes programme,
- consider selective infill developments to increase housing supply and
- consider a full-scale regeneration of the three estates.

3.7 It should be noted that the majority of the options assessment for this programme rests with CHMP as owner, developer and investor. There are several elements of their consideration which are of specific interest in their support to the Council's objectives:

Issue	CHMP position	Commentary from Merton Council perspective
Delivery of additional homes	The plans propose an additional 1489 homes (based on September 2016 iterations of the masterplans). New homes will not be generated by a repair-based strategy.	Creating additional housing in the borough is key objective of several strategies and a major driver of national government policy. Consideration of the quality of the new neighbourhoods and homes proposed will be an important consideration for Merton's Planning Applications Committee.
Delivery of affordable housing	All affordable housing units will be re-provided and overall numbers (currently) projected to increase by 38, which would not happen in a repair-based strategy.	The proposals will need to be compliant with the London Plan and Merton's Core Planning Strategy requirements for affordable housing (as they are at the time of determination) which will be an important consideration for Merton's Planning Applications Committee when applications are received.
Increased size and rooms available in affordable housing	On the basis of habitable rooms the proposals indicate a c12% growth in affordable provision. These are all for affordable rent, at not more than 65% of	Eradicating overcrowding is a key objective so increasing the supply of bigger affordable homes is a significant

	local market levels. (Shared equity properties are not included in this calculation). This would be impossible in a repair based strategy.	contributor to help meet housing need.
Increased size properties	All new homes built to London Plan and London Housing SPG space standards and have private outdoor space (including balconies). Changing the sizes of existing properties is impossible without replacement.	Significant amenity and size improvement for residents.
Addressing major structural issues with the dwellings	Some of the properties are in need of major structural works or can be expected to fail in the next few years.  This is particularly important in respect of the Orbit houses in Ravensbury. (Such properties are classed as defective due to problems with the cement processes used in construction which in turn affect the steel beams and joints used in the house frame.) Replacing or very major repairs to these properties will be required, probably during the anticipated life of the regeneration programme.	The judgement of the best technical strategy is a matter for CHMP as owner of the properties. Officers recognise the problems with this method of construction which has been widely reported.
Other placemaking features including open space, community facilities, employment and retail space, job creation.	These are much greater under the regeneration proposals than in the repair-based strategy, including significant elements of employment space and improving current unkempt open space being particular benefits	A repair based strategy which does not alter the footprint of existing buildings cannot achieve these gains.
Disruption and dislocation for residents.	This is being managed as carefully as possible but is inevitable in a large scale programme	The repair based approach is of course less disruptive in the short term.
Financial impact.	CHMP's case for regeneration (updated October 2016) states that refurbishment and partial redevelopment of the three estates will each incur costs of over £40million. For whole site regeneration, there would potentially be a profit of £9million.	The costs of all options fall entirely on CHMP. Provision of additional, homes, particularly affordable housing, will help to address overcrowding, improve the council's ability to manage its housing duties. Regeneration will require negotiation of and variation to the stock transfer agreement between the council and CHMP which will have financial implications depending on what is negotiated.
Process costs.	Complete renewal will be a higher process cost during the regeneration but should be reduced costs afterwards as repairs and complaints reduce	There are increased process costs to achieve agreement, but these are subject to an indemnity agreement from CHMP.

3.7 This outline appraisal of the issues raised by CHMP in considering the options between repair and renewal supports their assessment that renewal is preferable. In particular it is the stronger strategy for long term delivery of more housing, better quality homes and comprehensive regeneration.

3.8 The sustainability appraisal also reviewed the options of refurbishment and full regeneration (see section 8) and concluded that full regeneration was the preferred option.

#### 4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1 This report is primarily concerned with the planning policy framework, and to a lesser extent with the legal framework enabling regeneration. As mentioned in the first of the Ten Commitments above in this report, to date CHMP have also conducted extensive consultation on the detail of their proposed masterplans and regeneration.

##### Planning consultation with the public

4.2 Merton Council led consultations at each stage of the Local Plan preparation, summarised in the report of community consultation as an appendix to this report. There have two stages of consultation:

- September to November 2014: short leaflet and a long questionnaire, public meetings, meetings with residents groups
- February and March 2016: draft plan published, a short questionnaire, public meetings, drop in sessions on evenings and weekends and meetings with residents groups

4.3 Both rounds received a wide range of responses including letters, petitions, forms, hard copy and web replies from a wide range of residents and residents groups.

4.4 In the second stage, when residents were asked to comment between options for complete regeneration, partial regeneration and ongoing repair and maintenance, 312 responses were received:

- High Path: 106 responses,
- Eastfields: 86 responses,
- Ravensbury: 113 responses

4.5 There were also some multiple responses from the same household (2% each on Eastfields and High Path and 10% on Ravensbury).

4.6 On both Eastfields and High Path the option of entire regeneration received the most support, preferred by 64% for Eastfield and 42% for High Path residents.

4.7 By contrast, Ravensbury respondents had a strong preference for the repair option.

- 4.8 The consultation also asked residents about eight policies relating to townscape: height, traffic movement, street network, the natural environment, design quality open spaces and environmental protection.
- 4.9 The consultation responses for Eastfields and High Path showed support for all of the policy areas bar building heights, especially quality design of buildings and open space, support for traditional streets alongside the need to resolve traffic problems and high value placed on having access to well-designed parks, open spaces and play areas. Overall response rates on policy issues were very low on Ravensbury as many respondents didn't provide any information beyond their names, address and preference for repairs / partial regeneration / full regeneration. However the Ravensbury Residents Association provided an extensive 58-page response with detailed comments on the draft Estates Local Plan
- 4.10 Building heights evoked the strongest responses overall, due to concerns about daylight, privacy, crime, micro-climates and deterioration in the character of the area.

#### Planning consultation with other organisations and statutory consultees

- 4.11 As part of the consultations on the Estates Local Plan between 2014 and 2016, the council has consulted various statutory organisations including the GLA, Transport for London, Historic England, the Environment Agency, Natural England and others.
- 4.12 Responses were received from most of these organisations which were used to inform the plan. All of the responses received can be found online via [www.merton.gov.uk/estatesplan](http://www.merton.gov.uk/estatesplan) and are summarised in the Report of Consultation accompanying the Plan.
- 4.13 The council has also fulfilled its duty to co-operate requirements in consultation with other London boroughs, particularly its neighbours of Kingston, Sutton, Croydon, Lambeth and Wandsworth. While the estates regeneration project is a very significant project for Merton, the three estates are not located close to neighbouring boroughs and, from their perspective, propose a steady but modest increase number of homes spread over 10 years. Therefore other London boroughs have not identified significant issues of co-operation required on this particular plan over and above ongoing co-operation on housing.

### **Amendments to the draft Estates Local Plan**

- 4.14 Following the stage 2 consultation, officers considered the consultation results, sustainability appraisal and other research including national and regional planning policy to consider what is the most appropriate option regarding estates regeneration and amendments to the draft Estates Local Plan.
- 4.15 A summary of these amendments was presented to the Borough Plan Advisory Committee in September 2016:
- Addition of composite plan for each estate and various amendment to improve consistency and clarity of plans.
  - Strengthening the townscape policies for each estate to ensure that how the estate looks and feels is linked to the overall vision.
  - Amendments to street network and movement and access policies and justification to clarify that vehicle and pedestrian movement should be managed separately from issues of the provision of a street, road or path: if a new road is provided (street network), whether it is open to two-way vehicle traffic should be a separate and more detailed consideration under movement and access; helping to address concerns about rat running and traffic movements.
  - Strengthened policy on environmental protection to clarify expected detail on flood risk mitigation, air quality, energy efficiency of building
  - For land use on each estate, updated policy to place a greater emphasis on the local character and site analysis of each neighbourhood, optimising (not maximising) housing supply, moving away from the rigid formulaic approach to density.
  - For building heights, improved guidance based on site analysis, area character and local context and removal of reference to fixed storeys
  - Section on design codes substantially amended to specify design requirements for planning applications - providing greater clarity as to what is expected of developers
  - Amendments to improve consistency regarding protection of existing trees and extending the trees along Merton High Street
  - Revisions to the delivery and implementation section to strengthen this
  - A number of text changes recommended by various respondents to improve or clarify the document, address factual errors

## **5 TIMETABLE**

### Timetable for Estates Local Plan

- 5.1 Presuming agreement to this draft Local Plan at full Council, the Plan will be formally published for a last period for comment. At this stage the council is not seeking any further amendments to the Plan, as respondents will have the opportunity to comment to an independent planning inspector. This period will last for six weeks and will run till late January or early February 2017. Following this period any consequential amendments will be incorporated, As set out in the recommendations, councillors will review the viability of the programme overall and the final draft submitted to the Secretary of State for Local Government and Communities by the end of March 2017.
- 5.2 The Planning Inspectorate will appoint an Inspector who will conduct an Inquiry. There is approximately a six month gap between submission and the Inquiry, the public hearing for which is expected to take approximately two weeks (depending on the volume of evidence submitted). The Inquiry is therefore likely to be completed somewhere in the Autumn of 2017.
- 5.3 Following the Examination and depending on the views of the Inspector there may be further amendments to the Estates Local Plan before it is finally resubmitted to Council for adoption. This is likely to be about one year from now.
- 5.4 Members should note that in the overall timetable this report is a key milestone. CHMP, like any applicant, may submit a planning application at any time. CHMP have said that they will submit outline planning applications for each of the estate to the Council in December 2016 as the Estates Local Plan proceeds to adoption. These planning applications for the whole estates would be determined after the Estates Plan examination and inquiry in public or after the formal adoption of the Estates Local Plan. This enables CHMP to confirm their proposals fit with the policy framework but will speed up regeneration and reduce resident uncertainty in the following years.

A key issue raised by residents at the public consultations (whether they supported the regeneration or not) was the length of time it was taking and the associated uncertainty of not knowing whether regeneration would happen and therefore not being able to make investment decisions for their own homes or lives. Progressing with a programme that keeps the communities together and minimises the length of each regeneration phase will minimise uncertainty and disruption for those involved.

- 5.5 As the options appraisal at paragraph 3 sets out, without an Estates Local Plan framework, the PAC will be guided by Merton's statutory development plan (Merton's Core Planning Strategy 2011, Merton's Sites and Policies Plan 2014, the London Plan 2015) and national policy in making its decisions. As this draft Estates Local Plan moves forward, building in the views following consultation, it will gain weight in requiring the various policies to be followed, and support investor confidence.

#### CHMP regeneration planning applications timetables

- 5.6 CHMP have provided the following timetable for their regeneration proposals, (subject to other matters including approval of planning applications)
- Planning approvals for Ravensbury Phase 1 - September 2016  
application submitted – September 2016 High Path Phase 1 Planning
  - Outline Planning Applications (masterplans) for all three sites submitted – December
  - High Path Phase 1 planning application determined – January 2017
  - Ravensbury Phase 1 start on site – February 2017
  - High Path Phase 1 start on site (subject to planning approval) – August 2017 First new homes ready for occupation  
at Ravensbury – March 2018
  - First new homes ready for occupation at High Path – February 2019

## **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 There are several areas of ongoing financial analysis within the programme which are set out in summary below, which in turn inform the proposed ongoing approach to negotiating changes in the Stock Transfer Agreement. These include the CHMP Business Plan and indemnities operating between the Council and CHMP.

#### The CHMP business plan for regeneration

- 6.2 CHMP have of course undertaken significant analysis of the viability of the proposals and have operated an open book policy enabling the Council to see all elements of that appraisal. The Council has also commissioned independent reviews of this Business Plan, using independent advisers BBP. BBP consider the overall model used by CHMP to generally fit for purpose within the current agreements.
- 6.3 Members are reminded that the Business Plan operates across all three estates and cannot be unpicked to operate estate by estate. This is both because of the management of cashflow and the opportunities for additional properties for sale offered at different points in the programme.
- 6.4 It is crucial that the Business Plan shows a project which is viable (i.e. does not result in a loss to either CHMP or the Council) and is robust in its assumptions that underly the viability. The Planning Inspector will wish to see this confirmed during the Inquiry, even while recognising the variability of some key assumptions, so ensuring the Business Plan creates a robust, viable and deliverable programme is both a financial and planning matter for the Council to consider.
- 6.5 The Business Plan relies on assumptions about the costs of the project over many years and the income to be achieved by sales and rents. The number of properties, the rate of sales (whether shared equity or complete) and the ratio of market to affordable rents are therefore all key to viability. The assumptions made by CHMP do show the project to be viable, but some of them need further analysis and testing as following paragraphs set out.
- 6.6 It is of course the case that both the costs of the programme and the value of properties (both rental and sale) will change across time, and may also be considered especially unpredictable in the current trading context. Therefore it is impossible to predict all elements of the outcome, especially the repayments which might be made to the Council under the 'clawback' provisions of the Stock Transfer Agreement. However, a formula governing such calculations was set out in the Agreement at the time of transfer.
- 6.7 Four aspects of the Business Plan financial assumptions are of particular importance for the Council in considering the decisions regarding the Stock Transfer Agreement and proceeding with the Estates Local Plan:
- Core assumptions in the model
  - The 'clawback' model
  - The treatment of VAT
  - The effect of delay

#### *Core assumptions in the model*

- 6.8 The Business Plan makes certain assumptions about the development mix, income (to CHMP), costs, investment returns and the treatment of ongoing improvements.
- 6.9 Current development assumptions are based on early stage masterplans and will be subject to review as planning applications are prepared. The Council as Planning Authority will be considering the detailed applications and will have to determine how applications fit with policy aspirations (including the current policy requirement for 40% of the additional homes to be affordable.)
- 6.10 Income estimates based on consumer and house prices and building cost indices were considered broadly in line with forecasts at the time of the last review. Discussions are still underway regarding the estimates of sales prices, phasing of sales and early discounting, sales rates and rental income, all of which may be affected by post-referendum uncertainty.
- 6.11 A wide range of cost assumptions must be made in such a model. Further detail is still required on some elements (e.g. the costs of demolition). Others reflect policy assumptions (including the Community Infrastructure Levy charge payable on the development). Some are related to money directly payable to or by the Council (see below) and the residents offer.

- 6.12 The investment returns expected in the model are considered reasonable, and are lower than a mainstream developer would anticipate given the risks involved over such a long timescale.

#### *The 'clawback' provisions*

- 6.13 The Stock Transfer Agreement contains a provision within which the sale of additional dwellings (excluding commercial property) is subject to sums to be paid to the Council as a percentage of the sales achieved, depending on whether the proposed regeneration is a "Relevant Development or an "Estates Redevelopment". The agreement includes the current situation of a comprehensive regeneration (agreed as an "Estate Redevelopment") resulting in more properties being created and assumes the Council would receive 5% of the greater of (a) the price received on disposal by way of open market sale of any dwelling comprised within the Estate Redevelopment or (b) of the open market value of the dwelling comprised in such disposal..
- 6.14 CHMP have committed to delivering the programme with the existing 'clawback' agreement. The council would only receive clawback if the regeneration programme goes ahead and the specific numbers are generated by the assumptions in the model which (as the previous paragraphs spell out) are themselves subject to change. Such potential receipts calculations will vary depending on the particular inputs at the time of calculation (e.g. interest rate levels, project costs etc.). The latest iteration of the Business Plan confirms that the project is financially viable and this will be monitored over time.

#### *The treatment of VAT*

- 6.15 The Stock Transfer Agreement created an income to the Council arising from the way VAT is managed by CHMP. These receipts are factored into the Council's medium term financial projections and reviewed every six months. This income will be lost during the regeneration programme, representing some £3m across the 11 year build programme.
- 6.16 CHMP have now included an element for this income in their Business Plan but detailed technical matters mean that CHMP and the Council are still to reach agreement on the precise amount that should be taken into account.

#### *The effect of delay on the programme: will the prospects for viability improve?*

- 6.17 It is important to consider whether the cost: value ratio would improve in the future and so the Council's financial interests would be best served by delay.
- 6.18 Inevitably such considerations involve economic projections, but several factors can be identified for consideration:
- Costs will increase as more tenants exercise their Right to Buy
  - Increasing pressure to implement Decent Homes Works divert funds away from replacement and make the business case for renewal harder
  - Ongoing and increasing pressure on housing associations which reduce their room to manoeuvre
  - Moody's and Standard & Poor's have both commented that changes in government policy and reducing surpluses are affecting associations' credit ratings, which in turn reduces their access to cheap loan finance
  - Projections for the housing market in London. In 2015, Merton saw strong house price growth but the situation is now uncertain
  - Outlook for the construction market including resourcing problems (eg for supply of bricks) and labour supply, where there have been severe restrictions on builders' capacity following the 2007/08 crisis. This situation has been improving but may now also become more constrained.
- 6.19 As well as meeting housing need the projects should secure significant direct and indirect benefits including new construction and other jobs and fiscal benefits (through providing new homes for residents, Council Tax etc) which would not be achieved by reverting to an ongoing programme of repair. In addition, of course, delay would have social consequences given the uncertainty and poor housing experienced by residents as set out in the regeneration context.
- 6.20 It is therefore considered that significant delays to the project could seriously undermine its viability and make implementation more challenging in the future. Hence this report recommends agreement to Heads of Terms for the Stock Transfer Agreement and delegation of agreement to officers to ensure the programme proceeds.

#### *Indemnities*

- 6.21 To minimise the impact of this regeneration programme on council taxpayers across Merton, the council have negotiated with CHMP to indemnify the Council for costs associated with delivering the regeneration programme and related matters including the costs of the Inquiry for the Estates Local Plan. An estimate has been made in the Business Plan and an agreement relating to these costs is being drawn up and forms part of the financial agreements referred to in previous reports and in the recommendations to this report.
- 6.22 Costs associated *with land assembly* are the most significant element of these indemnities. It will be crucial to agree with CHMP how these costs are calculated and their payment when incurred. This must include any costs incurred by the Council if residents or businesses claim financial loss due to blight during the programme. A draft Heads of Terms for the CPO Indemnity Agreement is being prepared between the two parties. Once agreed between the council and CHMP it will form part of the financial agreements.
- 6.23 At the time of the stock transfer, the Council gave CHMP an indemnity relating to the costs of asbestos removal and management where they exceeded £6m across the whole stock. The potential extent of this warranty given the regeneration proposals will now have to be revisited and potentially renegotiated in the light of the Estates Local Plan. These risks will be part of the viability assessment conducted before the submission of the Plan.

#### *Monitoring and Payment Agreement*

- 6.24 The Council is considering the best arrangement for managing payments by CHMP across the stock transfer provisions, indemnities for CPOs (if pursued) and costs, and VAT. As part of the financial negotiations, a Monitoring and Payment Agreement will be negotiated which reflects these issues and opportunities and formally comprised in a written agreement.
- 6.25 In negotiating the agreements with CHMP, it will therefore be important to consider
- the acceptability of the assumptions underpinning the outcomes and how sensitive or risky they are in achieving viability thresholds
  - the preferred approach to managing the various indemnities
  - how best to manage payment of the clawback provisions

- 6.26 These items will form part of the negotiations referred to above with the objectives of both securing the relevant indemnities and ensuring that the process of this programme is cost neutral to the Council. In turn, the impact of those negotiations will be influence the overall viability of the programme which will be reported back to council in early 2017.

## **7. LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 The key areas relating to the Stock Transfer Agreement and its associated documents, the potential for the Council's role in Land Assembly, a Payment Plan and indemnities are discussed at preceding paragraphs, in addition to the proposed delegations for concluding relevant agreements.
- 7.2 It will be important to ensure that these agreements tie the three estates together, reflecting the financial, housing and planning relationships between the three which make this one overall programme.
- 7.3 The Town and Country Planning (Local Planning)(England) Regulations 2012 have informed the statutory procedure to be followed before a Local Plan is submitted to the Secretary of State for independent examination. The Estates Local Plan has been prepared in conformity with these regulations. The Estates Local Plan is also in conformity with the National Planning Policy Framework 2012, the London Plan 2015 and other associated guidance.
- 7.4 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 Under section 19(5) of the Planning and Compulsory Purchase Act 2004, sustainability appraisal is mandatory for new or revised Development Plan Documents. The appraisal includes an assessment of the likely significant impacts - economic, social and environmental – of the plan.
- 8.2 The sustainability appraisal also incorporates a Strategic Environmental Assessment in accordance with the requirements of European Directive 2001/42/EC, transposed into legislation by the Environmental Assessment of Plans and Programmes Regulations 2004, section 12.
- 8.3 The sustainability appraisal assessed the three options for regeneration for each of the estates (i.e. full regeneration, partial regeneration and refurbishment). As a consequence, refurbishment only was rejected for each of the estates. Refurbishment would not enable an increase in the quantity or quality of homes and meet the needs of the borough in terms of current housing needs and projected changes in population growth. The long-term financial modeling carried out demonstrates a significant cost in the short term, however the benefits would also only be short term and the estates would require further investment to maintain the properties at a livable standard.
- 8.4 The sustainability appraisal selected full regeneration for Eastfields and High Path and partial regeneration for Ravensbury in recognition of the opportunity to provide new, modern, energy efficient, high quality homes that meet current decent home and space standards and improve the urban design, landscape, layout and accessibility of the site.
- 8.5 The sustainability appraisal also assessed each of the policies in the draft estates Local Plan and this ongoing assessment informed the submission version attached to this report. The majority of the effects of the policies are found to be positive. Negative impacts are recorded in relation to climate change, energy and carbon and waste as a consequence of the amount of new development that will occur. The sustainability appraisal also identifies the need to review new detailed data that emerges, for example within planning applications, to ensure that any adverse impacts are suitably addressed. It also highlights the risks to the delivery of the Estates Local Plan that are beyond the council's control, such as the state of the wider economy and the impact of climate change.
- 8.6 A shorter non-technical summary is available at the front of the appraisal.

### Equalities Impact Assessment summary

- 8.7 The Public Sector Equality Duty is a responsibility laid on the Council by the Equality Act 2010. It consists of a general equality duty and specific duties, which help authorities to meet the general duty. In summary, those subject to the equality duty, must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
  - Advance equality of opportunity between people who share a characteristic and those who don't
  - Foster good relations between people who share a characteristic and those who do not.
- 8.8 The duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. (These are the 'protected characteristics'.)
- 8.9 The Act sets out that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.10 The Act states that meeting different needs involves taking steps to take account of the impact of different experiences (for example, addressing different forms of disability). It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the equality duty may involve treating some people more favourably than others.
- 8.11 The Act requires the Council to have a 'continuing and ongoing regard' for this Duty. It can show this regard in a range of ways as the Act is not prescriptive on this matter, but the most common is to conduct Equalities Impact Assessment (EqIA) at key decision points. In

preparing the Estates Local Plan, officers carried out an EqIA (contained within the Sustainability Appraisal)

- 8.12 As with the Sustainability Appraisal, the Equalities Impact Assessment of the Estates Local Plan has informed and influenced the development of the submission version of the Estates Local Plan and will continue to be reviewed towards adoption. A specific indicator on Diversity and Equality has been added to the SA Framework to ensure that equalities issues are identified, although these will also be incorporated within many of the Sustainability Objectives, for example housing, access to services and facilities, social deprivation, health and wellbeing etc.
- 8.13 The EqIA assessment has shown that regeneration will result in major positive impacts for the issues of housing, access to activities and social deprivation. Minor positive impacts are achieved for diversity and equality and education and skills.
- 8.14 Regeneration is likely to have a positive effect on socio-economic inequalities, including offering opportunities for increase in training and new skills in the construction of the development and the provision of more energy efficient homes that require less maintenance.
- 8.15 A key expectation of the delivery of the regeneration is the commitment to keep existing community together in each neighbourhood and for existing residents to have a guaranteed right to return to a new home in a regenerated neighbourhood without being financially disadvantaged. The level of impact is uncertain at this stage with regards to wellbeing: residents will have more efficient, warmer, well maintained homes once redevelopment has taken place. However there will be significant disruption to residents as a result of the redevelopment. The phasing and decanting will need to be carefully considered and regularly monitored to minimize adverse impacts upon residents
- 8.16 The ongoing discharge of the Duty will require further consideration at the points where planning applications are received, the adoption of this plan and other decisions the Council may need to consider under its various powers. Members will be aware that the Duty does not require them to avoid all harmful effects but to recognise them, eliminate them wherever possible (and always with regard to unlawful discrimination or harassment) and mitigate any remaining consequences.

## 9. CRIME AND DISORDER IMPLICATIONS

- 9.1 The process of preparing the Estates Local Plan and preparing for the estates regeneration has not itself had Crime and Disorder implications.
- 9.2 The sustainability appraisal of the Estates Local Plan considers each of the policies against social, environmental and economic objectives, including those relating to crime and disorder.
- 9.3 The draft Plan does not require a specific planning policy relating to Crime and Disorder but instead incorporates a number of policies which enhance safety and perceptions of safety in the public realm and in residential areas. Collectively these policies support an approach of 'secure by design', creating places where people feel and are safe at all times of day and night, whether on foot, cycle or car, and both inside their homes and in public space.
- 9.4 The design principles include:
- *Blocks arranged so the fronts face outwards* protecting residents' privacy, creating a more 'legible' layout where people do not get lost or find it so easy to hide, building in natural surveillance and security
  - *Active frontages on the street* also enhance surveillance and create more activity at street level
  - *Well-designed public or communal amenity space*: will be well lit, while providing both privacy and surveillance, as well as providing easy and convenient access for all potential users
  - *Defensible space between the back of the footway and building frontage* will support better perimeter blocks and frontages
  - *Legible and accessible layouts* with convenient and accessible layouts encourage walking and cycling and hence more active streets where community cohesion flourishes
- 9.4 These principles are reflected in the estate-specific policies contained within the Estates Local Plan and will support an improved quality of life for current and future residents.

## 10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

### Risk assessment

- 10.1 Risks are listed below with a red/amber/green rating based on an assessment of their likelihood and impact, together with the anticipated mitigation. They are categorised as risks related to developing the plan and emerging housing policy, those related to renegotiation of agreements, and those relating to the delivery of the regeneration programme itself.
- 10.2 The sustainability appraisal of the Estates Local Plan has also identified specific risks to the Estates Local Plan and potential mitigation measures.

#### *Risks related to the preparation of the Estates Local Plan and housing services*

Risk	R/A/G rating	Mitigation
The examination in public does not result in an approvable plan	AMBER	A thorough Plan which has been developed in accordance with proper processes and good representation at the examination will mitigate against this risk
CHMP'S housing services (eg repairs) fall below an acceptable level	AMBER	Continued detailed monitoring and close liaison
Not achieving decent homes or ongoing risks of poor housing	GREEN	The proposed renewal strategy is considered the best way to improve the quality (including

		size) and quantity of housing
Not achieving the housing growth envisaged in the London Plan	AMBER	Even with the additional properties in this proposal Merton Council has further targets, in particular for affordable housing.

### 10.2 Risks to the Council connected with the negotiations

Risk	R/A/G rating	Mitigation
Failure to agree changes to the Stock Transfer Agreement and the associated documents that meet the requirements that will enable the regeneration to proceed	GREEN	The changes are not anticipated to be controversial for either partner
Failure to agree a new Nomination Deed to cover additional affordable homes built (i.e. not replacement dwellings)	GREEN	The changes are not anticipated to be controversial for either partner.
Failure within the Council and then with CHMP to develop a Payment Plan (including provision for 'clawback') which meets the principles set out in this document	AMBER	Robust modelling of financial, reputational and delivery risks associated with different models and the capacity of both organisations to manage those risks.
Ensuring that the Business Plan model is robust, fit for purpose and well understood, and demonstrates viability at a level accepted to both partners and to the Planning Inspector	GREEN	Ongoing and detailed analysis with robust advice to the Council. Review by Cabinet in advance of submission.

### 10.3 Risks to the Council connected with the regeneration programme

Risk	R/A/G rating	Mitigation
Delays in the programme make it increasing unviable and do not address housing need now and in the future	AMBER	Continuing to move the programme forward
The risks associated with any large scale construction programme	AMBER	These risks primarily sit with CHMP as developer. The council will need to ensure that eg highways network management, public communications etc are robust
That regeneration results in poor quality neighbourhoods without the non-housing benefits identified	GREEN	The Estates Local Plan and robust planning management are key to mitigation.
Delivery capacity with CHMP and in the wider economy	AMBER	This is a long term and large scale programme, challenging even for a large and robust housing association, especially when capacity within the construction sector may be constrained. Capacity will need to be closely monitored throughout the programme.

### Health and Safety Implications

- 10.4 No specific health and safety implications have been identified related to the preparation of the Estates Local Plan or the planning of the regeneration programme.
- 10.5 In considering the management of the regeneration programme the Council's Public Health Team has prepared a health impact assessment which has identified some areas where mitigation action is appropriate. These are considered in paragraph 8.
- 10.6 As the programme gets underway and sites come under construction there will of course be important facets of health and safety management which will be the responsibility of CHMP and their contractors.

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

1. Estates Local Plan Development Plan Document
2. Sustainability Appraisal / Strategic Environmental Assessment, including the. Equalities Impact Assessment
3. Report of Community Consultation (including comments from the GLA and other statutory consultees)

*Other supporting documents are available on request*

### **BACKGROUND PAPERS**

- National Planning Policy Framework
- DCLG guidance on local plan preparation
- London Plan
- London Plan Housing SPG
- Merton's Local Plan: Core Strategy DPD 2011

Merton's Local Plan: Sites & Policies DPD 2014

