

EXAMINATION OF THE MERTON LOCAL PLAN

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Main Modifications Consultation – Inspectors’ Covering Note

Preamble

1. Following the hearing sessions held in 2022 and in the light of our post-hearings correspondence with the Council (Document references INSP21, INSP22, INSP23 and INSP24), a schedule of main modifications has been produced. As set out in our closing remarks at the hearings and in our earlier Guidance Notes, main modifications are changes to a plan which would have a material bearing on its policies and their implementation. Only appointed Inspectors have the power to recommend main modifications and they must only do so where they are necessary to make a plan legally compliant and/or sound.
2. The Schedule of Main Modifications is published on the Council’s website where further details of the consultation arrangements relating to it are also available.

Changes to national policy and related matters

3. The government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023, which is accompanied by a Written Ministerial Statement (WMS) ‘The Next Stage in Our Long Term Plan for Housing’ (included as INSP26 in the examination library). The December 2023 Framework is clear (at paragraph 230) that its policies are not to be applied to plans currently in examination. Consequently, for the purposes of the current examination, the previous version of the Framework (published on 5 September 2023) remains relevant.
4. Whilst the September version of the Framework supplants the version that pertained at the start of the examination, the substantive changes made relate only to onshore wind development. The Plan contains no proposals relating to this type of development and therefore no main modifications are required as a result of this change to national policy.
5. The WMS makes reference to changes to the government’s Planning Policy for Traveller Sites (PPTS) which take effect in plan examinations from the day of that document’s publication (that is 19 December 2023). Consequently, those intending to comment on the main modifications relating to the Plan’s approach to Gypsy and Traveller accommodation may wish to refer to the updated PPTS and to our letter which summarises the implications of this for the examination (Document reference: INSP24).
6. The WMS also references the Housing Delivery Test (HDT) and specific actions that the Secretary of State is taking in response to this in the Greater London context. We have

included the Secretary of State's Letter to the Mayor of London on this matter, which is published alongside the WMS as INSP27 in the examination library. The results of the latest HDT are included as INSP28. Additionally, the Council has produced a Topic Paper which sets out the rationale for the housing delivery figures which underpin the trajectory as presented in the main modifications, and this is included in the Examination Library as LBM28. The Council's comments on the HDT, and related correspondence with the Department for Levelling Up, Housing and Communities on this matter are included in LBM27. Those intending to comment on the main modifications relating to the housing aspects of the Plan may wish to refer to these documents.

Climate Change Policies and Changes to Building Regulations

7. Changes to Building Regulations which came into place after the submission of the Plan mean that main modifications to its climate change policies and supporting text are required in order to deal with this updated position in an effective manner. Following closure of the hearings, the Council published the 'Delivering Net Zero Report' (the Report), which is a study jointly commissioned with several other London Boroughs. This Report has informed the content of some of the main modifications and is included in the Examination Library (Document reference LBM37).
8. In addition, the Greater London Authority published an updated version of its 'Energy Assessment Guidance' (the Guidance) in June 2022, which responds to the latest changes to Building Regulations. This document is also now included in the Examination Library (Document reference LBM38). More recently, the government published the 'Planning – Local Energy Efficiency Standards Update' WMS on 13 December 2023, which sets out updated national policy relating to how such standards are to be included in local plans. Accordingly, we have taken the WMS into account in framing the main modifications. The WMS is included as INSP29 in the examination library.
9. Those intending to comment on the main modifications relating to the Plan's climate change policies may wish to refer to the Report, the Guidance and the WMS in framing their responses.

Closing and next steps

10. Representations on the main modifications and associated material should be sent to the Council, not the Programme Officer. They should be focused on the material presented for consultation and not any other aspects of the Plan.
11. Following the closing date for consultation on the main modifications, the Council should send us the representations received, including its brief summary of the main issues raised. The Council should also provide a brief response to those main issues. All of the representations received and the Council's responses to them will form part of our considerations when we come to finalise our Report. The examination will remain open until the Council receives that Report.
12. At this stage, we are not anticipating that any further hearing sessions will be necessary. Nevertheless, if we were to consider that substantive issues raised in consultation representations would require further discussion, or that such discussion would be essential

in the interests of fairness, additional hearing sessions may be required. Any such additional sessions would take place following closure of the consultation period on the main modifications.

R J Aston
INSPECTOR

G J Fort
INSPECTOR

25 January 2024