



Examination of the Merton Local Plan

Inspectors' Matters, Issues and Questions – Stage 2 Hearings

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Introduction

1. Following on from the Stage 1 hearing sessions held in June 2022, and in the light of all evidence submitted and representations received relating to Merton's Local Plan (the Plan), we have identified the following matters that are relevant to our examination of the soundness and legal compliance of the Plan. These matters will therefore guide discussion at the Stage 2 hearing sessions.
2. As set out in our Matters, Issues and Questions (MIQs) document relevant to the first stage of hearings (INSP03a), it is intended that topics not covered in discussion thus far will form the basis of the bulk of the matters identified below. However, where necessary, either as a result of further main modifications (MMs) suggested by the Council, or where further evidence is due to be prepared, the matters below include some more focused questions on topics that have already been discussed in the Stage 1 hearings.
3. Accordingly, the matters that we have identified are as follows:

Matter 1: Plan Period and Clarity

Matter 2: Climate Change

Matter 3: Housing Supply and Mix

Matter 4: Tall Buildings

Matter 5: Site Allocation Wi3 (All England Lawn Tennis Club)

Matter 6: Town Centre and Employment Policies

Matter 7: Neighbourhood Policies and Healthy Places

Matter 8: Site Allocations

Matter 9: Transport and Infrastructure

Matter 10: Biodiversity and Trees

Matter 11: Green and Blue Infrastructure

Matter 12: Design, Heritage and Development Management

4. 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 policy¹ where specifically indicated.
5. National policy (at paragraph 16(d) of the Framework) 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.
6. It is important to note that these matters, issues, and questions 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.
7. The Council has produced a consolidated table of proposed MMs to the Plan. As set out in our letters, and in the Planning Inspectorate's Procedure Guide for Local Plan Examinations (the Procedure Guide)², 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. They would also 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.
8. 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.
9. 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 Council and all other participants should submit any hearing statements that they wish to prepare to the Programme Officer by close of business on 19 September 2022.**

¹ Such as Written Ministerial Statements

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

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10. We set out separately and more fully in our Guidance Note (INSP14) how the Council and others can respond to these matters, issues, and questions in the run up to **the hearing sessions commencing on 4 October 2022**.
 11. If any clarification is required on what follows, please contact us via the Programme Officer.

R J Aston

INSPECTOR

3 August 2022

G J Fort

INSPECTOR

Inspectors' Matters, Issues and Questions – 3 August 2022

Matter 1: Plan Period and Clarity

Issue (i): Is the Plan consistent with national policy³ in terms of its plan period and does it include effective monitoring arrangements?

Questions:

1. Are suggested amendments to the plan period by way of proposed MMs justified and would they provide an effective basis for the housing supply aspects of the Plan?

Effective Monitoring

2. Are the amended suggested monitoring indicators appropriate in light of the further work the Council has undertaken?
3. Does the monitoring framework include remedial actions and triggers for those actions?

Issue (ii): Is the Plan succinct, does it avoid unnecessary duplication of policies, and is it clearly written and unambiguous so that it is evident how a decision-maker should react to development proposals?

Question:

1. Can the Council provide an update on their further consideration of the clarity and legibility of the Plan following the discussions and actions arising from prior to and at, the Stage 1 Hearings?

³ In particular, paragraphs 17 to 23 of the Framework.

Matter 2: Climate Change

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:

1. What are the implications of any further work on the London Plan and any related supplementary guidance in terms of recent updates to the Building Regulations, and are any MM necessary to the Plan to ensure that it is justified and consistent in these terms?

Matter 3: Housing Supply and Mix

Issue (i): Does the plan identify a supply of specific, deliverable sites for the five years from anticipated adoption; and does it identify specific, developable sites or broad locations for growth for years 6 to 10 and, where possible for years 11 to 15?

Questions:

Five Year Supply

1. The Council undertook to produce further updated evidence in respect of a number of sites included in its estimates of five-year supply following the Stage 1 Hearings. Does that updated evidence demonstrate that a five-year supply would be in place from adoption?

Developable sites or broad locations

2. Taking into account the definition of 'developable' given in the glossary of the Framework:
 - a. Does the plan contain specific developable sites for years 6 to 10 from adoption?
 - b. Does the Plan include specific, developable sites for years 11 to 15 from adoption?
 - c. What effect would any proposed MMs to the expected development mix on the RP4 site have in terms of the housing trajectory over the plan period?

Issue(ii): Do the Plan's policies reflect the housing needed for different groups in the community?

Questions:

1. Is the Plan's approach to affordable housing secured on Build to Rent developments justified and in general conformity with the London Plan, particularly in terms of nomination rights? Is any divergence from the advice of the PPG that "authorities should refrain from having direct nomination rights from their housing list"⁴ justified?
2. Is it clear how any 'clawback' would be calculated, has the advice of the PPG⁵ been taken into account, and is the correct Local Plan policy referenced in Policy H11.7(h)?

⁴ 'Build to Rent' Paragraph: 009 Reference ID: 60-009-20180913
Revision Date: 13 09 2018

⁵ 'Build to Rent' Paragraph: 008 Reference ID: 60-008-20180913
Revision Date: 13 09 2018

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3. Are identified needs for self-build or custom dwellings reflected in the Plan's policies, in a manner consistent with the Framework (at paragraph 62), and has the advice given in PPG⁶ on this issue been followed?
 4. Is the Plan's use of the phrase 'temporary sleeping accommodation' (in Policy H11.2 (e) taken together with related wording in paragraphs 11.2.19 and 11.5.8) clear, and is the Plan justified and effective in relation to restrictions relating to such uses?
 5. Are any specific policies in the development plan or national policy contemplated in relation to the guidance given on houses in multiple occupation (at paragraph 11.2.22) and does the Plan provide an effective basis for decision-making relating to such uses?
 6. What is the justification for proposals for supported care housing to provide evidence of 'demonstrable need' (per Policy H11.4 (a)(i) and paragraphs 11.4.6, 11.4.13)?
 7. Is Policy H11.4 (a) (vii) clear in terms of what is meant by 'all relevant standards'? If such standards are regulated by schemes outside of planning control, is it justified to include such a criterion in the policy?
 8. Is Policy H11.5 (a) (ii) clear in terms of the types of sites that might be captured and how such matters would be assessed at the decision-taking stage, given that the type of land suitable for general needs housing would also likely be suitable for student housing, other housing with shared facilities and bedsits?
 9. What is the justification for the requirement that student housing etc should meet an 'identified local need' (per Policy H11.5 (a) (iii))? Moreover, if a proposal were to accord with this criterion would it also therefore be necessary to demonstrate that it "caters for recognised educational establishments within a reasonable travelling distance" per Policy H11.5 (a) (vii)?
 10. Is Policy H11.5 clear in terms of what is meant by 'all relevant standards'? If such standards are regulated by schemes outside of planning control, is it justified to include such a criterion in the policy?
 11. What is the justification for
 - a. the requirement for the provision of dedicated floorspace for cultural or arts studios or activities in relation to student housing (per Policy H11.5 (viii) and paragraph 11.5.12); and
 - b. Proposals to have ownership or management agreements in place with recognised higher educational establishments (per Policy H11.5 (xiii))?

⁶ 'Self-build and custom housebuilding' – particularly Paragraph: 025 Reference ID: 57-025-20210508
Revision date: 08 02 2021

Matter 4: Tall Buildings

N: B - This session will take forward the discussions held at Stage 1 focusing particularly on the material to be produced by the Council following the Inspectors' initial directions at that stage i.e.:

Issue (i): 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?

Questions:

1. What work has been undertaken since Stage 1 in respect of the wording of Policy D12.6? Would proposed MMs ensure that the policy is clearly written and unambiguous, consistent with national policy, and in general conformity with the London Plan?
2. Has a statement of common ground been produced with Historic England on the consolidation of the heritage aspects within the examination evidence base?
3. What are the main outcomes and implications for the plan of the consolidated evidence base? Are any further MMs proposed and if so, are they necessary to make the plan sound and would they be effective in doing so?
4. Policy BD2 of the Brent Local Plan has been referred to in statements and earlier hearing sessions –
 - a) Have the Council given any further consideration to the approach taken in that Plan?
 - b) Are the circumstances and context comparable?
 - c) Would a similar approach in the Merton Local Plan be justified by the evidence base and would it achieve general conformity with the London Plan?
 - d) If taken forward in this Plan would a similar approach assist in the objective of ensuring that the Plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, in a way that makes as much use as possible of previously- developed or 'brownfield' land (per paragraph 119 of the Framework)?

N: B – Questions relating to the specific Tall Building aspects of site allocations CW2, Mi1, Mi16 and Wimbledon Town Centre are included in Matter 8.

Matter 5: Site Allocation Wi3 (All England Lawn Tennis Club)

Issue (i): Is Site Allocation Wi3 justified, effective consistent with national policy, and in general conformity with the London Plan?

NB: This session will take forward the discussions held at Stage 1 focusing particularly on the material to be produced by the Council following the Inspectors' initial directions at that stage.

Questions:

1. Is the Council's updated heritage evidence base relating to the Wi3 Allocation proportionate, and does it justify the approach taken including in terms of any suggested MMs?
2. Would any suggested MMs provide a positive strategy for the conservation and enjoyment of the Registered Park, and provide an effective basis for measures to address the reasons for its inclusion on Historic England's Heritage at Risk register (per paragraph 190 of the Framework)?
3. Is an updated Statement of Common Ground with Historic England available which covers the above points?
4. Would suggested MMs ensure that the allocation is grounded in an understanding and evaluation of the defining characteristics of the Wi3 site and its surroundings (per paragraph 127 of the Framework)?
5. Would any suggested MMs ensure that the approach to Metropolitan Open Land (MOL) is justified, and do they provide an effective basis for development management across the Wi3 site in these regards?
6. Taking together the presence of restrictive covenants relating to part of the Wi3 site with recent case law⁷ referred to in previous hearing statements is the allocation effective insofar as its deliverability (or developability) over the plan period is concerned (per paragraph 35(d) of the Framework)?

⁷ *London Historic Parks and Gardens Trust v Minister of State for Housing* [2022] EWHC 829 (Admin)

Matter 6: Town Centre and Employment Policies

Issue (i): Does the Plan help to create the conditions in which businesses, can invest, expand, and adapt; and ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community? Are its policies in these terms effective, justified, and consistent with national policy?

Questions:

1. Are policies (e.g. Policy EC13.1 (e) to (h) and Policy EC13.4 - and as set out in the concluding paragraph of page 12 of the Regulation 19 version of the Plan) and supporting text which seek to secure local employment, training and procurement opportunities in respect of development proposals “as part of the construction and end life of their development” justified, and are such items the proper subject of policies relating to the development and use of land in the area (per s17(3) of the 2004 Act)?
2. Following from the question immediately above, would planning obligations to secure employment and training opportunities meet relevant legislative (per Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) and national policy tests (set out in paragraph 57 of the Framework)?
3. Is the Council’s procurement of goods and services (the approach to which is set out in Policy EC.13.4 and paragraph 13.4.12) a matter relating to the development and use of land in the area (per s17(3) of the 2004 Act)?
4. Differing marketing periods are set out in the Plan’s policies as part of what applicants will have to demonstrate to justify changes of use from commercial, entertainment or community uses – what is the justification for these varied marketing periods, and are any MMs necessary to ensure soundness in this regard, or in terms of effectiveness and clarity? (The Council, in undertaking to answer this question should also review whether marketing periods expressed in the policies themselves accord with those set out in the supporting text).
5. Is the Plan clear in terms of consistency between Policy TC13.7 and paragraph 13.7.6 insofar as expectations about marketing are concerned?
6. Is the Plan clear and unambiguous in terms of which PTALs provide suitable locations for office development (see particularly Policy EC13.2 and paragraph 13.2.7 of the Plan)?
7. What is the justification for consideration of a community use prior to other ones in terms of proposals relating to scattered employment sites (Per Policy EC13.3 (iii))?
8. Are the Plan’s policies justified and clear in terms of how supporting or ancillary uses such as cafes, creches or gyms would be considered on employment sites, and does the Plan provide an effective basis for decision-making on such matters?

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9. As it does not appear logically possible to fulfil both criteria (a)(i) and (b)(i) of Policy TC13.7, does this provide an effective basis for decisions relating to the changes of use described in part (b) of that policy?
 10. Are policies (Policy TC13.8(i)) and supporting text (13.8.16 to 13.8.17) relating to change of use of public houses justified, and do they provide a clear, consistent, and effective basis for decisions on this matter?

Matter 7: Neighbourhood Policies and Healthy Places

Issue (i): Are the Plan's neighbourhood policies justified, effective, and consistent with national policy?

Questions:

1. Are the boundaries of neighbourhoods included in the Plan justified?
2. Is the site allocation relevant to South Wimbledon Station (Wi8) included in the correct section of the Plan?
3. Are the Plan's neighbourhood policies justified, effective and consistent with national policy?

Issue (ii): Does the plan aim to achieve healthy places which enable and support healthy lifestyles in a justified and effective way?

Questions:

1. How has the strategic direction outlined in Policy HW10.1 informed the Plan's spatial strategy, and its detailed policies on neighbourhoods, green and blue infrastructure, design, transport, public realm, and other relevant issues?
2. Is it clear how and whether the input of the Alzheimer's Society and Merton Dementia Hub (10.1.31) would be incorporated into any design review arrangements?
3. Is it clear how development proposals are expected to contribute to health priorities of Merton Health and Wellbeing Board (per Policy HW10.2) and is the plan justified in this regard?
4. Are requirements for Health Impact Assessments in Policy HW10.2 justified, and is it clear how a neighbourhood's position on the Index of Deprivation would trigger such a requirement?
5. Are the requirements for hot food takeaways to operate in compliance with the Healthier Catering Commitment Standard justified and relevant to the development and use of land?
6. Is the approach in Policy TC13.8 consistent with national policy and justified? Is the Policy and Supporting Text sufficiently clear (e.g., 'over concentration', 'Adequate noise containment measures'), so it is evident how a decision maker should react to development proposals?

Matter 8: Site Allocations

Issue (i): Do the Plan's site allocations provide a justified and effective basis for decision-making?

Questions/points:

1. Has the wording of the site allocations been reviewed as part of the wider work done in respect of Matter 1, Issue (ii) Question 1 and are any amendments proposed to achieve clarity and effectiveness in these regards?
2. Is the interaction of allocations with the Infrastructure Delivery Plan clearly and consistently referenced?
3. Are archaeological implications clearly and effectively captured in relevant site allocations?
4. Is it clear what 'SGN' is as referred to in several of the allocations?
5. Are the allocations clear and effective in terms of capturing all the circumstances where phasing conditions relating to the provision of water and wastewater infrastructure might be justified? Is the internet link to the relevant Thames Water advice up to date and functional?
6. What is the justification for on-site provision of open space and children's play space (included in several allocations and in Policy IN14.3)– and would it be feasible for the range of sites (including those where no residential uses are proposed e.g., Wi10) and mix of types of housing which these criteria relate to? Would off-site contributions be justified, and is the plan clear regarding in what circumstances this might be appropriate?
7. Several sites are close to the A24 or A3, and include criteria focused on access and servicing in relation to those highways – are these justified, and do they provide an effective and clear basis for decision-taking in respect of proposals relating to those sites?
8. In general, it would be useful for the requirements in site allocations to be enumerated lists in the interests of clarity and effectiveness of the policies.

Issue (ii): Are site-specific aspects of the Plan's allocations justified, effective and consistent with national policy?

Questions:

Additional Evidence on Tall Buildings

1. Have Topic Papers been prepared for sites
 - a. CW2
 - b. Mi1

c. Mi16

and if so, what are the outcomes?

2. Is there any new specific evidence to justify the presence and maximum heights of tall buildings on the following sites, and do the policies provide an effective basis for decision making in these regards:
 - a. CW2
 - b. Mi1
 - c. Mi16?

Other Site-Specific Questions:

1. Sites CW1/CW4 – What is the justification and feasibility for inclusion of docking areas for cycles/scooters?

Site CW2

2. Can the Council provide an update on the determination of planning application 21/P0082?
3. Further to the Stage 1 hearing discussions, does the allocation contain appropriate flexibility for building heights and is optimal use being made of the site in accordance with para. 119 NPPF onwards (125(a) in particular) “*These standards should seek a significant uplift in the average density of residential development in these areas, unless it can be shown that there are strong reasons why this would be inappropriate*”. Does this reflect 130c?
4. Are any further modifications proposed, are they necessary to make the plan sound and, if so, would they be effective in doing so?

Wimbledon Town Centre

5. Would any suggested MMs ensure that the siting and maximum height of tall buildings are grounded in an understanding and evaluation of the defining characteristics of the site and sets out a positive strategy for its surroundings (paragraphs 127 and 190 of the Framework)?
6. Have the associated assumptions on densities and heights of buildings relating to Wimbledon sites Wi9, Wi10, Wi13 and Wi15 now been informed by appropriate consideration of potential impacts to the significance of designated heritage assets?

Site Mi5

7. Is the expectation for Site Mi5 that the site would provide urban greening justified, and an effective basis for decision-making given that the site is currently “vacant, vegetated land”?

Site Mi17

8. Does the site description of Mi17 provide clear and unambiguous guidance as to the area to which the allocation relates, and is the grade of the Listed Building affected accurately reflected?

Site RP4

9. Is the RP4 allocation clear and unambiguous in terms of its site-description and the requirement to incorporate suitable mitigation measures?

Site Mo3

10. Has the correct Public Transport Accessibility Level been referred to in site Mo3?

Site Wi7

11. Wi7 is it clear that safe and suitable access can be secured for residential use of the site at yields anticipated in the allocation – and is the policy clear as to what would need to be demonstrated at the decision-making stage in these regards?

Matter 9: Transport and Infrastructure

Issue(i): Does the plan support sustainable transport in an effective way which is justified, consistent with national policy, and in general conformity with the London Plan?

Questions:

1. Does the Plan, in terms of its transport approach, adequately and appropriately consider wider transport matters such as Crossrail2 and connections within the Borough to wider bus and cycle networks?
2. Are the transport-related policies in the Plan based on reasonable, robust, and up to date evidence?
3. Is the overall approach to transport and the related policies in the Plan accepted and supported by Transport for London?
4. Does the Plan identify and pursue opportunities to promote walking, cycling and public transport (per paragraph 104(c) of the Framework)?
5. Are existing and proposed cycle routes clearly and unambiguously identified, and does the Plan provide an effective basis for the provision of appropriate infrastructure in these regards?
6. Are there any further updates required to Table 16.1 in respect of the indicative list of transport schemes TN1 through to TN 14?

Specific Policies:

7. Are the Council's proposed modifications to Policy T16.1 necessary to make the plan sound and, if so, would they be effective in doing so?
8. Are the Council's proposed modifications to Policy T16.2. necessary to make the plan sound and, if so, would they be effective in doing so?
9. Again, in terms of Policy T16.2, what is the justification for cycle parking facilities that 'meet or exceed' London Plan Standards, and is that wording sufficiently clear and unambiguous?
10. Are the Council's proposed modifications to Policy T16.3 necessary to make the plan sound and, if so, would it be effective in doing so? Is the threshold for those developments requiring a Travel Plan or a Delivery and Servicing Plan, sufficiently clear and consistent with national policy?
11. Is Policy T16.3 consistent with the Framework (particularly paragraph 110) insofar as its approach to highway safety is concerned? Are any deviations from national policy justified?

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12. Would policy T16.3 ensure that safe and suitable access to sites could be achieved for all users?
 13. Are the Council's proposed modifications to Policy T16.4 necessary to make the plan sound and, if so, would it be effective in doing so? Is it clear what is meant by "good" public transport in terms of the PTALs contemplated?
 14. Are any MMs required to Policy T16.4 or its supporting text to take account of recent updates to Building Regulations in respect of electric vehicle charging points, and in the interests of soundness?
 15. Is it clear what the London Plan standards relating to electric vehicle charging are?
 16. Are Policy T16.4 and paragraph 17.4.4 effective and justified insofar as the requirements for 'permit free' developments are concerned?
 17. Should paragraph 17.4.3's references to financial contributions relating to development in Controlled Parking Zones be included in Policy T16.4 itself (per paragraphs 34 and 58 of the Framework); and is the requirement justified?
 18. Would the considerations relating to the provision of off-street parking spaces set out in paragraphs 12.3.12 and 17.4.5 be more appropriately captured in Policy T16.4 itself and is the inter-play with Policy F15.9(d) sufficiently clear?
 19. Is Policy T16.4(d) clear in terms of what the relevant 'design guidelines' are, and is the policy justified in these terms?
 20. In the interests of effectiveness and clarity, should paragraph 17.4.11's reference to the provision of car club spaces as part of the overall maximum parking provision be included in Policy T16.4(f)?

Issue (ii): Does the plan make sufficient provision for infrastructure, and are its policies justified and effective in these regards?

Questions:

1. Taken together, do the Plan's neighbourhood, infrastructure and site allocation policies provide an effective basis for initiative-taking and positive work with promoters, delivery partners and statutory bodies to plan for required facilities and ensure faster delivery of public service infrastructure (per paragraph 96 of the Framework)?
2. Is the Plan positively prepared in terms of meeting future infrastructure needs and has there been a robust assessment of needs in this regard?
3. Is there robust evidence to demonstrate that all necessary infrastructure to support the level of growth proposed in the Plan can be delivered when and where required and in accordance with the schedule and timetable identified in

the Infrastructure Delivery Plan?

4. Are the Council's proposed modifications to Policy IN14.1 necessary to make the plan sound and, if so, would they be effective in doing so?
5. Is Policy IN14.2 consistent with London Plan Policy S1(A) insofar as the involvement of relevant stakeholders and the local community is concerned?
6. Is the requirement for proposals to identify a need for community infrastructure (in Policy IN14.2 (e)) justified?
7. Is Policy F15.9 in relation to sustainable drainage systems justified and consistent with national policy?

Matter 10: Biodiversity and Trees

Issue (i): Is the Plan sufficiently positively prepared, effective, and consistent with both the London Plan and national policy in its approach to biodiversity?

Questions:

1. Subject to the Council's proposed modifications, is Policy O15.3 consistent with national policy? Does it provide an unambiguous approach such that it is clear how a decision maker should react to a development proposal that may impact on biodiversity and/or geodiversity?
2. Are the Council's proposed modifications to Policy O15.3 necessary to make the plan sound and, if so, would it be effective in doing so? What is the justification for restoration of natural banks and a 10-metre buffer where development is adjacent to, or includes a river?
3. Is the supporting text sufficiently clear and unambiguous in respect of consideration of best practice guidance for biodiversity net gain? Are the Council's proposed modifications in this regard necessary to make the Plan sound and, if so, would it be effective in doing so?
4. Does the Plan's guidance on securing swift bricks (at paragraph 15.3.19) as part of an overall approach to Biodiversity Net Gain provide a clear and effective basis for decision-making on this issue?
5. Is Policy O15.4 consistent with legislative arrangements relating to the making of Tree Preservation Orders and trees in conservation areas and in terms of considerations relating to their subsequent protection?
6. Is Policy O15.5
 - a. sufficiently clear as to what 'Urban Greening' is; and is it sufficiently clear and unambiguous in terms of language such as 'strongly encourage'?
 - b. Is the approach to 'urban greening' consistent with that of the London Plan on this subject, and is any divergence justified?

Matter 11: Green and Blue Infrastructure

Issue (i): Is the Plan sufficiently positively prepared, effective, and consistent with both the London Plan and national policy in its approach to green and blue infrastructure?

Questions:

1. The Open Space Study was prepared in 2019. Are the proposed MMs now recommended having regard to its findings necessary for soundness?
2. Subject to the Council's proposed MMs, are the requirements for the provision of green infrastructure in development set out in Policy O15.2 consistent with national policy and justified?
3. Are boundaries of open spaces identified in the plan, including any changes from the adopted plan, justified?
4. Are the boundaries of the Wandle Valley Regional Park, as identified in the Plan, justified? What significance does any greater coverage shown in the All London Green Grid have?
5. Is it clear what is meant by the term 'completion' of the Wandle Trail in Policy O15.6 (d)? Would Policy O15.6 be effective in terms of securing improvements and completion of the Wandle Trail?
6. Does Policy O15.6 take opportunities to promote access to the Wandle Valley Regional Park by walking and cycling (per paragraphs 98 and 104(c) of the Framework)?

Matter 12: Design, Heritage and Development Management

Issue (i): Does the plan take a justified approach to design, heritage and amenity matters and is the plan effective and consistent with national policy in these regards?

Questions:

Design

1. Is Policy D12.1 clear in terms of what is meant by 'existing and emerging good practice guidance'?
2. Is Policy D12.2 clear in terms of what is meant by the 'most appropriate policy guidance and best practice' (in criteria (a) and (g))?
3. Is Policy D12.2 justified insofar as its criterion (h) relating to 'future remedial intervention' is concerned?
4. Is Policy D12.2 (m) clear in terms of what is meant by 'locally significant sites'?
5. Does Policy D12.3 place sufficient emphasis on the requirement for developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting (per paragraph 130(f) of the Framework)?
6. Is the use of the phrase 'visual intrusion' in Policy D12.3 sufficiently clear and is its use justified in these terms?
7. Is the requirement for all planning applications to be accompanied by a Design and Access Statement justified?
8. Does the Plan set out an effective and justified strategy relating to the ongoing management and maintenance of any public realm schemes delivered as a result of development proposals?
9. Would the Plan ensure that developments create places with a high standard of amenity for existing and future users (per paragraph 130(f) of the Framework)?
10. Is Policy D12.3 reasonable and effective in delivering sufficient external private amenity space in higher density developments such as flats? Where such space cannot be provided in full, is it reasonable and justified to expect that the remainder would be supplied in the form of communal amenity space?
11. Is Policy D12.3 (i) clear and justified in terms of the quantity of dwellings contained in a scheme that would trigger a requirement for communal amenity space?
12. What are the 'appropriate minimum standards' for amenity space referred to in Policy D12.3?
13. Is it sufficiently clear and unambiguous what is meant by the term 'albedo materials' in Policy D12.3 (y)?

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14. Could Policy D12.4 be clarified and simplified to provide a clearer, less repetitive set of criteria on which alterations and extensions to existing buildings are assessed, and in this way achieve consistency with paragraph 16 of the Framework?
 15. Are the Council's proposed modifications to Policies D12.1, D12.2 and D12.3 necessary to make the plan sound, if so, would they be effective in helping to ensure that development in the borough is of good design?

Heritage

16. Policy D12.5 managing Heritage Assets. Is the policy consistent with the approach in the London Plan and national planning policy?
17. Subject to the Council's proposed modifications, would Policy D12.5 provide an unambiguous approach so that it is evident how a decision maker should react to a development proposal that affects the historic environment when read alongside relevant parts of the Framework, PPG and the statutory tests?
18. Is the use of the phrase 'conserve and enhance' (e.g in Policy D12.1 and D12.5) consistent with the Framework and the relevant statutory duties? Is any deviation from policy and statutory duties justified?
19. What is the justification for identifying substantial harm in terms of the activities described in D12.5(e); is it clear what is meant by a 'heritage site' in that criterion?
20. Is paragraph 12.5.14 consistent with the Framework (paragraphs 199 to 203) in terms of the balancing exercises relevant to the consideration of proposals?
21. Is the requirement to locate telecommunications equipment 'in underground chambers' (per Policy D12.8) where heritage assets may be affected justified; might other appropriate design-led solutions be sought?
22. Are the considerations set out in respect of basements (at paragraphs 12.10.16 to 12.10.19) relating to heritage assets justified, and consistent with the Framework, and would it be clear to a decision-taker how to react to relevant development proposals?

Issue (ii): Do other development management aspects of the Plan provide a justified and effective basis for decision-making?

1. Is Policy D12.7 consistent with relevant legislative arrangements and paragraph 136 of the Framework?
2. In Policy D12.7 (b)(v), Policy D12.2 (j) and Policy D12.9 (d) what is the justification for the Council seeking to manage internally applied advertising, artwork, blinds, shelves or screening?
3. Is the requirement in Policy D12.11 (j) justified and is it sufficiently clear and unambiguous so it is evident how a decision maker should react to development proposals in respect of the requirement to 'install suitable positively pumped devices'?

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4. Is the requirement for developers of basements or subterranean developments to sign up to a considerate constructors' scheme relevant to the development and use of land, and thus justified, particularly as construction method statements are to be required alongside applications for this type of use?
 5. In several instances the plan uses the phrase "planning permission will not be granted" (or similar formulation). Given the necessity to come to a balanced judgement on planning applications pursuant to s38(6) of the 2004 Act, is this phrasing justified?
 6. Does the Plan ensure that sites are suitable for proposed uses taking account of ground conditions and any risks arising from land stability or contamination (per paragraph 183 of the Framework); and has the advice contained in the PPG⁸ been followed?
 7. Is Policy P15.10 and its supporting text insofar as requirements for managing pollution from construction and demolition are concerned justified, consistent with national policy, and are all aspects of the policy related to the development and use of land?
 8. The Framework indicates that requirements for planning obligations should be included in 'up to date policies' (per paragraphs 34 and 58) – in some instances (including paragraphs 17.3.7, 17.4.3) potential development contributions are contained in supporting text. Is this approach justified and consistent with the Framework?

*****End of Stage 2 Matters, Issues and Questions*****

⁸ 'Land Stability' – particularly Paragraph: 003 Reference ID: 45-003-20190722
Revision date: 22 07 2019; and 'Land affected by contamination' - particularly Paragraph: 006 Reference ID: 33-006-20190722 Revision date: 22 07 2019