



## **Examination of the Merton Local Plan**

### **Inspectors' Matters, Issues and Questions – Stage 1 Hearings**

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### **Inspectors appointed by the Secretary of State**

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#### **Introduction**

1. Following our initial review of the supporting evidence for, and the representations on, Merton's Local Plan (the Plan) and the Council's responses to our Preliminary Letters<sup>1</sup>, we have identified the following initial matters that will form the basis of our consideration of the soundness and legal compliance of the Plan and will therefore guide discussion at the Stage 1 hearing sessions. As set out in our Preliminary Letters, and the Planning Inspectorate's 'Procedural Guide for Local Plan Examinations – 7<sup>th</sup> Edition'<sup>2</sup>, the use of staged hearings is intended to assist with the efficiency and effectiveness of examinations.
2. To this end, the matters identified below are, on the whole, of a strategic and cross-cutting nature. Any topics relevant to the soundness of the Plan that are not covered by these matters are to be discussed during the Stage 2 Hearings, which are due to commence on 4 October 2022. A separate Matters, Issues and Questions document will be published in advanced of the Stage 2 hearings covering the topics to be discussed at them.
3. National planning policy places a clear emphasis on, firstly, significantly boosting the supply of homes<sup>3</sup>; secondly, the important role that strategic policies have in setting the housing requirement for an area<sup>4</sup>; and thirdly, the need for plans to identify a five-year supply of specific, deliverable housing sites<sup>5</sup>. As a consequence, the approach of the Plan in relation to these topics forms the basis of several issues and matters below, including relevant detailed questions relating to its allocated sites. In addition, questions on some other allocations, whilst not anticipated to yield housing in the first five years, or indeed at all, are included at this stage due to their anticipated contribution to the delivery of the Plan's overall vision and objectives.

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<sup>1</sup> INSP01 and INSP02

<sup>2</sup> <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

<sup>3</sup> Per paragraph 60 of the National Planning Policy Framework

<sup>4</sup> Per paragraph 66 of the National Planning Policy Framework

<sup>5</sup> Per paragraph 68 of the National Planning Policy Framework

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4. Accordingly, the matters that we have identified for this initial hearing stage are as follows:

**Matter 1: Is the Plan legally compliant, have the relevant procedural requirements been met and has the Duty to Co-operate (DtC) been discharged?**

**Matter 2: Is the Plan consistent with national policy in terms of its plan period, and in its identification of strategic policies; and does the document serve a clear purpose in a succinct, clearly written and unambiguous way?**

**Matter 3: Does the Plan include policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change? And are the climate change aspects of the plan consistent with national policy, in general conformity with the London Plan, justified and effective?**

**Matter 4: Is the Plan's approach to the contributions expected from development supported by robust viability assessment so that it can be demonstrated that they do not undermine the deliverability of the Plan?**

**Matter 5: Is the Plan's approach to Metropolitan Open Land (MOL) justified, consistent with national policy, and in general conformity with the London Plan?**

**Matter 6: Are the housing requirements set out in the plan justified, consistent with national policy, and in general conformity with the London Plan?**

**Matter 7: Does the Plan identify a sufficient supply and mix of housing sites, and are those identified for the five years after anticipated adoption deliverable?**

**Matter 8: Is the size, type and tenure of housing needed for different groups in the community (including those requiring affordable housing) assessed and reflected in planning policies?**

**Matter 9: Have the accommodation needs of Gypsies and Travellers been assessed and reflected in the Plan's policies, and would the plan be justified, effective and consistent with national policy in this respect?**

**Matter 10: Are the Plan's approaches to employment uses, town centres and Opportunity Areas justified, consistent with national policy and in general conformity with the London Plan?**

**Matter 11: Have the Plan's strategic policies been informed by robust Strategic Flood Risk Assessment; does the plan seek to manage flood risk from all sources; and is sufficient provision made for flood risk management?**

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**Matter 12: Does the plan sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas?**

**Matter 13: Is the Plan's approach to tall buildings grounded in an understanding and evaluation of each area's defining characteristics, in general conformity with the London Plan, and are the Plan's policies relating to tall buildings effective?**

**Matter 14: Is the Wi3 (All England Lawn Tennis Club) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?**

**Matter 15: Is the Mo4 (Morden Regeneration Zone) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?**

5. The document contains a number of issues and questions, which flow from the identified matters. Questions have been framed with regard to the National Planning Policy Framework (the Framework) (including the tests of soundness set out in paragraph 35); Planning Policy for Traveller Sites; the Government's Planning Practice Guidance (PPG) and other relevant national guidance and policy<sup>6</sup> where specifically indicated.
6. National policy<sup>7</sup> establishes that plans should only contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals – a consideration that has formed the basis of several questions. The legal compliance of the Plan, in terms of the relevant provisions of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) and related legislation is also a focus of the matters, issues and questions set out below.
7. It is important to note that these matters, issues and questions have arisen from our initial assessment of the submission documents, the responses made by interested parties thus far, and the Council's responses to our preliminary questions. Consequently, they may evolve throughout the Examination, not least following on from any responses the Council or others make on these matters prior to the hearing sessions.
8. Following our Preliminary Letters, the Council produced a consolidated table of proposed Main Modifications (MMs) to the Plan. As set out in our letters, MMs (that is those that we would consider necessary to ensure the soundness or legal compliance of the Plan) can only be made if we recommend them, and would be subject to public consultation at the appropriate point of the Examination in accordance with the Procedure Guide. Some of the questions below are focused on whether the changes proposed thus far would be necessary to ensure the soundness and legal compliance of the Plan. We may also recommend other MMs as a result of discussions at the hearings.

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<sup>6</sup> Such as Written Ministerial Statements

<sup>7</sup> At paragraph 16(d) of the Framework

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9. Where suggested MMs have already been proposed by the Council in respect of any of the questions set out below, these should be clearly referenced in the Council's responses. In a similar vein, other participants should consider whether MMs suggested by the Council up to this point address concerns raised in responses to earlier rounds of consultation on the Plan.
  10. The matters issues and questions below should be addressed in hearing statements. Any answers to the questions posed should be supported by reasons and relevant Examination documents should be referenced clearly, where appropriate. A separate document should be prepared in response to each matter. **Critically, the Boroughs and all other participants should submit any hearing statements that they wish to prepare to the Programme Officer by close of business on 20 May 2022.**
  11. We set out separately and more fully in our Guidance Note<sup>8</sup> how the Council and others can respond to these matters, issues and questions in the run up to **the hearing sessions commencing on 14 June 2022.**
  12. If any clarification is required on what follows, please contact us via the Programme Officer.

*R J Aston*

INSPECTOR

*08 April 2022*

*G J Fort*

INSPECTOR

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<sup>8</sup> INSP04

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## Inspectors' Matters, Issues and Questions – April 2022

### **Matter 1: Is the Plan legally compliant, have the relevant procedural requirements been met and has the Duty to Co-operate (DtC) been discharged?**

(NB: the extent to which the Plan is in general conformity with the London Plan will be addressed, as relevant, in subsequent matters, as will the Plan's approach to climate change)

#### Issue (i): Has the DtC been discharged?

##### Questions:

1. Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with all relevant organisations on any strategic matters in accordance with the DtC?
2. Have there been timely, effective and conclusive discussions with key stakeholders and prescribed bodies on what the Plan should contain?
3. What are the relevant strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas<sup>9</sup>)?
4. What were the results of cooperation with others and are there any outstanding issues?
5. How does the Plan address any cross-boundary issues that have emerged as a result of engagement with prescribed bodies?
6. How does the Plan align with those of adjacent boroughs?
7. Have any substantial concerns been raised in terms of compliance with the DtC?

#### Issue (ii) does the Sustainability Appraisal (SA) comply with the requirements of the 2004 Act, the Strategic Environmental Assessment Directive (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)?

##### Questions:

1. Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations?
2. Is the approach to SA compliant with the advice set out in the PPG<sup>10</sup> and based on an appropriate methodology?
3. Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation?

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<sup>9</sup> S33A (4) of the Planning and Compulsory Purchase Act 2004

<sup>10</sup> 'Strategic environmental assessment and sustainability appraisal'

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4. Are the alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each, particularly in terms of different growth scenarios?
  5. Is there clear evidence to indicate why, having considered reasonable alternatives, the Plan's strategy is an appropriate one?
  6. Does the Sustainability Appraisal Supplementary Report<sup>11</sup> provide a robust assessment of the Council's proposed MMs, including any implications of the proposal to amend the plan period?
  7. Does the SA take account of all types of heritage asset, including landscapes, parks and gardens, and has it adequately considered the implications of the Plan's policies and allocations for the historic environment?

Issue (iii) Is the Plan supported by a robust approach to Habitats Regulation Assessment?

Questions:

1. How was the HRA carried out and was the methodology appropriate, including the approach to screening out of policies?
2. Is the HRA robust and does the Plan include all the recommendations identified as necessary to ensure compliance with the Regulations?
3. Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved and are they satisfied with the content of the Plan?
4. Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?
5. Is the approach to HRA legally compliant having regard to the Court of Justice of the European Union's judgement on People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)?
6. Are any adjustments required to the HRA approach as a result of the changes<sup>12</sup> to the Habitats Regulations 2017, pursuant to the UK's exit from the European Union, which came into force on 1 January 2021?

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<sup>11</sup> Document reference: 0D5i

<sup>12</sup> More detail on this is available here: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

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Issue (iv) Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) and the Council's Statement of Community Involvement (SCI)?

Questions:

1. Has the production of the Plan followed the SCI? Has consultation on the submitted plan been adequate?
2. Have the publication, advertisement and availability of the Plan followed the procedures set out in the 2004 Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning) (England) Regulations 2012?
3. Can it be demonstrated that the Plan has been shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees<sup>13</sup>?
4. Reference has been made in the representations of interested parties to difficulties with accessing consultation documents, including the SA, online. What steps did the Council take to ensure that documents were available in an accessible way and that adequate time was given to interested parties to absorb these?

Issue (v) To what extent has the production of the Plan complied with the Council's published Local Development Scheme (LDS)?

Questions:

1. Does the scope of the submitted Plan accord with the description of it given in the Council's LDS?
2. Has the production of the Plan followed the LDS, and is the LDS up to date?

Issue (vi) In preparing the Plan has the Council discharged its Public Sector Equality Duty<sup>14</sup>?

Questions:

1. Is the Equalities Impact Assessment adequate and robust in terms of its methodology and conclusions?
2. In preparing the Plan has the Council given due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act 2010 (as amended) (the 2010 Act)?
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic<sup>15</sup> and persons who do not share it?

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<sup>13</sup> Per paragraph 16(c) of the Framework

<sup>14</sup> Provided by s149 of the Equality Act 2010 (as amended)

<sup>15</sup> For the purposes of the 2010 Act "protected characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it?

3. How have equality issues been addressed in the Plan?



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**Matter 2: Is the Plan consistent with national policy in terms of its plan period, and in its identification of strategic policies; and does the document serve a clear purpose in a succinct, clearly written and unambiguous way?**

Issue (i) Is the Plan consistent with national policy<sup>16</sup> in terms of its plan period and in its identification of strategic policies?

Questions:

1. Does the Plan make clear which of its policies are strategic ones<sup>17</sup>? Would proposed MMs secure compliance with national policy in these terms?
2. As the Plan contains strategic policies, the Framework makes clear that these should cover a period of 15 years from adoption<sup>18</sup>. The Council has suggested MMs to address these matters, whilst the detailed implications of these in terms of housing and other topics will be considered in further detail in response to questions posed in relation to subsequent matters below, in general:
  - a. Is the proposal to move the start date of the plan to 2022/2023 justified?
  - b. Would the proposed MMs to the plan period secure compliance with the Framework in these terms?

Issue (ii) Does the Plan serve a clear purpose, is it succinct, clearly written and unambiguous<sup>19</sup> way?

Questions:

1. We set out in our next steps letter<sup>20</sup> our initial findings regarding the Plan's layout, legibility, length and other drafting issues, which, taken together serve to undermine its clarity. We have noted the Council's initial response<sup>21</sup> to these points, and acknowledge particularly, the challenges faced in seeking to produce the document over a period of time which included a number of lockdowns pursuant to the COVID-19 pandemic. The Council have already begun to look at ways in which these matters can be addressed through main and where appropriate, additional modifications. However, other participants may wish to highlight, in response to this specific point, any soundness shortcomings of the Plan in terms of its length and formatting, and how they suggest that these could be remedied. Any responses to this point should be informed by the relevant sections of INSP02 (paragraphs 4 to 10) and LBM02 (paragraphs 2 to 7), which are available on the Examination Website.
2. Is it clear from the Plan what 'referable schemes' are<sup>22</sup>?

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<sup>16</sup> In particular paragraphs 17 to 23 of the Framework

<sup>17</sup> Per paragraph 21 of the Framework

<sup>18</sup> Per paragraph 22 of the Framework

<sup>19</sup> Per paragraphs 15 and 16 of the Framework

<sup>20</sup> INSP02

<sup>21</sup> LBM02

<sup>22</sup> See for example paragraph 2.5.9 of Plan

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Issue (iii) is the Plan's spatial strategy justified, and does the plan provide a positive vision for the future which is aspirational but deliverable<sup>23</sup>?

Questions:

1. Is the Plan's spatial strategy based on relevant and up-to-date evidence; does it set out an overall strategy for the pattern and scale of development; and is it in general conformity with the London Plan?
2. Does the Plan's Spatial Vision provide a positively prepared, clear and justified vision for the future?
3. Is the Spatial Vision positively prepared in terms of the Borough's green spaces and biodiversity assets?
4. Is the Plan's progress towards achieving the vision capable of being monitored through specific indicators, and would the monitoring framework set out in proposed MMs<sup>24</sup> adequately assess the effectiveness of the plan in this respect?

Issue (iv) The Plan was published for consultation ahead of the publication of the latest version of the Framework, have the implications of this been assessed and what MMs have been suggested as a result? Would any proposed MMs ensure the effectiveness of the Plan and its conformity with national policy in these terms?

(NB: This question is intended to illicit an overview on this matter, with more specific detail to be examined in subsequent matters in these MIQs, and any pertaining to future hearing sessions)

Questions:

1. The Plan was published for consultation ahead of the publication of the latest version of the Framework, have the implications of this been assessed and would suggested MMs secure soundness in these regards?

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<sup>23</sup> Per paragraphs 15 and 16 of the Framework

<sup>24</sup> LBM01 at page 1139 to 1146

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**Matter 3: Does the Plan include policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change? And are the climate change aspects of the plan consistent with national policy, in general conformity with the London Plan, justified and effective?**

Issue (i) Do the climate change policies of the Plan ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change, and are they consistent with national policies, in general conformity with the London Plan, justified and effective?

Questions:

General:

1. To what extent does the Plan facilitate the move away from petrol and diesel cars towards greener alternatives, and to make walking and cycling the default choice of travel - as set out in the Plan's Good Growth Strategy<sup>25</sup>?
2. The 'Merton Local Plan Housing Viability Study'<sup>26</sup> (the Viability Study) notes of the Plan's climate change policies that "where viability is already on the margins, other policy requirements may need to be reduced to compensate for these costs"<sup>27</sup>, and that "in lower value areas, there would be a trade-off of circa 10% affordable housing to accommodate the higher climate change costs"<sup>28</sup>. Against this background, are the climate change policies of the Plan in general conformity with Policy DF1(D) of the London Plan insofar as it expects development plans, when setting policies seeking planning obligations, to apply priority to affordable housing and public transport improvements? Is any deviation from this aspect of the London Plan justified?
3. Is support for the utilisation of energy from waste set out in Strategic Objective 1 consistent with the emerging South London Waste Plan?
4. Paragraph 2.1.24 indicates that "climate adaptation has been embedded within the relevant section of the Local Plan": how has this been achieved?
5. Are the Council's climate change policies sufficiently focussed on outcomes, and would they be flexible enough to enable site-specific solutions that would deliver effective outcomes in these terms, but which may not include measures advocated by the Plan?
6. Insofar as is relevant to proposals relating to the conversion or alteration of heritage assets, or in relation to development within their settings, do the climate change policies of the Plan pay appropriate attention to the requirement to conserve such assets in a manner appropriate to their significance<sup>29</sup>?
7. Policy GG6 of the London Plan requires planning and development to seek to improve energy efficiency and support the move towards a low carbon circular economy – how does the Plan respond to this, in particular in terms of encouragement of the re-use, retrofit and adaptation of existing buildings?

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<sup>25</sup> At page 10 -11

<sup>26</sup> Document Reference: 11D7

<sup>27</sup> Per paragraph 1.7

<sup>28</sup> Ibid per paragraph 7.5

<sup>29</sup> Per paragraph 189 of the Framework

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## Strategic Policy CC2.1

8. Is Policy CC2.1 clear in terms of how development proposals would be assessed against its criteria, and what information might be necessary to demonstrate compliance with them?
9. Is Policy CC2.1 consistent with the Framework<sup>30</sup>, and the London Plan<sup>31</sup>?
10. Is it clear how a decision-maker should react to paragraph 2.1.10 in terms of the requirement that “development must therefore be fit for the future (i.e be ultra-energy efficient and climate resilient, and maximise low carbon and renewable energy)”? Is the approach justified, and if so would this aspect be more suited to policy wording than supporting text?

## Policies CC2.2, CC2.3, CC2.4, CC2.5, CC2.6

11. The differences between the Plan and the London Plan approaches to achieving net-zero carbon emissions are outlined in paragraph 2.1.18 of the Plan. Is the Plan in general conformity with the London Plan in these regards, and is the difference of approach robustly justified?
12. Is Policy CC2.2’s requirement for *all developments* to reduce greenhouse gas emissions justified – how would small scale developments such as residential alterations and extensions be assessed in these regards?
13. Is Policy CC2.2 (a) clear in terms what is meant by “any future locally derived methodology”, and is requiring development to accord with an as yet uncertain, and unexamined requirement justified?
14. Policy CC2.2’s criteria (b),(c),(d) and (e) relate to all developments resulting in the creation of 1 or more dwellings or 500SqM or more of non-residential GIA – is this approach in general conformity with the London Plan, and is the approach justified?
15. Is the energy statement mentioned in Policies CC2.2 (b) and CC2.4(b) included in the Council’s list of information requirements for applications for planning permission<sup>32</sup>?
16. What is the justification for the on-site CO<sub>2</sub> reduction targets set out for the various types of developments given in the table in Policy CC2.2?
17. Is the use of the term “conversions” in Policy CC2.2 clear – is the policy only intended to relate to material changes of use arising from “conversions”, or is it to be taken to include subdivisions of existing properties, as well (for example)?
18. Footnote 3 of Policy CC2.2 refers to the minimum improvement beyond Part L of the Building Regulations 2010:
  - a. Does Policy CC2.2 accord with the Government’s policy for national technical standards<sup>33</sup>?

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<sup>30</sup> In particular paragraphs 152ff

<sup>31</sup> In particular Policies SI2, SI3, SI4, SI7

<sup>32</sup> Per paragraph 44 of the Framework, and paragraphs 038ff of ‘Making and Application’ PPG.

<sup>33</sup> Referenced in paragraph 154(b) of the Framework; set out in the ‘Planning Update’ WMS of March 2015; and further explained in the ‘Climate Change’ PPG Paragraph: 012 Reference ID: 6-012-20190315 Revision date: 15 03 2019.

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- b. Is the statement “When new Building Regulations are updated we will seek to apply an equivalent standard against the new Building Regulations” justified, and unambiguous? Is this statement in general conformity with the London Plan<sup>34</sup> in these regards, insofar as that policy refers to review of the relevant policy thresholds should Building Regulations be updated? Is the text of the footnote internally consistent with paragraph 2.2.8 of the Plan?
- c. Are any MMs needed to cover the 2021 update to Approved Document L of the Building Regulations, the requirements of which take effect on 15 June 2022?
- d. Should specific monitoring arrangements be included to trigger appropriate action should Building Regulations requirements be amended in the plan period, to ensure effectiveness in these regards?
19. What is the justification for setting a different carbon offset price to that included in the London Plan? Is the Plan justified in deferring any changes to its carbon offset price to “future guidance”<sup>35</sup> or is this more properly a matter for monitoring and review of, and if necessary updates to, the relevant development plan policies?
20. Is it clear how a decision-taker should react to viability issues related to the climate change policies from the text set out in the plan at paragraph 2.2.21, and would it be clear when and how costs of independent viability assessments would be sought, and what the justification for this might be? Would the matters set out in the paragraph be more appropriately included in development plan policy?
21. Is it clear how the anticipated energy use intensity (per Policy CC2.3 (b)) at design and pre-occupation stage would be assessed?
22. Are the efficiency improvement targets set out in Policy CC2.3 (c) justified?
23. Are the ‘stepped’ fabric efficiency targets set out in Policy CC2.3(d) justified? Is the policy clear as to whether the relevant targets refer to both regulated and unregulated energy use, or simply regulated energy use?
24. Is Policy CC2.3 criterion (e) clear in terms of what is meant by “the relevant guidance”? If this criterion refers to Supplementary Planning Documents (or similar), would development plan policy seeking compliance with this be either justified, or consistent with the purposes of SPDs to build upon and provide more detailed advice or guidance in an adopted plan, and not to introduce new policies<sup>36</sup>?
25. Does the installation of gas boilers come within the scope of development and use of land<sup>37</sup>, and is the restriction on this activity sought by Policy CC2.4 therefore justified or effective?

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<sup>34</sup> Policy SI2, Footnote 152

<sup>35</sup> As set out in paragraph 2.2.17 of the Plan

<sup>36</sup> Per the ‘Plan making’ PPG paragraph 008: PPG Reference ID 61-008-20190315

<sup>37</sup> Per s17 of the Planning and Compulsory Purchase Act 2004; and s55 of the Town and Country Planning Act 1990

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26. Does Policy CC2.4, insofar as it relates to the installation of heat pumps, achieve consistency with the Framework firstly, in terms of ensuring that a high standard of amenity is achieved for existing and future users of sites, particularly in terms of any potential noise impacts<sup>38</sup>; and secondly, in terms of whether such installations would be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not discouraging appropriate innovation and change<sup>39</sup>?
27. How would Policy CC2.5 (a) and (b)'s requirements for all development "to prioritise the reuse and retrofit of existing buildings", and for "design for durability, flexibility, easy disassembly and limiting needs for repair and replacement" be assessed achieved in practice? Would a failure to demonstrate these aspects amount to reasons for refusal of planning permission? Would aspects of the policy<sup>40</sup> be effective given the permitted development rights which exist relating to demolition?
28. When compared to the London Plan<sup>41</sup>, Policy CC2.5(e) seeks to extend the requirement for submission of a Whole Life-Cycle Carbon Assessment to smaller scale development proposals:
- a. what is the justification for this?
  - b. Is the requirement for such an assessment included in the Council's list of local information requirements?
  - c. Would it be clear to a decision taker from such an assessment whether whole life-cycle carbon savings have been 'maximised' – and would the policy provide an effective basis for development management decisions in these terms?
29. Have the implications of Policy CC2.5 (and the related supporting text<sup>42</sup> relating to the use of building materials) on the deliverability and viability of tall buildings been assessed, and is it clear that the Plan would be effective and positively prepared in these terms as a result?
30. For the purposes of Part G (4) of the Building Regulations "new dwelling" does not include dwellings that are formed in buildings which contain at least one dwelling, and thereafter contain a greater or lesser number of dwellings than they did previously<sup>43</sup> (i.e residential sub-divisions or amalgamations). Consequently, is the optional water efficiency requirement expressed in criterion (c) of Policy CC2.6 and paragraph 2.6.9 justified insofar it relates to *all* residential developments? Might MMs be needed in this regard, to ensure the effectiveness of the policy as a basis for securing enforceable and reasonable planning conditions?
31. Is Policy CC2.6's requirement for major residential developments to achieve a minimum BREEAM Domestic refurbishment rating of 'excellent' justified, is it consistent with national policy on technical standards?

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<sup>38</sup> Per paragraph 130(f)

<sup>39</sup> Per paragraph 130(c)

<sup>40</sup> And the considerations set out in paragraphs 2.5.12 and 2.5.13 of the Plan

<sup>41</sup> At paragraph 9.2.11

<sup>42</sup> At paragraph 2.5.3

<sup>43</sup> Per regulation 5 (g) of the Building Regulations

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32. Are Policy CC2.6's requirements for BREEAM 'excellent' for non-residential buildings justified, and have the viability implications of this requirement been taken into account?
33. Paragraph 2.6.1 sets out further background and justification on the use of BREEAM standards:
- a. Is it sufficiently clear what "subsequently adopted set of standards"<sup>44</sup> might apply during the plan period?
  - b. Given the apparent lack of certainty would the Plan be justified in its stance on this issue, particularly when viability implications of an unknown future standard would be difficult to assess at this stage?
  - c. Are there any circumstances where an update or change to national standards might justify updates to the Plan, and should this be reflected in the monitoring framework in the interests of effectiveness?

### Overheating

34. Strategic Policies CC2.1, D12.1, and Policies D12.2, D12.3, D12.6, together with supporting text set out the Plan's approach to overheating. The Framework makes clear<sup>45</sup> that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the risk of overheating. However, recent updates to the Building Regulations<sup>46</sup> introduce an overheating mitigation standard relevant to the construction of new homes. National policy expressed in the 'Housing Update' WMS<sup>47</sup>, indicates that the "new overheating standard is a part of the Building Regulations and is therefore mandatory, so there will be no need for policies in development plans to duplicate this." In the light of these considerations, are the Plan's policies relating to overheating consistent with national policy?

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<sup>44</sup> As referred to in paragraph 2.6.1

<sup>45</sup> At paragraph 153

<sup>46</sup> Part O

<sup>47</sup> Of 15 December 2021 <https://questions-statements.parliament.uk/written-statements/detail/2021-12-15/hcws495>



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**Matter 4: Is the Plan's approach to the contributions expected from development supported by robust viability assessment so that it can be demonstrated that they do not undermine the deliverability of the Plan?**

Issue (i) Are issues of development viability recognised adequately by the Plan and its evidence base? Has a final viability assessment been undertaken for the content of the Plan as a whole which supports the deliverability of the plan objectives in a manner consistent with national policy?

Questions:

1. Does the Plan clearly set out the contributions expected from development<sup>48</sup>?
2. How did the Council engage with landowners, developers and infrastructure and affordable housing providers to secure evidence on costs and values<sup>49</sup> to inform the Plan's supporting viability evidence<sup>50</sup>?
3. Are the site typologies set out in supporting viability evidence clear, and has a sufficient range of site typologies been considered?
4. Are Benchmark Land Values contained in the assessments based on robust evidence?
5. Are all policy costs flowing from the development plan (including the implications of climate change policies, the implementation of the optional technical standards, the provision of on-site play and open space provision etc) incorporated into the relevant viability assessments?
6. Would the recent changes to Part L of the Building Regulations be likely to have a material effect on the assumed build cost implications of Part L included in the Viability Study<sup>51</sup>?
7. Are the site typologies tested, and in particular those representative of the types of site allocated by the Plan, demonstrably viable with full policy costs applied?
8. The Viability Study has not assessed the Mo4 Morden Regeneration Zone Allocation – In these respects, is the Plan consistent with the PPG<sup>52</sup> insofar as it emphasises the importance of considering the specific circumstances of any strategic sites<sup>53</sup> in viability assessments?

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<sup>48</sup> Per paragraph 34 of the Framework

<sup>49</sup> Per 'Viability' PPG Paragraph: 006 Reference ID: 10-006-20190509

<sup>50</sup> Including 11D7, 2D47 and 11S14

<sup>51</sup> i.e the 6% figure given in paragraph 4.22 of 11D7

<sup>52</sup> Per 'Viability' PPG Paragraph: 005 Reference ID: 10-005-20180724

<sup>53</sup> For the purposes of the PPG 'strategic sites' "could include, for example, large sites, sites that provide a significant proportion of planned supply, sites that enable or unlock other development sites or sites within priority regeneration areas."



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**Matter 5: Is the Plan's approach to Metropolitan Open Land (MOL) justified, consistent with national policy, and in general conformity with the London Plan?**

(NB: Questions on the MOL implications of Site Wi3 are set out in relation to Matter 14)

Issue (i) Are the exceptional circumstances for any MOL boundary alterations set out in the Plan fully evidenced and justified, is the need for any changes to MOL established in strategic policies, and are the policies of the Plan insofar as relevant to MOL in general conformity with the London Plan?

Questions:

1. Is the Local Plan's approach to MOL justified, consistent with national policy and in conformity with the London Plan?
2. The Green Infrastructure Study contains several recommendations<sup>54</sup> for adjustments to MOL boundaries:
  - a. Is it clear whether the Plan has taken these recommendations forward?
  - b. If so, are the exceptional circumstances to make such amendments fully evidenced and justified?
  - c. Is the need for any such changes to MOL established in strategic policies?
  - d. Are any detailed alterations to MOL boundaries clearly articulated in the Plan, either in strategic or non-strategic policies, and on the policy map?
  - e. Have proposed boundaries been defined clearly, using physical features that are readily recognisable and likely to be permanent?
3. Is the list of MOL areas contained in the appendices comprehensive and consistent with any boundary changes proposed in the Plan?
4. Against what criteria should the value of MOL be assessed and was the original review appropriate in this respect?
5. Does the Plan set out ways in which the loss of any MOL land is offset by compensatory improvements to the environmental quality and accessibility of remaining MOL<sup>55</sup>?
6. Site Allocation Mo3 relates to an area designated as MOL. Consequently, is the allocation of this site for a mix of uses, including housing, consistent with the Framework and London Plan insofar as the restrictions they impose on 'inappropriate development' are concerned<sup>56</sup>?
7. Given that very special circumstances would likely be needed to justify any residential development proposals at the application stage, is the Site Mo3 policy effective in this regard?

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<sup>54</sup> Including at paragraph 3.57, 3.78, 3.83

<sup>55</sup> Paragraph 142 of the Framework

<sup>56</sup> At paragraph 147ff of the Framework, and in Policy G3 of the London Plan.

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8. Should the MOL boundary be adjusted to address the element of Site Mo3 likely to accommodate housing, and if so, are the exceptional circumstances necessary to justify such an alteration fully evidenced?
  9. Is the allocation of Site Mo3 consistent with the findings of the 'Merton Green Infrastructure, Biodiversity and Open Space Study 2020'<sup>57</sup> (the Green Infrastructure Study)?
  10. In light of the considerations set out in the Regulation 19 response of Thames Water, do exceptional circumstances exist which would justify the removal of the MOL designation from the Thames Water Site at Bygrove Road?
  11. Is site allocation CW5 justified by the evidence base? Is the presence of MOL recognised adequately?
  12. Is the Council satisfied that the MOL boundaries will not need to be altered at the end of the plan period?

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<sup>57</sup> Document 15D1

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**Matter 6: Are the housing requirements set out in the plan justified, consistent with national policy, and in general conformity with the London Plan?**

Issue(i) Is the stepped requirement included in the plan justified, would it be in general conformity with the London Plan, and is the approach consistent with national policy?

Questions:

1. Taking into account the considerations set out in the PPG<sup>58</sup> and the London Plan<sup>59</sup> and in the light of the Council's response to our preliminary letter and associated proposed MMs:
  - a. Would the stepped housing requirements expressed in either the Regulation 19 version of the Plan or proposed MMs provide an effective and positively prepared strategy for meeting housing needs over the plan period?
  - b. have reasonable alternatives been taken into account in arriving at the stepped requirement?
  - c. is the use of a stepped housing requirement appropriate? and
  - d. what is the justification for the requirements set out for each year of the plan period?
2. Is the stepped housing requirement supported by a clear articulation of how homes will be delivered and any actions that will be taken in the event of under-delivery<sup>60</sup>? How would proposed MMs ensure general conformity with the London Plan in this regard, and the effectiveness of the Plan in terms of its deliverability over the plan period?
3. Are the overall requirement and the requirements relevant to specific years clearly expressed in the Plan's policies so that it is evident how a decision maker should react to development proposals?

Issue(ii) Are housing requirements set out for the latter years of the plan justified, and in general conformity with the London Plan in these regards?

Questions:

1. How have the housing requirements set out in the Plan for 2029/30 onwards
  - a. Drawn on the 2017 London SHLAA findings and any local evidence of identified capacity?
  - b. Taken into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements?
  - c. Rolled forward the housing capacity assumptions applied in the London Plan for small sites?

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<sup>58</sup> 'Housing Supply and Delivery' Paragraph: 021 Reference ID: 68-021-20190722 Revision date: 22 July 2019

<sup>59</sup> At paragraph 4.1.10

<sup>60</sup> Per paragraph 4.1.10 of the London Plan

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**Matter 7: Does the Plan identify a sufficient supply and mix of housing sites, and are those identified for the five years after anticipated adoption deliverable?**

Issue (i) are the housing sites included in the Plan based on a clear understanding of the land available in the Borough?

1. Are the housing sites included in the Plan based on a clear understanding of the land available in the area?
2. Is the distribution of housing sites included in the Plan informed by, and in accordance with, the spatial strategy for the Borough?

Issue (ii) What are the implications of the 2021 Housing Delivery Test (HDT) Results, and would the MM proposed by the Council address these in an effective and justified manner?

Question:

1. We note that the figures included in the HDT Results differ from the Council's assessment over the same period (included in Graph 2.1 of '11D10 Merton's Housing Delivery Test Action Plan', with further explanation given in LBM01). We are also aware that, as set out in LBM02, the Council has queried the published HDT Result with the Department of Levelling Up, Communities and Housing (DLUHC). Nevertheless, at the time of drafting these MIQs, the HDT Result for the Borough remains in place with the implication that the five-year supply should include a 20% buffer<sup>61</sup>.

Against this background, and taking into account the contents of LBM01<sup>62</sup> would proposed MMs ensure that the Plan would be effective and compliant with the Framework in terms of delivery of the required 20% buffer as part of its five-year supply?

Issue (iii) Are the housing sites identified to provide the required supply for the five years from adoption deliverable?

General Question:

1. What steps has the Council taken to implement the recommendations made in Chapter 8 of the 'Housing Delivery Study'<sup>63</sup>?

Preamble:

The Framework Glossary is clear that to be considered deliverable sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer

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<sup>61</sup> Per paragraph 74(c) of the Framework.

<sup>62</sup> Pages 140 to 145

<sup>63</sup> Document reference 11D6

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viable, there is no longer a demand for the type of units or sites have long term phasing plans).

- b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

With these considerations in mind, we have the following questions relating to sites identified as contributing to the five year supply, and the contents of the 'Five Year Housing Supply Proforma' (Document Reference 11D15a):

2. The 11D15a document anticipates the delivery of 430 homes on the Benedict Wharf (Allocation Mi1) site as a contribution the Borough's five year housing land supply:
  - a. Has the decision notice been issued on the related planning application?
  - b. Is the anticipated start on site of 2023 justified given that the current application only seeks to secure outline consent (with all detailed matters reserved for future determination)?
  - c. The site has an established use for waste management – have the implications of any land remediation work that may be necessary as a result of this previous use informed the estimated delivery timescales for the site?
  - d. It is noted that the site owner does not intend to develop the site and is looking to transfer it to a housebuilder – are there any further updates on this matter?
  - e. The planning application is to be subject to a s106 agreement, which amongst other things, would appear to restrict redevelopment of the Benedict Wharf site until compensatory waste processing capacity at Beddington Resource Recovery Facility is operational<sup>64</sup> - how have the potential implications of this been factored into assumptions about the delivery phasing of the site?
  - f. There appear to be discrepancies between the boundaries of the site as shown on the policy map, and the one depicted in the site allocation itself – which boundary is to be taken as the correct one and what implications might this have for the overall capacity of the site, and the likely contribution to the five year supply?
  - g. Have the implications of any required upgrades to the water supply or wastewater networks informed the anticipated phasing of the site's delivery – in line with the timescales set out in Thames Water's Regulation 19 Response<sup>65</sup>, and their expectations that any

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<sup>64</sup> Per the Regulation 19 Response of Suez

<sup>65</sup> "For example: local network upgrades take around 18 months and Sewage Treatment and Water Treatment Works upgrades can take 3-5 years"

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such works would be completed prior to occupation of the development?

3. Are there any further updates on the compulsory purchase order process relating to the Eastfields Estate and High Path Estate Regeneration programmes?
4. The 'Housing supply and delivery' PPG<sup>66</sup> sets out that housing completions should be net figures, so should offset any demolitions. Have demolitions of any existing housing stock pursuant to the estate regeneration programmes been taken into account in estimates of their contribution towards five year supply?
5. Is there any further update on the reserved matters application in respect of the Eastfields Estate?
6. There are several allocated sites (Mi4, Mi5, Mi11, Mo2) anticipated to deliver housing in the first five years of the Plan on Council-owned sites. Although the Council has resolved to grant planning permissions for these, this is subject to 'enabling agreements'. Moreover, the Council is now looking to dispose the sites, with an anticipated date for completion of the sale in Summer 2022<sup>67</sup>. Against this background, is there clear evidence that housing completions will begin on site in the next five years? Will any measures be put in place as part of the onward sale of the sites to secure their development for housing within that period?
7. It is anticipated that the Mi16 Mitcham Gasworks site would be capable of delivering 450 dwellings in the five years following adoption. The site does not benefit from planning permission, and although pre-application engagement has been undertaken and is ongoing (including design review) an application is yet to be submitted.
  - a. The submitted Plan gives an indicative site capacity of 200 to 400 dwellings for Mi16 – what is the justification for the 450 anticipated by 11D15A, and are any MMs needed to ensure that the allocation accords with any up-to-date assessments of capacity?
  - b. Is it acceptable in principle that tall buildings are considered as part of an approach to maximising the development potential of the site?
  - c. As this is a scheme that would be referable to the Mayor of London, are the anticipated 5 year delivery timescales and quantities justified?
  - d. What implications (if any) would the hazardous substances consent relating to the site have on housing delivery?
  - e. 11D15A indicates that the gas holder has been demolished and that decontamination of the site is ongoing – what is the timescale for this work, and are any further permissions required to bring the site to a condition ready to accommodate residential development?

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<sup>66</sup> Paragraph: 029 Reference ID: 68-029-20190722 Revision date: 22 July 2019

<sup>67</sup> Per 11D15a

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8. Given that planning permission is not yet in place, are the timescales for completion of the White Hart and Car Repairs, Kingston Road scheme justified, and in line with the average decision to completion times set out in the 'Housing Delivery Study'<sup>68</sup>? Is there any specific evidence relating to this site to indicate that development would take place at the rate anticipated?
  9. Is there any further update on when a decision may be due on the planning applications for the Brown and Root Phase 2 site? What are the working assumptions as to when a decision is expected that have informed the Council's view on its ability to contribute to five year HLS, taking into account the average decision to completion rates set out in the 'Housing Delivery Study'<sup>69</sup>?
  10. Is planning permission now in place for the Wi7 Rufus Business Centre site?
  11. What evidence is available to support the anticipated delivery phasing for Mi8 Majestic Way, and what steps have been taken to secure the vacant possession of the site, on which its build out is 'predicated'?
  12. Given the lack of definitive proposals at this stage for the Mi18 Wilson Hospital site, and the apparent inter-dependencies with the development of other NHS Property Services landholdings in the area including Mi2, to what extent are the anticipated 5-year residential yields of these sites based on clear evidence?
  13. Following from the question immediately above, and in the light of NHS Property's Services' response at Regulation 19 on its approach to surplus land disposals are the criteria restricting redevelopment of the M2 and Mi18 sites until alternative facilities are built and operational justified? Would the criteria act as restrictions on the timely development and viability of the sites?
  14. In the context of the average time taken from a planning application to completion of a scheme set out in the 'Housing Delivery Study'<sup>70</sup> what clear evidence is there to demonstrate that the anticipated residential conversion of the Tooting Police Station site would deliver in 60 dwellings by 2023/24?
  15. Given the apparent early stage of scheme development in relation to Wimbledon Chase Station, and the acknowledged "sensitivities of constructing so close to an operational train station" to what extent can there said to be clear evidence, which justifies the inclusion of its anticipated site yield within five-year supply estimates?
  16. Whilst the Council's intent to dispose of the Wi1 Battle Close site is noted, given the lack not only of any relevant planning permission relating to the site, but also of evidence of any pre-application discussion on the part of any potential developers, is its anticipated delivery phasing justified?
  17. The Wi1 site is allocated for a range, and potentially a mix of uses. Against that background, what is the justification for the varying residential capacity estimates given in the Plan and in the 5 Year Supply Proforma?

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<sup>68</sup> In particular those set out in Table 6.3 relating to new build schemes of 50-99 units

<sup>69</sup> In particular those set out in Table 6.3 relating to new build schemes of 100+ units

<sup>70</sup> In particular those set out in Table 6.1 relating to schemes of 50-99 units.



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18. The planning permission for the W15 YMCA makes provision for 135 dwellings, however, the Five Year Supply Proforma anticipates the delivery of 145 dwellings on the site. What is the justification for the higher figure?
  19. Are there any further updates on the progress of the planning application relating to the RP6 LESSA Grand Drive site? Is there an updated position on the allocation or emerging proposals from Sport England following the objection made at Regulation 19 stage?
  20. Although “active discussions” are ongoing with potential developers of the Mi19 Worsfold House site, the disposal of this Council-owned site is yet to take place, and no planning permission is in place relating to its residential redevelopment. Are there any further updates on these matters; and has the delivery phasing been informed by the average times for receipt of an application to completion of development set out in the ‘Housing Delivery Study’<sup>71</sup>?
  21. According to the Five Year Supply Proforma, the council-owned Mo1 Chaucer Centre site is to be disposed to a housing developer with anticipated completion of this in Summer 2022. No extant planning permissions are in place relating to residential redevelopment of the site. Are there any updates on these matters?
  22. Has the delivery phasing of the Mo1 site been informed firstly, by the average timescales for receipt of an application to completion of development set out in the ‘Housing Delivery Study’<sup>72</sup>; and secondly, the need to either deliver a mixed-use development, or provide the existing facility elsewhere in the Borough as set out in the allocation?
  23. What is the significance for the capacity of the Mo1 site of the initial viability and capacity work which relates to the retention, conversion and extension of the existing building?
  24. Would the Mo1 be a suitable site for a tall building based on the prevailing character of the area?
  25. Overall, to what extent can there said to be clear evidence, which justifies the inclusion of Mo1’s anticipated site yield within five-year supply estimates?
  26. According to the Five Year Supply Proforma, the council-owned Mo7 Gifford House site is to be disposed to a housing developer with anticipated completion of this in Summer 2022. No extant planning permission appears to be in place, and the building is currently occupied by a tenant. Are there any further updates on these matters?
  27. According to the Five Year Supply Proforma pre-application engagement on the Hoo Hing Elbrook site is yet to commence. Whilst the owner’s intent to redevelop the site for residential purposes is noted, how have the timescales set out in the ‘Housing Delivery Study’, and the requirement to relocate, either temporarily or permanently, existing businesses, informed the anticipated delivery phasing?

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<sup>71</sup> In particular those in Table 6.3 relating to 50-99 Units

<sup>72</sup> In particular, those set out in Table 6.1 relating to schemes of 50-99 units



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28. The Five Year Supply Proforma indicates that disposal of the Caxton Road Depot and Workshop for residential development is “subject to Met Police declaring site surplus to operational requirements”.

- a. When is a decision on this matter anticipated?
- b. Is the suggested delivery phasing of the site justified given firstly, the apparent lack of firm commitment on the part of the Metropolitan Police to dispose of the site; secondly, that there is as yet no outline or detailed planning proposals for its residential development; and thirdly, that a residential developer is yet to be identified?

Issue (iv) Does the Plan optimise the potential for housing delivery on all suitable and available brownfield sites<sup>73</sup>?

Questions:

1. Following on from M7, I(iii), Q2(f) above, is the anticipated site capacity for Mi1 Benedict Wharf justified, given that the boundary of the allocation appears to be different to the site boundary relevant to the related planning application (19/P283)?
2. Following the grant of planning permission pursuant to planning appeal ref: APP/T5720/W/20/3250440 does site allocation RP3 optimise the potential for housing delivery on this brownfield site? What effects would the site’s flood zone and other designations, accessibility and infrastructure requirements have on its capacity?
3. Does the appeal decision have any significance for the approach to other sites within the Raynes Park area such as site RP4?

Issue (v) is the capacity of small sites and any windfall allowance based on compelling evidence that these will form reliable sources of supply<sup>74</sup>; and is the Plan positively prepared and in general conformity with the London Plan in these terms<sup>75</sup>?

Questions:

1. Is the amount of supply anticipated to come via windfalls in the proposed revision to the housing trajectory in the Council’s suggested MMs justified?
2. Is the Plan positively prepared in terms of meeting the housing requirement given the proportion of overall supply anticipated to come forward through windfalls – particularly as the five year supply is to be made up of “*specific, deliverable sites*”, and “*specific, developable sites*” are to be a component of the supply over the rest of the plan period<sup>76</sup> (with our emphases)? Is development genuinely plan-led<sup>77</sup> in these terms?

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<sup>73</sup> Per Policy H1(B)(2) of the London Plan – NB questions about optimisation of land in relation to industrial sites is covered in respect of Matter 7, Issue (ii) below

<sup>74</sup> Per paragraph 71 of the Framework

<sup>75</sup> In particular, paragraph 4.1.8

<sup>76</sup> Per paragraph 68 of the Framework

<sup>77</sup> Per paragraph 15 of the Framework

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**Matter 8: Is the size, type and tenure of housing needed for different groups in the community (including those requiring affordable housing) assessed and reflected in planning policies?**

Issue (i) Is the approach to the provision of affordable housing effective, is it justified, would it be in general conformity with the London Plan and consistent with national policy?

Questions:

1. The Framework is clear<sup>78</sup> that provision of affordable housing should not be sought for residential developments that are not major developments. However, Policy H11.1 seeks financial contributions towards provision of affordable housing on schemes comprising 2 to 9 homes. What is the justification for the Plan's approach to this issue?
2. The Viability Study<sup>79</sup> which underpins the plan indicates that affordable housing contributions could be viable on some small sites, but this would not always be possible. However, "providing the policy is applied *flexibly, having regard to individual site circumstances*, the Council can apply the requirement across all sites in the Borough" (with our emphasis). Does the Plan make provision for the site-specific flexibility which the Viability Study recommends?
3. Are the Plan's requirements for the provision of affordable housing as part of Build to Rent schemes justified, in general conformity with the London Plan, and would the Plan make provision for site-specific flexibility in terms of financial assessment of proposals, as recommended by the Viability Study<sup>80</sup>?
4. Is the proposed mix of housing tenures sought by Policy H11.1 justified?
5. As the Plan was published after 28 June 2021, the Plan is not subject to the transitional arrangements in respect to the provision of First Homes set out in national policy as expressed in the First Homes WMS<sup>81</sup>. Taking together the WMS with the Council's response to our Preliminary Letter<sup>82</sup> (and related suggested MM), the 'First Homes' PPG, and the Framework<sup>83</sup> in relation to affordable home ownership:
  - a. Given that the approach to First Homes is largely set out in supporting text<sup>84</sup> to Policy H11.1, would the Plan accord with PPG insofar as it advises<sup>85</sup> that *policies* for First Homes should reflect the requirement that a minimum of 25% of all affordable housing units secured should be First Homes? (with our emphasis).
  - b. Worked examples<sup>86</sup> show that First Homes would make up the bulk of most intermediate provision sought by Policy H11.1 – and this is

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<sup>78</sup> At paragraph 64.

<sup>79</sup> 11D7 at paragraph 1.7

<sup>80</sup> 11 D7 At paragraph 6.37

<sup>81</sup> Of 28 June 2021

<sup>82</sup> LBM01 150 to 152 and 11D14 Appendix A

<sup>83</sup> Paragraph 65

<sup>84</sup> In Paragraph 11.1.14

<sup>85</sup> At Paragraph: 013 Reference ID: 70-013-20210524

<sup>86</sup> Included as appendix to DOCUMENT REFERENCE

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likely to be particularly the case at schemes comprising 40 units or fewer. It is noted that a great deal of residential allocations are expected to yield less than 100 dwellings, and the housing trajectory anticipates sustained delivery on small sites<sup>87</sup> over the plan period.

Against this background, are Policy H11.1, its supporting text<sup>88</sup> and any proposed MM clear about the tenure mix that would be realised, and how the likely affordable house prices might differ from those set out in paragraph 11.1.11 and Figure 4.1.3?

- c. Is the Plan clear that on schemes where policy-compliant provision of First Homes does not result in 10% of the overall housing yield of the site being available for affordable home ownership, that any shortfall in this respect would be made up from the rest of the intermediate contribution before other types of intermediate affordable housing would be considered?
  - d. Would it be clear to a decision-taker that the above-referenced national policies and guidance set out some exceptions to the general requirements for First Homes and low-cost home ownership dwellings? Are further MM needed to point out where the relevant advice and guidance could be accessed?
6. The London Plan<sup>89</sup> indicates that its threshold level for affordable housing provision is due to be reviewed. Has the review taken place, are its conclusions available, and if so, are there any implications for Policy H11.1?
  7. Is it clear that, in order to meet the Fast Track Route set out in Policy H5 of the London Plan, affordable housing on sites would need to accord with the tenure mix sought in Policy H11.1<sup>90</sup>? Would suggested MM secure general conformity in these terms?
  8. Is Policy H11.1's direction in terms of where offsite affordable provision or financial contribution related to major developments would be acceptable consistent with the Framework<sup>91</sup> insofar as it expects such an approach to be robustly justified *and* to contribute to the objective of creating mixed and balanced communities; and would the Plan achieve general conformity with the London Plan<sup>92</sup> in this respect?
  9. The Viability Study indicates<sup>93</sup> that some smaller major developments would yield a number of affordable units below the level that many registered providers would purchase. Further evidence from stakeholders reported in the Housing Delivery Study indicates an unwillingness amongst registered providers to take ownership of housing on smaller sites which would yield less than 20 affordable units, and/or in areas away from where they have existing

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<sup>87</sup> That are sub 0.25ha in size per Policy H2 of the London Plan

<sup>88</sup> In particular paragraphs 11.1.4 to 11.1.5; and 11.19 to 11.1.13

<sup>89</sup> At paragraph 4.5.4 indicates that the; and reflected in Footnote 1 of Policy H11.1 of the Plan

<sup>90</sup> Per Policy H5(c)(2) of the London Plan

<sup>91</sup> At paragraph 63

<sup>92</sup> In particular Policy H4(B) and paragraphs 4.4.9 – 4.4.14

<sup>93</sup> 11D7 at paragraph 2.86

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stock<sup>94</sup>. Does the Plan's approach to off-site delivery and in-lieu contributions offer an effective, plan-led response to these issues?

10. What is the justification for the formula for calculating off-site affordable provision included in paragraph 11.1.22? Is it clear from paragraph 11.1.21 that this is the formula that is referred to? Is it clear what the basis of any valuation set out in the formula should be (e.g residual valuation)?

Issue (ii) Is the Plan's approach to the mix of house sizes justified, and would it be effective in meeting the needs of different groups in the community?

Questions:

1. Is the Plan clear as to what is meant by the term 'family sized home'<sup>95</sup>?
2. What is the justification to the mix of housing sizes set out in Policy H11.3?
3. Is it clear how the housing size requirements set out in Figure 4.3.1 have informed the figures set out in Policy H11.3?
4. With reference to documents already submitted in support of the Plan, is it clear how the factors set out in paragraph 11.3.9 of the Plan have informed the Policy H11.3 mix?
5. Is Policy H11.3 in general conformity with the London Plan, insofar as Policy H10<sup>96</sup> of that latter document anticipates that a higher proportion of one and two bed units would be generally more appropriate in locations which are closer to town centres, stations or with higher public transport access and connectivity, and that the housing mix should have regard to the aim to optimise the housing potential of sites?
6. Is Policy H11.3 clear as to the tenures and types of housing that it would be relevant to? Does the Policy effectively respond to the recommendation of the 'Housing Delivery Study'<sup>97</sup> for clarity regarding how policies regarding housing mix will be applied to individual development schemes, and particularly small sites and the interaction between this and site location and character?
7. Would paragraph 11.3.11's contents on gated development be more fittingly articulated in (design?) policy; is the plan justified in this respect; and is it clear how a decision-maker should react to proposals for gated residential developments?

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<sup>94</sup> Document Reference: 11D6 At paragraphs 6.31 and 6.33

<sup>95</sup> As in Policy H11.1 and elsewhere?

<sup>96</sup> In particular criteria A(6) and (7)

<sup>97</sup> Document Reference IID6 at paragraph 8.12

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Issue (iii) Are the Plan's requirements for accessible, adaptable and wheelchair user dwellings justified, and are they consistent with national policy, and in general conformity with the London Plan?

Questions:

1. Are the proportions of homes required in Policy H11.1(d) to meet Optional Building Regulations Requirement M4(2) and M4(3) justified, and, in light of the advice of the PPG<sup>98</sup>, would they address an identified need for such properties?
2. Are the Plan's policies for accessible housing need based on evidence of site specific factors<sup>99</sup>, including those set out in paragraph 3.7.6 of the London Plan, and those outlined in PPG<sup>100</sup>?

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<sup>98</sup> 'Housing for older and disabled people' - particularly Paragraph: 004 Reference ID: 63-004-20190626 Revision date: 26 June 2019 and Paragraph: 005 Reference ID: 63-005-20190626 Revision date: 26 June 2019; and 'Housing Optional Technical Standards' Paragraph: 007 Reference ID: 56-007-20150327 Revision date: 27 03 2015

<sup>99</sup> Per 'Housing for Older and disabled people' PPG Paragraph: 009 Reference ID: 63-009-20190626 Revision date: 26 June 2019

<sup>100</sup> 'Housing Optional Technical Standards' Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016 and Paragraph: 010 Reference ID: 56-010-20150327 Revision date: 27 03 2015

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**Matter 9: Have the accommodation needs of Travellers been assessed and reflected in the Plan’s policies, and would the plan be justified, effective and consistent with national policy in this respect?**

Issue (i) Have the accommodation needs of Gypsies, Travellers and Travelling Showpeople been robustly assessed and are they reflected in the Plan’s policies? Are the Plan’s policies justified, effective and consistent with national policy in these regards?

Questions:

Needs and Supply

1. Is the ‘London Borough of Merton – Gypsy and Traveller Accommodation Assessment’<sup>101</sup> (GTAA) robustly based?
2. What is the justification for not including those on a waiting list for public sites in the calculation of pitch needs<sup>102</sup>?
3. The GTAA covers the period up to 2034, and the plan period runs to 2036, with proposed MMs seeking to extend this to 2037. Consequently, does the GTAA provide an up-to-date understanding of the likely permanent and transit needs over the plan period<sup>103</sup>?
4. The Framework is clear that the type of housing needed for different groups in the community should be assessed and reflected in planning policies<sup>104</sup>; and s8 of the Housing Act 1985 (as amended) requires local housing authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed. Taking these two considerations together, would the criteria-based approach contained in Policy H11.6 provide an effective basis for meeting the needs<sup>105</sup> which the GTAA identifies for Travellers who do not meet the definition set out in the Government’s Planning Policy for Traveller Sites (PPTS), but nevertheless may require culturally appropriate accommodation?
5. Reflecting on any answers to question 4 immediately above, is it accurate to categorise the GTAA’s findings in respect of non-PPTS needs to be “no longer valid”<sup>106</sup>?

Policy H11.6

Preamble:

The PPTS makes clear that where there is no identified need, criteria- based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

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<sup>101</sup> Document Reference 11D9

<sup>102</sup> As set out in paragraph 5.30 of the GTAA

<sup>103</sup> Per paragraph 7(b) of the Government’s Planning Policy for Traveller Sites

<sup>104</sup> Per paragraph 62

<sup>105</sup> i.e 6 pitches over the period 2019-2024

<sup>106</sup> Per paragraph 11.6.6 of the Plan

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Questions:

6. Is the distinction between 'new' and 'additional' sites set out in Policy H11.6 clear?
7. Should proposals for new, additional and in particular alternative sites meet criteria (a) to (e) of Policy H11.6 (and were otherwise in accordance with the development plan) why would the need or demand for accommodation provision and the available capacity on existing sites in the Borough be a relevant consideration in assessment of applications (as set out in criterion (f))? What is the justification for such a criterion in relation to this type of accommodation, when no similar criterion is included in Policy H11.2 in terms of assessment of proposals for 'bricks and mortar' housing?
8. Is the policy clear in terms what is meant by "appropriate on-site facilities" beyond the provision of children's play facilities? Is the policy clear as to what extent the provision of such facilities would be proportionate to the scale of a proposed site?
9. Would the policy ensure that a high standard of amenity would be provided for the future occupants of sites<sup>107</sup> particularly in terms of noise and air quality<sup>108</sup>? Should the relevant plan policies in relation to residential amenity, noise and air quality be appropriately cross-referenced?
10. Should the relevant Plan policies relating to flood risk and ground conditions be appropriately referenced in respect of criterion (e)?
11. Are any main modifications necessary for soundness?

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<sup>107</sup> Per paragraph 130(f) of the Framework

<sup>108</sup> Per paragraph 13(e) of PPTS



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**Matter 10: Are the Plan’s approaches to employment uses, town centres and the Opportunity Area justified, consistent with national policy and in general conformity with the London Plan?**

Issue (i) Is the Plan’s approach to the Merton Opportunity Area (MOA) in general conformity with the London Plan and justified – and does it clearly and effectively set out the way that it will encourage and deliver its growth potential?

Questions:

1. Is the boundary of the MOA justified and in general conformity with the London Plan – and is the inclusion of Morden within that boundary justified?
2. Has the capacity for growth in the MOA over the plan period been adequately tested<sup>109</sup>, using the indicative capacity figures set out in the London Plan as a starting point?
3. How is the necessary social and other infrastructure planned and provided for in the MOA, and has the Council worked with infrastructure providers as part of its efforts in these regards<sup>110</sup>?
4. Does the Plan include ambitious transport mode share targets for the MOA<sup>111</sup>?
5. Have the implications of the latest assumptions on the timing of Crossrail 2 informed the Plan’s approach to the MOA?
6. Is it clear what status Opportunity Area Planning Frameworks (OAPFs) would have (e.g DPDs, SPDs); what is the timetable for their production; and how many OAPFs are anticipated?

Issue (ii) Is the Plan’s approach to land for industry, logistics and services to support London’s economic function justified, effective, consistent with national policy, and in general conformity with the London Plan?

Preamble:

The attention of those wishing to provide hearing statements on this issue is drawn to the Council’s topic paper ‘Economic evidence base: offices and industry’<sup>112</sup> (the Economic Topic Paper), produced in answer to our preliminary questions on these matters set out in our letter of 28 January 2022<sup>113</sup>. The Council may wish to refer to the Economic Topic Paper, or other previously submitted evidence where that would answer any of the questions posed immediately below.

Questions:

1. Does the Plan set out effective measures for the planning, monitoring and management of the retention, enhancement, and provision of any additional industrial capacity<sup>114</sup>?

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<sup>109</sup> Per Policy SD1(B)(5) and paragraph 2.1.1 of the London Plan

<sup>110</sup> Per Policy SD1(B)(3) of the London Plan

<sup>111</sup> Per Policy SD1(B)(7) of the London Plan

<sup>112</sup> Document reference: LBM01b

<sup>113</sup> Document reference: INSP01

<sup>114</sup> Per Policy E4(C) of the London Plan



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2. Would measures set out in the Plan help to identify where any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives might be justified<sup>115</sup>?
  3. Does the Plan's evidence base demonstrate that the potential for housing delivery on all suitable and available brownfield sites has been optimised on industrial sites where the above processes set out immediately above (and in Policies E4, E5, E6 and E7 of the London Plan) have been carried out?
  4. Has the Plan implemented the recommendations of the 'Housing Delivery Study'<sup>116</sup> in terms of achieving clarity as to how the Council will interpret London-wide policies regarding employment land, including where there are opportunities for mixed-use intensification and how this could be achieved; and in its consideration of industrial land needs to balance protection of the economy with pressures for residential development including issues regarding the availability and deliverability of land from other sources and opportunities to use employment sites more intensively?
  5. Is it clear from the Plan and policies map what amendments are proposed to be made to SIL and LSIS boundaries<sup>117</sup>? Are any proposed amendments to boundaries justified and in general conformity with the London Plan?
  6. Are the policies relating to the Borough's Strategic Industrial Locations (SIL), and Locally Significant Industrial Sites (LSIS) flexible enough to accommodate needs not anticipated in the plan period and to enable a rapid response to changes in economic circumstances<sup>118</sup>, particularly in terms of the range of employment-generating uses that might be acceptable on such sites?
  7. Related to the question immediately above, the implications of the COVID-19 Pandemic and the UK's Exit from the European Union, alongside more recent economic circumstances have been referred to in the Economic Paper. Against this background, does the Plan set out a sufficiently flexible and effective set of policies relating to employment uses?
  8. Is Policy EC13.3 of the Plan in general conformity with the London Plan insofar as the treatment of industrial and other employment uses are concerned? Should London Plan Policy E7(C) be reflected in terms of the assessment of mixed-use or purely residential proposals relating to such sites? Is any variation from London Plan policy in this respect justified?
  9. Is Policy EC13.3 in general conformity with the London Plan<sup>119</sup>, and consistent with national policy<sup>120</sup> insofar as the Agent of Change principle is concerned?
  10. How has the likely need for offices set out in paragraph 1.5 of the Economic Topic Paper been arrived at, and how much, if any, of the need would be met by turnover in existing stock?

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<sup>115</sup> As above

<sup>116</sup> Document reference 11D6 (at paragraph 8.12)

<sup>117</sup> Per paragraph 13.1.11 of the Plan

<sup>118</sup> Per paragraph 82(d) of the Framework

<sup>119</sup> reference

<sup>120</sup> reference

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Issue (iii) is the Plan's approach to the Borough's town and other centres consistent with the Framework, in general conformity with the London Plan, and justified, effective and positively prepared?

Preamble:

The attention of those wishing to provide hearing statements on this issue is drawn to the Council's topic paper 'Economic evidence base: Town Centres and Retail'<sup>121</sup> (the Town Centres Topic Paper), produced in answer to our preliminary questions on these matters set out in our letter of 28 January 2022<sup>122</sup>. The Council may wish to refer to the Town Centres Topic Paper, or other previously submitted evidence where that would answer any of the questions posed immediately below.

Questions:

1. Is the Plan's approach to the assessment of anticipated needs for retail, leisure and other town centre uses (apart from offices – covered in relation to Issue(ii) above) robust, and are a range of suitable sites allocated to meet the scale and type of development likely to be needed looking at least ten years ahead<sup>123</sup>?
2. Is the designation of Colliers Wood as a District Centre justified and in general conformity with the London Plan?
3. Are the boundaries of the centres and primary shopping areas set out in the Plan justified?
4. Is the 1000SqM upper limit for town centre type floor space in designated local town centres set out in Policy TC13.5 justified? Is it clear what the council's 'regeneration objectives' are which any proposal for town centre type uses above 1000SqM in such areas would have to contribute to in order to be considered acceptable?
5. What is the justification for Policy TC13.5's restriction on shop front amalgamation in Wimbledon Village, and is the Policy and its supporting text clear as to what proposals for floorspace increases may be acceptable in the area?
6. Is Policy TC13.5 clear insofar as what is meant by large increases in commercial floorspace in neighbourhood parades? Does this relate to the expansion or development of individual uses with larger amounts of floorspace, or incremental development of additional commercial uses?
7. Should the considerations relating to the following be expressed in Policy rather than supporting text, in the interests of clarity and effectiveness? And is the Plan clear and unambiguous about these matters?
  - a. changes of use in neighbourhood parades<sup>124</sup>;
  - b. vacancies in frontages in town centres<sup>125</sup>;

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<sup>121</sup> Document reference: LBM01a

<sup>122</sup> Document reference: INSP01

<sup>123</sup> Per paragraph 86(d) of the Framework

<sup>124</sup> Paragraph 13.5.33

<sup>125</sup> Paragraph 13.5.27

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- c. the range of uses considered acceptable in town centres<sup>126</sup>;
  - d. betting shops and hot food takeaways and their relationship to primary shopping areas<sup>127</sup>.

8. Policy TC13.6:

- a. Are the policy and its supporting text clear in terms of when impact assessments will be required, and what the Council's "requirements" in these terms are?
- b. Is the Plan consistent with the Framework in this respect?
- c. Taking account of the advice in the PPG<sup>128</sup>, is the locally set floorspace threshold for proposals that would require an assessment proportionate<sup>129</sup> and justified?
- d. Is the supporting text (paragraph 13.6.5) clear as to what the relevant floorspace threshold is?
- e. Is the policy clear how deficiencies in local convenience shopping will be identified and by who?
- f. Would conditions seeking to control the elements set out in (iv), (v) and (vi) of the policy accord with the Framework<sup>130</sup> in terms of being necessary, relevant to planning and to development to be permitted, enforceable and reasonable? Might some of those items be better suited to planning obligations, and if so, would they meet the legislative<sup>131</sup> and policy<sup>132</sup> tests of being necessary to make development acceptable in planning terms; directly related to a development; and fairly and reasonably related in scale and kind to developments?
- g. Would the matters relating to petrol stations<sup>133</sup> be more clearly and effectively expressed in policy rather than supporting text?

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<sup>126</sup> Paragraph 13.5.7

<sup>127</sup> Paragraph 13.5.8

<sup>128</sup> 'Town Centres and Retail' Paragraph: 015 Reference ID: 2b-015-20190722 Revision date: 22 07 2019

<sup>129</sup> Per paragraph 90 of the Framework

<sup>130</sup> Paragraph 56

<sup>131</sup> Per Regulation 122(20) of the Community Infrastructure Levy Regulations 2010 (as amended)

<sup>132</sup> Per paragraph 57 of the Framework

<sup>133</sup> Outlined in paragraph 13.6.8 of the Plan

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**Matter 11: Have the Plan’s strategic policies been informed by robust Strategic Flood Risk Assessment; does the plan seek to manage flood risk from all sources; and is sufficient provision made for flood risk management?**

Issue (i): Have the Plan’s strategic (and other) policies been informed by robust Strategic Flood Risk Assessment; does the plan seek to manage flood risk from all sources; and is sufficient provision made for flood risk management?

Questions:

1. How has the Council applied a sequential, risk-based approach to the location of proposed development, as required the Framework<sup>134</sup>?
2. Do any of the allocated sites fall within areas at risk of flooding, taking into account all sources of flood risk and climate change?
3. Taking into account the Framework<sup>135</sup>, what is the justification for allocating sites in such areas, and how would the Plan ensure that the risk of flooding would not be increased onsite or elsewhere as a result of proposed developments?
4. Following on from the questions immediately above, would any allocated sites located in areas at higher risk of flooding be required to locate the most vulnerable development in areas of lowest flood risk within the site, unless there are overriding reasons to prefer a different location<sup>136</sup>?
5. Does the plan effectively take into account the potential flood risk impacts on, and of basement developments, and their potential cumulative effects?
6. In its Regulation 19 Response, Thames Water advocates reference to the need to install suitable positively pumped devices in relation to any installations in basement proposals that would discharge to the sewerage network. Should reference be made to this issue in Policy D12.11 or its supporting text to ensure that the risk of flooding from this source would not be increased on the site or elsewhere?

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<sup>134</sup> At paragraph 161

<sup>135</sup> Paragraph 164

<sup>136</sup> Per paragraph 167(a) of the Framework

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**Matter 12: Does the plan sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas?**

Issue (i): Is the Plan's approach to air quality issues justified, effective, consistent with national policy, and in general conformity with the London Plan?

Questions:

1. How would the Plan provide an effective basis to ensure that planning decisions would sustain and contribute towards compliance with relevant limit values<sup>137</sup> or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas?
2. Does Policy P15.10 serve a clear purpose, avoiding unnecessary duplication of national and local policies on air quality, in particular London Plan Policy SI 1: Improving Air Quality?
3. Is Policy P15.10 clearly written and unambiguous in respect of the scale of proposal and the degree of impact on air quality for which an Air Quality Impact Assessment (AQIA) will be required? Is the requirement for AQIAs justified, based on proportionate evidence?
4. To ensure consistency with the Framework<sup>138</sup>, and general conformity with Policy SI 1 of the London Plan does Policy P15.10 firstly, identify the opportunities to improve air quality through development and via relevant strategic site-specific and area-based policies; and secondly, the type of measures which may be expected to mitigate impacts?
5. Is it clear what and whether there is a difference between "mitigation" and "strict mitigation" referred to in Policy P15.10?
6. Is Policy P15.10 and its supporting text<sup>139</sup> consistent with each other and clear as to the instances when financial contributions to "offset the impact of the development on air quality may be considered"?

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<sup>137</sup> Per Paragraph 181 of the Framework

<sup>138</sup> At paragraph 186

<sup>139</sup> Paragraph 15.10.9

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**Matter 13: Is the Plan’s approach to tall buildings grounded in an understanding and evaluation of each area’s defining characteristics, in general conformity with the London Plan, and are the Plan’s policies relating to tall buildings effective?**

Issue (i): Is the Plan in general conformity with Policy D9 of the London Plan insofar as the approach to Tall Buildings is concerned?

Questions:

1. Does the development plan define what is considered a tall building for specific localities<sup>140</sup>; and is the plan clear and consistent in its terminology relating to ‘tall’, ‘taller’ and ‘mid-rise’ buildings?
2. Is it clear where in the Borough that tall buildings may be appropriate<sup>141</sup>, and has the process for defining such areas included engagement with neighbouring boroughs that may be affected?
3. How would proposed MMs seek to achieve conformity with the London Plan and effectiveness in these regards?

Issue (ii): Is the Plan’s approach to tall buildings based on local context<sup>142</sup> and grounded in an understanding and evaluation of each area’s defining characteristics<sup>143</sup>?

Questions:

1. Are locations and appropriate building heights for tall buildings clearly identified on maps<sup>144</sup>; and are proposed MMs which would bring about the inclusion of strategic heights diagrams justified and underpinned by relevant evidence, such as the Borough’s ongoing Character Study, the findings of any relevant conservation area appraisals, or the implications of the heritage assets identified as being “at risk” (e.g Upper Morden Conservation Area)?
2. Is there any specific evidence to justify tall buildings sites allocated in the Plan, and are policies clear as to the scale of building likely to be acceptable on such sites?
3. Given its existing role in contributing to a sense of place should the regeneration opportunities for Morden Regeneration Zone include the existing Civic Centre as the pinnacle building, in line with the role identified for Britannia Point in Colliers Wood?
4. Have the associated assumptions for tall buildings as part of Site Allocation CW2 been informed by consideration of the potential effects on the historic environment, including Merton Park, Wandle Valley, Wandle Park and the experience of the Wandle Trail?
5. Have the associated assumptions on densities and heights of buildings relating to Wimbledon sites Wi9, Wi10, Wi13 and Wi15 been informed by a consideration of potential impacts to the significance of designated heritage assets?

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<sup>140</sup> Per Policy D9(A) of the London Plan

<sup>141</sup> Per Policy D9(B) of the London Plan

<sup>142</sup> Per Policy D9(A) of the London Plan

<sup>143</sup> Per paragraph 127 of the Framework

<sup>144</sup> Per Policy D9(B) of the London Plan

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6. Would the inclusion of tall buildings for site allocations Wi2, Wi5, Wi6 and Wi11 be consistent with the Framework's objective of sustaining and enhancing the significance of heritage assets, in terms of the setting of New Wimbledon Theatre and the former town hall, both of which are listed buildings?
  7. What is the indicative capacity of anticipated residential units for allocated sites Wi6, Wi9 and Wi13, and what is the rationale for any assumptions in this regard?
  8. Proposed MMs to the Plan would see the Mi1 Benedict Wharf, Mi16 Mitcham Gasworks, and RP3 Burlington Road as sites suitable for Tall Buildings, with indicative sizes of up to 10, 9 and 9 storeys respectively – what is the justification for the proposed MMs, and what evidence has informed an assessment of the sites' suitability for tall buildings and the recommended maxima in terms of storey heights?

Issue (iii): Are the Plan's policies relating to tall buildings effective?

Questions:

1. Is the presumption against tall buildings in certain areas in Merton consistent with national policy?
2. There is no inclusion of any criteria in the policy to relate tall buildings to public transport accessibility; in this regard, should the policy relate to PTAL levels, and if so, how? Should the policy be extended to other areas with good public transport access?
3. Will Policy D12.6 be effective in managing tall buildings in a way which is sympathetic to the character and urban grain of the Borough?
4. Is Policy D12.6 clearly written and unambiguous so that it is evident how a decision maker should react to development proposals?
5. Do the criteria contained within the policy provide sufficient detail for managing proposals for tall buildings within the areas identified so as to be reasonable, justified and effective?
6. Is the Plan consistent with the Estates Local Plan insofar as that adopted DPD's policies relating to tall buildings are concerned? Are there any MMs suggested to achieve consistency in these regards?
7. What is/will be the purpose of the SPD referred to in parts (d) and (p)? Will Policy D12.6 be effective in its absence?
8. Are the site allocation policies sufficiently clear as to whether tall and "taller" buildings will be acceptable?



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**Matter 14: Is the Wi3 (All England Lawn Tennis Club) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?**

Issue (i) Is the Wi3 (All England Lawn Tennis Club) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?

Questions:

1. Is the site allocation justified by the evidence base?
2. What is the status of the planning application pertaining to the site (reference:21/P2900) and when is a decision likely to be taken on it?
3. Is the site allocation, particularly in relation to its designation as MOL, justified and consistent with the Framework and the London Plan?
4. Are any alterations proposed to the MOL boundary in respect of the Wi3 site, and if so are these justified by exceptional circumstances, and clearly articulated in the Plan?
5. If no MOL boundaries are proposed, it is likely that very special circumstances would have to be demonstrated to justify any built development proposals on the Wi3 site at the application stage. With this in mind, do Site Allocation Wi3 and Policy N9.1 set out an effective approach to the site? Would the Plan be clear and unambiguous in these terms so that it is evident how a decision maker should react to development proposals?
6. Is site allocation Wi3 consistent with the Framework and London Plan insofar as the promotion of healthy and safe communities and open space and recreation are concerned?
7. Is the Wi3 allocation based on a positive strategy for the conservation and enjoyment of the historic environment, taking into account the desirability of sustaining and enhancing the significance of heritage assets, and putting them into viable uses consistent with their conservation<sup>145</sup>? Is it based on proportionate evidence regarding the significance of those assets, including in relation to the reasons for the inclusion of Wimbledon Park on Historic England's Heritage at Risk register?
8. Are the objectives of the site allocation informed by and consistent with opportunities identified in relevant conservation area appraisals?
9. Part of the wider Wimbledon Park site is within the London Borough of Wandsworth, consequently, would the allocation be effective in its aim to seek opportunities "to address the reasons why Wimbledon Park is on Historic England's 'heritage at risk' register"? What, if any, specific policies or allocations relating to the Wandsworth element of the wider site are included in that Borough's adopted or emerging development plans?

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<sup>145</sup> Per paragraph 190 of the Framework



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10. Is the allocation of Site Wi3 consistent with the findings of the 'Merton Green Infrastructure, Biodiversity and Open Space Study 2020'<sup>146</sup> (the Green Infrastructure Study), and would the allocation contribute to the conservation of the natural environment?
11. Differing boundaries for the Wi3 site are shown in the Plan in the overview map on page 276 and within the allocation itself, which does not assist the clarity or effectiveness of the Policy. What is the correct boundary, is it justified, and what MMs would be required to ensure that the Plan would be effective in these terms?

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<sup>146</sup> Document 15D1

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**Matter 15: Is the Mo4 (Morden Regeneration Zone) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?**

Issue (i): Is the Mo4 (Morden Regeneration Zone) allocation justified, and is it in general conformity with the London Plan, consistent with national policy and effective?

Questions:

1. Is the overall strategy for comprehensive redevelopment and concomitant phasing of the Regeneration Zone justified?
2. Have reasonable alternatives to the Plan's policies (i.e Policy N5.1 and Site Allocation Mo4) been assessed, in terms of alternative methods by which appropriate development may be brought forward (e.g through incremental development of smaller parcels)?
3. The Framework is clear<sup>147</sup> that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes. Would the comprehensive redevelopment envisaged by the Plan in relation to Mo4 result in demonstrable gains in terms of these objectives when compared to a more incremental approach?
4. Against the background of the increased housing targets set in the latest London Plan, and the Local Plan's intention to step the housing trajectory, is the strategy for Mo4 positively prepared given that redevelopment of the Zone is anticipated to take place in years 10 to 15 of the plan period?
5. Following on from Matter 4 on viability, is the Plan's approach to the Morden Regeneration Zone aspirational but deliverable; and what funding is, or would be in place to deliver the proposals?
6. Have Policy N5.1 and site allocation Mo4, insofar as they relate to the Regeneration Zone, been shaped by early, proportionate, and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees?

**\*\*\*End of Stage 1 Matters, Issues and Questions\*\*\***

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<sup>147</sup> At paragraph 121