



## Examination of the Merton Local Plan

### Post-Hearings Clarifications

26 April 2023

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Inspectors appointed by the Secretary of State

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Dear Ms Butler,

#### Preamble

- 1) We write in response to your letter of 20 April 2023 requesting clarifications on our Post Hearings Letter<sup>1</sup> of 30 March 2023. We wish to re-iterate at this stage in the examination that we will work with you on the detailed wording of the main modifications (MMs) in exchanges via the Programme Officer prior to these being published for public consultation. Where relevant we refer to the National Planning Policy Framework (the Framework) in our responses to your queries.

#### Scope of the Examination

- 2) At the outset we wish to address general matters on the scope of a local plan examination. Some planning applications currently being considered by the Council relate to sites that are subject to emerging allocations contained in the Plan under examination. As we made clear in introductions to relevant discussions in the hearings, our role is not to assess the merits of such applications, as we have no powers to do so as part of the examination of the Plan. Instead, we are tasked with considering the soundness and legal compliance of the submitted Plan. Accordingly, any comments made by us in relation to specific allocations or policies are simply about those allocations and policies in the Plan and are entirely without prejudice to the outcome of any live planning applications, which are matters for the Council to determine and are outside of the scope of the examination. The scope of the examination is further set out in our Guidance Notes (INSP04 and INSP14), and in the Planning Inspectorate's 'Procedure Guide for Local Plan Examinations'<sup>2</sup>.

#### Tall Building Areas and Clusters

- 3) In our Post Hearings Letter we outlined our concerns on the emerging approach to tall buildings arising from the Council's suggested MMs and recommended that changes are needed to those suggested MMs to secure the soundness of the Plan. We set out

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<sup>1</sup> Document reference: INSP22

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

answers to the clarification questions posed below:

(a) We concur that the boundaries of the clusters and tall buildings areas should be retained, as set out in the Council's submitted MMs.

(b) Yes, any references to maximum building heights should be removed in favour of referring to "appropriate" heights.

(c) We consider that the Plan needs to allow for appropriate stepping up of storey heights in the environs of both the boundaries of the *areas* where tall buildings are considered suitable, and adjacent to identified *clusters* to avoid abrupt transitions, which would facilitate a design-led approach on a case-by-case basis. To be clear, the Plan should also allow for the consideration of transitions in the immediate environs of those allocations and Estates Local Plan sites where tall buildings are contemplated, as defined on the Map of Appropriate Locations for Tall Buildings. We consider such an approach to be justified in the interests of the housing delivery aspects of the Plan and in order to promote effective use of land and make as much use as possible of previously developed sites, and thus achieve consistency with the Framework in these regards.

#### Allocation CW2

- 4) The character of Colliers Wood is one that includes an abrupt transition between Britannia Point and its surrounding built form. The identification of Britannia Point as the 'pinnacle building' would do little in design terms to soften this, and would run contrary to the Merton Borough Character Study's recommendation that the apex of building heights should be placed closer to the centre of clusters, as Britannia Point would be on the edge of the anticipated group of tall buildings in Colliers Wood. Removal of the reference to Britannia Point as a pinnacle would allow for a design-led approach to the cluster, which may or may not contain taller elements than that existing building, in the interests of optimising the housing output of the site. Consequently, the considerations relating to housing delivery that we outline in our Post Hearings Letter taken together with site-specific matters we refer to in relation to the CW2 allocation<sup>3</sup> militate strongly in favour of a less rigid policy approach.

#### Allocation Wi3 – The All England Lawn Tennis Club

- 5) We have suggested MMs to the Plan to secure soundness in terms of the approach to the land covered by the Wi3 allocation. In answer to your clarification questions:
- i) The Green and Blue Infrastructure, Biodiversity and Open Space Study which supported the preparation of the Plan recommends retention of the relevant area of Metropolitan Open Land (MOL). The Framework is clear that exceptional circumstances need to be demonstrated to justify amendments to Green Belt and, by corollary, MOL boundaries. For the reasons set out in the Post Hearings Letter, we are not persuaded that exceptional circumstances have been demonstrated in relation to this particular part of the MOL to justify the boundary amendment sought. Neither is it clear that any development proposals that the allocation is permissive of would require land to be removed from MOL given that

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<sup>3</sup> See in particular paragraph 24 of our Post Hearings Letter

the Framework includes several classes of development that would be ‘not inappropriate’ in the Green Belt (and therefore MOL) which may be relevant to the type of uses that might be contemplated. Accordingly, we consider the MOL boundary amendment to be unjustified, and therefore inconsistent with the Framework and London Plan in these terms.

- ii) Your interpretation of our recommendations in these regards is correct – given the shortcomings of the site allocation approach highlighted in our Post Hearings Letter in soundness terms we consider that policy relating to Wimbledon Park, either as a standalone policy, or incorporated in Policy N9.1 would be a more appropriate response. For avoidance of doubt, we are cognisant that only the part of the Park within Merton Borough would be covered by such a development plan policy. In arriving at this view, we have taken into account that the Framework provides the context for the consideration of the effects of any development proposals on the Park *as a whole* at the decision-taking stage (at paragraphs 199ff).
- iii) We aim to work with you to consider how best the work with Historic England can be incorporated into any final MMs that we may recommend in order to ensure that the Plan accords with the Framework (in particular paragraph 190) in these regards. To be clear, we consider the broad approach to the historic environment emerging as a result of the work with Historic England provides a solid basis for MMs to secure the soundness of the Plan in terms of its consistency with national policy.

#### Further work on MMs

- 6) We can confirm that, aside from where we have made specific reference to suggested MMs in the Post Hearings Letter that in general the principle of those included in the latest Schedule in January 2023 is agreed. However, we have some comments on detailed wording, particularly where amendments would secure clarity and effectiveness. We would like to see your initial drafts of the MMs responding to this and our Post Hearings Letter before they are incorporated into the schedule, in order to avoid abortive work in this direction. We aim to pass on our comments on the MM Schedule as soon as practicably possible.

#### Closing

- 7) We thank-you for your continued work on the MMs and related actions and look forward to receiving draft wording for the ‘new’ MMs, as set out in paragraph 7 above.

Yours sincerely,

*G J Fort*

*R J Aston*

INSPECTORS