

Inspectors' Matters, Issues and Questions – April 2022

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 policy¹⁶ in terms of its plan period and in its identification of strategic policies?

Q1. Does the Plan make clear which of its policies are strategic ones¹⁷? Would proposed MMs secure compliance with national policy in these terms?

Council response:

2.1. The council is proposing Main Modification (MM11.1) to clarify which of its policies are strategic and thus secure compliance with national policy.

Proposed modification:

The following modification is proposed to Page 333 of the Plan:

Strategic policy H11.1 Housing Choice

Q2. As the Plan contains strategic policies, the Framework makes clear that these should cover a period of 15 years from adoption¹⁸. 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?**

Council response:

2.2. Yes, the proposal to move the start date of the Local Plan is justified in order to comply with the Framework's requirement for strategic policies to cover a period of 15 years from adoption. The Local Plan can't be adopted in 2021/2022 as stated in Regulation 19.

2.3. Merton's Local Plan adoption will have to take place from 2022/23 onwards, as set out in the proposed modification MM1.1, and not from 2021/22, as set out in Reg19 Local Plan ([Document 0D1](#)).

Proposed modification:

To improve accuracy and ensure soundness by complying with NPPF para 22, all references and related information are modified throughout the Plan to show the 15 year plan period to be 2022/23 – 2036/37.

¹⁵ In particular paragraphs 17 to 23 of the Framework

¹⁷ Per paragraph 21 of the Framework

¹⁸ Per paragraph 22 of the Framework

Issue (ii) Does the Plan serve a clear purpose, is it succinct, clearly written and unambiguous¹⁹ way?

Q1. We set out in our next steps letter²⁰ 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 response²¹ 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.

Council response:

This is not a question for the council.

Q2. Is it clear from the Plan what 'referable schemes' are²²?

Council response:

2.4. The phrase "referable" is proposed to be used twice in the Local Plan, both times in the justification of Policy CC2.5 "*minimising waste and promoting a circular economy*".

2.5. The first occasion is in a new paragraph below paragraph 2.5.7 that is proposed to be added as part of Additional Modification 2.10: *All applications that are referable to the Mayor of London will need to submit Circular Economy Statements that have been prepared in accordance with the GLA's Circular Economy Statement Guidance.*

2.6. This additional modification summarises the requirements of London Plan 2021 Policy SI 7 *Reducing waste and supporting the circular economy*, part B.

2.7. The second occasion is paragraph 2.5.9 which starts "*The Mayor requires all referable schemes to undertake a Whole Life-Cycle Carbon Assessment in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance 2020, or equivalent.*" This statement is derived verbatim from London Plan 2021 Policy Si2 (f) Minimising greenhouse gas emissions". Both of the London Plan policies use the phrase "referable" (either "referable applications" or "referable to the Mayor")

¹⁹ Per paragraphs 15 and 16 of the Framework

²⁰ INSP02

²¹ LBM02

²² See for example paragraph 2.5.9 of Plan

2.8. We consider it is reasonable that readers of Merton's Local Plan at this level of detail will understand the London context that planning applications of particular scale or significance are referable to the Mayor of London in certain circumstances that comply with the Mayor of London Order 2008. If this is not considered to be clear, an alternative approach is for an Additional Modification to be inserted to state the following:

Potential Additional Modification to the Glossary

Referable scheme - A planning application that must be referred to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 as amended.

Issue (iii) is the Plan's spatial strategy justified, and does the plan provide a positive vision for the future which is aspirational but deliverable²³?

Q1. 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?

Council response:

- 2.9. Yes, Merton's Local Plan's spatial strategy, as set out in its vision, objectives and strategic policies, is based on relevant and up to date evidence. It sets out an overall strategy for the pattern and scale of development and it is in general conformity with the London Plan.
- 2.10. NPPF paragraph 31 states: *The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.*
- 2.11. NPPF paragraph 20 states *Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision [in line with the presumption in favour of sustainable development] for:*
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
 - c) community facilities (such as health, education and cultural infrastructure); and*
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation*
- 2.12. Merton's examination library sets out the extensive and up to date evidence that underpins Merton's Local Plan. This evidence includes representations received at public consultation (such as contained in Documents [0D6](#); [0D7](#); [0D8](#); [0D13](#); [0D15](#); [0D17](#)) and the ongoing appraisals for sustainability (Documents [0D3](#); [0D5](#); [0D16](#), [0D18](#)), equalities (Document [0D10](#)), health (Document [0D11](#)) and habitats (Document [0D12](#)). The council has carried out housing and economic assessments, (Documents [11D8](#); [11D9](#) and LBM01a and b) an infrastructure delivery plan ([Document 14D4](#)) playing pitch and indoor sports evidence (Document [14D3](#) and [14D5](#)), green infrastructure and open space assessments ([Document 15D1](#)), viability work ([Document 11D7](#)), and extensive and detailed evidence to support policies on climate change (Document 2D1 to 2D47) as well as other matters.
- 2.13. Merton has engaged and co-operated with other boroughs, including its immediate neighbours but also further afield during the plan's preparation (as evidenced in Documents 13Db to 13Df). Some of the assessments (e.g. Merton's

²³ Per paragraphs 15 and 16 of the Framework

Strategic Flood Risk Assessment (Documents [15D2](#) to [15D7](#)); ““towards net zero – achieving greater carbon reductions on site” ([Document 2D12](#)) was carried out collaboratively with other boroughs).

- 2.14. The evidence supports Merton’s spatial strategy which sets out an overall approach for the pattern and scale of development. As a London borough, Merton is required to be in general conformity with the Spatial Development Strategy (aka ([Document 0D32](#)) the London Plan 2021) and benefits from evidence gathered at a London-wide level such as the London-wide Strategic Housing Land Availability Assessment ([Document 11D2](#)) and extensive evidence on the economy contained in (LBM01a and b). Conformity with the London Plan shapes Merton’s spatial strategy for Opportunity Areas, town centre designations, protected industrial land. Merton’s spatial strategy seeks to meet the area’s objectively assessed needs, as informed by the London Plan and local evidence.
- 2.15. Merton’s spatial strategy is in general conformity with the London Plan subject to the inclusion of Main Modifications relating to tall building. This is confirmed by the Statement of Common Ground between LB Merton and the Mayor of London ([Document 0D13a](#)) and the statement of general conformity submitted by the Mayor around 20th May 2022
- 2.16. The strategy seeks to meet Merton’s objectively assessed needs and is in general conformity with the London Plan; it proposes to meet Merton’s share of London’s new homes.

Q2. Does the Plan’s Spatial Vision provide a positively prepared, clear and justified vision for the future?

Council response:

- 2.17. Yes, Merton’s local plan provides a positively prepared, clear and justified vision for the future in line with NPPF paragraphs 15, 16 and 35. Chapter 01C Urban Development Objectives and Spatial Vision (pages 27-32 of [Document 0D1](#)) sets out the five Strategic Objectives that act as stepping stones to deliver the Plan’s Spatial Vision. These objectives have been guided by Merton’s Community Plan, the London Plan and consultation responses.
- 2.18. These objectives provide a positive, aspirational and deliverable vision for the future of the borough, addressing a number of housing, social, economic and environmental priorities, in conformity with national policy and in general conformity with the London Plan.
- 2.19. Merton’s spatial vision is justified by the evidence, including national policy, London Plan general conformity, representations from and dialogue with a wide variety of contributors including community groups and other local authorities.

Q3. Is the Spatial Vision positively prepared in terms of the Borough's green spaces and biodiversity assets?

Council response:

2.20. Yes, as set out above, Chapter 01C Urban Development Objectives and Spatial Vision (pages 27-32 of [Document 0D1](#)) sets out the five Strategic Objectives that act as stepping stones to deliver the Plan's Spatial Vision.

2.21. The [Merton Green Infrastructure and Open Space Study \(Document 15D1\)](#) includes a vision for the borough's green and blue infrastructure and sets out a number of challenges and opportunities for the lifetime of the Plan. This evidence document, alongside consultation responses (see response to Issue 3 question 1 above) and the London Plan, has informed the preparation of the council's policies on green infrastructure, including the Urban Development Objectives and Spatial Vision.

2.22. The council considers a modification is necessary to add a new bullet point under the Spatial Vision to reflect *Strategic objective 2: supporting resilience:*

Strategic objective 2 d. Protecting and improving the borough's parks and ensuring public access to formerly private open spaces. Improving access to nature and leisure facilities, including opportunities for sport, physical activities, play and relaxation to help boost people's physical and mental health

2.23. This modification will ensure compliance with national policy, while also accurately reflecting the environmental Strategic Objectives set out in the Plan.

Proposed modification:

[New bullet point under Spatial vision, page 32]:

- Have protected and improved access to the borough's Metropolitan Open Land (MOL), parks and open spaces, and have protected and enhanced biodiversity and areas of nature conservation.

Q4. 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 MMs²⁴ adequately assess the effectiveness of the plan in this respect?

Council response:

2.24. Yes, with the addition of Main Modification 19.1 Monitoring the Local Plan, the Plan's progress towards achieving the vision will be capable of being monitored. As the Plan progressed, specific monitoring indicators were developed as part of appraising the policies for sustainability and considering reasonable alternative options. MM19.1 contains many of the specific monitoring indicators derived from the sustainability appraisal. MM19.1 will help Merton ensure that the spatial strategy is being delivered over the plan period and will help to identify the need for policy review if policies are not performing properly.

²⁴ LBM01 at page 1139 to 1146

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)

Q1. 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?

Council response:

- 2.25. Yes, the Plan was published at Regulation 19 just before the NPPF 2021 was finalised. Earlier consultation stages of the Plan were based on the 2019 Framework and the 2021 consultation draft Framework, which was very similar in many respects to the final 2021 Framework.
- 2.26. The implications of the 2021 Framework have been assessed and the Plan was updated accordingly. However, Merton's Regulation 19 publication chapter 13 on the economy still referred to the NPPF 2019 and the 2021 draft. The implications of the 2021 Framework have been assessed and the council recommends a series of Main Modifications to the Plan (reference MM2.1, set out in the most up to date schedule of main modifications) to ensure that the Plan reflects the latest NPPF and is therefore positively prepared. It should be noted that there is no difference in the wording between the 2021 draft NPPF and the final NPPF for chapters relating to building a strong and competitive economy and ensuring the vitality of town centres.