

Future Merton Team  
Merton Council  
Merton Civic Centre  
London Road  
Morden  
SW4 5DX

**Department: Planning**  
Our reference:  
LDF24/LDD08/LP06/EX01/HA02  
Date: 22 March 2024

By email:

[future.merton@merton.gov.uk](mailto:future.merton@merton.gov.uk)

Dear Tara,

**Planning and Compulsory Purchase Act 2004 (as amended);  
Greater London Authority Acts 1999 and 2007; Town and Country Planning (Local  
Development) (England) Regulations 2012**

**Re: Consultation on main modifications to Merton's draft Local Plan**

Thank you for consulting the Mayor of London on Merton's Local Plan Main Modifications consultation. As you are aware, all Development Plan Documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The LP2021 was formally published on the 2 March 2021, and forms part of LBM's Development Plan containing the most up-to-date policies.

The Mayor has afforded me delegated authority to make detailed comments which are set out below. Transport for London (TfL) have also provided comments, which I endorse, and which are attached at Annex 1.

The Mayor provided comments on the earlier Merton New Local Plan Stage 2a consultation on 1 February 2021 (Ref: LDF24/LDD08/LP03/HA01) and the New Local Plan Publication Stage 3 consultation (Regulation 19) on the 6 September 2021 (Ref: LDF24/LDD08/LP04/HA01).

In his Regulation 19 response, the Mayor made it clear that, as written, the draft Plan didn't identify on maps, locations which are considered suitable for tall buildings, nor had appropriate building heights been set out within those areas. This meant that, at that time, the approach was not consistent with Policy D9 of the London Plan 2021 (LP2021) and the Mayor considered it not to be in general conformity with the LP2021.

GLA and Merton Officers worked together to resolve the general conformity issues in relation to Merton's proposed approach to tall buildings. The outcome of this collaboration resulted in proposed modifications to the draft Plan, which the Mayor considered, resolved the general conformity matters raised in his earlier response. The proposed modifications referred to, were agreed between the Mayor and LB Merton (LBM) on 24 and 25 February 2022 via a Statement of Common Ground (SoCG) and this has now been published as part of Merton's examination library<sup>1</sup>. The SoCG was again updated (May 2022) to include further clarifications on Merton's proposed approach to tall buildings; proposed modifications which the Mayor welcomed.

At the request of Merton officers, the Mayor provided his opinion on the general conformity of the draft Plan with the LP2021 on 31 May 2022 (Ref: LDF24/LDD08/LP06/HA01). In that statement, the Mayor made it clear that if implemented as set out in the agreed latest SoCG between Merton and the GLA, it was his opinion that the draft Plan would be in general conformity with the LP2021.

This letter follows on from that earlier advice and, following a review of Merton's main modifications proposals, sets out where you should make further amendments so that the draft Plan is consistent with the LP2021. These comments should be read alongside the Mayor's previous responses.

## **General**

The Mayor is pleased that the proposed modifications agreed through the SoCG, mentioned earlier, have been included in the draft Plan. However, Merton are now proposing some additional modifications in relation to tall buildings and housing targets which raise some concerns.

In relation to tall buildings areas, Merton are intending to produce design codes, which is welcomed. However, to be in general conformity with London Plan Policy D9, building heights should be contained in Development Plan Documents and should not be set through Supplementary Planning Documents.

Merton have also included a modification which allows for tall buildings in areas adjacent to identified tall building zones. To be in general conformity, these areas also need to be set out in maps and include appropriate building heights.

In relation to housing targets, at Regulation 19, the draft Plan made it clear that the LP2021 housing target could be met for the period 2019-2029.

The current consultation however includes proposed modification MM153, which now states that LBM is not able to meet its LP2021 housing target to deliver 9,180 new homes for the period 2019/20-2028/29 as set out in Table 4.1 of the LP2021. It is noted that this is due to a revision of Merton's housing trajectory after a review of a number of large sites. The reasons for this are understood.

It is noted that in the event that LBM were not going to meet their 10 year LP21 target, they should have clearly demonstrated that all suitable options for meeting the LP2021 target have been exhausted. This therefore raises a general conformity issue, although the late

---

<sup>1</sup> <https://www.merton.gov.uk/system/files/0D13a%20Greater%20London%20Authority%20Merton%20SoCG%20March22.pdf>

stage of the plan-making process and testing of the spatial strategy through the examination is recognised.

Where a borough cannot clearly demonstrate that the 10-year target will be met by 2028/29, it should add the shortfall to the target identified beyond 2028/29 (including any shortfall in delivery in the period from 2019/20 until the start of the Plan period), demonstrating how the deficit can be made up as quickly as possible in the first few years beyond 2029.

It is noted that Merton are proposing to address this deficit with an increased housing target in the period immediately post-2029. However, it is also noted that the modifications also represents an overall drop in the annual average delivery across the plan period. Although the aggregate target has been increased to 12,084 compared to 11,732 at Regulation 19, this is over an additional 2 years. This has the effect of reducing the average annual target of 782 units from Regulation 19 (over a 15 year period) compared to 710 units at main modifications (over a 17 year period). As such, this has the effect of undermining the delivery housing within London.

As currently written, the Mayor considers that the proposed modifications in relation to the borough’s housing target would result in the draft Local Plan not being in general conformity with the LP2021. Noting this is main modifications, GLA officers are happy to continue to offer their support going forward to resolve the general conformity issue raised in this letter.

Detailed comments on the proposed main modifications to Merton’s Local Plan are set out in the table below.

### Proposed modifications

| <b>Main Modification Reference</b>       | <b>Policy / Paragraph</b>                       | <b>Mayor’s response</b>  |
|--|---|--|
| MM23                                     | 2.2.21  | The Mayor welcomes the proposed modification which makes it clear that for proposals where viability is called into question, that priority is given to those elements set out in Policy DF1D of the LP2021. Namely affordable housing and necessary transport improvements.   |
| MM 44, MM56, MM62, MM86, MM95, and MM120 | Site allocations CW2, Mi1,Mi16, Mo4, RP3, Wi12, | The proposed modification sets out that buildings of around 52m in height (or another height in relation to the specific allocation listed in the first column cell) may be appropriate on this site, and this is consistent with Policy D9 of the LP2021 and is welcomed. However, the following sentence states that “...appropriate design-led height parameters for this site should be informed by a Design Guide or Design Code which could be prepared either by applicants or the council”. Policy D9B2 of the LP2021 is clear that ‘appropriate building heights should be identified on maps in Development Plans’. As such appropriate building heights can only be established in the borough’s Local Plan and not through supplementary planning guidance. More clarity on what the design code would contain would be useful |

|       |               |  |
|-------|---------------|--|
|       |               | in this instance, including a proviso, that it will not contain alternative building heights than those set out in the Local Plan site allocation. A more suitable approach may be for the site allocation to include an appropriate range of heights and the future design code could then be more precise about how heights are to be distributed in the area within that range.   |
| MM75  | 5.1.34        | Policy D9B2 of the LP2021 is clear that ‘appropriate building heights should be identified on maps in Development Plans’. As such, appropriate building heights can only be established in the borough’s Local Plan and not through supplementary planning guidance. More clarity on what the design code would contain would be useful in this instance, including a proviso, that it will not contain alternative building heights than those set out in the Local Plan, specifically in relation to the Morden Regeneration Zone.   |
| MM139 | Policy H11.1  | The proposed modification is to include a requirement for at least 25% First Homes on the intermediate element of the proposed affordable housing obligation from residential development. The Mayor published a practice note on First Homes in July 2021 <sup>2</sup> to assist boroughs in their policy making in this respect. It makes it clear that First Homes could make up a proportion of the intermediate element for affordable housing, but that requirements for them in Local Plans should be based on robust local and up to date evidence. It is advisable that the draft Plan takes a more flexible approach in case there is no market appetite for First Homes in the borough or if it is unsuitable as an affordable housing product for Merton’s residents in some parts of the borough. |
| MM145 | 11.1.14       | The proposed modification states “On schemes where policy-compliant provision of First Homes does not result in 10% of the overall housing yield of the site being available for affordable home ownership, any shortfall in this respect would need to be made up from the rest of the intermediate contribution before other types of intermediate affordable housing would be considered.” The modification is ambiguous and unclear and as such could lead to poor outcomes. As such it should be amended to make be clearer, while taking into account the Mayor’s comments in relation to MM139 above.   |
| MM146 | New paragraph | The Mayor welcomes the reference to LP2021 Policy DF1 which makes it clear that on those schemes where viability is called into question, priority should be given to affordable housing and necessary transport improvements.   |
| MM150 | New paragraph | The proposed modification is consistent with Policy H8 of the LP2021 and is welcomed by the Mayor. The inclusion of a reference to Policy H8 of the LP2021 would also be welcomed  |

<sup>2</sup> [https://www.london.gov.uk/sites/default/files/first\\_homes\\_planning\\_practice\\_note\\_.pdf](https://www.london.gov.uk/sites/default/files/first_homes_planning_practice_note_.pdf)

|       |                          |   |
|-------|--------------------------|---|
|       |                          | as it provides a little more detail regarding the correct approach relating to matters such as the 'right of return' for existing residents. More information and guidance can also be found in The Mayor's Good Practice Guide to Estate Regeneration <sup>3</sup> .   |
| MM153 | Policy H11.2             | <p>The proposed modification would result in the introduction of a table setting out the borough's proposed annual stepped housing targets for the period 2021/22 to 2037/38. The Mayor's housing target for Merton for the period 2019/20 to 2028/29 is for the delivery of 9,180 homes. The Mayor expects this target to be met within the period that ends in 2028/29 to be in general conformity with the London Plan. Any shortfall since 2019/20 and before the Plan period begins should be added on to the housing target so that the 10-year target can be achieved by 2028/29. The proposed stepped target for the period 2020/21 until 2028/29 is for the delivery of 5,618 new homes. According to Merton's latest Annual Monitoring Report 929 dwellings were delivered in the period 2019 to 2021 and is short of the LP2021 annualised housing target by 1,033 homes. This means that if Merton were to apply and meet the proposed annual housing targets (in this proposed modification) it would fall short of the London Plan target by 2,633 homes. This is more than 2.5 years of the borough's annualized LP2021 housing target. It is the Mayor's opinion that if implemented the proposed modification would mean that the draft Plan is not in general conformity with the LP2021.</p> <p>It is noted that Merton are proposing to address this deficit with an increased housing target in the period immediately post-2029, however, the modifications do represents an overall drop in the annual average delivery across the plan period which has the effect of undermining the delivery housing within London.</p> |
| MM159 | 11.2.7 and Figure 11.2.2 | The Mayor notes that the proposed modification removes Figure 11.2.2 which previously clearly illustrated a stepped housing target that would meet the Mayor's ten-year housing target to deliver 9,180 homes between 2019 and 2029 as set out in Table 4.1 of the LP2021.  |
| MM155 | Policy H11.2(e)          | The proposed modification intends to set a housing target which will fail to meet the borough's strategic housing target as set out in Table 4.1 of the LP2021 which is not in general conformity with the LP2021.  |

<sup>3</sup> <https://www.london.gov.uk/sites/default/files/better-homes-for-local-people-the-mayors-good-practice-guide-to-estate-regeneration.pdf>

|       |                             |  |
|-------|-----------------------------|--|
| MM156 | New paragraph               | If the Mayor's housing target for the borough cannot be met by 2028/29 the draft Plan should clearly demonstrate how that shortfall can be achieved in the first few years after 2028/29.  |
| MM183 | H11.6                       | The proposed modification notes the updated definition in the national planning policy for Gypsy and Traveller sites which was updated in December 2023. The Mayor welcomes Merton's intention to produce an updated assessment of need following the adoption of the Local Plan and before or during 2025.  |
| MM239 | Policy D12.6                | The proposed modification is consistent with the one agreed in the SoCG between the Mayor and LB Merton on 31 May 2022 and is welcomed. It simplifies the definition of a tall building and is consistent with the one in the LP2021, and it sets out the locations considered suitable for tall buildings throughout the borough. The proposed new inclusion of part 1f is noted. This states that 'Tall buildings are only acceptable... On sites immediately adjacent to the above locations, where they would provide design-led opportunities for appropriate transitional elements between differing building scales.' To be consistent with Policy D9B2 the proposed approach would only be considered acceptable where these adjacent areas are illustrated and appropriate heights within them set out clearly on maps. |
| MM251 | New paragraphs below 12.6.1 | <p>The proposed modification includes a definition of tall buildings that is not consistent with the one included in Policy 12.6 of the draft Plan. Both need to be aligned with each other.</p> <p>The proposed modification includes a table setting out indicative building heights in relation to storeys. The table is not clear how the building heights are measured and this creates further ambiguity. The inclusion of this table is considered to be unnecessary as building heights alone (in metres) are enough to meet the requirements of Policy D9 of the LP2021.</p>  |

### Next steps

GLA officers will continue to offer their support in order to resolve the issues identified in this letter and to provide guidance.

I hope these comments inform the preparation of the Merton Local Plan and we look forward to continuing to work with you to ensure it is in general conformity with the LP2021 as well as delivering Merton's objectives. If you have any specific questions regarding the comments in this letter, please do not hesitate to contact

Yours sincerely,

**Head of London Plan and Growth Strategies**

Cc: Leonie Cooper, London Assembly Constituency Member  
Sakina Sheikh, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DLUHC

