



## Examination of the Merton Local Plan

**Post-Hearings Letter**

**30 March 2023**

**G J Fort BA PGDip LLM MCD MRTPI**

**R J Aston BSc (Hons) DipTP MRTPI**

**Inspectors appointed by the Secretary of State**

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Dear Ms Butler,

### Preamble

1. During the course of the Examination on the Merton Local Plan (the Plan), we have sought to identify changes that would be needed to secure its soundness and/or legal compliance, and these have formed the basis of several main modifications (MMs) the wording of which has been suggested by the Council. These are referenced in the Council's Schedule of Main Modifications (January 2023) but are not rehearsed here. At the close of the hearing sessions, we indicated that we would reflect on whether any further MMs or other associated work might be necessary. The outcome of our deliberations in these respects is outlined below. In short, we consider that further MMs are necessary for reasons of soundness and legal compliance. These are in addition to MMs proposed in the aforementioned document (albeit in some cases they amend or supersede them). Full reasoning and conclusions on these will be set out in our final report.
2. The Examination is not yet complete and will not be so until the consultation on MMs has concluded and our report is issued to the Council. It follows that the contents of this letter are without prejudice to our final conclusions on the overall legal compliance and soundness of the Plan. Aside from where we may indicate otherwise, we are not inviting comments on the contents of this letter.

### National Planning Policy Framework Consultation

3. The Department for Levelling Up, Housing and Communities published a draft text of an updated National Planning Policy Framework (the Framework) on 22 December 2022 for consultation for the period to 2 March 2023. At the time of writing, it is uncertain when and in what form any updates to the Framework will be published. Should a new Framework be published whilst the Examination is ongoing we will consider how to address any implications of this at that stage. In the meanwhile, this letter reflects Government planning policy currently in place. Should we consider it necessary to take further representations on this matter, we would communicate this in a timely manner to assist with the expediency and efficiency of

the Examination.

### Housing Supply

4. The London Plan sets out a ten-year target for Merton covering 2019/20 to 2028/29 of 9180 dwellings (per Table 4.1). In terms of establishing housing trajectories in local plans the London Plan is clear that boroughs can, where appropriate, set out a stepped delivery target (per paragraph 4.1.10).
5. In terms of the Plan, we are of the view that the increase in housing delivery anticipated by the London Plan taken together with the lead-in time required to bring about the development of the Borough's larger sites and tall buildings, combined with the number of residential demolitions which are integral to ongoing estate regeneration programmes, clearly justify the use of a stepped trajectory in this case. We also note that the Mayor of London's Regulation 19 consultation response does not raise concerns with the use of a stepped trajectory from the point of view of general conformity with the London Plan.
6. National policy<sup>1</sup> establishes that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the adopted housing requirement. Furthermore, Planning Practice Guidance (PPG)<sup>2</sup> advises that strategic policies should identify a five year housing land supply from the intended date of adoption of a plan, which we now assume, in this case, to be 2023/24.
7. The results of the latest HDT trigger the requirement for a 20% buffer to be added to the five-year supply of specific deliverable sites. Against this background, it appears to us that neither the Council's latest suggested MMs to the trajectory, nor the supporting information on this which was supplied following the close of the stage two hearings, successfully demonstrate a five year supply when the 20% buffer is applied, from the date of intended adoption. Consequently, in these terms the Plan would be inconsistent with national policy. Nevertheless, we accept that the evidence underpinning the Plan is thorough in terms of the sites that have been assessed and included as allocations, and that it would therefore neither be reasonable nor practical at this stage to attempt to identify further sites to address this shortfall, which would in any event cause considerable delay to the adoption of the Plan.
8. With these considerations in mind, we set out the following points, which could secure the Plan's soundness in these terms, if taken as the basis of MMs.

### The Stepped Housing Requirement

9. Firstly, the Council should prepare an updated trajectory, with a trend line identifying the 20% buffer. The amended trajectory should be the basis of a realistic stepped

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<sup>1</sup> At paragraph 74 of the Framework

<sup>2</sup> 'Housing supply and delivery' Paragraph: 004 Reference ID: 68-004-20190722 - Revision date: 22 July 2019

requirement which meets the ‘buffer’ requirements of the Framework, over the five years from anticipated adoption. Any implications of housing delivery in the first years of the plan period (i.e. 2021/22 to 2022/23), including any undersupply from those years, should also be taken into account in line with the advice given in the PPG<sup>3</sup>.

10. Moreover, the PPG is clear that stepped requirements need to be identified in strategic housing *policy* (with our emphasis), but the Plan currently includes these in supporting text. Consequently, the MM to the stepped requirement should also ensure that the advice of the PPG is followed and that the Plan would be effective in these terms, through incorporating the amended stepped targets within the relevant strategic policy.

### Housing Delivery and optimisation of the use of land

11. Whether the Plan’s policies sufficiently contribute towards objectives relating to optimisation of the use of land is a matter not only relevant to the five year supply situation, but also to the wider question of whether the Plan provides a strategy which, as a minimum, seeks to meet the area’s needs. We have two principal concerns relating to this matter. Firstly, the Plan anticipates substantial increases in the amount of dwellings per annum that would be delivered in the middle years of the plan period as a result of the use of a stepped trajectory; and secondly, and critically in our view, the Council’s Strategic Housing Needs Assessment and Strategic Housing Market Assessment<sup>4</sup> (the SHMA), identifies an affordable housing need ranging between 878 to 1084 homes per annum over the period of 2017 to 2035 and recommends that “there is a considerable need to provide as much affordable housing as viably possible”. These substantial increases in overall completions, and the delivery of affordable housing across the plan period would both be heavily reliant on the anticipated output of the Plan’s large sites and related development of tall buildings.
12. For the reasons set out immediately below, we concur that MMs are necessary to achieve general conformity with the London Plan in terms of the approach to tall buildings. However, we consider that the MMs suggested by the Council in relation to this matter do not go far enough to ensure that the approach to tall buildings and related housing output would be positively prepared, justified or effective.

### Tall Buildings Clusters and their environs

13. The proposed boundaries for the tall buildings clusters are tightly drawn, and the definition of a tall building in the Merton context is anything over 6 storeys. One of the implications of this approach is that there could be dramatic changes in level between the defined cluster areas and the immediate surroundings. We question whether such an approach to design is justified, particularly as the London Plan is clear that in areas of extensive change, such as Opportunity Areas (OA), the

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<sup>3</sup> Paragraph: 031 Reference ID: 68-031-20190722 - Revision date: 22 July 2019; and Paragraph: 032 Reference ID: 68-032-20190722 - Revision date: 22 July 2019

<sup>4</sup> Council reference: 11D8, published July 2019, at paragraphs 9.21 to 9.22

threshold for what constitutes a tall building should relate to the evolving (not just the existing) context (at paragraph 3.9.3).

14. The Merton Borough Character Study (MBCS) which informs the Plan's policies and considerations of design-led growth, is based specifically on the Borough's existing and past context<sup>5</sup> and appears therefore not to be fully consistent with the London Plan's expectations in this regard. Moreover, and specifically in relation to Morden, we have taken into account the key issue and opportunity identified by the MBCS that the transition between densifying its town centre and its surroundings could be improved as it is "currently quite abrupt" – a matter that is not likely to be addressed effectively by the tightly drawn approach to tall buildings which the Council's MMs seek to establish.
15. Consequently, it is not clear to us that the approach set out in the Council's proposed MMs on this matter (particularly in relation to the Morden cluster) accords with this aspect of the London Plan, or whether the Framework's expectations in terms of design and the optimisation of the use of land would be met by the relevant tall buildings policies in this sense. Consequently, identification of further opportunities where the stepping up of development could occur within the fringes of the clusters is required, and should be expressed as alterations to the Council's proposed MMs.
16. Turning to building heights, the evidence which supports the approach to identifying maximum heights is not of a sufficient level of detail to demonstrate that buildings of greater scale than anticipated would cause significant harm to the environment, including the significance of heritage assets.
17. Neither is it clear to us that the maximum heights set out within proposed MMs are justified, or indeed that the setting of maxima is indeed required to achieve general conformity with London Plan Policy D9 which refers to "*appropriate* tall building heights" (with our emphasis) rather than maxima. In arriving at this view, we are also mindful of concerns relating to the viability and feasibility of housing delivery of sites discussed at the hearings in terms of the housing output that could be achieved within the parameters of those maximum heights.
18. Consequently, we are not persuaded that the approach to tall buildings follows the genuinely design-led approach advocated by Policy D3 of the London Plan, or that the Plan's underpinning evidence points to strong reasons to suggest that higher densities achieved through increased storey heights in and adjacent to identified clusters would be inappropriate (per paragraph 125(a) of the Framework).
19. We move on below, where necessary, to site-specific considerations relating to the relevant clusters. At the outset however and in summary, we point out that we consider MMs which re-cast suggested building heights in relevant policies and allocations as those that would be "appropriate" rather than maxima to be necessary. We also consider that MM which would allow for fuller consideration of transitional heights between the clusters, any relevant allocations and their environs (particularly in relation to Morden) are required. For the above-given reasons such MMs which

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<sup>5</sup> Council reference: 12D1 at page 106

would be recommended by us, would ensure that the Plan would be positively prepared, effective, justified and consistent with national policy and the London Plan.

### Site Allocation CW2 – Colliers Wood

20. Within proposed MM3.1 a maximum building height of 15 storeys, is suggested for this site but the evidence that supports both this proposal, and the desire expressed in the Regulation 19 version of the Plan for Britannia Point (BP) to remain as the pinnacle building in the area was not supported by robust site-specific analysis at the submission stage. During the Examination, however, the Council produced a Topic Paper<sup>6</sup> which focuses on views analysis and impacts, acknowledging the site's excellent public transport and road links and its location within an OA. A 266 unit 16 to 26 storey scheme, broadly reflecting a recent proposal<sup>7</sup> has also been referred to but at the time of the close of the hearings the associated planning application had yet to be determined.
21. The Topic Paper's analysis is based on generic massing blocks which differ from more refined proposals in terms of the articulation of their elevations, and the potential for a more nuanced, design-led overall approach to scale and massing. Accordingly, whilst such analyses may constitute a starting point for an 'appropriate' building height at the site, they do not robustly justify a 'maximum' height. The Topic Paper also falls some way short of the MBCS's recommendation (at page 50) that the production of a "comprehensive and joined up masterplan should set out a phased strategy for the reimagining of the area between Colliers Wood High Street, south to Merton Abbey Mills and east to also include the Tandem Centre".
22. The Topic Paper acknowledges that from a number of the viewpoints, existing townscape character can be categorised as "low", "poor" and "ordinary"<sup>8</sup>. Perceived building heights would also vary depending on the location of the viewpoints and are affected by existing infrastructure and development. Even acknowledging the Council's intention for a suitable transition to what is considered to be a surrounding suburban context, the BP building already results in a significantly abrupt transition to the surrounding built form. Taller buildings than those anticipated in MMs would be clearly visible from Wandle Park and the Wandle Trail, but mere visibility of structure, particularly in the context of the existing tall building and other objects (including electricity pylons) does not in itself amount to evidence of material harm.
23. The Topic Paper also fails to demonstrate why BP could not act as a suitable transition for taller buildings on the site, that in combination with the albeit restricted opportunities on site CW5 – Priory Retail Park, could form a more cohesive cluster of stepped buildings of varying heights, which addresses the key issues and opportunities for Colliers Wood identified in the MBCS (at page 47). Noticeable differences in height between buildings could also create distinction, avoid coalescence and could achieve a comparable landmark to the existing BP building. In reaching this view, we also note that the MBCS (at 134) advises that clusters of Tall Buildings should "position the apex of building heights closer to the centre, with

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<sup>6</sup> Council reference: LBM17 'Colliers Wood Tower Study' September 2022.

<sup>7</sup> LPA ref: 21/P0082

<sup>8</sup> Viewpoints 1, 2, 3, 7, 8, 9 and 10.

lower building heights towards the periphery of the cluster” something that would not appear to be achievable if BP is to be rigidly defined as Colliers Wood’s pinnacle building. Finally, it is also relevant that the MBCS (per pages 136 to 137) does not identify the site as one that is “sensitive” to the development of Tall Buildings as far as the presence of heritage assets are concerned.

24. Aside from the above given considerations, it is also unclear how the proposed restriction on storey heights, and the treatment of BP as the pinnacle, would enable other objectives to be met, including the Plan’s ability to meet identified needs for market and affordable housing in a range of sizes and types. The restrictions of the type of uses that might be permissible at lower floors given the CW2 site’s location within Flood Zone 2 and within an area susceptible to surface water flooding in a critical drainage area, are also particularly relevant in this context.
25. For these reasons, the allocation lacks sufficient flexibility to ensure proposals that are genuinely design-led can come forward at the application stage without giving rise to conflicts with the tight restrictions on overall heights that it sets out, and which the Council’s MMs seek to amplify. It follows that the approach is unjustified. Neither would the Plan, as drafted, ensure that development of the site would make optimal use of its potential and the allocation would not therefore achieve the Framework’s expectations in terms of the optimisation of the use of land and achieving appropriate densities. Further, the approach is out of step with Policy SD1 of the London Plan in terms of its requirement to deliver the growth potential of OAs and to maximise the delivery of affordable housing.
26. For all these reasons the policy seeking to retain BP as the pinnacle building, and the setting of the maximum height as proposed, in our view, fails to result in a positively prepared or effective approach in this context. Further MMs are therefore required to secure the soundness of the Plan.

#### Site Wi3 the All England Lawn Tennis Club (AELTC)

27. The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) define site allocation policies as those which allocate sites for particular uses or developments. The Regulation 19 version of the Plan establishes that site allocations “set out land use requirements for sites that will contribute to the Borough’s growth” (at paragraph 1.1.18); and in the case of Wimbledon, in particular they are said to relate to “key potential development sites of strategic importance” which are expected to contribute towards “meeting strategic needs for new homes, jobs, public open space, public access routes, transport infrastructure and social infrastructure, such as health or education facilities”.
28. As drafted, the site allocation for Wi3 sits uneasily with either the legislative definition of allocations given in the 2012 Regulations, or that of the Plan itself in these terms, and reads as a set of more generalised aspirations relating to the site and its surroundings, which result in an ambiguous and thus ineffective policy position. This ambiguity is further exacerbated when the allocation is read together with Policy N9.1 of the Plan and its “support” for “the continued upgrade and improvement of the AELTC’s facilities *either side* of Church Road” (with our emphasis).

29. References have been made throughout the examination to the different characters of the AELTC holdings on either side of Church Road – on one side is a long-established, internationally renowned, and intensively developed sporting facility, which creates a great deal of associated activity, and pressures for incremental development relating to its unique function. On the other side, the land within AELTC’s ownership is a golf course, and only part of the wider Wimbledon Park, a designated heritage asset which is in a number of ownerships, straddles Merton’s boundary with the London Borough of Wandsworth, and includes a range of different uses.
30. The allocation of the whole Wi3 site is for a “World class sporting venue of national and international significance with support for continued and long-term investment in all sites towards this end and to improve community access, particularly to Wimbledon Park Lake.” When this is considered against the background of the diversity of character found on either side of Church Road, we consider that the allocation is unclear, and ambiguous and it would not be evident how a decision maker should react to development proposals relating to the site as a whole – the allocation is thus at odds with the Framework (at paragraph 16 (d)) in these terms.
31. It is also unclear whether the requirements of the allocation relating to landscape, access and addressing the reasons that the park is on Historic England’s Heritage at Risk register would be relevant considerations in the assessment of proposals on both sides of the road, or only those brought forward in relation to the golf course.
32. Turning to the guidance in the allocation which would be material to an assessment of proposals for “any tennis related development” on the golf course, the considerations set out (including Metropolitan Open Land (MOL), its designation as a Site of Importance for Nature Conservation, its status as designated open space, the Conservation Area, the presence of other designated heritage assets and the protection of archaeological interests) are all matters covered by specific policies of the development plan, the London Plan, the Framework and relevant statutory provisions.
33. In these respects, the allocation gives little guidance to a decision-maker as to the types of proposals that may be acceptable, or what is indeed proposed by the allocation as far as it relates to this part of the site. In these terms, the policy for Wi3 clearly does not align with the purpose of site allocations as established in the 2012 Regulations. The policy is also unclear and ambiguous in these respects, and its broad-brush criteria relating to the designations outlined above unnecessarily duplicate other development plan and national policies relating to the area (contrary to paragraph 16(f) of the Framework).
34. Much has been made of the potential for development of the site to address the reasons for the park being identified as heritage at risk – and MMs have been suggested by the Council with this objective in mind. However, it is not clear to us how development activity in one part of the park would materially reduce uncertainty around the future of the entire landscape, or successfully address the impacts of its divided ownership. Neither has it been demonstrated at this stage how any proposed uses for the golf course site would seek to address obscured views, or how this would filter through to design considerations relating to any development

proposals that might come forward.

35. Although the Council's suggested MMs to the allocation seek the production of a landscape management and maintenance plan "acting as a common agreed baseline for all parties to work from" it is unclear how this would be enforced on other landowners, particularly as we have no material before us to indicate that they have any plans for further development of parts of the park within their control. Critically, tying such requirements to an ill-defined set of uses or acceptable forms of development further undermines the policy's aims in these regards. Consequently, the policy falls short of providing a positive strategy for the conservation and enjoyment of the historic environment in these terms, and does not therefore accord with the Framework's expectations (per paragraph 190).
36. Turning to the proposed boundary changes to the north west of the MOL to the west of Church Road and part of the main AELTC site, the proposed amendments do not fully reflect the recommendations of the Green and Blue Infrastructure, Biodiversity and Open Space Study<sup>9</sup> (the GI Study) and propose to remove the MOL designation from areas which nevertheless accord with relevant criteria in Policy G3 of the London Plan. Moreover, although there are longer term aspirations to develop the facilities and an evolving vision for the AELTC estate as a whole, the evidence is somewhat superficial in terms of how it would relate to this particular part of the land holding.
37. Consequently, on our reading, the evidence before us does not adequately set out the exceptional circumstances necessary to justify these boundary alterations, or explain how compensatory improvements to the remaining MOL would be secured. For these reasons, the proposed boundary amendment is not fully evidenced, not sufficiently justified and inconsistent with the Framework (at paragraphs 140 and 142). In arriving at this view, and having regard to landowner aspirations for the site, we have also taken into account that the Framework (at paragraph 149) counts the provision of appropriate facilities for outdoor sport amongst the types of development to be considered not inappropriate in the Green Belt (and by corollary MOL), and limited infilling or the partial or complete redevelopment of previously developed land, subject to consideration of effects on its openness and purposes.
38. Taking these matters together we find the allocation to be clearly unsound as submitted, and the Council's MMs do not go far enough in terms of addressing these fundamental issues. We consider that an allocation encompassing these very different areas is not an effective way of managing development and further MMs which clearly recognise the differences between the sites on either side of Church Road are required to secure soundness and ensure that the Plan would be justified, effective and consistent with national planning policy in this respect.
39. We therefore recommend that further consideration should be given to a smaller and much tighter allocation focused on the existing AELTC facility to the west of Church Road, which would meet the 2012 Regulations in terms of what such policies are expected to encompass. Further MMs to the 'Surrounding Neighbourhoods' part of Policy N9.1 could then set out specific criteria pertaining to Wimbledon Park, or an

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<sup>9</sup> Document reference: 15D1



alternative approach could be for the plan to contain a standalone policy for the park. This modification should address the reasons why the heritage asset is at risk, nature conservation and access, and landscape management and maintenance, in addition to setting out any requirements to improve the environmental quality and accessibility of the park. In our view, such an approach would provide for the conservation, enhancement and ongoing management of the registered park and garden, whilst also ensuring that clear support is given for continued long-term investment in AELTC's facilities to maintain its global position as a world class sporting venue of national and international significance.

### Climate Change and viability

40. The Plan goes beyond the policies of the London Plan in terms of its approach to the environmental sustainability of new developments, setting more stringent requirements relating to the reduction of carbon emissions. Moreover, a wider range of development scales and types would be captured by the policies of the Plan when compared to the London Plan's requirements in these regards. Whilst the London Plan's requirements relate only to major developments, with supporting text (at paragraph 9.2.1) indicating that developments "involving major refurbishment should also aim to meet this policy", the Plan's policies apply to developments of 1 or more houses, and non-residential uses of 500SqM or more including new buildings, conversions<sup>10</sup> and changes of use. In addition, the Plan seeks to secure a higher financial contribution for the funding of off-site carbon offsetting, than that anticipated in the London Plan.

41. The Council has declared a climate emergency. We note too that the UK's legally binding carbon reduction target for 2050 as set out in the Climate Change Act 2008 (as amended) (the 2008 Act), has been cited in support of the stance the Plan has taken on this issue. That the overwhelming majority of housing and other uses in the Borough over the plan period is expected to come forward on small sites is a factor which lends support to the Plan's application of the relevant standards to proposals which would not be major development. Furthermore, evidence which supports the Plan's position on these matters points to the feasibility and costs of retrofitting building stock to assist with meeting the 2008 Act target, which underline the reasonableness of requiring new buildings to be designed to avoid such remedial work in the foreseeable future. Moreover, both the carbon reduction targets and the Plan's approach to off-setting seek to maximise the implementation of on-site carbon reduction measures.

42. Taking these issues together, we consider that the overall approach of the Plan to these matters, accords with the Framework (at paragraph 154(b)) as far as it requires new development to be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. It is clear in broad terms, then, that these are considerations which weigh in favour of the Plan's aspirations and related targets in terms of carbon reduction.

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<sup>10</sup> Proposed to be defined in the glossary of the Plan as the "conversion of existing single dwellings into two or more smaller dwellings"

43. Nevertheless, we still have concerns with respect to the viability implications of the Plan's requirements in these regards given the clear findings of the 'Merton Local Plan Housing Viability Study'<sup>11</sup>, which notes that "where viability is already on the margins, other policy requirements may need to be reduced to compensate for these costs", and that "in lower value areas, there would be a trade-off of circa 10% affordable housing to accommodate the higher climate change costs". It has not been demonstrated therefore that the policies of the plan are realistic, and that the total cumulative costs of all relevant policies would not undermine the deliverability of the plan, and this is contrary to the advice of the PPG<sup>12</sup>. As a result, the requirements of the Plan are not justified in this sense.
44. Whilst the Plan makes reference to how viability implications would be assessed, this is contained in supporting text, rather than policy, and does not reflect Policy DF1(D) of the London Plan, which requires development plans, in the setting of *policies* seeking planning obligations to apply priority to affordable housing and public transport improvements. We are unaware of any specific justification for the Plan's divergence from Policy DF1(D). In these respects, the 'notable and pressing need' for affordable homes as alluded to in the Plan<sup>13</sup> (at paragraph 11.1.1), and evidenced by the Council's SHMA<sup>14</sup>, has a material bearing on the overall justification of the approach in these terms. Indeed, as referenced above, the SHMA recommends that "there is a considerable need to provide as much affordable housing as viably possible" (at paragraphs 9.21 to 9.22).
45. Moreover, we are not persuaded, given the very wide range of development types that the climate change policies would apply to, that some of the measures sought would be feasible or viable, particularly in respect of smaller developments, conversions and changes of use. In these latter regards, the Viability Study's findings<sup>15</sup> relating to the sensitivity of scheme viability to the existing use value of small sites are also of relevance. When considered in the context of our views expressed elsewhere in this letter in relation to overall housing supply matters, there is also a material risk that the cumulative cost of the Plan's requirements could act as a further drag on delivery.
46. Consequently, we are of the clear view that further MMs are required both to amplify and to clarify how viability issues will be taken into account, and such MMs should clearly reflect the prioritisation of planning obligations anticipated by the London Plan. Such MMs are required to ensure that the Plan would be justified in these regards, and to secure general conformity with the London Plan. In the interests of the Plan's effectiveness, we are of the view that any measures in respect of viability should be set out in specific policy rather than supporting text, and should be cross-referenced with other relevant sections of the Plan (including the supporting text on

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

<sup>12</sup> 'Viability' Paragraph: 002 Reference ID: 10-002-20190509 Revision date: 09 05 2019 See previous version

<sup>14</sup> Document reference: 11D5

<sup>15</sup> At page 94

viability matters relating to affordable housing). Policy requirements relating to building sustainability are also in need of MMs to reflect the position on viability, and we aim to work with you on the wording for the MMs which you have proposed thus far in relation to the relevant policies to ensure that the Plan is effective and justified in this regard.

47. We discussed the implications of recent updates to Building Regulations requirements as far as they are relevant to the energy efficiency and related aspects of the Plan in our hearing sessions, and note the emerging London-wide approach to this matter which is expected to be set out in planning guidance. We aim to work with you to ensure that the wording of the MMs that you have suggested thus far which cover these points are clear, and that they would ensure that the Plan is effective and justified in these terms.

### Clarity and succinctness

48. Throughout the Examination we have emphasised on a number of occasions to the Council, the Framework's requirements (per paragraphs 15 and 16) for local plans to be succinct, clearly written and unambiguous. We welcome the suggestions that the Council has made thus far with a view to meeting these objectives, and we aim to continue to work with you on the proposed MMs, with these aspects of the Framework in mind.

### Conclusion and next steps

49. Assuming that the Council would be content to adopt the Plan on the basis of the MMs we have indicated are necessary, we would be grateful if you would indicate the timescale necessary to prepare their detailed wording for our consideration. If, on the other hand, the Council would not wish to adopt the Plan on the basis of the MMs that we have set out, we would be grateful of a response as soon as possible so that we can consider how best to progress the Examination. However, it is important to point out that not progressing the MMs as described above would be likely to result in us finding that the Plan as submitted is unsound and incapable of adoption.

50. To re-cap, we are of the view that the following actions are necessary:

- Review of the trajectory and stepped requirement together with associated actions set out in paragraphs 9 and 10 above;
- Alterations to the Plan's policies and allocations relating to tall buildings (as set out in paragraphs 11 to 26 above) to ensure that the capacity of sites is optimised in the interests of securing a justified and positively prepared suite of policies in these terms including:
  - i. A focus on 'appropriate' rather than maximum building heights, to facilitate design-led responses to sites at the development management stage;
  - ii. Consideration of how relevant policies could relate to appropriate stepping up in the fringes of Tall Building Clusters and relevant

allocations to avoid abrupt transitions between building scales, and to allow for appropriate optimisation of site capacity;

- iii. MMs to remove reference to Britannia Point as the pinnacle building within the Colliers Wood cluster;
- Alterations to Policy N9.1 and the allocation relating to the Wi3 site to ensure that the Plan is effective, justified and consistent with national policy (set out in paragraphs 27 to 39 above);
- Introduction of a policy on viability, and other associated amendments, to achieve general conformity with the London Plan in these terms, and to ensure that the Plan's policies would be justified, effective and positively prepared (set out in paragraphs 40 to 47 above);

51. If the Council is minded to take on board the recommendations set out above, we urge you to seek an updated view from the Mayor of London on the MMs, in particular those relating to tall buildings, prior to commencing the formal consultation process. We would need to see, and approve, a consolidated schedule of MMs with accurate page/MMs references and a clear sequential numbering system, prior to such a document being published for consultation. We aim to continue to work with you proactively as we progress towards a final set of MMs for consultation.

52. As ever, please do not hesitate to contact us via the Programme Officer if you require clarification on any of the above points.

Yours sincerely,

*G J Fort*

*R J Aston*

INSPECTORS